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In Reply Refer to:
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SENT VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED AND EMAIL

Peace and Justice Network of San Joaquin County
c/o Richard Blackston, Director
231 Bedford Ave
Stockton, CA 95204

In re: KVSJ-FM, Tracy, CA
Facility ID No. 176022

Notification of License Cancellation

Dear Licensee:

This letter is to inform you that the license of noncommercial educational FM station KVSJ-FM, Tracy, California (Station), licensed to Peace and Justice Network of San Joaquin County (Licensee), automatically terminated as a matter of law pursuant to section 312(g) of the Communications Act of 1934, as amended (Act),¹ because the Station was silent and/or operated from an unauthorized location for over a year. We note that the Media Bureau (Bureau) gave Licensee several opportunities to demonstrate that the Station operated with authorized parameters and without gaps of twelve months or longer, but Licensee failed to do so. Accordingly, pursuant to both section 312(g) of the Act, and section 73.3568(a)(1) of the Commission's rules,² we update the broadcast database to reflect that the Station's license has cancelled, and delete the Station's call sign. In addition, we dismiss Licensee's pending application to renew the Station's license (Renewal Application),³ and its pending application for minor modification to the Station's licensed facilities.⁴

Background. The Station lost its sole licensed transmitter site in 2017,⁵ which led to Licensee filing a series of requests for special temporary authority (STA) to operate at reduced power from temporary locations. Most recently, in 2020, Licensee had STA (2020 STA) to operate the Station from a temporary location on the grounds of Golden Valley Material Supply Nursery (Nursery).⁶ It also, between 2019 and 2022, had a construction permit to construct permanent facilities (2019 Permit) at a

¹ 47 CFR § 312(g).

² 47 CFR § 73.3568(a)(1).

³ See File No. 0000176582 (filed Dec. 2, 2021).

⁴ See File No. 0000262251 (filed Jan. 6, 2025).

⁵ See File No. BLED-20130328AKC (gr. Apr. 30, 2013). The Station's license authorizes operation of the Station from 37° 40' 27.3" N, 121° 29' 07.5" W.

⁶ See File No. BSTA-20201102AAU (gr. Nov. 3, 2020). This STA authorized operation of the Station from 37° 42' 33.9" N, 121° 28' 40.8" W.

different location on the grounds of the Nursery.⁷ The 2020 STA expired on May 2, 2021, and the 2019 Permit expired on October 29, 2022, without Licensee filing an application for a covering license to reflect timely completion of construction.⁸

The Station went silent on May 3, 2021, after the 2020 STA expired.⁹ When Licensee failed to notify the Commission that the Station had resumed operations within one year, *i.e.*, prior to 11:59 p.m. on May 3, 2022, the Bureau sent a letter of inquiry requesting information about the Station's operations between May 3, 2021, and May 4, 2022.¹⁰ Licensee submitted a partial response to the 2022 LOI but did not provide enough information and supporting materials at that time to demonstrate that the Station had resumed operation with authorized facilities at any point between May 3, 2021 and May 3, 2022.

In March 2023, Licensee for the first time placed an issues/programs list for the Fourth Quarter 2022 in the Station's online public inspection file (OPIF).¹¹ The report failed to identify any significant programming and acknowledged the Station "remained silent from May through September 2021."¹² The report asserted, however, that the Station "continued broadcasts under pending temporary authorization after completing major construction and program tests under [the 2019 Permit]" but did not specify the dates on which these broadcasts occurred or what material was broadcast.¹³

The Bureau sought the Enforcement Bureau's (EB) assistance in verifying the nature of the Station's operations. Thus, in April 2023, EB monitored the Station. EB observed a signal on the Station's frequency coming from a site on the grounds of the Nursery. While the Station had been authorized to operate from sites on the Nursery's grounds, it held no authority to do so in April 2023.

