



Federal Communications Commission
Washington, D.C. 20554

OCT 5 2017

In Reply Refer to: 1800B3-VM

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Duane Witte
P.O. Box 74
Valentine, NE 69201

In re: K258AI, Valentine, NE
Facility ID No. 85680
Silent since June 19, 2015

Notification of License Expiration

Dear Mr. Witte:

Our records indicate that the station referenced above has been silent since at least June 19, 2015. Therefore, pursuant to Section 312(g) of the Communications Act, as amended,¹ the station's license expired as a matter of law at 12:01 A.M., June 20, 2016. Unless we receive documented evidence² within 30 days of the date of this letter that our records incorrectly reflect the operational status of the station and that, in fact, the station returned to the air with authorized facilities at some time between June 19, 2015, and 12:01 A.M., June 20, 2016, the Commission's public and internal databases WILL BE MODIFIED to indicate that the broadcast license for the referenced station is EXPIRED, that the station's license is CANCELED 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 owner of the tower where the referenced station's transmitting antenna is located is required, pursuant to 47 U.S.C. Section 303(q), to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.³

¹ See 47 U.S.C. § 312(g); *Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009); *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603 (2008).

² Such evidence must indicate the dates broadcasts ceased and resumed, and the transmitter site location, effective radiated power and antenna height above ground level for all periods of operation. This evidence includes copies of leases, personnel records, engineering records, station logs, quarterly issues/programs lists, invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the station's operation from June 19, 2015, to the present. Also include pictures of the station's facilities during this timeframe, and provide exact transmitter site coordinates.

³ 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).

Please direct any questions concerning the content of this letter to Victoria McCauley, Attorney, phone (202-418-2136), or e-mail (Victoria.McCauley@fcc.gov).

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" followed by a stylized monogram "PH".

Peter H. Doyle, Chief
Audio Division
Media Bureau

cc: M. Scott Johnson, Esq.