



FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

May 4, 2009

LPTV-A

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

David M. Loflin
7635 Jefferson Highway, #309
Baton Rouge, LA 70809

Re: W19BV, Facility ID No. 38259
W36BQ, Facility ID No. 38254
W57CC, Facility ID No. 38263
W59CQ, Facility ID No. 38264
W65CW, Facility ID No. 15776
Andalusia, Alabama

Dear Mr. Loflin:

This refers to the above-captioned Low Power Television Stations W65CW, licensed to you individually, and W19BV, W36BO, W57CC and W59CQ, licensed to Loflin Children's Trust 4, with you as Trustee. Commission records indicate that these are all licensed stations whose renewal applications were last granted on June 1, 2005.

On February 4, 2008, the associate Chief, Video Division, Mass Media Bureau directed a letter to you noting that the Commission received a complaint that these stations are not operating and may never have been constructed at and/or operated from their common authorized transmitter site. Specifically, we received information that that there is no evidence that an antenna and transmitter for these stations has been installed.

As part of our investigation of this matter, we requested that you provide certain information and appropriate documentation with regard to the construction and/or operation of these stations within fifteen (15) business days from the date of our February 4, 2008 letter. We directed each station to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the licensee with personal knowledge of the representations provided in the responses, verifying the truth and accuracy of the information therein.

You did not respond to our February 4, 2008 letter. A party may not ignore the directives contained in an inquiry letter.¹ Nevertheless, we are unable to find any evidence that these stations have either been built or have operated as authorized.

¹ See, e.g., *SBC Communications, Inc.*, 17 FCC Rcd 7589, 7591 (2002). In addition, a monetary forfeiture may be imposed for the failure to respond to a Commission inquiry. See Sections 4(i), 4(j) and 403 of the

Section 312(g) of the Communications Act of 1934, as amended, provides in pertinent part that if a broadcasting station fails to transmit broadcast signals for any consecutive 12-month period, then the station license shall expire at the end of that period.²

Accordingly, the licenses for stations W19BV, W36BQ, W57CC, W59CQ, and W65CW, Andalusia, Alabama, ARE FORFEITED, and the call signs ARE HEREBY DELETED.

Sincerely,

Hossein Hashemzadeh
Associate Chief, Video Division
Media Bureau

cc: Dan J. Alpert, Esquire

Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 403, and Section 1.80 of the Commission's Rules, 47 C.F.R. § 1.80.

² 47 U.S.C. §312(g). See also Section 73.1020(c) of the Commission's Rules, 47 C.F.R. §73.1020(c)