



Federal Communications Commission
Washington, D.C. 20554

October 7, 2022

In Reply Refer to: 1800B3-KC

CERTIFIED MAIL RETURN RECEIPT REQUESTED

The Sportzmax, Inc.
1320 Miracle Strip Pkwy., Ste. 200
Fort Walton Beach, FL 32548

In re: WDSP(AM), De Funiak Springs, FL
Facility ID No. 60812
Silent since June 9, 2021

Notification of License Expiration

Dear Licensee:

Our records indicate that the station referenced above has been silent since at least June 9, 2021. Therefore, pursuant to section 312(g) of the Communications Act of 1934, as amended (Act),¹ the station's license expired as a matter of law at 12:01 a.m., June 10, 2022.²

This letter provides you 45 days to provide evidence³ that our records incorrectly reflect the operational status of the station and that, in fact, the station returned to the air with authorized facilities at some time between June 9, 2021, and 12:01 a.m., June 10, 2022.⁴ If you fail 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 referenced station is **EXPIRED**, that the station's license is **CANCELED** as a matter of law, and that the station's call sign is **DELETED**.

¹ See 47 U.S.C. § 312(g); *Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009); *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603 (2008).

² Section 312(g) of the Act provides that 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.

³ This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation** from June 9, 2021 to the present. Also include copies of all leases, personnel records (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, and station records, including EAS logs, and all correspondence (including emails and text messages) relating to the station for that period of time. In addition, you must provide copies of all invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the station's operation. In addition, if the station uses accounting software to maintain financial records, provide printouts of the data recorded for this period. You **must also include pictures** of the station's facilities during this timeframe, and provide exact station coordinates.

⁴ We note that a notice of resumption was emailed to staff on June 26, 2022, stating that the station resumed operation on June 1, 2022, using licensed facilities. See email from Bryan Covey to Audiofilings, July 26, 2022, 20:51 DST. Because the reason for silence given in the request for STA was loss of the transmitter site lease, and the notice of resumption does not address this issue, this notice of resumption has not been accepted.

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.⁵

Documents sent in response to this letter shall be addressed to FCC, Office of the Secretary, 45 L Street, NE, Washington, DC 20554, and sent **BY EMAIL** to Victoria McCauley at the address below.

Please direct any questions concerning the content of this letter to Victoria McCauley, Attorney, phone (202-418-2136), or e-mail (Victoria.McCauley@fcc.gov).

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc (via electronic mail):

Bryan A. Covey, Esq. (BCOVEYFARMS@GMAIL.COM)
(Contact Representative for The Sportzmax, Inc.)

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).