



Federal Communications Commission
Washington, D.C. 20554
December 15, 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
File No. BRH- 20121001ANF
Notice of License Expiration

Dear Mr. McLuckie:

On October 19, 2017, we sent you a letter requesting clarification of the operational status of FM Station KMYQ, North English, Iowa (Station), which had been silent or operating with temporary facilities for extended periods since its initial license was granted on January 25, 2012. Pursuant to Section 73.1740 of the Commission's Rules, your response was within thirty days of the date of that letter. On November 28, 2017, the letter sent to your address was returned to the Commission as undeliverable.

On November 20, 2017, we received a response to the letter from Gregg Skall, Attorney, on your behalf. In that response, Mr. Skall included some documentation to show that the Station was operating from its licensed site as of September 27, 2017. We informed him that this would not be sufficient, because it did not respond in full to our letter. He filed a further showing on December 8, 2017. This is also insufficient, because it consists of two affidavits, some pictures of a site used by STA, and an invoice for the original transmitter. In addition, it does not include the required information as delineated by our letter:

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.¹

The information submitted does not include any documentation of actual operation of the Station during the timeframe requested, other than the most recent resumption of operation, and thus is not sufficient to show that the station operated between September 20, 2013, and September 27, 2017. We find that the Station's license has expired pursuant to Section 312(g) of the Communications Act of 1934, as amended.²

¹ Letter from Peter Doyle, Chief, Audio Division, to Mr. Justin A. McLuckie, Ref. 1800-B3-VM (Oct. 19, 2017).


² Section 312(g) of the Act 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

Accordingly, the Commission's public and internal databases have been modified to indicate that the broadcast license for the Station³ EXPIRED as a matter of law, at 12:01 a.m. on September 21, 2014, and we HEREBY DELETE the Station's call sign KMYQ. The pending applications for renewal, File No. BRH-20121001ANF, and assignment of license, File No. BALH-20171011ACH, ARE DISMISSED as moot.

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 Station's transmitting antenna is located is required, pursuant to Section 303(q) of the Act, to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.⁴

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.

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 the such station license if the holder of the station license prevails in an administrative or judicial appeal, the applicable law changes, or for any other reason to promote equity and fairness." 47 U.S.C. § 312(g); *see also* 47 CFR §74.1263(e).

³ File No. BLFT-20070220AAO.

⁴ *See* 47 U.S.C. §303(q). *See also* 47 CFR §§ 17.1 *et seq.* and 73.1213; *Streamlining the Commission's Antenna Structure Clearance Procedure*, WT Docket No. 95-5, 11 FCC Rcd 4272 (1995).