

FEDERAL COMMUNICATIONS COMMISSION
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February 12, 2019

Communications and Educational
Development Initiative
P.O. Box 34041
Little Rock, AR 72203

Re: Communications and Educational
Development Initiative
WKDG(AM), Sumiton, AL
Fac. ID No. 63652

Notice of License Expiration

Dear Licensee:

This is in reference to silent station WKDG(AM), Sumiton, Alabama (Station), licensed to Communications and Educational Development Initiative (C&E) and its request for Special Temporary Authority (STA) requesting authority to resume operations from an alternate site location.¹ For the reasons explained below, we deny this request and find that the station's license automatically expired pursuant to Section 312(g) of the Communications Act of 1934, as amended (Act), and we delete the Station's call letters.²

On August 26, 2017, the Station went silent for technical reasons. In the letter from the Media Bureau dated October 11, 2017, which granted silent authority, the Station was advised that it was required to resume broadcast operations before 12:01 A.M. on August 27, 2018, and that failure to do so would result in the automatic expiration of the Station's license pursuant to Section 312(g) of the Act.³ That STA expired on April 9, 2018, and C&E did not request an extension of STA. The Station's silence after that date was unauthorized.

On August 23, 2018, C&E filed an STA request proposing operation from a temporary site located 3.8 miles northwest of the Station's licensed site. In the request, C&E stated that the Station returned to operation utilizing a long-wire antenna while the new tower was being completed. On the same date, C&E filed a notice of resumption of operations, also stating that the Station resumed operation using the facility specified in the pending STA request.

The STA request was deficient as it did not provide specifics about the proposed antenna, including the type of wire or the length of the wire. In addition, no exhibit was provided explaining how the facility

¹ File No. BSTA-20180823AAB.

² 47 U.S.C. §312(g)

³ *Letter to Ms. Robin May, from Lisa Scanlan, Assistant Chief, Audio Division, Media Bureau, October 11, 2017, Ref. No., 1800B3-KC (granting file No. BLSTA-20170918AAR).*

complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments.⁴ Accordingly, we conclude that all of C&E's operation from the requested STA facility at an unapproved site location with an unapproved antenna system was unauthorized.

Section 312(g) of the Act provides: "[i]f 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, except that the Commission may extend or reinstate the such station 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."⁵ The record in this case indicates that the Station was off the air or operating with unauthorized facilities from August 26, 2017 to the present, including unauthorized operations that commenced when the STA request was filed on August 23, 2018.⁶ Pursuant to Section 312(g) of the Act, "unauthorized and unlicensed transmissions are no better than silence."⁷ Furthermore, the Commission has established that unauthorized operations cannot be used to avoid the automatic expiration of the station license pursuant to Section 312(g) of the Communications Act.⁸ Consequently, we find that the Station's license has expired as a matter of law.

For the reasons set forth above, we find that the license of WKDG(AM), Sumiton, Alabama, (Facility ID No. 63652), EXPIRED by operation of 47 U.S.C. § 312(g) ON August 27, 2018. Accordingly, the Commission's public and internal databases will be modified to reflect that expiration, and we HEREBY DELETE the Station's call sign, WKDG(AM). All authority to operate this facility IS TERMINATED and any operation of the facility must cease immediately. C&E's STA request (File No. BSTA 20180823AAB) is DISMISSED. Finally, the application for consent to the WKDG(AM) assignment of license (File No. BAL-20181022ABY) is dismissed as moot.

To the extent relevant, 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 supporting the Station's transmitting antenna must maintain the tower in the manner prescribed by the Commission's rules and the terms of the expired license.⁹

Sincerely,



Albert Shuldiner
Chief, Audio Division
Media Bureau

cc: Robin May (via email)

⁴ See 47 CFR § 1.1310(e).

⁵ 47 U.S.C. § 312(g).

⁶ See Notice of Resumption of Operations dated Aug. 23, 2018.

⁷ *Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543, 553 (D.C. Cir. 2009) ("Under the statute, unauthorized and unlicensed transmissions are no better than silence"); see also *James McCluskey, Ph.D.*, Letter Order, 27 FCC Rcd 6252, 6254-55 (MB 2012) ("an unauthorized transmission counts for nothing"); see also *Kingdom of God, Inc.*, Memorandum Opinion and Order, 31 FCC Rcd 7522, 7527 (2016), *aff'd per curiam sub nom. Kingdom of God, Inc. v. FCC*, No. 17-1132 (D.C. Cir. Apr. 10, 2018) (license cancellation under Section 312(g) resulting from unauthorized operation was appropriate).

⁸ *Id.*

⁹ See 47 U.S.C. § 303(q) and 47 C.F.R. § 17.6.