



Federal Communications Commission  
Washington, D.C. 20554

February 29, 2012

*In Reply Refer to:*  
1800B3-DW

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Jerry Russell d/b/a The Russell Company  
P.O. Box 4942  
Tyler, TX 75712

**In re: KOFY(AM), Gilmer, TX**  
Facility ID No. 34558  
Silent Between May of 2007  
And August 1, 2009  
Notification of License Expiration  
And Deletion of Call Letters

File No. BR-20050408ABH

Dear Mr. Russell:

Our records indicate that AM Station KOFY, Gilmer, Texas, was taken off the air in May of 2007,<sup>1</sup> and did not return to the air with full power until August 1, 2009.<sup>2</sup> As you are aware, Section 312(g) of the Communications Act of 1934, as amended (the "Act"),<sup>3</sup> 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."<sup>4</sup> Consequently, we find that KOFY(AM)'s license has expired as a matter of law.

Accordingly, the Commission's public and internal databases will be modified to indicate that the broadcast license BL-19980605KB for the referenced station EXPIRED as a matter of law in May of 2008, and we HEREBY DELETE the call sign KOFY(AM). Additionally, we HEREBY DISMISS as moot the pending application (File No. BR-20050408ABH) for renewal of license for Station KOFY(AM).<sup>5</sup>

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<sup>1</sup> See Letter from Jerry Russell to Peter H. Doyle (rec'd Dec. 5, 2011) (the "December 5, 2011, Letter"), 2<sup>nd</sup> Attachment (Letter from Jerry Russell to H. Taft Snowden dated September 9, 2008) at 1.

<sup>2</sup> December 5, 2011, Letter at 1 and 6<sup>th</sup> Attachment (Letter from Jerry Russell to Peter Doyle dated August 1, 2009).


<sup>3</sup> 47 U.S.C. § 312(g).

<sup>4</sup> See Implementation of Section 403(l) of the Telecommunications Act of 1996, Order, 11 FCC Rcd 16599 (1996); see also 47 C.F.R. §73.1740(c).

<sup>5</sup> The staff had previously accepted the KOFY(AM) license renewal application, assessed the Licensee a late-fee penalty, and attempted to grant the application on November 19, 2010, conditioned on payment of the application filing fee and penalty in the total amount of \$187.50. Letter to Ms. Gwendolyn Walker, M.R.S. Ventures, Inc. reference 1800B3-KAW (MB Nov. 19, 2010). However, the staff has been unable to grant the application due to a

Finally, 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 referenced station's transmitting antenna is located is required, pursuant to Section 303(q) of the Act, to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.<sup>6</sup>

Sincerely,



Peter H. Doyle  
Chief, Audio Division  
Media Bureau

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“red light” hold for failure to pay a 2005 regulatory fee, and the Licensee has not yet tendered the requisite filing fee and penalty.

<sup>6</sup> See 47 U.S.C. § 303(q). See also 47 C.F.R. §§ 17.1 *et seq.* and 73.1213, and *Streamlining the Commission's Antenna Structure Clearance Procedure*, Report and Order, 11 FCC Rcd 4272 (1995).