



Federal Communications Commission
Washington, D.C. 20554

January 24, 2022

In Reply Refer to: 1800B3-CH

CERTIFIED MAIL RETURN RECEIPT REQUESTED

SMG-Monterey, LLC
2448 E 81st Street Suite 5700
Tulsa, OK 74137
rick.jesse@smgnational.com

In re: K291AE, Seaside , CA
Facility ID No. 84889
Silent since August 1, 2020

Notification of License Expiration

Dear Licensee:

Our records indicate that the station referenced above has been silent since at least August 1, 2020. 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., August 2, 2021.²

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 August 1, 2020, and 12:01 a.m., August 2, 2021. 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.

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

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 August 1, 2020, to 12:01 a.m. 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, for all periods. 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.

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.⁴

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

⁴ 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).