



Federal Communications Commission
Washington, D.C. 20554

August 2, 2023

In reply refer to: 1800B3-VM

Certified Mail Return Receipt Requested

Southern Media Interactive LLC
P.O. Box 876
Fitzgerald, GA 31750
wdorminy@scpdist.com

Re: WSNF(AM), Brunswick, GA
Facility ID No. 29131
W279BC, Brunswick GA
Facility ID No. 151451
**Operational Status Inquiry – Response
Required**

Dear Licensee:

It has come to our attention that Station WSNF(AM) and FM Translator Station W279BC Brunswick, Georgia (Stations or, individually, Station), licensed to Southern Media Interactive LLC (SMI), may have been silent or operating with unauthorized facilities for more than a year. However, Commission records show that the Stations are licensed and operating. We have also learned that W279BC may be originating programming in violation of the Commission's rules (Rules). Pursuant to section 73.1015 of the Rules, SMI is required to clarify this matter in writing within forty-five (45) days of the date of this letter.

Background. Our records show that WSNF(AM) is licensed to operate on Channel 790 at Brunswick, Georgia. Enforcement Bureau (EB) staff received a complaint that stated that W279BC was operating, but that WSNF(AM) was silent. The complaint also alleged that the WSNF(AM) transmitter site had been dismantled at some point in the past. On April 25, 2023, an EB Field Agent visited WSNF(AM)'s licensed transmitter site at 7515 Blythe Island Highway, Brunswick, Georgia, and found that the area was an empty field with no visible towers and there was no observed signal on 790 kHz.¹ The Field Agent also visited the site listed in an STA request for WSNF(AM),² approximately 4 kilometers southeast of the licensed site.³ According to the Field Agent, no tower or antenna was visible and no signal was observed on 790 kHz at the STA site. An empty electrical meter can was visible on a pole which indicated something using power may have been there at one time. With respect to W279BC, the Field Agent found no tower at the licensed site, but instead found that W279BC was operating from a tower 3.3 miles north of the licensed site.

Based on this information, it appears that the Stations may have been silent (or failed to operate with authorized facilities) for more than one year, and that W279BC may be or may have been originating

¹ Site coordinates are 31° 08' 40.8" N, 081° 34' 55.4" W.

² See File No. BSTA-20221108AAA (gr. Dec. 15, 2022).

³ The exact coordinates (31°8'19" N, 81°37'26"W) plotted next to a residential driveway in a wooded area.

programming in violation of the Rules.⁴ Pursuant to section 312(g) of the Communications Act of 1934, as amended (Act), **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.**⁵

This letter affords SMI 45 days to provide evidence of the Stations' operation with authorized facilities between April 25, 2022, and the present date. If SMI fails to provide such documented evidence within 45 days from the date of this letter, the Commission's public and internal databases WILL BE MODIFIED to indicate that the broadcast licenses for the Stations are EXPIRED, that the Stations' licenses are CANCELED as a matter of law, and that the Stations' call signs are DELETED.

Information and Materials Requested. *Operational Status.* The materials required to establish the operational status of the Stations are as follows. First, SMI must provide a narrative statement that indicates the Stations' operational status between April 25, 2022, and the present date. SMI must indicate the dates on which each Station was silent, operated with licensed facilities, or operated with technical parameters other than those specified in its license. For all dates, SMI must indicate the effective radiated power, antenna height above ground level and geographic coordinates and address. With respect to any dates on which either Station operated at a variance from licensed parameters, SMI should indicate whether it requested STA to do so. With respect to any dates on which either Station was silent, SMI should indicate whether it notified the Commission of the Station's silence, and whether it requested STA for the Stations to remain silent. SMI must also indicate all dates on which W279BC broadcast programming that differed from the programming on WSNF or when W279BC originated programming while WSNF was not broadcasting.

In addition to the narrative statement, SMI must submit copies of all leases, engineering records, utility bills, and station records (including EAS logs for WSNF) for the Stations from April 25, 2022, to the present. SMI also must provide copies of monthly accounting records relating to the Stations' operation, as well as copies of all utility bills.⁶ SMI must include dated pictures of the Stations' transmission facilities during this timeframe.

⁴ See 47 CFR § 74.1263(b) (An FM booster or FM Translator station rebroadcasting the signal of an AM, FM or LPMF primary station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted. Notwithstanding the foregoing, FM translators rebroadcasting Class D AM stations may continue to operate during nighttime hours only if the AM station has operated within the last 24 hours.).

⁵ 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").

⁶ In addition, if SMI uses accounting software to maintain financial records for the Stations, it must provide printouts of the data recorded for the time period at issue (*i.e.*, April 25, 2022 to the present).

Affidavits or Declarations. In addition to the documentation noted above, SMI must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of SMI, 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 SMI'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 SMI 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 Rules,⁷ and be substantially in the form set forth therein. We remind SMI 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.⁸ 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 Stations' towers shall be maintained.⁹

All submissions must include a cover letter 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.¹⁰

Failure to respond to this letter within the specified time will result in adverse actions jeopardizing each 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 electronic mail)
Cary S. Tepper, Esq., counsel to Southern Media Interactive LLC
tepperlaw@aol.com

⁷ 47 CFR § 1.16.

⁸ 47 CFR §1.17.

⁹ See 47 CFR §§ 17.6 and 73.1740(a)(4).

¹⁰ 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.