



Federal Communications Commission
Washington, D.C. 20554

February 23, 2021

SENT VIA ELECTRONIC MAIL

In reply refer to: 1800B3-VM

Mr. Lyle Reynolds
Red Mountain Ventures, LLC
PO Box 35124
Indian Springs Village, AL 35209
reynoldstyle@gmail.com

Re: WZGX(AM), Bessemer, AL
Facility ID. No. 4926
File No. 0000105672
Operational Status Inquiry

Dear Licensee:

This letter is in reference to the operational status of Station WZGX(AM), Bessemer, Alabama (Station), licensed to Red Mountain Ventures, LLC. (RMV). Our records show that RMV has indicated that the Station is licensed and operating. However, based on supplements to the Station's renewal application¹ filed on September 9, 2020, and February 12, 2021, questions remain regarding the Station's operation over the license term. Pursuant to section 73.1740 of the Commission's Rules, RMV is required to clarify this matter in writing within thirty days of the date of this letter.

Our records show that RMV has been licensee of the Station since November 29, 2017.² On January 26, 2018, RMV filed a request for Special Temporary Authority (STA) to remain silent, stating:

A fire in the transmitter building has caused WZGX(AM) to cease operation. The licensee will fix the damage (including the transmitter) and return to normal operation as soon as possible.³

On January 18, 2019, without filing a request for extension of silent STA, RMV filed a notice of resumption of operations stating that the Station resumed operation on January 18, 2019.⁴ No explanation of the circumstances of resumption is included. The silent period between August 15, 2018 and January 18, 2019 was without authorization.

On March 26, 2019, RMV filed another request for silent STA, stating:

The power supply for the transmitter has failed, and the station cannot broadcast until a replacement is found. Additionally, the power amplifier module blew (possibly due to lightning damage), and it is being taken out for service.⁵

On August 5, 2020, again without filing a request for extension of STA and an additional 5

¹ File No. 0000105672.

² See Notice of Consummation of Assignment of License (File No. BAL-2017) (Nov. 30, 2017).

³ See File No. BLSTA-20180126ADA, Exh. 1 (granted on February 16, 2018, expired on August 15, 2018.)

⁴ See Notice of Resumption of Operations (Jan. 18, 2019).

⁵ See File No. BLSTA-20190326AAF, Exh. 1 (granted on April 17, 2019, expired on October 14, 2019.)

months beyond license expiration date of March 27, 2020, RMV filed a notice of resumption of operations with a resumption date of March 15, 2020, stating, “The facility is back on the air operating with its licensed facility.”⁶

On December 2, 2019, RMV filed the renewal application with an exhibit that stated the following:

Around Q4, 2017, shortly after acquisition, the building housing the transmitter and studio facilities was burned down. The station has remained silent as authorized since then. New studio and transmission facilities are nearing completion and we anticipate returning to licensed operation in Q1, 2020. We will be operating as licensed before the renewal date.⁷

On September 9, 2020, RMV filed an amendment to the renewal application stating as follows:

The purpose of this amendment is to notify the FCC that the station is back on the air and the licensee has filed the resumption of notice in CDBS. Thus, it is changing the “Silent Station” answer to “yes”. [sic]

In addition, the licensee mistakenly answered the “Discontinued Operations” question “no” in the original filing. This amendment changes the answer to “yes”. [sic]

On February 12, 2021, RMV filed an amendment to its application for renewal of license attempting to clarify the above statement.⁸ That exhibit states as follows:

Supplement to Clarify On-Air Operations

Red Mountain Ventures (“RMV”) is aware that action on the renewal application has been delayed. In reviewing the exhibits to the renewal application, RMV believes that certain statements need to be clarified and updated as well as the dates of on-air operation.

In the renewal application, filed on December 2, 2019, RMV stated that “shortly after acquisition, the building housing the transmitter and the studio facilities burned down.” As a result, the station went silent and RMV expected the station to resume operation during the 1st quarter 2020.

