



Federal Communications Commission
Washington, D.C. 20554

OCT 19 2017

In reply refer to: 1800B3-VM

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Justin A. McLuckie
28 SW Gage Blvd.
Apt. 908
Topeka, KS 66606

In re: KMYQ(FM), North English, IA
Facility ID No. 170998

Operational Status Inquiry

Dear Mr. McLuckie:

Our records show that KMYQ(FM), North English, Iowa (Station), has been silent for extended periods since its initial license was granted on January 25, 2012. Pursuant to Section 73.1740 of the Commission's Rules, you are required to clarify this matter in writing within thirty days of the date of this letter.

According to our records, you filed the Station's license application on January 23, 2012, certifying that the Station had been constructed in accordance with the terms of the construction permit. On October 10, 2012, you filed a request for Special Temporary Authority (STA) to remain silent, stating:

After completing construction of this new station, program tests began on January 25, 2012. However, despite hypothetical coverage predictions, it soon became apparent that from a practical standpoint terrain issues were preventing the signal from penetrating buildings in the community of license from the 100-foot tower 5 miles south. After more than two months of operation, it was decided to take the station off the air until we could improve its facility with a far higher tower. The process has been difficult, since the allowable area for a transmitter site is quite small and landowners within that area have been reluctant to lease their property. We believe we are on the verge of signing a suitable lease and hope to file an application for a construction permit within the near future. In the meantime, we request authority to remain off the air, in the expectation that the station will emerge in a far stronger position to serve its intended audience once our facility can be improved.¹

This request was late-filed, and the Station's silence from May 1, 2012 to October 10, 2012 was unauthorized. The Station resumed operation on March 30, 2013, using a temporary site pursuant to Special Temporary Authority.²

On September 20, 2013, the Station again went silent, stating:

As the Commission had been advised in a prior STA for use of temporary facilities (BSTA-20130322AIE), KMYQ has been operating for the past six months from a temporary site atop a grain elevator. In the meantime, the licensee encountered numerous

¹ File No. BLSTA-201231001ANF.

² See File No. BSTA-20130322AIE, Resumption of Operations filed 4/1/13.

difficulties in finding and securing a lease for the permanent site he anticipated, and in successfully conducting required environmental studies for its use. Despite the considerable time and expense invested in that site, he has now reluctantly concluded that other plans are needed. Rather than seek an extension of his current STA, the licensee has now decided to discontinue his temporary operation until he can apply for a new permanent site, which he believes he has already located.³

You filed an extension request for this STA on June 4, 2014, stating:

The licensee requests a further extension of time to and including September 21, 2014, to remain silent. The licensee previously operated at a temporary site while seeking to resolve difficulties with its initially intended permanent site. Thereafter, the licensee sought authority to remain silent so as to devote available resources to the securing of an alternative site. The licensee remains optimistic that a permanent site can be secured and appropriate modifications approved by the commission and constructed by September 21, 2014.⁴

After you filed this STA, you filed an application for assignment of license for the Station from yourself to My Town Media, Inc.⁵ On September 9, 2014, you filed a Notice of Resumption of Operations, as of September 5, 2014, stating:

KMYQ(FM), North English, Iowa, has resumed broadcast operations with its licensed facilities.⁶

On September 27, 2016, you filed another request for STA to remain silent, stating that the Station went silent on that date and giving the following reason for silence:

Due to financial difficulties, KMYQ has been taken temporarily silent. We respectfully request 180 days in which to remain silent.⁷

This STA expired on April 19, 2017. On September 14, 2017, you filed an extension of STA, stating:

Due to financial difficulties, KMYQ has been taken temporarily silent. This extension is requested to allow licensee to promptly resume operations so that the license can be assigned to a new entity with the resources and facilities to operate the station in a manner that will provide programming services to its community of license and extended service area.⁸

³ File No. BLSTA-20130923AGI.

⁴ File No. BLESTA-20140604ACE.

⁵ File No. BALH-20160624AAK.

⁶ Resumption of Operations dated 9/9/14.

⁷ File No. BLSTA-20160927ADV.

⁸ File No. BLESTA-20170914AAM.

This request was late-filed, and the silent period between April 19, 2017 and September 14, 2017 was unauthorized. On September 29, 2017, we received a Notice of Resumption of Operations,⁹ stating that the Station had “returned to air on September 27, 2017, using its full power.”¹⁰

On October 11, 2017, you filed an application for assignment of license of the Station to KMYQ Media, LLC.

Based on this information, it appears that at the least, the Station may have been silent (or failed to operate with authorized facilities) for over one year, or may not have been constructed at all. In addition, there are three periods of documented non-operation without authority. Pursuant to Section 312(g) of the Communications Act, 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, unless extended or reinstated by Commission action.**

Please provide evidence documenting the Station’s operational status since September 20, 2013. This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation** from September 20, 2013, to the present. Also include copies of all leases, personnel records, engineering records, station logs, invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station’s operation. You **must also include pictures** of the Station’s studio facilities and transmission facilities during this timeframe, and provide exact Station coordinates.

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.¹¹

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 (202-418-2136), or e-mail (Victoria.McCauley@fcc.gov).

Sincerely,


Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Greg P. Skall, Esq.

⁹ Granted and revoked on Oct. 12, 2017.

¹⁰ See Email from Rick Watts to Dale Bickel, Staff Engineer, Audio Division, Media Bureau, FCC (Sept. 29, 2017, 1:38 pm EDT).

¹¹ See 47 CFR. §§ 17.6 and 73.1740(a)(4).