



Federal Communications Commission  
Washington, D.C. 20554

October 27, 2022

*In reply refer to: 1800B3-VM*

**Certified Mail Return Receipt Requested**

KM Radio of Independence, L.L.C.  
3654 West Jarvis Avenue  
Skokie, IL 60076  
myounghwaba@gmail.com

**Re: KQMG(AM), Independence, IA**  
Facility ID No. 42077  
**KQMG-FM, Independence, IA**  
Facility ID No. 42080

Letter of Inquiry

Dear Licensee:

Pursuant to section 403 of the Communications Act of 1934, as amended (Act),<sup>1</sup> and section 73.1015 of the Commission's rules (Rules),<sup>2</sup> KM Radio of Independence, L.L.C. (KMRI) is required to respond to the following requests for information in writing within forty-five (45) days of the date of this letter.

**A. KQMG(AM)**

It has come to our attention that AM radio station KQMG (AM Station) 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.

In June 2022, we received a complaint that alleges that the AM Station was silent for more than one year.<sup>3</sup> The complaint also alleges that the AM Station facility is locked with no employees present at that location. Enforcement Bureau staff attempted to contact the licensee and its attorney by email and by telephone in order to inspect the AM Station pursuant to section 73.1225 of the Rules<sup>4</sup> and review the AM Station's logs and records pursuant to section 73.1226 of the Rules,<sup>5</sup> but has received no response.

Based on this information, it appears that the AM 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 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**

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<sup>1</sup> 47 U.S.C. § 403.

<sup>2</sup> 47 CFR § 73.1015.

<sup>3</sup> Electronic complaint forwarded to FCC Enforcement Bureau from FCC Consumer and Governmental Affairs Bureau, June 29, 2022.

<sup>4</sup> 47 CFR § 73.1225.

<sup>5</sup> *Id.*, § 73.1226

**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.<sup>6</sup>**

This letter provides KMRI 45 days to provide evidence of the AM Station's operation with authorized facilities between June 29, 2021 and the present date. If KMRI 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 AM Station is EXPIRED, that the AM Station's license is CANCELED as a matter of law, and that the AM Station's call sign is DELETED.

**Information and Materials Requested.** The materials required to establish the operational status of the AM Station are as follows. First, KMRI must provide a narrative statement that indicates the AM Station's operational status between June 29, 2021 and the present date. KMRI must indicate the dates on which the AM Station was silent, operated with its licensed facilities, or operated with technical parameters other than those specified in its license. For all dates, KMRI must indicate the effective radiated power, antenna height above ground level and geographic coordinates and address. With respect to any dates on which the AM Station operated at a variance from its licensed parameters, KMRI should indicate whether it requested special temporary authority (STA) to do so. With respect to any dates on which the AM Station was silent, KMRI should indicate whether it notified the Commission of the AM Station's silence, and whether it requested STA for the AM Station to remain silent.<sup>7</sup>

In addition to the narrative statement, KMRI must submit copies of all leases, engineering records, utility bills, and station records, including Emergency Alert System (EAS) logs for the AM Station from June 29, 2021 to the present. KMRI also must provide copies of monthly accounting records relating to the AM Station's operation.<sup>8</sup> KMRI must include dated pictures of the AM Station's transmission facilities, both interior and exterior, during this timeframe.

## **B. KQMG-FM**

It has come to our attention that radio station KQMG-FM (FM Station) may have been broadcasting without airing station identification announcements as required by section 73.1201 of the Rules,<sup>9</sup> emergency information announcements as required by section 73.1250 of the Rules,<sup>10</sup> or EAS announcements and/or tests as required by sections 11.51-61 of the Rules.<sup>11</sup> The information provided to

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<sup>6</sup> 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").

<sup>7</sup> 47 CFR § 73.1740 (requiring commercial radio station licensees to (1) notify the Commission within 10 days of temporarily discontinuing operations, and (2) to obtain Commission authorization pursuant to STA if the discontinued operations last beyond 30 days).

<sup>8</sup> In addition, if KMRI uses accounting software to maintain financial records for the AM Station, it must provide printouts of the data recorded for the time period at issue (*i.e.*, June 29, 2021 to the present).

<sup>9</sup> 47 CFR § 73.1201.

<sup>10</sup> *Id.*, § 73.1250.

<sup>11</sup> *Id.*, §§ 11.51-61.

the Media Bureau also raises questions as to whether the FM Station is in compliance with sections 73.1300, 73.1350 and 73.1400 of the Rules.<sup>12</sup>

**Information and Materials Requested.** The materials required to establish the operational status of the FM Station are as follows:

- (1) Provide a copy of the EAS logs for the FM Station from January 22, 2021 to the present;
- (2) Provide a narrative statement stating whether or not the FM Station has been airing station identification announcements in accordance with 47 CFR § 73.1201 since January 22, 2021 to the present;
- (3) Provide a narrative statement stating whether or not the FM Station has been airing emergency information announcements in accordance with 47 CFR § 73.1250 since January 22, 2021 to the present;
- (4) Provide a narrative statement stating whether or not the FM station has been airing EAS announcements and/or tests in accordance with 47 CFR §§ 11.51-61 since January 22, 2021 to the present;
- (5) Provide a narrative statement stating whether or not the FM Station has been operating in compliance with 47 CFR §§ 73.1300, 73.1350 and 73.1400 from January 22, 2021 to the present, with a detailed description and dated photographs of all equipment used to operate the FM Station remotely, photographic identification (including a copy of each person's driver's license) of all chief operators of the FM Station in that time period, and a detailed description of the monitoring procedures and schedules for operation of the FM Station from January 22, 2021 to the present, including copies of all documents related to such monitoring procedures and schedules (including emails and text messages).

### C. Procedure for Responding

*Affidavits or Declarations.* In addition to the documentation noted above, KMRI must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of KMRI, 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 KMRI'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 KMRI 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,<sup>13</sup> and be substantially in the form set forth therein. We remind KMRI that to knowingly and willfully make any false statement or conceal any material fact

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<sup>12</sup> *Id.*, §§ 73.1300, 73.1350 and 73.1400.

<sup>13</sup> 47 CFR § 1.16.

in reply to this inquiry is punishable by fine or imprisonment.<sup>14</sup> 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 AM Station's antenna system shall be maintained.<sup>15</sup>

All submissions must be 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](mailto:Victoria.McCauley@FCC.gov).<sup>16</sup>

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

cc: (by electronic mail only)

Aaron P. Shainis, Esq. (counsel to KM Radio of Independence, L.L.C.)  
[aaron@s-plaw.com](mailto:aaron@s-plaw.com)

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<sup>14</sup> 47 CFR §1.17.

<sup>15</sup> See 47 CFR §§ 17.6 and 73.1740(a)(4).

<sup>16</sup> 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.