



Federal Communications Commission  
Washington, D.C. 20554

July 22, 2022

***In Reply Refer to:***  
**1800B3-VM**

**Certified Mail Return Receipt Requested**

Mr. Marion R. Williams  
115 W. 5th Avenue  
Gary, IN 46402  
mwilliams@wlthradio.com

In re: **WAKE(AM), Valparaiso, IN**  
Facility ID No. 53057

**Letter of Inquiry**

Dear Licensee:

Our records indicate that AM Station WAKE, Valparaiso, Indiana (Station), has been silent since at least July 15, 2021. This determination is based on the request for silent special temporary authority (STA) filed on July 15, 2021.<sup>1</sup> Therefore, pursuant to section 312(g) of the Communications Act of 1934, as amended (Act),<sup>2</sup> the Station's license expired as a matter of law at 12:01 a.m., July 16, 2022.<sup>3</sup>

This letter provides you 45 days to provide evidence 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 July 15, 2021, and 12:01 a.m., July 16, 2022. 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 Station is EXPIRED, that the Station's license is CANCELED as a matter of law, and that the Station's call sign is DELETED.

**Information and Materials Requested.** *Operational Status.* The materials required to establish the operational status of the Station are as follows. First, you must provide a narrative statement that indicates the Station's operational status between July 15, 2021 and the present date. You must indicate the dates on which the Station was silent, operated with its licensed facilities, or operated with technical parameters other than those specified in its license. For all dates, you must indicate the effective radiated power, antenna height above ground level and geographic coordinates and address. With respect to any dates on which the Station operated at a variance from its licensed parameters, you should indicate whether it requested STA to do so. With respect to any dates on which the Station was silent, you should indicate whether you

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<sup>1</sup> See File No. BLSTA-20210715AAB (granted on July 30, 2021, Exp. Jan. 26, 2022).

<sup>2</sup> 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).

<sup>3</sup> 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.

notified the Commission of the Station's silence, and whether you requested STA for the Station to remain silent.

In addition to the narrative statement, you must submit copies of all leases, engineering records, utility bills, and station logs (including EAS logs) required pursuant to section 73.877 of the Commission's rules (Rules)<sup>4</sup> for the Station from July 15, 2021 to the present. You also must provide copies of monthly accounting records relating to the Station's operation.<sup>5</sup> You must include dated pictures of the Station's transmission facilities during this timeframe.

*Affidavits or Declarations.* In addition to the documentation noted above, you must support your response with an affidavit or declaration under penalty of perjury, signed and dated by you or your authorized representative, 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 your 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 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>6</sup> and be substantially in the form set forth therein. We remind you that to knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.<sup>7</sup> Moreover, failure to respond appropriately to this letter of inquiry may constitute a violation of the Act and the Rules.

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 to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.<sup>8</sup>

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.

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<sup>4</sup> 47 CFR § 73.877.

<sup>5</sup> In addition, if you use accounting software to maintain financial records for the Station, it must provide printouts of the data recorded for the time period at issue (*i.e.*, July 15, 2021, to the present).

<sup>6</sup> 47 CFR § 1.16.

<sup>7</sup> 47 CFR § 1.17.

<sup>8</sup> 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).

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)  
Dan J. Alpert, Esq. (dja@commlaw.tv)