



Federal Communications Commission  
Washington, D.C. 20554

September 12, 2022

In Reply Refer to:  
1800B3-JAC

Mr. Scott D. Parker  
Sun Valley Media Group, LLC  
PO Box 2936  
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Sent via email: [scott@konafm.com](mailto:scott@konafm.com)

In re: Sun Valley Media Group, LLC  
KHLV(AM), Hailey, ID  
Facility ID No. 129638  
Application File No. 0000146701

**Petition for Reconsideration**

Dear Licensee:

We have before us the above-referenced Petition for Reconsideration (Petition)<sup>1</sup> of the July 12, 2022, grant of the license renewal application (Application) for station KHLV(AM), Hailey, Idaho (Station) for a one-year term, instead of a full term of eight years,<sup>2</sup> pursuant to section 309(k) of the Communications Act of 1934, as amended (Act).<sup>3</sup> For the reasons discussed below, we deny the Petition.

**Background.** The Petition states that our decision to grant the Station a one-year renewal term “is flawed because it fails to consider . . . that the Station (during most of its silent status) was in the process of changing [its] community of license from Pocatello, Idaho[,] to Hailey, Idaho[,] approximately 105 miles away, as well as changing antenna sites.”<sup>4</sup> The Petition states that the move presented numerous challenges, including completion of local zoning protocols and the National Environmental Policy Act review process, erecting a new tower, constructing an equipment shelter, and installing a ground system.<sup>5</sup> The Petition further states that the costs associated with these efforts went toward future programming services to benefit the public interest, and that there have been no disruptions of service since the Station relocated and began broadcasting at its new community of license on January 1, 2020.<sup>6</sup>

**Discussion.** On reconsideration we decline to grant the Station a full renewal term because the Station’s periods of silence, taken together, amount to almost half of the license term.<sup>7</sup> Our decision is

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<sup>1</sup> Petition for Reconsideration of Sun Valley Media Group, LLC, Pleading File No. 0000195471 (filed July 21, 2022) (Petition).

<sup>2</sup> *Sun Valley Media Group, LLC*, Application File No. 0000146701, Letter Order, Ref. No. 1800B3-ATS (MB-AD July 12, 2022) (*July Letter Order*); see *Actions*, Public Notice, Report No. PN-2-220714-01, at 7 (July 14, 2022).

<sup>3</sup> 47 U.S.C. § 309(k)(2).

<sup>4</sup> Petition at 1.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *July Letter Order* at 1.

consistent with past actions where we have granted short-term license renewals to stations with similar periods of silence during their license terms.<sup>8</sup>

While we are encouraged by the Station's consistent record of operations since resuming broadcasts on January 1, 2020,<sup>9</sup> it is insufficient to support a determination that the Station's public service performance warrants a full renewal, especially given that the Station was silent for one period of ten months and two periods of seven months—or a total of twenty-four months—during its fifty-four-month license term.<sup>10</sup> Indeed, section 309(k)(1) applies a “backwards-looking standard” that does not give any weight to efforts to return a station to full-time operation in the future.<sup>11</sup> The *July Letter Order* considered the Station's performance since the beginning of the license term under review, and consistent with Commission policy, gave less weight to the Station's improved performance during the pendency of the renewal application.<sup>12</sup> Also, we note that our records indicate the Station's periods of silence were not all related to the change in community of license, as the stated reason for the Station's longest period of silence, a ten-month period between May 1, 2017, and March 25, 2018, was a transmitter malfunction unrelated to its change in community of license, according to the Station's June 2017 silent STA request.<sup>13</sup>

We are encouraged by the investments that were made in the Station during its interruptions in service, and we recognize the long-term benefits they could provide to its community of service.<sup>14</sup> Although we are not granting the Station a full-term renewal at this time, we expect that we will be able to grant the Station a full renewal term if the Station stays on the air for the remainder of the present one-year term expiring on July 12, 2023.<sup>15</sup> Thus, absent any change in circumstances, we anticipate being able to process routinely the Station's next renewal application, due March 1, 2023.<sup>16</sup>

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<sup>8</sup> The Station was silent for 46% of its license term and 40% of its extended term under section 307(c)(3). *July Letter Order* at 1. See *Camelon Foundation*, Application File No. 0000155833, Letter Order, Ref. No. 1800B3-ATS (MB-AD Aug. 17, 2022) (granting a one-year short-term license renewal when the station was silent for 39% of its license term and 45% of its extended license term); see *Santa Clarita Organization for Planning the Environment*, Application File No. 0000153581, Letter Order, Ref. No. 1800B3-ATS (MB-AD Aug. 18, 2022) (granting a one-year short-term license renewal when the station was silent for 28% of its license term and 23% of its extended license term).

<sup>9</sup> Petition at 1.

<sup>10</sup> The Station's license term began on March 27, 2017, and ended on October 1, 2021. *July Letter Order* at 1.

<sup>11</sup> 47 U.S.C. § 309(k)(1); see *Birach Broad. Corp.*, Memorandum Opinion and Order, 16 FCC Rcd 5015, 5020, para. 12 (2001).

<sup>12</sup> 47 U.S.C. § 307(c)(3); see *Fox Television Stations, Inc.*, Memorandum Opinion and Order, 29 FCC Rcd 9564, 9571 n.40 (MB 2014) (in acting on a renewal application, the Commission considers the licensee's performance since the beginning of its most recent license term but gives less weight to improved performance during the pendency of the renewal application).

<sup>13</sup> See Application Attach., KHLI-AM – Operations Under Silent Status (citing File Nos. BLSTA-20170601AAK, BLESTA-20171020AAW).

<sup>14</sup> Petition at 1.

<sup>15</sup> *July Letter Order* at 1.

<sup>16</sup> *Id.* at 1 & n.3 (citing 47 CFR § 73.3539(a)).

**Conclusion/Actions.** For the reasons set forth above, the Petition for Reconsideration filed on July 21, 2022, by Sun Valley Media Group, LLC (Pleading File No. 0000195471) is denied.

Sincerely,

Albert Shuldiner  
Chief, Audio Division  
Media Bureau