



Federal Communications Commission
Washington, D.C. 20554

January 19, 2022

Sent via Certified Mail and Electronic Mail

Richard Martinez
722 Ruidosa Downs
Helotes, TX 78023
rm@azulpetroglobal.com

In re: KYLU-LP, Lubbock, TX
Facility ID No. 130367

Operational Status Inquiry

Dear Licensee:

Based on Commission records it appears the station referenced above may have been silent for more than one year. Pursuant to section 312(g) of the Communications Act of 1934, as amended (Act),¹ the license of any station that fails to transmit a broadcast signal for any 12-consecutive month period automatically expires by operation of law.²

This letter provides you 30 days to provide evidence³ that our information is incorrect and that, in fact, the station has either not been silent for more than one year or went silent but returned to the air with authorized facilities prior to its one-year silent anniversary. Please provide the operational status of the station since the date of its last license renewal grant – August 15, 2014.⁴ Has the station been operational during the entire period? If not, please provide the date(s) the station went silent and the date(s) it resumed operations. The written response to this letter must be supported by a declaration by an individual with personal knowledge of the facts and signed under penalty of perjury that the facts and information provided in the response are both true and correct.⁵ We note that we are unable to process the

¹ See 47 U.S.C. § 312(g); *Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009); *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603 (2008).

² Section 312(g) of the Act provides that 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. 47 U.S.C. § 312(g).

³ This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation**. 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, for all periods. 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. In addition, if the Station uses accounting software to maintain financial records, provide printouts of the data recorded for this period. You **must also include pictures** of the Station's studio facilities and transmission facilities during this timeframe and provide exact Station coordinates.

⁴ BRTTL-20140401ARX.

⁵ See 47 C.F.R. § 1.16.

Station's pending request for tolling of its digital construction permit until this information is provided.⁶ As an alternative to a written response explaining the stations operational status, the Licensee may submit its license for cancellation.

Documents sent in response to this letter shall be addressed to FCC, Office of the Secretary, 45 L Street, NE, Washington, DC 20554, and emailed to Shaun Maher at the address below.

Please direct any questions concerning the content of this letter to Shaun Maher, Attorney, phone (202-418-2324), or e-mail (Shaun.Maher@fcc.gov).

Sincerely,

/s/

Barbara Kreisman
Chief, Audio Division
Media Bureau

cc (via electronic mail): Francisco Montero, Esq.

⁶ LMS File No. 0000158088.