



Federal Communications Commission
Washington, D.C. 20554

March 14, 2023

In Reply Refer to: 1800B3-ATS

CERTIFIED MAIL RETURN RECEIPT REQUESTED

The Center for Education Nonprofit Corp
800 West Airport Freeway Suite 880, LB 6015
Irving, TX 75062
pcl880@aim.com

In re: The Center for Education Nonprofit Corp.

KWTR(FM), El Dorado, Texas
Facility ID No. 175794

Notification of License Cancellation

Dear Licensee:

This letter is to inform you that the license of Station KWTR(FM), El Dorado, Texas (Station), licensed to The Center for Education Nonprofit Corp. (Licensee), has expired pursuant to section 312(g) of the Communications Act of 1934, as amended (Act).¹

On January 18, 2023, we sent you a letter stating that our records indicated that the Station had been off the air since at least February 17, 2021.² Licensee was required to clarify this matter in writing within forty-five days of the date of the Letter. To date we have received no response.³

Therefore, the Commission's public and internal databases **HAVE BEEN MODIFIED** to indicate that the broadcast license for the referenced station is **EXPIRED**, that the station's license is **CANCELLED** as a matter of law, and that the station's call sign is **DELETED**. The license renewal application for the Station, Application File No. 0000141058, and a request for special temporary authority, Application File No. BSTA-20211014ADL, are also **DISMISSED**.

¹ 47 U.S.C. § 312(g). “If a broadcasting station fails to transmit broadcast signals 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 if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness.” *See also Kingdom of God, Inc.*, Memorandum Opinion and Order, 32 FCC Rcd 3654 (2017), *aff’d*, *Kingdom of God, Inc. v. FCC*, No. 17-1132, 719 Fed. Appx. 19 (Mem), (D.C. Cir. Apr. 10, 2018); *Eagle Broad. Group, Ltd.*, Memorandum Opinion and Order, 23 FCC Rcd 588, 592, para. 9 (2008), *aff’d sub nom. Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543, 553 (D.C. Cir. 2009) (unauthorized, unlicensed broadcasts cannot constitute transmission of broadcast signals to avoid termination under Section 312(g)).

² *See Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, FCC, to The Center for Education Nonprofit Corp.* (sent by certified mail, return receipt requested, Jan. 18, 2023) (Letter). *See also* File No. BLSTA-20210225AAF (indicating Station went silent on February 17, 2021); Application File No. 0000141058 at Attach. “KWTR Silent Period 303-S.pdf” (same).

³ 47 CFR § 73.3568(a) (“... failure to respond to official correspondence or request for additional information, will be cause for dismissal.”); *see also LPFM MX Group* 37, Memorandum Opinion and Order, 31 FCC Rcd 7512, 7517, para. 12 (2016) (dismissing application for failure to respond to letter of inquiry). .

Finally, we note that 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.⁴

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁴ 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).