



Federal Communications Commission
Washington, D.C. 20554

September 21, 2016

Word of God Fellowship, Inc.
3901 Highway 121 South
Bedford, TX 76021

Robert L. Olender, Esq.
11913 Grey Hollow Court
North Bethesda, MD 20852

Re: KQUP(TV), Pullman, WA
Facility ID No. 78921
File No. BRCDT-20140814ABE

Dear Licensee/Counsel:

This letter in regards to the above captioned "Application for Renewal of Broadcast Station License," concerning Station KQUP(TV), Pullman, Washington (Station), licensed to Word of God Fellowship, Inc. (Licensee or WOGF)¹ and is being issued pursuant to Section 1.88 of the Rules in order to develop a more complete record and evaluate the appropriate form of action that should be taken by the Commission against the Licensee.² A review of the Station's license renewal application and Children's Television Programming Reports by Video Davison (Division) staff has revealed that the Station has failed to meet the Commission's children's television programming processing guideline for demonstrating compliance with the Children's Television Act of 1990 (CTA).³

Under the CTA, as implemented by Section 73.671 of the Commission's rules (Rules), a broadcast television licensee is required "to serve, over the term of its license, the educational and informational needs of children through both the licensee's overall programming and programming specifically designed to serve such needs."⁴ Programming specifically designed to serve the educational and informational needs of children is defined by the Rules as "Core Programming."⁵ In the *1996 Children's Television Order* revising our rules and policies governing children's programming, the Commission established a license renewal application

¹ File No. BRCDT-20150814ABE (KQUP Renewal).

² 47 C.F.R. § 1.88.

³ 47 C.F.R. § 73.3526, *generally*.

⁴ *See* 47 C.F.R. § 73.671(a).

⁵ *See* 47 C.F.R. § 73.671(c).

processing guideline of at least three hours of Core Programming per week.⁶ The Rules provide that the Media Bureau staff shall approve the CTA portion of any license renewal application where the licensee demonstrates that it has aired an average of at least three hours per week of Core Programming, as averaged over a six-month period.⁷ A licensee will also be deemed to have satisfied this obligation and be eligible for staff approval if it demonstrates that it has aired a package of different types of educational and informational programming that, while containing somewhat less than three hours per week of Core Programming, demonstrates a level of commitment to educating and informing children at least equivalent to airing three hours per week of Core Programming. The renewal applications of licensees that do not meet these processing guidelines are referred to the Commission, where the licensees have a full opportunity to demonstrate compliance with the CTA.⁸

In the Station's amended license renewal application WOGF admits that it failed to air an average of three hours of core programming per week during the first and third quarters of 2009, 2010, 2011, 2012 and 2013.⁹ WOGF contends that its children's programming during these quarters was preempted by the Station's annual *Shareathon* fundraiser.¹⁰ In addition, a review of the Station's Children's Programming Reports by Division staff has revealed that the Station failed to air an average of three hours of Core Programming per week during first quarter of 2014, second quarter of 2014, fourth quarter of 2014, first quarter of 2015, second quarter of 2015 and fourth quarter of 2015. The only explanation provided in the the Children's Television Programming Reports as to why

In order to determine whether the Station has met its obligation under the CTA and Section 73.671 of the Rules, WOGF must answer the following questions.

- 1) Please review all Children's Television Programming Reports filed in the preceding license term to ensure all information listed in the reports is accurate. The review of the Station's Children's Television Programming Reports should cover the entire preceding license term, which for purposes of our investigation remains open and commenced on June 12, 2009, the date of grant of the Station's prior license renewal application.¹¹ To the extent information listed in the reports are incorrect please identify the specific quarter and provide a detailed

⁶ *Policies and Rules Concerning Children's Television Programming: Revision of Programming Policies for Television Broadcast Stations*, Report and Order, 11 FCC Rcd 10660, 10718 (1996) (*1996 Children's Television Order*). The Commission established rules setting forth seven criteria for evaluating whether a program qualifies as CORE programming: (1) the program has serving the educational and informational needs of children ages 16 and under as a significant purpose; (2) the program is aired between the hours of 7:00 a.m. and 10:00 p.m.; (3) the program is a regularly-scheduled weekly program; (4) the program is at least 30 minutes in length; (5) the program is identified as being specifically designed to educate and inform children through the on-screen display of the E/I symbol throughout the program; (6) the educational objective and the target child audience are specified in writing in the licensee's Children's Television Programming Report; and (7) instructions for listing the program as educational/ informational, including an indication of the age group for which the program is intended, are provided by the licensee to publishers of program guides. *1996 Children's Television Order*, 11 FCC Rcd at 10696; 47 C.F.R. § 73.671(c).

