



Federal Communications Commission
Washington, D.C. 20554

February 24, 2022

In Reply Refer to: 1800B3-IB

CERTIFIED MAIL RETURN RECEIPT REQUESTED

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In re: KANA(AM), Anaconda, MT
Facility ID No. 668
File No. 0000129189

**Letter of Inquiry – Response Required
Application for License Renewal**

Dear Counsel and Licensee:

In the license renewal application referenced above Licensee acknowledges that KANA(AM) has been silent for substantial periods since acquiring the station on October 25, 2018 due to equipment, site, and financial issues. Although Licensee submitted a related exhibit, it does not provide all of the information required by Schedule 303-S. Therefore, this letter requires that you submit additional information.

The instructions to Schedule 303-S state:

An applicant whose station was silent or broadcasting for less than the prescribed minimum hours for any period of more than 30 days in the preceding license term must submit an exhibit specifying the exact dates on which the station was silent or operating at less than its prescribed minimum operating schedule.

In an attachment to the renewal application, Licensee references the month/year in which it filed requests for Special Temporary Authority (STA) to remain silent. Licensee does not, however, identify the full date(s) when these periods of silence/reduced operations began and when the station returned to the air. Accordingly, Licensee must amend the application with an attachment that satisfies the language above for the period from October 25, 2018 to the present.

In addition, the vague narrative in the Licensee's original attachment indicates a need for specific additional information that will allow us to determine whether or not the KANA(AM) license has expired

pursuant to section 312(g) of the Communications Act of 1934, as amended (Act).¹ Accordingly, we will also require that Licensee provide documentation: (1) to identify dates of silence/reduced operations for all periods, including those of less than 30 days, from its acquisition of the station through present; and (2) to provide evidence to demonstrate that the station operated with a minimum operating schedule from permanent/authorized facilities at all other times.²

This letter gives you 30 days to amend the referenced license renewal application according to the instructions therefor and to provide the additional evidence requested above. If you fail to amend and to provide such evidence within 30 days from the date of this letter, we will dismiss the license renewal application.³

Documents sent in response to this letter shall be addressed to FCC, Office of the Secretary, 45 L Street, NE, Washington, DC 20554, and sent **BY EMAIL** to Irene Bleiweiss at the address below.

Please direct any questions concerning the content of this letter to Irene Bleiweiss, Attorney, phone (202-418-2785), or e-mail (Irene.Bleiweiss@fcc.gov).

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

¹ 47 U.S.C. § 312(g). 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.

² This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation of KANA(AM)** from acquisition on October 25, 2018 through the day prior to the date of this letter. 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 the same 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 operation of KANA(AM) for the same period of time. In addition, if the Station uses accounting software to maintain financial records, provide printouts of the data recorded for this period. Evidence of permanent facilities might, for example, show that the antenna was mounted on a durable, non-movable structure connected to a permanent power source. You **must also include pictures** of the station's studio facilities and transmission facilities during this timeframe, and provide exact Station coordinates.

³ See 47 CFR § 73.3598(a)(1). Finally, we note that if the station is no longer broadcasting, it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower be maintained until the tower is dismantled. Accordingly, the owner of the tower where the referenced station's transmitting antenna is located is required to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license. See 47 U.S.C. § 303(q); 47 CFR §§17.1 *et seq.* and 73.1213. See also *Streamlining the Commission's Antenna Structure Clearance Procedure*, Report and Order, 11 FCC Rcd 4272, 4293 (1995) (tower owner bears primary responsibility for maintaining tower painting and/or lighting).