



Federal Communications Commission
Washington, D.C. 20554

April 20, 2021

Sent via electronic mail

In reply refer to: 1800B3-VM

Eternity Media Group
P.O. Box 3
Tullahoma, TN 37388
ehldonald@comcast.net

Re: **WKXG(AM), Greenwood, MS**
Facility ID No. 65008
Operational Status Inquiry

Dear Licensee:

It has come to our attention that AM Station WKXG(AM), Greenwood, Mississippi (Station), licensed to Eternity Media Group (EMG) may have been silent or operating with unauthorized facilities for over a year. However, Commission records show that the Station is licensed and operating. Pursuant to section 73.1740 of the Commission's Rules, EMG is required to clarify this matter in writing within thirty days of the date of this letter.

On May 4, 2020, Mr. Larry Fuss submitted a petition to deny (Petition)¹ against the Station's renewal application² stating that the Station had had long periods of unauthorized silence over the license term, one exceeding a year. The Petition also claims that when the Station does operate, it does so not with its licensed facility, but with unauthorized facilities by sharing the WGRM(AM), Greenwood, Mississippi, tower, with the two stations "taking turns" going on air, due to the lack of duplexing capabilities. EMG did not respond to the Petition. On September 2, 2020, Mr. Fuss filed a second complaint stating that EMG was not using the STA facility for which it was authorized to operate³ and that that facility, a long wire antenna, had been dismantled years ago. He also stated that on June 27, 2020, the Station was not operating.

Based on this information, it appears that the Station may have been silent (or failed to operate with authorized facilities) for more than one year. Pursuant to Section 312(g) of the Communications Act of 1934, as amended, **if a broadcast station fails to transmit broadcast signals with its authorized facilities for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license to promote equity and fairness.**⁴

¹ Pleading File No. 0000113144 (filed May 4, 2020).

² Application File No. 0000106614 (filed Feb. 26, 2020)

³ See File No. BESTA-20200701AAL (granted July 2, 2020, expired Dec. 31, 2020).

⁴ 47 U.S.C. §312(g). The Commission has exercised its discretion under section 312(g) to extend or reinstate a station's expired license "to promote equity and fairness" only in limited circumstances where a station's failure to transmit a broadcast signals for 12 consecutive months is due to compelling circumstances that were beyond the licensee's control. See e.g., *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited").

EMG must provide evidence documenting the Station's operational status since January 1, 2019. This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation** from January 1, 2019, to the present. Also include copies of all leases, personnel records (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, and station records, including EAS logs, and all correspondence (including emails and text messages) relating to the Station for that period of time. In addition, you must provide copies of all invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's operation.⁵ EMG **must also include pictures** of the Station's studio facilities and transmission facilities during this timeframe, and provide exact coordinates for the Station's transmitter site.

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's towers shall be maintained.⁶

All submissions must be addressed to Marlene S. Dortch, Secretary, FCC 45 L Street N.E., Washington, DC, 20554, and **sent via email ONLY**, to Victoria.McCauley@FCC.gov.

Failure to respond to this letter within the specified time will result in adverse actions jeopardizing both the Station's license and call letters. If you have any questions concerning the content of this letter, please contact Victoria McCauley, Attorney, by phone at (202) 418-2136 or via e-mail at the address above.

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁵ In addition, if the Station uses accounting software to maintain financial records, provide printouts of the data recorded for this period.

⁶ See 47 CFR §§ 17.6 and 73.1740(a)(4).