Subsequently, on December 27, 2023, Licensee notified the Bureau that it had suspended operations due to an equipment problem.¹⁴ However, in a filing made with the Commission on January

⁷ See File No. 0000085084 (gr. Oct. 29, 2019), as modified by File No. 0000092707 (gr. Dec. 20, 2019). The 2019 Permit initially authorized construction of facilities for the Station at 37° 42' 35.4" N, 121° 28' 43.2" W. After modification, it authorized construction of facilities for the Station at 37° 42' 34.4" N, 121° 28' 40.8" W. Both sites are located on the grounds of the Nursery.

⁸ We acknowledge that, in October 2021, Licensee filed a minor modification application that specified the same transmitter site as the 2019 Permit, and requested additional STA to operate from the site specified in the 2020 STA. See File No. 0000162813 (filed Nov. 18, 2021, dismissed Dec. 31, 2024) (2021 Minor Modification); See File No. BSTA-20211006AAA (filed Oct. 6, 2021, dismissed March 6, 2025) (2021 STA Request). Both of those applications, however, were eventually dismissed.

⁹ See Suspension of Operations Notification (filed Oct. 6, 2021) (indicating Station had gone silent on May 3, 2021).

¹⁰ Letter from Albert Shuldiner, Chief, Audio Div., Media Bur., FCC, to Peace and Justice Network of San Joaquin County (June 28, 2022) (2022 LOI).

¹¹ KVSJ FM Quarterly Report, Q4 -2022, October/November/December, available at <https://publicfiles.fcc.gov/fm-profile/KVSJ-FM/issues-and-programs-lists/2022/q4---2022/341840e6-ccd8-c8f3-5446-ff55655f550c>. Licensee should have begun uploading the Station's issues/programs lists to the Stations OPIF beginning in 2018. See *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, Report and Order, 31 FCC Rcd 526 (2016).

¹² *Id.*

¹³ *Id.*

¹⁴ See File No. 0000234132 (filed Dec. 27, 2023).

31, 2024, Licensee explained that it had been mistaken about the equipment problem and that the Station had been operating almost continuously since November 2021.¹⁵

Licensee resumed uploading issues/programs lists to the Station's OPIF in July 2024 when it uploaded a report for the Second Quarter 2024. That report indicated that "broadcasts continued on a regular bases [sic]" and consisted primarily of "music programming using an automated playlist from a remote web server."¹⁶

On December 31, 2024, Licensee filed an application for a license to cover the 2019 Permit which had expired more than two years earlier, and stated that it was operating pursuant to program test authority at that time.¹⁷ Then, in January 2025, Licensee uploaded issues/programs lists for the Third and Fourth Quarters 2024 to the Station's OPIF.¹⁸ Those reports indicated that the Station had been broadcasting on a regular basis since October 2021, and noted that the Station's operations continued at reduced power under the 2020 STA, by way of the ungranted 2021 STA Request.¹⁹

EB monitored the Station again in February 2025. EB confirmed the Bureau's suspicion that the Station was transmitting from the grounds of the Nursery. EB also indicated that the Station was transmitting only an unmodulated carrier signal.

On May 30, 2025,²⁰ the Bureau issued the 2025 LOI, offering Licensee an additional opportunity to demonstrate that the Station had not been silent and/or operating from an unauthorized location for more than 12 consecutive months. Because Licensee had failed to respond fully to the 2022 LOI, the Bureau requested information for the same time periods in the 2022 LOI as well as more recent periods.²¹ Specifically, the Bureau requested explanations and documents from which it would be able to determine dates of Station operation and silence;²² use of authorized and unauthorized parameters;²³ and related

¹⁵ See File No. 0000237922 (filed Dec. 31, 2024). Licensee attributed the mistake to a misunderstanding by volunteers who were unable to tell that the Station was operating because there was a malfunction in telemetry for detecting an output signal. *Id.* The volunteers' need to interpret technical readings to determine if the Station was operating likely reflected that they and the general public were unable to listen for any signal over the air.

