



Federal Communications Commission
Washington, D.C. 20554

March 26, 2021

Sent via electronic mail

In reply refer to: 1800B3-VM

New Millennium Communications Group, Inc.
151 East First Avenue
Everett, PA 15537
nmcgi@penn.com

Re: **WZSK(AM), Everett, PA**
Facility ID No. 54570
Operational Status Inquiry

Dear Licensee:

It has come to our attention that AM Station WZSK, Everett, Pennsylvania (Station), licensed to New Millennium Communications Group, Inc. (NMCG) may have been silent or operating with unauthorized facilities for over a year. However, Commission records show that the Station is licensed and operating. Pursuant to section 73.1740 of the Commission's Rules, NMCG is required to clarify this matter in writing within thirty days of the date of this letter.

In October 2020, an individual submitted an inquiry to the Commission's Enforcement Bureau (EB), stating that the Station had been silent for over a year. On March 18, 2021, an additional complaint was submitted to EB by another individual, who stated that the Station had been silent for many months.

Based on this information, 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.**¹

NMCG must provide evidence documenting the Station's operational status since October 1, 2019. This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation** from October 1, 2019, 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 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.² **NMCG must also include**

¹ 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 Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited").

² In addition, if the Station uses accounting software to maintain financial records, provide printouts of the data recorded for this period.

pictures of the Station's studio facilities and transmission facilities during this timeframe, and provide exact coordinates for the Station's transmitter site.

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's towers shall be maintained.³

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. 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

³ See 47 CFR §§ 17.6 and 73.1740(a)(4).