



Federal Communications Commission
Washington, D.C. 20554

April 17, 2013

Kingdom of God, Inc.
Sister Sue Jenkins, S.F.C.C.
P. O. Box 44007
Indianapolis, Indiana 46244-0007

Re: WKGK-LP and WKGK-LD, Kokomo, Indiana
Facility ID Nos. 34895 and 191112
File Nos. BLESTA-20091217AAS;
BLSTA-20100608ACS; BLSTA-20110425AAC;
BLSTA-201120312ACB
BDCCDVL-20121206AAS

Dear Licensee:

This is with respect to station WKGK-LP, Kokomo, Indiana, licensed to Kingdom of God, Inc. ("KOG"). Section 312(g) of the Communications Act of 1934, as amended,¹ 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 . . .

Section 312(g) also gives the Commission the discretion, following an automatic forfeiture, to reinstate the 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."²

Commission records indicate that WKGK-LP went silent on March 14, 2012.³ On April 4, 2013, KOG filed an electronic notification of Resumption of Operations, stating that the station had not resumed operations within the 12-month period and indicating that the station would resume operations on April 11, 2013. The notification, which was signed by Sister Sue Jenkins, asks that the Commission grant KOG's request for resumption of operations because "[at the] time we would have been at the transmitter site signing our station on the air before the 12 months deadline (as we had always done)," she had a medical emergency involving a fellow Catholic nun who became gravely ill.

We have carefully considered KOG's request and conclude that it has failed to demonstrate circumstances that warrant exercise of our discretion under Section 312(g) to reinstate an expired license "to promote equity and fairness." In the past, the Commission has exercised its discretion in cases involving natural disasters or other compelling circumstances outside the licensee's control which forced cessation of station's operations.⁴ None of these factors are present here. Instead, WKGK-LP has been

¹ 47 U.S.C. § 312(g).

² *Id.*

³ See FCC File No. BLSTA-20120321ACB.

⁴ See, e.g., *V.I. Stereo Communications Corp.*, 21 FCC Rcd 14259 (2006)(Commission concluded on reconsideration that reinstatement was warranted where station's tower had been destroyed by a hurricane and, after it was rebuilt, again sustained substantial damage from three more hurricanes); *Letter to Mark Chapman, Court-*

silent almost continuously since December 2004, when it reported that it had lost the right to use its original site.⁵ KOG's stated justification for its repeated requests for WKGK-LP to remain silent over the years has been its need to locate a permanent transmitter site. Thus, the station's silence is due to KOG's business decision not to promptly find a suitable permanent transmitter site, and not to circumstances outside its control. Under similar circumstances, the staff has declined to exercise its discretion to reinstate an expired license under Section 312(g).⁶ In addition, the timing of KOG's apparent decision to temporarily resume operations to evade automatic cancellation of WKGK-LP pursuant to Section 312(g) further supports a decision declining to exercise our discretion.

Accordingly, the license for station WKGK-LP and the construction permit for digital companion channel station WKGK-LD ARE HEREBY CANCELLED, the call signs ARE DELETED and the above-referenced applications ARE HEREBY DISMISSED.

Sincerely,

Hossein Hashemzadeh
Deputy Chief, Video Division
Media Bureau

Appointed Agent, 22 FCC Rcd 6578 (Audio Div. 2007)(Staff reinstated an expired permit when the station's extended silence was the result of the licensee's compliance with an order issued by a state court.)

⁵ See FCC File No. BLESTA-20051130AVJ.

⁶ See *Kirby Young*, 23 FCC Rcd 35 (Audio Div. 2008); *Letter from Peter H. Doyle, Chief, Audio Division, to Family Life Ministries, Inc.*, 2009 WL4722111 (rel. October 8, 2008); *Letter to ETC Communications, Inc.*, 25 FCC Rcd 10686 (Vid. Div. 2010); *Letter to Mr. Zacarias Serrato*, 20 FCC Rcd 17232 (Audio Div. 2005).