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Federal Communications Commission

DA 96-1058

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	MM Docket No. 96-97
)	
KG CX, INC.)	
)	
Order to Show Cause Why the)	
License for Station KG CX(AM))	
Sidney, Montana,)	
Should Not Be Revoked)	
)	
SIDNEY BROADCASTERS, INC.)	
)	
Order to Show Cause Why the)	
License for Station KG CH FM)	
Sidney, Montana,)	
Should Not Be Revoked)	

ORDER

Adopted: June 27, 1996

Released: July 1, 1996

By the Chief, Mass Media Bureau:

1. This proceeding began on April 17, 1996, when the Mass Media Bureau, pursuant to delegated authority, released its Order to Show Cause and Hearing Designation Order, DA 96-594 ("HDO"). The HDO ordered KG CX, Inc. and Sidney Broadcasters, Inc. ("Sidney"), which are commonly owned, to show cause why the licenses for KG CX(AM) and KG CH-FM, Sidney, Montana, should not be revoked. The HDO specified issues to determine whether KG CX, Inc. and Sidney have the capability and intent to expeditiously resume broadcast operations of KG CX(AM) and KG CH-FM; to determine whether KG CX, Inc. and Sidney have violated Sections 73.1740 (Minimum Operating Schedule) and/or 73.1750 (Discontinuance of Operation) of the Commission's Rules; and to determine whether, in light of the evidence adduced, KG CX, Inc. and Sidney possess the requisite qualifications to remain Commission licensees.

2. By Order, FCC 96M-143, released June 5, 1996, Administrative Law Judge John M. Frysiak terminated the hearing proceeding because KG CX, Inc. and Sidney failed to file the requisite notice of appearance. Pursuant to Section 1.92 of the Commission's Rules, the Judge also certified the case to the Commission.

3. The Commission's records indicate that KGCX(AM) and KGCH-FM have been off the air since August 3, 1993, and off the air without authority since March 12, 1996. In light of the foregoing, we conclude that KGCX, Inc. and Sidney have no intent to resume broadcast operations and have violated Sections 73.1740 and 73.1750 of the Commission's Rules. We therefore further conclude that KGCX, Inc. and Sidney are not qualified to remain the licensees of Stations KGCX(AM) and KGCH-FM, respectively. Although the HDO included a Notice of Apparent Liability for willful or repeated violations of Commission Rules, because of the action taken herein, no forfeiture is being imposed.

4. Accordingly, **IT IS ORDERED**, that the license of KGCX, Inc. for KGCX(AM), Sidney, Montana, and the license of Sidney Broadcasters, Inc. for KGCH-FM, Sidney, Montana, **ARE REVOKED.**¹

5. **IT IS FURTHER ORDERED**, that the call signs for Stations KGCX(AM) and KGCH-FM are hereby **DELETED**.

6. **IT IS FURTHER ORDERED**, that this proceeding **IS TERMINATED**.

7. **IT IS FURTHER ORDERED**, that a copy of this Order shall be sent by Certified Mail - Return Receipt Requested to KGCX, Inc. and Sidney Broadcasters, Inc.

FEDERAL COMMUNICATIONS COMMISSION


Roy J. Stewart
Chief, Mass Media Bureau

¹ The Mass Media Bureau has been given delegated authority to issue revocation orders in silent station cases. See Radio Northwest Broadcasting Company, 4 FCC Rcd 596, n. 3 (1989).