



Federal Communications Commission
Washington, D.C. 20554

May 17, 2023

In reply refer to: 1800B3-VM

Certified Mail Return Receipt Requested

Solar Garden Learning and Entertainment
1806 Manzanita Lane
Davis, CA 95618
solargardenfm@aol.com

Re: KSZS-LP, Davis, CA
Facility ID No. 197589
**Operational Status Inquiry – Response
Required**

Dear Licensee:

It has come to our attention that Low Power FM Station KSZS-LP, Davis, California (Station), licensed to Solar Garden Learning and Entertainment (SGLE), may have been silent or operating with unauthorized facilities for more than a year. However, Commission records show that the Station is licensed and operating. Pursuant to section 73.1015 of the Commission's Rules, SGLE is required to clarify this matter in writing within forty-five (45) days of the date of this letter.

Background. Our records show that the Station received its initial license on January 17, 2017.¹ On July 17, 2017, SGLE filed an application for construction permit (CP) proposing a new transmitter site.² In a request for special temporary authority to remain silent (STA) filed on October 10, 2017, SGLE stated that it went silent on September 25, 2017, "to allow for reestablishing facilities a new location" and citing the CP file number.³ On April 30, 2018, SGLE filed a notice of resumption of operations giving a resumption date of April 27, 2018, stating simply that, "operations resumed" without further explanation.⁴ On April 12, 2021, the Station filed another silent STA, stating that the Station went silent on April 11, 2021 for financial reasons related to COVID-19.⁵ On April 28, 2022, SGLE filed a notice of resumption stating that the "facility has returned to operations" on April 9, 2022.⁶ Because the silent STA expired on December 5, 2021 without being extended, and the station remained silent until it resumed operation on April 9, 2022, all silence between December 5, 2021, and April 9, 2022 was unauthorized.⁷ After several complaints that the Station was not broadcasting, Commission staff visited the Davis area and detected no signal from the Station on its licensed frequency.

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 Communications Act

¹ See File No. BLL-20170117ABL.

² See File No. BPL-20170717AGN (gr. Aug. 8, 2017, cancelled Feb. 3, 2019).

³ See File No. BLSTA-20171010ABZ (gr. Nov. 1, 2017, exp. Apr. 30, 2018).

⁴ See Notice of Resumption of Operations dated April 30, 2018.

⁵ See File No. BLSTA-20210412AAA (gr. Jun. 8, 2021, exp. Dec. 5, 2021, no extension request filed).

⁶ See Notice of Resumption of Operations dated April 28, 2022.

⁷ *Id.*, see Note 5.

of 1934, as amended, **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.**⁸

This letter provides SGLE 45 days to provide evidence of the Station's operation with authorized facilities between April 27, 2018, and the present date. If SGLE 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. First, SGLE must provide a narrative statement that indicates the Station's operational status between April 27, 2018, and the present date. SGLE must indicate the dates on which the Station was silent, operated with its licensed facilities, or operated with technical parameters other than those specified in its license. For all dates, SGLE must indicate the effective radiated power, antenna height above ground level and geographic coordinates and address. With respect to any dates on which the Station operated at a variance from its licensed parameters, SGLE should indicate whether it requested STA to do so. With respect to any dates on which the Station was silent, SGLE should indicate whether it notified the Commission of the Station's silence, and whether it requested STA for the Station to remain silent.

In addition to the narrative statement, SGLE must submit copies of all leases, engineering records, utility bills, and station records (including EAS logs) for the Station from April 27, 2018, to the present. SGLE also must provide copies of monthly accounting records relating to the Station's operation, as well as copies of all utility bills.⁹ SGLE must include dated pictures of the Station's transmission facilities during this timeframe.

Affidavits or Declarations. In addition to the documentation noted above, SGLE must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of SGLE, 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 SGLE'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 SGLE 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 Commission's rules (Rules),¹⁰ and be substantially in the

⁸ 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").

⁹ In addition, if SGLE uses accounting software to maintain financial records for the Station, it must provide printouts of the data recorded for the time period at issue (*i.e.*, April 27, 2018 to the present).

¹⁰ 47 CFR § 1.16.

form set forth therein. We remind SGLE 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.¹¹ 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.¹²

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.¹³

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, 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

¹¹ 47 CFR §1.17.

¹² See 47 CFR §§ 17.6 and 73.1740(a)(4).

¹³ 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.