



Federal Communications Commission
Washington, D.C. 20554

May 4, 2022

In Reply Refer to: 1800B3-ATS

Weavel Inc.
c/o Charles Seiverd
PO Box 1257
Clarksdale, AZ 86324
charles@thenoise.us

In re: Weavel Inc.
KOII-LP, Flagstaff, Arizona
Facility ID No. 194786

Notification of License Cancellation

Dear Licensee:

This letter is to inform you that the license of Station KOII-LP, Flagstaff, Arizona (Station), licensed to Weavel Inc. (Licensee), has expired pursuant to Section 312(g) of the Communications Act of 1934, as amended (Act).¹

On July 1, 2021, Licensee filed a license renewal application for the Station.² In the Application, licensee disclosed that the Station has not operated since December 2015.³ Section 312(g) provides that “[i]f 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.”⁴ Accordingly, the Station’s license expired as a matter of law in December 2016.⁵

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, File No. 0000151370, is also **DISMISSED**.

¹ 47 U.S.C. § 312(g).

² File No. 0000151370.

³ *Id.* at Attachment.

⁴ 47 U.S.C. § 312(g). *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)).

⁵ Licensee states, without further detail, that the Station’s silence is “due to personal and familial loss of members of the board of directors charged with its management”. *See* Application at Attachment. The Commission has discretion to reinstate an expired license “to promote equity and fairness.” 47 U.S.C. § 312(g). However, we have declined to exercise such discretion where the failure to operate a Station was based on the licensee’s personal reasons. *See, e.g., New Visalia Broad., Inc.*, Memorandum Opinion and Order, 29 FCC Rcd 9744 (2014) (health problems of licensee principal not grounds to exercise discretion to reinstate expired license). Although we are sympathetic to any personal loss experienced by Licensee’s board members, we will nonetheless not exercise our discretion here to reinstate the Station’s license.

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.⁶

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc (via electronic mail):

Gray Frierson Haertig (gfh@haertig.com)
(Technical Representative for Weavel Inc.)

⁶ 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).