



Federal Communications Commission  
Washington, D.C. 20554

DEC 11 2018

*In Reply Refer to: 1800B3-KC*

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

GCC Bend, LCC  
345 SW Cyber Drive  
Bend, OR 97702

**In re: KCOE(AM), Bend, OR**  
Facility ID No. 49914  
Silent since March 29, 2017

**Notification of License Expiration**

Dear Licensee:

Our records indicate that the station referenced above has been silent since at least March 29, 2017.<sup>1</sup> Therefore, pursuant to Section 312(g) of the Communications Act, as amended,<sup>2</sup> the station's license expired as a matter of law at 12:01 a.m., March 30, 2018. Unless we receive documented evidence<sup>3</sup> within 45 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 March 29, 2017, and 12:01 a.m., March 30, 2018, 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.<sup>4</sup>

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<sup>1</sup> We also note that on May 15, 2018, we received a complaint from Edward C. Distell stating the station has dismantled its transmitter site, which is being sent as an attachment to this letter.

<sup>2</sup> 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).

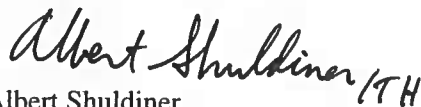
<sup>3</sup> Such evidence must indicate the dates broadcasts ceased and resumed, and the transmitter site location, effective radiated power and antenna height above ground level for all periods of operation. This evidence includes copies of leases, personnel records, engineering records, station logs, 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 March 29, 2017, to the present. Also include pictures of the station's facilities during this timeframe, and provide exact transmitter site coordinates.

<sup>4</sup> 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).

Documents sent in response to this letter shall be sent to: FCC; Office of the Secretary, 445 12<sup>th</sup> Street, SW, Washington, DC 20554, with a courtesy copy by email to Victoria McCauley at the address below.

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,

Handwritten signature of Albert Shuldiner in cursive script, followed by the initials "TH" in a smaller, simpler font.

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

cc: Dennis J. Kelly, Esq.  
Gregg P. Skall, Esq.

enclosure

2018 MAY 16 PM 1:19

Law Office of  
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May 15, 2018

Accepted / Filed

MAY 15 2018

Federal Communications Commission  
Office of the Secretary

Honorable Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

Attention: Victoria McCauley, Esquire  
Audio Division, Media Bureau

RE: KCOE (AM), Bend, Oregon  
Facility ID #49914  
47 U.S.C. §312(g) License Expiration

Dear Madame Secretary:

On behalf of Edward C. Distell, licensee of AM Broadcast Station KWBY, 940 kHz, Woodburn, Oregon, this is to request that the Commission update its database to reflect that the license for former AM Broadcast Station KCOE, 940 kHz, Bend, Oregon, FCC Facility ID #49914, expired pursuant to the provisions of 47 U.S.C. §312(g) as of March 30, 2018.

Station KCOE reported that it went silent on March 29, 2018 for technical reasons. By letter of the Deputy Chief, Audio Division, Media Bureau, dated June 6, 2017, station KCOE was granted a Special Temporary Authority (File No. BSTA-20170406AAV) to be silent for 180 days, which by our calculation would have expired on December 3, 2017. Station KCOE did not renew its "silent STA".

Instead, it appears that Station KCOE has dismantled its transmitter site (see attached picture taken on or about May 8, 2018). Furthermore, station KCOE has not notified the Commission that it returned to the air on or before March 29, 2018.

In the June 6, 2017 letter referenced above, the FCC warned GCC Bend LLC, the licensee of KCOE, as follows:

Federal Communications Commission  
May 15, 2018  
Page 2

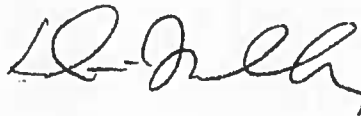
Your request is granted. Accordingly, Special Temporary Authority is granted to permit Station KCOE(AM) to remain silent not to exceed 180 days from the date of this letter. Notwithstanding the grant of this Special Temporary Authority, the broadcast license for Station KCOE(AM) will automatically expire as a matter of law if broadcast operations do not resume by 12:01 a.m., March 30, 2018.<sup>2</sup>

You are required to notify the Commission when broadcast operations resume. If you do not file the notification of resumption of operations in a timely manner, the license may be subject to cancellation pursuant to Section 312(g) of the Communications Act, as amended.<sup>3</sup>

Therefore, it is respectfully requested that the Commission amend its database to reflect that the license for AM Broadcast Station KCOE automatically expired on March 30, 2018.

Should additional information be desired in connection with the above matter, kindly communicate with this office.

Very truly yours,



Dennis J. Kelly

cc: Gregg P. Skall, Esquire  
(Counsel for GCC Bend LLC)

