



Federal Communications Commission
Washington, D.C. 20554

February 15, 2011

Joseph A. Zavaletta, Jr., Executor
The Estate of Joseph A. Zavaletta, Deceased
4094 N. Ettaro Avenue
Meridian, Idaho 83646

NRT Communications Group, LLC
7272 Wurzbach Road
Suite 902
San Antonio, Texas 78240

Re: KVAW, Eagle Pass, Texas
FCC File Nos. BLSTA-20101217ABF;
BLSTA-20091217ABC; BALCDT-
20110118ACD; BPCDT-20080402AAG
Facility ID No. 32621

Dear Licensee:

This is with respect to the above-referenced application for assignment of license of station KVAW, Eagle Pass, Texas, from The Estate of Joseph A. Zavaletta, Deceased (“the Estate” or “Zavaletta”) to NRT Communications Group, LLC. Also pending before us are two Requests for Silent Authority, representing that KVAW had gone silent on December 7, 2009 and December 16, 2010, and an application for minor modification for the station, filed by the Estate or its predecessor, Dr. Joseph A. Zavaletta. For the reasons set forth below, we are dismissing the requests for silent authority and applications for assignment and modification, and cancelling the station’s license.

Section 312(g) of the Communications Act¹ provides that:

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 . . .

KVAW was assigned channel 16 as its analog channel, channel 18 as its pre-transition digital channel, and channel 24 as its post-transition digital channel. Commission records show that KVAW ceased analog operations on April 26, 2009 due to equipment difficulties.² In addition, full power television stations were required by statute to cease analog operations no later than June 12, 2009.³ Thus, KVAW has been precluded by statute from transmitting an analog signal since June 13, 2009.

¹ 47 U.S.C. § 312(g).

² FCC File No. BLSTA-20090427ACR.

³ See DTV Delay Act, Pub. L. No. 111-4, 123 Stat. 112 (2009).

Zavaletta constructed a pre-transition digital channel 18 facility,⁴ but the above-referenced minor modification application for a construction permit for its post-transition channel 24 digital facility was not granted because of international coordination issues. We note that while KVAW was granted special temporary authority for phased transition relief pursuant to the policy set forth in the *Third Periodic DTV Review Report and Order*, 23 FCC Rcd 2994, ¶¶92-94 (2007), which permitted it to continue to operate on its pre-transition DTV channel 18 after the June 12, 2009 transition deadline, that authorization expired on August 18, 2009.⁵ To the extent that KVAW resumed analog operations after June 12, 2009 or operated a digital facility on channel 18 after August 18, 2009, as suggested by the pending requests for silent authority, such operations would have been unauthorized. It is well settled that unauthorized transmissions do not prevent cancellation under Section 312(g).⁶

In view of the foregoing, the license for station KVAW IS HEREBY CANCELLED and the call sign IS DELETED, and the above-referenced applications and requests for silent authority ARE DISMISSED. In addition, we warn the Estate that the use of an unauthorized broadcast facility for communications purposes may result in the imposition of a forfeiture.

Sincerely,

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc: Paul J. Feldman, Esq.

⁴ FCC File No. BLCDDT-20061115ABD.

⁵ FCC File No. BDSTA-20081106ACS, granted December 9, 2008.

⁶ *A-O Broadcasting Corporation*, 23 FCC Rcd 603, 608 (2008).