



Federal Communications Commission
Washington, D.C. 20554

August 9, 2022

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL:

Esteban Handal, President
Iglesia Manmin Toda la Creacion USA Inc.
1640 West Flager Street
Second Floor
Miami, FL 33135
estebanhandal@gmail.com

SENT VIA ELECTRONIC MAIL:

Donald Martin, Esq.
Law Office of Donald E. Martin
P.O. Box 8433
Falls Church, VA 22041
dempc@prodigy.net

Re: Letter of Inquiry
Application for License to Cover for
WNDC-LD, Salisbury, MD
Facility ID No. 130443

Dear Licensee/Counsel:

The Media Bureau is issuing this letter of inquiry (LOI) to develop the record regarding the filing of an application for license to cover and operation of the above-captioned low power television station WNDC-LD (WNDC or Station) licensed to Iglesia Manmin Toda la Creacion USA Inc. (IMTC or Licensee).

The Bureau possesses information suggesting that the Station is not operating consistent with the terms of its authorization, in possible violation of various sections of Part 73 of the Commission's rules and policies (Rules). Specifically, on January 18, 2022, IMTC filed a request to toll the Station's construction deadline for its displacement construction permit,¹ citing a "lack of the necessary equipment at the site."² According to IMTC, "[d]elays in the supply chain and delivery services have been caused by covid-related personnel shortages on the part of vendors and delivery services."³ On January 28, the Video Division (Division) sent a deficiency letter to IMTC, advising that IMTC had not provided information sufficient to process the request and offering two options: to provide the requested information within 30 days (i.e., by March 1, 2022), or withdraw the Tolling Request and submit WNDC's construction permit for cancellation.⁴ IMTC did neither. Instead of responding to the

¹ LMS File No. 0000054251 (displacement application initially filed May 17, 2018; amended Nov. 20, 2018) (granted Jan. 22, 2019).

² LMS File No. 0000180288 (Tolling Request) (Jan. 18, 2022), attach. (Tolling Justification).

³ *Id.*

⁴ *Id.* Letter from Barbara A. Kreisman, Chief, Video Division, FCC Media Bureau, to IMTC (Jan. 28, 2022).

Division's letter, on March 7, 2022, IMTC filed an application for license to cover, certifying therein that it had constructed WNDC's facilities on a tower with ASR number 1053208, in accordance with its construction permit.⁵

We are in receipt of information that WNDC is not a tenant on that tower. In light of this apparent factual discrepancy, we seek additional facts regarding the Station's construction and operation. We also seek information regarding the accuracy of information contained in the application for license to cover and in other Commission filings.

Accordingly, we direct IMTC, pursuant to sections 4(i), 4(j), 308(b), and 403 of the Communications Act of 1934, as amended (Act),⁶ and section 73.1015 of the Rules,⁷ to provide the information and documents requested in the Attachment, with an associated affidavit, no later than **fifteen (15) calendar days** after the date of this letter and in accordance with the instruction attached herein. Because the record raises questions about possible misrepresentation and abuse of Commission processes, IMTC's character qualifications are at issue.⁸

The attachment to this letter includes filing requirements, instructions for your response, and definitions for certain terms used in this LOI. This LOI constitutes an order of the Commission to produce the documents and information requested herein.⁹ To knowingly or willfully make any false statement,¹⁰ or to provide incorrect or misleading material factual information, or conceal any material fact in reply to this letter,¹¹ is punishable by imprisonment or fine,¹² and may subject Licensee to sanction, up to and including license revocation.¹³ **Failure to respond accurately, truthfully, and fully to this LOI as directed herein constitutes a violation of the Act and our Rules.**¹⁴

⁵ LMS File No. 0000185909 (filed Mar. 7, 2022) (license to cover certified by Esteban Handal). Three weeks later, IMTC filed a request to withdraw the Tolling Request, certifying that "Tolling is no longer needed because the station has been constructed and the license application has been filed." Withdrawal of Tolling Request 0000180288 (filed Mar. 24, 2022).

