



Federal Communications Commission
Washington, D.C. 20554

September 17, 2020

In Reply Refer to: 1800B3-VM

SENT VIA EMAIL ONLY TO RICHARD@TORRESHOLDINGS.COM

Torres Media Group, LLC
121 East Third St.
Taylor, TX 76574

In re: **KWNF(FM), O'Donnell, TX**
Facility ID No. 198803
File Nos. BLSTA-20191104AAK, BLH-
20190129ABA

KEVG(FM), Sanderson, TX
Facility ID No. 198804
File Nos. BLSTA-20191104AAJ, BLH-
20190129AAY

Notification of license expiration

Dear Licensee:

The purpose of this letter is to inform you that the grant of the applications for license for Stations KWNF(FM), O'Donnell, Texas and KEVG(FM), Sanderson, Texas (collectively, Stations) formerly licensed to Torres Media Group, LLC (TMG) have been rescinded, and the call letters deleted.

On December 3, 2019, we sent TMG letters¹ informing it that we had determined that the Stations' construction was presumed to be temporary pursuant to Special Operating Condition #2 of the Station KWNF initial license,² and Special Operating Condition #4 of the Station KEVG initial license,³ both granted on March 7, 2019. This was based on the fact that on November 4, 2019, TMG had filed a request for Special Temporary Authority to Remain Silent (STA)⁴ within the first year of operation for each Station. Our Temporary Construction Letters granted TMG 30 days to provide evidence to rebut the

¹ Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, to Torres Media Group, LLC (Re: KWNF), Ref. 1800B3 (Dec. 3, 2019); Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, to Torres Media Group, LLC (Re: KEVG), Ref. 1800B3 (Dec. 3, 2019) (collectively, Temporary Construction Letters).

² File No. BLH-20190129ABA, Special Operating Condition #2. "Grant of this license application is conditioned on the continuous operation of the licensed facility for the twelve-month period following grant. The failure of the facility to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 CFR § 73.3598(c) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed."

³ File No. BLH-20190129AAY, Special Operating Condition #4. "Grant of this license application is conditioned on the continuous operation of the licensed facility for the twelve-month period following grant. The failure of the facility to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 CFR § 73.3598(c) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed."

⁴ File Nos. BLSTA-20191104AAK, Exh. 1 (Stating that Station KWNF went silent on March 5, 2019, "due to power supply problems."), BLSTA-20191104AAJ, Exh.1 (Stating that Station KEVG had gone silent on March 6, 2019, to "replace the exciter due to problems working on finding a replacement IPA and exciter [sic].").

presumption that the Stations were temporarily constructed. The Temporary Construction Letters also stated that failure to rebut the presumption would result in rescission of the license grants.

On January 12, 2020, TMG's representative, Bryan Covey, emailed staff to state that the Stations were on the air. The email described the circumstances of the Stations' previous silence, but only gave the name of the transmitter brand and failed to include the information requested in the Temporary Construction Letters.⁵ Mr. Covey's emails were insufficient to rebut the presumption for either Station.⁶ On January 15, 2020, Mr. Covey emailed staff to state that TMG was not "taking this seriously."⁷ On February 24, 2020, TMG filed notices of resumption of operation for each Station, stating that the Stations resumed operation on March 22, 2019, with exhibits referring to "storm damage" repairs.⁸ Both resumption notices were revoked after being granted routinely.

Because TMG failed to provide the necessary showing in response to the Temporary Construction Letters of December 3, 2019, the presumption of temporary construction was never rebutted.⁹ Accordingly, pursuant to File No. BLH-201900129ABA, Special Operating Condition #2, Station KWNF's license grant is hereby RESCINDED, and the call letters DELETED, and pursuant to File No. BLH-20190129AAY, Special Operating Condition #4, Station KEVG's license grant is hereby RESCINDED and the call letters DELETED.

⁵ See email from Bryan Covey to Victoria McCauley, Attorney, Audio Division, Media Bureau, FCC, Jan. 12, 2020 22:04 EST, "stating in pertinent part regarding KWNF, 'The station is on the air. It has a QEI 3 kW transmitter and it does have some problems we have on order a new BW broadcast transmitter which should arrive soon. They are not streaming at this time but should be shortly. They were off the air for about 2 weeks in March of last year while we had to sent [sic] in the power supply to QEI to get repaired.'" See email from Bryan Covey to Victoria McCauley, Attorney, Audio Division, Media Bureau, FCC, Jan. 12, 2020 20:16 EST, stating in pertinent part regarding KEVG, "The station it is on and currently running country music you can check it out at www.whistlecountry.com.... There was a problem in March of last year with Econco which was shipping tubes that kept blowing and an exciter problem of which both have been fixed the current transmitter is a Harris 20k series FM transmitter with a Nicom 30 watt [sic] exciter. The one that came with the transmitter never worked right so we retired it." We note that the referenced website is defunct.

⁶ The email responses were insufficient because they did not include the following: "an affidavit or unsworn declaration under penalty of perjury executed by you stating (i) the date on which the Station's construction was completed, (ii) the names, addresses and telephone numbers of all persons who participated in the Station's construction, (iii) the transmitter site's address and coordinates, and (iv) the transmitter make and model number and supplier, the antenna's make and model number and supplier, and the antenna height above ground level. We also require supporting documentation relating to the construction and operability of the Station's facilities at the time the Station's license was filed, and the time it was granted, including, but not limited to, bills and/or invoices from engineering or other consultants, contractors, equipment suppliers, land or tower lessors, and your employees engaged in Station-specific work, as well as evidence of payment to same. Such evidence may take the form of pay stubs, vendor receipts, tower lease, occupancy certificate, lease payments, invoices, bills, copies of checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's construction, but it must include proof of electricity hook-up and proof of programming source. TMG must explain the reason for silence and how it relates to the completion of construction and operability of the Station. TMG must also include photographs of the Station's licensed transmission facilities." Temporary Construction Letters at 1-2.

⁷ See email from Bryan Covey to Victoria McCauley, Attorney, Audio Division, Media Bureau, FCC, Jan. 15, 2020 22:46:22 EST ("They are not taking this seriously so I am out. Do what you need to do. I tried and cannot seem to move forward with them. This is my response [sic] for KEVG AND KWNF. You can reach them at the address on file on 3rd Street in Taylor Texas.

⁸ Notices of resumption of operations, Exh. 1 (filed Feb. 24. 2020, revoked on Feb. 26, 2020).

⁹ See *supra* notes 2 and 3.

If you have any questions concerning the content of this letter, please contact Victoria McCauley, Attorney, by phone (202-418-2136), or e-mail (victoria.mccauley@fcc.gov).

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc: Mr. Bryan A. Covey (via email to bryancovey@webjradio.com)