¹⁶ KVSJ FM Quarterly Report, Q2 -2024, April/May/June, available at <https://publicfiles.fcc.gov/fm-profile/KVSJ-FM/issues-and-programs-lists/2024/7685af04-4a6b-8c04-635a-e6d70b6ca394>.

¹⁷ See File No. 0000261933.

¹⁸ See KVSJ FM Quarterly Report, Q4 -2024, October/November/December, and KVSJ FM Quarter Report, Q3 - 2024, July/August/September, both available at <https://publicfiles.fcc.gov/fm-profile/KVSJ-FM/issues-and-programs-lists/2024/7685af04-4a6b-8c04-635a-e6d70b6ca394>.

¹⁹ *Id.* See also *supra* note 8.

²⁰ See Letter from Albert Shuldiner, Chief, Audio Division, Media Bureau, FCC, to Peace and Justice Network of San Joaquin County (May 30, 2025) (2025 LOI).

²¹ See 2022 LOI at 1 (2022 LOI).

²² Specifically, the 2025 LOI requested the following explanations: (1) a full timeline from November 6, 2018 (the grant date of the previous license renewal application) to the present detailing the Station's operations and silences; (2) a description of the programming during the on-air periods identified; and (3) a copy of the California COVID-19 Pandemic Order referenced in statements in Commission filings, with an explanation of how it directly impacted Station operations;. 2025 LOI at 6-7. It also requested documents and photographs related to the Station's operations between December 20, 2021 (filing date of the Renewal Application) and the present. *Id.* at 7-8.

²³ 2025 LOI at 6-8.

information.²⁴ The Bureau warned Licensee that failure to timely respond with the required information would result in cancellation of the Station's license, deletion of the Station's call sign from the Commission's database, and dismissal of the pending application to renew the Station's license.²⁵

Although Licensee submitted a written LOI Response, it did not answer the Bureau's questions. Licensee described its response as only a "preliminary reply"²⁶ resulting from its inability to gather the requested information.²⁷ Rather than responding to the Bureau's questions, Licensee discussed its 2021 STA Request, its attempt to withdraw a minor modification application that prevented it from filing a covering license application for the 2019 Permit,²⁸ and ensuing delays in Bureau action.²⁹ Licensee appears to be arguing that, but for Bureau delays in taking action on the 2021 STA Request and its request to withdraw that minor modification application, the Station's operation from a location at the Nursery would have been authorized either pursuant to STA, program test authority, or a license such that the Station would not have been silent or operating from an unauthorized location for 12 consecutive months at any time after that date.

Although the Bureau considered the LOI Response non-responsive to the 2025 LOI it granted Licensee's request for additional time to compile and submit responsive documentation.³⁰ The Bureau set a new deadline of August 12, 2025.³¹ Once again it reminded Licensee of the potential consequences of failure to respond adequately.³² On August 12, 2025, Licensee emailed Bureau staff and reiterated that it was still working to compile responses and documentation, which, Licensee claimed, would be forthcoming.³³ As of the release of this Letter, Licensee has not submitted any additional response or documents.

²⁴ The Bureau requested that Licensee explain: (1) why it did not timely file a license to cover the 2019 Permit despite its prior statement that was substantially complete; (2) any difficulties encountered in filing an application for a license to cover the 2019 Permit; (3) why a license to cover the 2019 Permit was not filed until December 31, 2024; and (4) any reason Licensee believes the Station's license qualifies for reinstatement should the Bureau conclude the license automatically expired pursuant to section 312(g). 2025 LOI at 8-9.

²⁵ 2025 LOI at 1 and 10. *See also* File No. 0000176582 (filed Dec. 2, 2021).

²⁶ *See* Email from Clay Leander, Engineering Consultant, to Irene Bleiweiss, Attorney, Audio Division, MB, FCC (Aug. 1, 2025, 11:58 pm, EDT) (LOI Response) and Attach. (LOI Response Attachment). The original deadline for Licensee's response to the 2025 LOI was July 3, 2025. However, Bureau staff granted Licensee a brief extension until August 1, 2025.