⁶ 47 U.S.C. §§ 154(i), 154(j), 308(b), 403.

⁷ 47 CFR § 73.1015.

⁸ See, e.g., *Lazer Licenses, LLC*, Memorandum Opinion and Order, 30 FCC Rcd 6357 (MB 2015) (47 CFR § 1.65 requires prompt notification if applicant dismantles or takes station off the air while seeking a license to cover, and failure to do so raises lack of candor issues).

⁹ See 47 U.S.C. § 155(c)(3).

¹⁰ See 18 U.S.C. § 1001.

¹¹ See 47 CFR § 1.17.

¹² See 18 U.S.C. § 1001; see also 47 CFR § 1.17.

¹³ See, e.g., *William L. Zawila*, Order to Show Cause, Notice of Opportunity for Hearing, and Hearing Designation Order, 18 FCC Rcd 14938, 14964 (2003) (motive present to misrepresent completion of construction), licenses revoked, Summary Decision, FCC 17M-28, 2017 WL 3499740 (ALJ, Aug. 10, 2017).

¹⁴ See, e.g., *Net One International, Net One, LLC, Farrahtel International, LLC*, Forfeiture Order, 29 FCC Rcd 264, 267, para. 9 (EB 2014) (imposing \$25,000 penalty for failure to respond to LOI) (forfeiture paid); *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7600, para. 28 (2002) (imposing \$100,000 penalty for failing to submit a sworn written response) (forfeiture paid).

If you have any questions about this matter, please contact Dana Leavitt, Special Counsel, Video Division, at (202) 418-1317 or dana.leavitt@fcc.gov.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Attachment

ATTACHMENT

Inquiries: Information and Documents to be Provided

You must provide the following information and documents as requested below, and in accordance with the Instructions and Definitions that follow the inquiries.

Unless otherwise indicated, or necessary to accurately and fully respond to an inquiry, the time covered by these inquiries is **November 20, 2018**, to the present.

Requests for Information

1. Answer the following and produce all Documents that support your responses:
 - a. State whether IMTC fully constructed permanent broadcasting facilities at the Station's Transmitter Site and commenced operations. If answered in the affirmative, provide:
 - i. the arrival date of each piece of equipment at the Transmitter Site and the date IMTC completed construction of the Station's permanent facilities;
 - ii. the manufacturer, make, model, and serial number of all equipment installed at the Transmitter Site, and provide all Documents including, but not limited to, invoices, bills of lading, and any other Document demonstrating the delivery and installation of all such equipment;
 - iii. the address of the Transmitter Site; and
 - iv. the address and ASR number of all towers from which WNDC has been broadcasting.
 - b.
 - i. the name, address, and telephone number of the property owner, tower owner, and/or tower manager of the Transmitter Site, as well as all Documents related to its tower including purchase or rental contracts, invoices, receipts, and/or leasing agreements; and
 - ii. the dates of any and all periods of time during which the Station was not broadcasting programming from its Transmitter Site.
 - c. Provide pictorial evidence of WNDC's Transmitter Site and of the tower WNDC has been broadcasting from, to include the date such photographs were taken and an affidavit certifying the accuracy of the photographs by the person who took the photos.
 - d. If IMTC did not construct permanent facilities at the Station's authorized Transmitter Site, state why not, provide the basis for IMTC's certification that the Station's facilities were constructed as of March 7, 2022, and provide the information requested in 1.a. above with regard to any facility that IMTC did construct.
 - e. With regard to ASR number 1053208, provide the dates and Identify all Persons who communicated with the tower owner or its representative on behalf of IMTC since January 1, 2018. Provide Documents of all such communications. If any such communications were verbal only, reduce all such communications to a written summary that is supported by a an affidavit certifying the accuracy of the summary and signed by all participants in the conversation.

