



Federal Communications Commission
Washington, D.C. 20554

April 22, 2024

In Reply Refer to: 1800B3-VMM

Sent Via Certified Mail Return Receipt Requested and Electronic Mail

High Plains Radio Network, LLC
PO Box 1478
Plainview, TX 79073
monte.pp@hotmail.com

In re: **KCMC-FM, Viola, AR**
Facility ID No. 166081

Operational Status Inquiry

Dear Licensee:

This letter concerns the status of Station KCMC-FM, Viola, Arkansas (Station), licensed to High Plains Radio Network, LLC (Licensee). Pursuant to section 73.1015 of the Commission's rules (Rules), Licensee is required to clarify this matter in writing within forty-five (45) days of the date of this letter.

Background. Our records show that Licensee requested Special Temporary Authority (STA) to remain silent on March 6, 2023, stating that the Station would go silent on March 31, 2023, because Licensee could no longer afford the lease on the Station's transmitter site.¹ At that time, Licensee stated that the Station was moving from the current site at the end of the lease term on March 31, 2023.² Licensee also stated that it intended to locate a new transmitter site for the Station or renegotiate the lease on the Station's existing transmitter site.³ On February 7, 2024, Licensee filed a resumption notice stating that the Station had resumed operation at full power at the licensed site on February 7, 2024.⁴ In the resumption notice, Licensee did not explain the circumstances of the Station's resumption of operation at the licensed site after indicating in the silent STA that the Station was vacating that site on March 31, 2023.

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 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.**

This letter provides Licensee **45 days** to submit evidence of the Station's operation with

¹ Application File No. 0000211869 (gr. Mar. 17, 2023, exp. Sep. 16, 2023). All silence after September 16, 2023 is unauthorized.

² *Id.*

³ *Id.*

⁴ Application File No. 0000238535 (filed Feb. 7, 2024 pending).

authorized facilities from March 31, 2023, through the present date. If Licensee 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 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. **Failure to respond appropriately to this letter constitutes a violation of the Act and Rules.**

First, Licensee must provide a narrative statement that indicates the Station's operational status from March 31, 2023 to the present, including during and after dismantling of the Station's facilities. Licensee must indicate the dates on which the Station was silent, operated with its licensed facilities, or operated with technical parameters other than those specified by its license. For all dates, Licensee must indicate the effective radiated power, antenna height above ground level and geographic coordinates and address. Licensee must also indicate any dates on which the Station operated at a variance from its licensed parameters, including specification of the unauthorized location and the technical parameters used.

In addition to the narrative statement, Licensee must submit documentation from March 31, 2023 to the present, of:

1. The Station's operational status, including periods of silence or unauthorized operation.
2. The Station's location, effective radiated power and antenna height above ground level.
3. The Station's leases, personnel records (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, and station logs, including EAS logs.
4. Copies of all invoices, bills, including utility bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's operation.
5. Photographs of the Station's studio facilities and transmission facilities during this timeframe, including the dates applicable to each photograph taken, and exact Station coordinates.

Affidavits or Declarations. In addition to the documentation noted above, Licensee must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of Licensee, 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 Licensee 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 Licensee 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, and be substantially in the form set forth therein. We remind Licensee 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. 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.⁵

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.⁶

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 at 202-418-2136, or victoria.mccauley@fcc.gov.

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁵ 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).

⁶ 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 provided in multiple e-mails or reduced by providing representative documents, rather than all documents, of a particular nature.