



Federal Communications Commission
Washington, D.C. 20554

December 15, 2022

In reply refer to: 1800B3-VM

Certified Mail Return Receipt Requested

Nevada Radio, LLC
3315 Lyon Lane
Washoe Valley, NV 89704
fred1340@gmail.com

Re: KQSP(AM), Shakopee, MN
Facility ID No. 49307
Operational Status Inquiry

Dear Licensee:

It has come to our attention that AM Station KQSP (Station), licensed to Nevada Radio, LLC (NR), may have been silent or operating with unauthorized facilities for more than a year. However, Commission records show that the Station is licensed and operating. Pursuant to section 73.1015 of the Commission's Rules, NR is required to clarify this matter in writing within forty-five (45) days of the date of this letter.

In support of our inquiry, we note that several complaints to the Enforcement Bureau (EB) allege that the Station has been silent since December 2021 without requesting special temporary authority to remain silent. In addition, on June 8, 2022, an EB Field Agent observed that there was no signal on the Station's channel during a visit to the Minneapolis/Shakopee area. We also note that the Station's license renewal application was filed on December 1, 2020,¹ remains pending, and has not been amended to notify the Commission that the Station's status has changed from operating to silent.

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.**²

This letter provides NR 45 days to provide evidence of the Station's operation with authorized facilities between December 1, 2021 and the present date. If NR fails to provide such documented evidence within 45 days from the date of this letter, the Commission's public and internal databases WILL

¹ Renewal File No. 0000129074.

² 47 U.S.C. § 312(g) (emphasis added). 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, such as a natural disaster. *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").

BE MODIFIED to indicate that the broadcast license for the Station is EXPIRED, that the Station's license is CANCELED as a matter of law, and that the Station's call sign is DELETED.

Information and Materials Requested. *Operational Status.* The materials required to establish the operational status of the Station are as follows. First, NR must provide a narrative statement that indicates the Station's operational status between December 1, 2021, and the present date. NR must indicate the dates on which the Station was silent, operated with its licensed facilities, or operated with technical parameters other than those specified in its license. For all dates, NR must indicate the effective radiated power, antenna height above ground level and geographic coordinates and address. With respect to any dates on which the Station operated at a variance from its licensed parameters, NR should indicate whether it requested STA to do so. With respect to any dates on which the Station was silent, NR should indicate whether it notified the Commission of the Station's silence, and whether it requested STA for the Station to remain silent.

In addition to the narrative statement, NR must submit copies of all leases, engineering records, utility bills, and station records (including EAS logs) for the Station from December 1, 2021 to the present. NR also must provide copies of monthly accounting records relating to the Station's operation.³ NR must include dated pictures of the Station's transmission facilities during this timeframe.

Affidavits or Declarations. In addition to the documentation noted above, NR must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of NR, with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter which is in NR's possession, custody, control or knowledge has been produced. If multiple persons contribute to the response, in addition to such general affidavit or declaration of the authorized representative of NR noted above, any such person (or any other affiant or declarant) that is relying on the personal knowledge of any other individual, rather than his or her own knowledge, must provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Commission's rules (Rules),⁴ and be substantially in the form set forth therein. We remind NR that to knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.⁵ Moreover, failure to respond appropriately to this letter of inquiry may constitute a violation of the Act and the Rules.

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower 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.⁷ Unless we

³ In addition, if NWBC uses accounting software to maintain financial records for the Station, it must provide printouts of the data recorded for the time period at issue (*i.e.*, December 1, 2021, to the present).

⁴ 47 CFR § 1.16.

⁵ 47 CFR § 1.17.

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

⁷ In the event that a submission would exceed 5 MB, you must first contact Ms. McCauley to explain the nature of the documentation and seek guidance as to whether the submission should be reduced by providing representative documents, rather than all documents, of a particular nature.

specifically advise you otherwise in writing, neither this letter nor the response to this letter is required to be placed in the Station's public inspection file pursuant to 47 CFR 73.3526(e)(10).

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

cc: (via email only)
David G. O'Neil , Esq., counsel to Nevada Radio, LLC
doneil@rinioneil.com