²⁷ Specifically, Licensee stated that staff needed to compile the information were unavailable during the summer; former counsel had died, and an IT consultant was attempting to retrieve electronic documents. *Id.* at 1.

²⁸ *See* 2021 Minor Modification.

²⁹ Licensee argues that its 2021 STA Request remained pending with the Bureau until 2025. It further argues that the Bureau's failure to dismiss the 2021 Minor Modification application until December 31, 2024, prevented database acceptance of any application for a license to cover the 2019 Permit because there would have been a conflict between the proposed modification and the 2019 Permit. 2025 LOI at 2-4.

³⁰ *Id.* at 4.

³¹ *See* Email from Irene Bleiweiss, Attorney, Audio Division, MB, FCC, to Clay Leander, Engineering Consultant, (Aug. 8, 2025, 12:51 pm, EDT).

³² *Id.*

³³ Bureau staff technically received the response on August 13, 2025; the response was sent at 12:37 am EDT, or 9:37 pm in California where the Station is located. *See* Email from Clay Leander, Engineering Consultant, to Irene Bleiweiss, Attorney, Audio Division, MB, FCC (Aug. 13, 2025, 12:37 am, EDT).

Discussion. *Station's License Terminated Pursuant to Section 312(g) of the Act.* We find that the Station has been silent and/or operating from an unauthorized location for more than 12 consecutive months. Therefore, its license terminated pursuant to section 312(g) of the Act. Section 312(g) of the Act provides that a broadcast license expires automatically as a matter of law if the station fails to transmit broadcast signals for twelve consecutive months.³⁴ For purposes of section 312(g), transmissions from an unauthorized location are no better than silence.³⁵ Further, because the Act defines "broadcast signals" as "the dissemination of radio communications intended to be received by the public,"³⁶ transmission of equipment tests and "dead air" are also equivalent to silence.³⁷ Thus, section 312(g) automatic termination occurs if a Station has been silent, operating at an unauthorized location, or a combination of the two for twelve consecutive months.³⁸

As noted above and acknowledged by Licensee,³⁹ the Station has not been authorized to operate from anywhere other than its licensed transmitter site for years. Specifically, Licensee has stated that the Station was operational between October 2021 and the present, and was operating from the location on the grounds of the Nursery specified in its last granted engineering STA.⁴⁰ In addition, EB observed the Station operating from the grounds of the Nursery in April 2023 and February 2025. Thus, while we do not know the exact dates between 2021, and the present on which the Station engaged in these unauthorized operations and the exact dates during that time period on which the Station was silent,⁴¹ we have enough information before us to determine that the Station was either silent or operating from an unauthorized location for years and thus its license terminated pursuant to section 312(g).

Further, we reject Licensee's claims that Bureau staff's delayed processing of the 2021 Minor Modification and the October 2021 STA⁴² caused Licensee to operate without authorization. Staff delays

³⁴ 47 U.S.C. § 312(g) ("If 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..."). Section 312(g) is codified in the Commission's rules as 47 CFR § 73.1740(c).

³⁵ See *Chinese Voice of Golden City*, Memorandum Opinion and Order, 35 FCC Rcd 13638, 13644, para. 14 (2020), *aff'd sub. nom per curiam, Chinese Voice of Golden City v. FCC*, No. 20-1514 (D.C. Cir. Nov. 30, 2021); *Eagle Broad. Group, Ltd.*, Memorandum Opinion and Order, 23 FCC Rcd 588, 592, para. 9 (2008), *aff'd sub nom. Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543, 553 (D.C. Cir. 2009).

³⁶ 47 U.S.C. § 153(6).

³⁷ See *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd. 603, 609, para. 12 (2008) (rejecting assertion that transmission of equipment tests consisting of music from unauthorized site prevented section 312(g) termination because such operation was better than transmission of unmodulated carrier signals); *DKXOL(AM), Brigham City, UT*, Letter Decision, 31 FCC Rcd. 7087, n.31 (MB 2016) (declining to reinstate license of silent station where an EB inspection determined that the station was transmitting an unmodulated carrier signal).

