



Federal Communications Commission  
Washington, D.C. 20554

November 9, 2020

*In Reply Refer to: 1800B3-CH*

**SENT VIA EMAIL TO INFO@KELPRADIO.COM**

Mr. Bernie M. Woods  
501 Thunderbird Drive  
El Paso, TX 79912

**In re: K263BF, Alamogordo, NM**  
Facility ID No. 156931  
Silent since April 29, 2019

**Notification of License Expiration**

Dear Licensee:

Our records indicate that the station referenced above has been silent since at least April 29, 2019. Therefore, pursuant to Section 312(g) of the Communications Act, as amended,<sup>1</sup> the station's license expired as a matter of law at 12:01 a.m., April 30, 2020. Unless we receive documented evidence<sup>2</sup> 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 April 29, 2019, and 12:01 a.m., April 30, 2020, 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>3</sup>

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<sup>1</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>2</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 (including EAS 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 April 29, 2019, to the present. Also include pictures of the station's facilities during this timeframe, and provide exact transmitter site coordinates.

<sup>3</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 addressed to: FCC, Office of the Secretary, 45 L Street, NE, Washington, DC 20554, and emailed 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](mailto:Victoria.McCauley@fcc.gov)).

Sincerely,

*Albert Shuldiner*

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

cc: James L. Oyster, Esq. via email to [Oysterlaw@hotmail.com](mailto:Oysterlaw@hotmail.com)