⁷ 47 CFR §§ 73.671(d), (e)(1).

⁸ *Id.*

⁹ KQUP Renewal, Attachment 24 (KQUP CTA).

¹⁰ *Id.*, Exhibit 24 and Attachment 24 (KQUP Supplement).

¹¹ See File No. BRCT-20061002AYF (granted 6/12/2009).

explanation of both the incorrect information provided in that report and the information that should have been included. For example, WOGF has already indicated that in numerous Children's Television Programming Reports the Station incorrectly listed the start times of each program.¹² In order to expedite our information gathering in this investigation please **do not** amend any Children's Television Programming Reports. Should we require amended reports we will make such a request following review of WOGF's response to this letter.

- 2) Please provide a detailed explanation as to why the Station's children's television programming in 2014 and 2015 were preempted. With regards to all quarters in which children's programming was preempted (*i.e.*, 2009 to present) please provide a detailed explanation as to why the Station failed to reschedule the preempted children's programming. Provide any additional information pertaining to cause of the preemptions WOGF believes the Commission should take in to consideration.
- 3) In its license renewal application WOGF states that it intends to "shift" its children's programming block from 6:00 a.m. to 10:00 a.m. PST to 7:00 a.m. to 11:00 a.m. PST.¹³ Please provide a specific date by which WOGF anticipates such action will be taken.
- 4) In its amended license renewal application WOGF contends that the following programs demonstrate a level of commitment to children that is otherwise equivalent to airing three hours of Core Programming per week: *The Ramp*, *Check the Sound*, *Acquire the Fire*, *Travel the Road*, and *Global Ventures*. This claim conflicts with subsequent positions taken by WOGF in e-mail correspondence with Division staff that these programs do not meet such a standard.¹⁴ We request that WOGF clarify its position and amend the Station's license renewal application accordingly. To the extent WOGF contends that certain programming meets the supplemental staff processing guideline under Section 73.671(e)(1), WOGF should provide a detailed description of each program and explain why it believes the program demonstrates a level of comment to children that is otherwise equivalent to airing three hours of Core Programming per week. While not required, such an explanation may be supported by a declaration from an expert and/or members of the public whose children have viewed the program.
- 5) Disclose any other violations of Commission rules or the Act that have not been addressed by the inquiries in this letter and should be disclosed as part of the Station's license renewal application.
- 6) Along with the Station's written response, please include a declaration by an individual(s) with personal knowledge of the facts and signed under penalty of perjury that the facts and information provided in response to the questions herein are both true and correct.

¹² KQUP Renewal, Exhibit 24

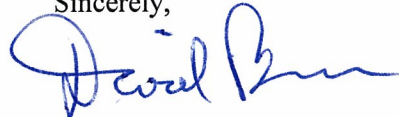
¹³ *Id.*

¹⁴ A copy of this e-mail can be provided upon request and is available in the Station's profile in LMS. Available at: <https://apps2int.fcc.gov/admin/secure/facilityDetails.html?facilityId=78921>.

We encourage WOGF to review its responses to all questions in the Station's license renewal application for accuracy and remind WOGF of its responsibility to maintain the accuracy and completeness of all information provided to the Commission in an application.¹⁵ WOGF should also remove any information currently provided in its application that conflicts with its responses to this letter. WOGF's response and any required amendments to the Station's renewal application, absent a showing of good cause, must be filed within **thirty (30) days** of the date of this letter. Failure to respond to this letter and provide the requested information within the time period allotted may result in monetary sanction or designation of the Station's license renewal application for hearing.

WOGF's response to this inquiry must be filed with the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Evan S. Morris, Video Division, Media Bureau, within **thirty (30) days** of the date of this letter. An electronic copy should also be sent to evan.morris@fcc.gov. A copy of this letter shall be sent by both First Class mail and Certified Mail, Return Receipt Requested to the addresses captioned above.

Sincerely,



David Brown
Deputy Chief, Video Division
Media Bureau

¹⁵ 47 C.F.R. § 1.65; *see also* 47 C.F.R. § 73.3514(a) (requiring applicants to provide all information called for in an application).