³⁸ See *Int. Aerospace Solutions, Inc.*, Memorandum Opinion and Order, 38 FCC Rcd 1759, 1763, para. 11 (2023).

³⁹ In an attachment to the Renewal Application, Licensee acknowledges that its authority to operate under the 2020 STA lapsed in May 2021. Renewal Application, Attach. "Summary-KVSJ-FM-Silent_periods_during_construction-2021".

⁴⁰ See *supra* notes 18, 19.

⁴¹ We note that the Station's online public inspection file contains only a limited number of quarterly issues/programs lists. See 47 CFR § 73.3527(e)(8). Licensees are required to place in their public files quarterly lists of their most significant treatment of community issues. See *id.* It is not clear whether the lack of issues/programs lists reflects a lack of any transmissions, transmission of only a carrier signal, or an incorrect certification of file completeness in the Renewal Application. See Renewal Application, AM/FM/LPFM Certification, Online Public Inspection File.

⁴² See 2021 STA Request.

or inaction do not bear on Licensee's failure to operate without authorization. It is well settled that "the staff's inability to act on any application within a specific time cannot prevent license expiration nor give rise to any equitable claim that the license term should be extended."⁴³ That those applications were pending for an extended period of time does not change the fact that Licensee operated from an unauthorized location for years.

Failure to Respond Adequately to the 2025 LOI. Alternatively, even had the Station's license not expired pursuant to section 312(g) of the Act, we would have dismissed Licensee's application to renew the Station's license for failure to respond adequately to the 2022 LOI and 2025 LOI. Licensee's brief responses are patently inadequate, failing to provide any of the requested documentation and ignoring almost all of the inquiries. The Bureau warned Licensee multiple times that failure to respond would result in dismissal of Licensee's pending applications and termination of the Station's license.⁴⁴ It is well settled that the Bureau can dismiss applications for failure to respond to inquiries.⁴⁵

Conclusion/Ordering Clauses. For the reasons set forth above, **IT IS ORDERED THAT** the Commission's public and internal databases **SHALL BE MODIFIED** to indicate that the broadcast license for the Station **IS EXPIRED**, the Station's license **IS CANCELLED** as a matter of law, and the Station's call sign **IS DELETED**. **IT IS FURTHER ORDERED THAT** the pending applications filed by Peace and Justice Network of San Joaquin County for renewal of the license for Station KVSJ-FM, Tracy, California (Application File No. 0000176582) and minor modification to the licensed facility for Station KVSJ-FM (Application File No. 0000262251) **ARE DISMISSED** as moot.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc: Clay Leander (sent by electronic mail)
Technical Representative for Peace and Justice Network of San Joaquin County

⁴³ *Ernest T. Sanchez, Esq.*, Letter Order, 31 FCC Rcd 7087, 7090 (MB 2016), citing *Procedures Announced for Expedited Processing of Applications Filed by Silent Broadcast Stations*, Public Notice, 11 FCC Rcd 14356, para. 3 (1996).

⁴⁴ 2025 LOI at 1 and 10; 2022 LOI at 1.

⁴⁵ See 47 CFR § 73.3568(a)(1). See also *LPFM MX Group 37*, Memorandum Opinion and Order, 31 FCC Rcd 7512, 7517, para. 12 (2016) (dismissing LPFM application for failure to respond to letter of inquiry); *Applications for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, Memorandum Opinion and Order, 28 FCC Rcd 13390, 13391-93, para. 4-5 (2013) (affirming dismissal of LPFM application where applicant failed to respond to official correspondence from the Bureau); *Best Media, Inc., Notification of License Cancellation*, Letter Order, Ref. 1800B3-ARR (MB June 2, 2023) (dismissing renewal application for failure to respond to letter of inquiry).