

United States Senate

WASHINGTON, DC 20510

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July 26, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Dear Chairman Genachowski:

I write to express my concern regarding a case currently before the Federal Communication Commission (FCC) involving the Carnesville Block Company (CBC) of St. Johnsville, New York. As you may be aware, CBC has endured unforeseeable challenges in its efforts to establish much-needed radio service in rural upstate New York. The extraordinary floods, hurricane, and earthquake which have so hampered the construction work of CBC also underscore the regional need for reliable radio service. I would urge the FCC to provide full consideration to the CBC's Petition for Waiver and Reinstatement of Construction Permit Nunc Pro Tunc.

As you may be aware, the petition currently before the FCC seeks reversal of a ruling issued by the Audio Division, which denied a waiver to allow CBC additional time to complete the minimal remaining requirements to file a license application. While I appreciate the importance of adhering to deadlines in order to facilitate timely completion of the Commission's work, I would urge the commission to also weigh the broader needs and interest of this community. Time and time again the Commission has managed to conduct this balancing test in order to best serve the broader public good.

The CBC worked through extraordinary unforeseeable challenges, which include natural disasters (devastating flooding, an earthquake and a tornado) as well as the last minute abandonment of the project by an independent contractor. These challenges directly resulted in not only disaster declarations within the state but CBC project delays, which warrant the FCC consideration.

There is no question that the upstate New York would be stronger- and safer -with increased local radio service in the future. As expressed in the CBC pleading, the proposed station would include programming with frequent local news casts, talk shows, children's programming and broadcasts aimed at the needs of schools and other anchor institutions. Additionally, a station would enable local first responders and residents to communicate during future floods and storms, as well as in other emergencies. At the same time, it is difficult to see what harm would be caused by the waiver the CBC seeks. I would urge the FCC to provide full consideration to the CBC's Petition for Waiver and Reinstatement of Construction Permit Nunc Pro Tunc.

Thank you for your attention to this important matter.

Sincerely,



Charles E. Schumer
United States Senator



<http://schumer.senate.gov>