



Federal Communications Commission
Washington, D.C. 20554

December 21, 2023

In reply refer to: 1800B3-VM

Certified Mail Return Receipt Requested

Guam Power II, Inc.
125 Tun Jesus Crisostomo St.
Suite 301
Tamuning, GU 96913
rkelley@guamtech.com

In re: KVOG(AM), Agana, Guam
Facility ID No. 160742
Silent since August 24, 2022
Notification of License Cancellation

Dear Licensee:

This letter is to inform you that the license of AM Station KVOG, Agana, Guam (Station), licensed to Guam Power II, Inc. (Licensee), has expired pursuant to section 312(g) of the Communications Act of 1934, as amended.¹

On September 27, 2023, we sent you a letter stating that our records indicated that the Station had been off the air or operating with unauthorized facilities since at least August 24, 2022.² 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 to our letter. We have therefore concluded that the Station failed to operate with authorized facilities for over 12 months, and that its license has expired.

Therefore, the Commission's public and internal databases HAVE BEEN MODIFIED to indicate that the broadcast license for the Station is EXPIRED, that the Station's license is CANCELLED as a matter of law, and that the Station's call sign is DELETED. In addition, the Station's application for license renewal IS DISMISSED.³

Finally, we note that it is imperative to the safety of air navigation that any prescribed painting

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 Guam Power II, Inc.* (sent by certified mail, return receipt requested, Sept. 27, 2023) (Letter).

³ Application File No. 0000162173.

and illumination of the Station's tower be maintained until the tower is dismantled. Accordingly, the owner of the tower where the 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).