



Federal Communications Commission  
Washington, D.C. 20554

March 30, 2023

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

**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 Cancellation**

Dear Licensee:

This letter is to inform you that the license of Station K291AE, Seaside, California (Station), licensed to SMG-Monterey, LLC (Licensee), has expired pursuant to section 312(g) of the Communications Act of 1934, as amended (Act).<sup>1</sup>

On January 24, 2022, we sent you a letter stating that our records indicated that the Station had been off the air since at least August 1, 2020.<sup>2</sup> Licensee was required to clarify this matter in writing within forty-five days of the date of the Letter. To date we have received no response.

Therefore, the Commission's public and internal databases HAVE BEEN MODIFIED to indicate that the broadcast license for the referenced station is EXPIRED, that the station's license is CANCELLED 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

---

<sup>1</sup> 47 U.S.C. § 312(g) ("If 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 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 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."). See also *Kingdom of God, Inc.*, Memorandum Opinion and Order, 32 FCC Rcd 3654 (2017), *aff'd*, *Kingdom of God, Inc. v. FCC*, No. 17-1132, 719 Fed. Appx. 19 (Mem) (D.C. Cir. Apr. 10, 2018); *Eagle Broad. Group, Ltd.*, Memorandum Opinion and Order, 23 FCC Rcd 588, 592, para. 9 (2008), *aff'd sub nom. Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543, 553 (D.C. Cir. 2009) (unauthorized, unlicensed broadcasts cannot constitute transmission of broadcast signals to avoid termination under Section 312(g)).

<sup>2</sup> See *Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, FCC, to SMG-Monterey, LLC* (sent by certified mail, return receipt requested, Jan. 24, 2022) (Letter). See also File Nos. BLSTA-20201001AAL (gr. Dec. 8, 2020); BLESTA-20210601AAG (gr. Jul. 19, 2021).

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.<sup>3</sup>

Sincerely,

*Albert Shuldiner*

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

---

<sup>3</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).