- f. For the period beginning January 1, 2016, to the present, provide all invoices, bills, payments, leases, rental agreements and all other Documents associated with operating WNDC from its authorized site.
 - g. Identify all Persons employed by, or acting on behalf of, IMTC in securing the location of WNDC's access to ASR number 1053208 and constructing the facility. Describe the efforts of each such Person in securing such Transmitter Site and tower and constructing the facility. Provide all Documents related to securing such sites and constructing the facility.
2. For the time period from January 1, 2016 to the present, Identify each Person employed or relied upon by IMTC to discharge its duties and obligations as an FCC broadcast licensee, whether paid or unpaid, and describe each such Person's duties.
 3. Provide any additional information that Licensee believes may be helpful in our consideration and resolution of this matter.
 4. Provide copies of all Documents that serve as the basis for the responses to all the Inquiries above, to the extent not already requested above.

Filing Requirements

Affidavit Requirement. We direct Licensee to support its responses with an affidavit or declaration made under penalty of perjury, signed and dated by an authorized officer of Licensee with personal knowledge of the representations provided in Licensee's response. The affidavit or declaration must verify the truth and accuracy of the information therein, state that all of the information requested by this letter that is in Licensee's possession, custody, control, or knowledge has been produced, and state that any and all Documents provided in its responses are true and accurate copies of the original documents. In addition to such general affidavit or declaration of the authorized officer of Licensee described above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual rather than his or her own knowledge, and if multiple Licensee employees contribute to the response, Licensee shall provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with 47 CFR § 1.16, and be substantially in the form set forth therein. Failure to support your responses with a sworn affidavit could subject you to forfeiture.

Delivery Requirements. Licensee shall both send its response by commercial overnight courier or by First-Class or overnight U.S. Postal Service mail and transmit an electronic copy to the individuals designated below.

If sent by commercial overnight mail (other than U.S. Postal Service Express Mail or Priority Mail), the response should be sent to the attention of Dana E. Leavitt, Special Counsel, Video Division, Media Bureau, Federal Communications Commission, BrightKey, 9050 Junction Drive, Annapolis Junction, MD 20701, with a second copy included in the mailing to David Brown, Assistant Chief, Video Division.

If sent by first-class, Express, or Priority Mail, the response should be sent to Dana E. Leavitt, Special Counsel, Video Division, Media Bureau, Federal Communications Commission, 45 L Street, NE,

Room 4-444, Washington, DC 20554, with a second copy included in the mailing to David Brown, Assistant Chief, Video Division.

Electronic Copy. Licensee shall also transmit a copy of the response and any attachments or exhibits via email to Dana.Leavitt@fcc.gov and David.Brown@fcc.gov. The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source.

Instructions

Format of Responses. The response must be organized in the same manner as the questions asked, i.e., the response to Inquiry 1 should be labeled as responsive to Inquiry 1, etc.

Method of Producing Documents. Licensee shall submit each requested Document in its entirety, even if only a portion of that Document is responsive to an inquiry made herein, including all appendices, tables, or other attachments, and all other documents referred to in the Document or attachments. Licensee shall not edit, cut, expunge, or otherwise take any action to modify any Document submitted in response to this LOI. In addition to any Document Licensee submits in response to any inquiry, Licensee shall also submit all written materials necessary to understand any Document responsive to these inquiries.

Identification of Documents. For each Document or statement submitted in response to the inquiries stated in the cover letter, indicate, by number, to which inquiry it is responsive and identify the persons from whose files the document was retrieved. If any Document is not dated, state the date on which it was prepared. If any Document does not identify its authors or recipients, state, if known, the names of the authors or recipients. Licensee must identify with reasonable specificity all Documents provided in response to these inquiries.

Documents No Longer Available. If a Document responsive to any Inquiry made herein existed but is no longer available, or if Licensee is unable for any reason to produce a Document responsive to any Inquiry, Identify each such Document by author, recipient, date, title, and specific subject matter, and explain fully why the Document is no longer available or why Licensee is otherwise unable to produce it.