RMV became the licensee of Station WZGX on November 29, 2017. On January 26, 2018, RMV filed a STA request to remain silent (BSTA-20180126ADA). The STA request reported that, on January 18, 2018, WZGX went silent as a result of a fire in the transmitter building. On January 18, 2019, RMV filed a Notice of Resumption of Operations reporting that Station WZGX resumed service on that same day.

Subsequently, on March 26, 2019, Station WZGX filed a STA request to remain silent

⁶ See Notice of Resumption of Operations (Aug. 5, 2020).

⁷ File No. 0000105672, Exh. 6 (WZGX Silent Operation /Public File Discrepancy Explanation)

⁸ File No. 0000105672, Exh. 2.

(BSTA-20190326AAF). The STA request stated that the station went silent on March 25, 2019 due to a power supply failure and damage to the power amplifier module. RMV filed the Resumption of Operations to report that on March 15, 2020, the station resumed service. Since that date, Station WZGX has continuously remained on the air.

RMV recognizes that during its license term, beginning Nov. 29, 2017, Station WZGX was silent for extended periods. However [sic] the licensee did not voluntarily discontinue service. The fire and the power failure were matters out of RMV's control. Accordingly, RMV urges the Commission to act favorably on the pending renewal application.⁹

This Supplement merely restates what the STA and resumption notices state and is insufficient to clarify the Station's operating status over the license term starting on November 29, 2017. It does not explain the discrepancy between the statements in the STA and renewal applications regarding the fire at the transmitter building. It also does not explain the periods of time in which the Station was silent without authority. Finally, it does not explain the circumstances of RMV's claims about resumption of operation on January 18, 2019 and March 15, 2020, or the inconsistency in the answer on the original renewal application regarding discontinued operation, which indicated initially that the Station had been silent for over 12 months.

Based on the information in this letter, it appears that the Station may have been silent (or failed to operate with authorized facilities) for more than one year. Pursuant to Section 312(g) of the Communications Act of 1934, as amended, **if a broadcast station fails to transmit broadcast signals with its authorized facilities 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 such station license to promote equity and fairness.**¹⁰

Additional information is required to fully explain what facilities the Station used to operate over the course of the entire license term. That explanation must include the extent of the fire damage to the transmitter building, and the documentation of the repairs, including all costs, and the timeline of the reconstruction. RMV is also required to submit the documentation of operation for the entire license period, as indicated below.

Please provide evidence documenting the Station's operational status since November 29, 2017. This evidence must indicate the location, effective radiated power, and antenna height above ground level for **all periods of operation** from November 29, 2017, to the present. Also include copies of all leases, personnel records (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, and station records, including EAS logs, and all correspondence (including emails and text messages) relating to or referring to any insurance claims, coverage or

⁹ File No. 0000105672, Exhibit to amendment filed on February 12, 2021.

¹⁰ 47 U.S.C. § 312(g). The Commission has exercised its discretion under section 312(g) to extend or reinstate a station's expired license "to promote equity and fairness" only in limited circumstances where a station's failure to transmit a broadcast signals for 12 consecutive months is due to compelling circumstances that were beyond the licensee's control. *See e.g., A-O Broadcasting Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) (A-O Broadcasting) ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited").

payments for any damages at the Station for that period of time. In addition, you must provide copies of all invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's operation.¹¹ You **must also include pictures** of the Station's studio facilities and transmission facilities during this timeframe, and provide exact Station coordinates.

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower shall be maintained.¹²

All submissions must be addressed to Marlene S. Dortch, Secretary, FCC 45 L Street N.E., Washington, DC, 20554, and **sent via email ONLY**, to Victoria.McCauley@FCC.gov.

Failure to respond to this letter within the specified time will result in adverse actions jeopardizing both the Station's license and call letters, as well as potential financial forfeiture penalties. If you have any questions concerning the content of this letter, please contact Victoria McCauley, Attorney, by phone at (202) 418-2136 or via e-mail at the address above.

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

¹¹ In addition, if the Station uses accounting software to maintain financial records, provide printouts of the data recorded for this period.

¹² See 47 CFR §§ 17.6 and 73.1740(a)(4).