Retention of Original Documents. With respect only to Documents responsive to the specific Inquiries made herein and any other Documents relevant to those Inquiries, Licensee is directed to retain the originals of those Documents for 60 months from the date of this letter unless (a) Licensee is directed or informed by the Bureau in writing to retain such Documents for some shorter or longer period of time, or (b) the Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, Licensee must retain all such Documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any enforcement action brought by the United States Department of Justice, or execution and implementation of a final settlement with the Commission or the Bureau.

Continuing Nature of Inquiries. The specific Inquiries made herein are continuing in nature. Licensee is required to produce in the future any and all Documents and information that are responsive to the Inquiries made herein but not initially produced at the time, date, and place specified herein. In this regard, Licensee must supplement its responses (a) if Licensee learns that, in some material respect, the

Documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive Documents or information are acquired by or become known to Licensee after the initial production. The requirement to update the record will continue for 60 months from the date of this letter unless (a) Licensee is directed or informed by the Bureau in writing that Licensee's obligation to update the record will continue for some shorter or longer period of time, or (b) the Bureau or the Commission releases an item on the subject of this investigation including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the matter has been finally concluded by payment of any such monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any enforcement action brought by the United States Department of Justice, or execution and implementation of a final settlement with the Commission or the Bureau.

Construction. The terms "any" and "all," "and" and "or," and "each" and "every" shall be construed inclusively to bring within the scope of the requests for information and Documents all information and documents that might otherwise arguably be construed as outside the scope of the requests. Likewise, the singular of any word or defined term shall include the plural and the plural of any such word or defined term shall include the singular. The words "relating to" or "relate to" shall be construed to mean, whether directly or indirectly, in whole or in part constituting, containing, concerning, discussing, describing, analyzing, identifying, supporting, qualifying, confirming, contradicting, or stating.

Definitions

For purposes of this LOI, the following definitions apply. The definitions in this section apply regardless of whether the first letter of the defined term appears in upper or lower case.

"Document" shall mean the complete original (or in lieu thereof, exact copies of the original) and any non-identical copy (whether different from the original because of notations on the copy or otherwise), regardless of origin or location, of any taped, recorded, transcribed, written, typed, printed, filmed, punched, computer-stored, electronically-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made.

"Identify," when used with reference to a person, shall mean to state his or her full legal name, job title (if any), current business address, business phone number, and e-mail address. If a business address or telephone number are not available, state the person's home address and telephone number.

"Identify," when used with reference to an entity other than a person, shall mean to state its name, current or last known business address, current or last known business telephone number, and e-mail address.

"Identify," when used with reference to a Document, shall mean to state its date, author, and addressee, and type (i.e., the types of document, as described above); a brief description of its subject matter; its present or last known location; and its custodian.

"Licensee" shall mean Iglesia Manmin Toda la Creacion USA Inc., or IMTC, and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners including, but not limited to, trustees, partners or principals, and all directors, officers, employees, time brokers, or agents, including consultants and any other persons working for or on behalf of IMTC at any time during the period covered by this LOI, whether in exchange

for compensation or on a voluntary or other basis. Although this LOI refers to IMTC to collectively include each person or entity listed in this definition, any responses must specifically detail and distinguish between the actions or responsibilities of each entity or individual.

“Person” shall mean any natural person or any non-natural person, including but not limited to a business, company, corporation, enterprise, institution, organization (educational, religious, or otherwise), partnership, proprietorship, or any other entity, whether for-profit or non-profit and whether of general or limited liability and all of such non-natural person’s advisers, agents, consultants, directors, employees, members, officers, owners, partners, principals, representatives, and any other persons working for or on behalf of the foregoing, whether in a paid or unpaid status.

“Principal” shall mean any agent, director, member, officer, owner, partner, representative, and any natural Person who has the de facto or de jure ability to control a non-natural Person.

“Transmitter Site” shall mean the permanent, physical location, and all associated equipment necessary to broadcast television programming consistent with Part 73 of the Rules and as specified in a station’s granted construction permit.