



Federal Communications Commission
Washington, D.C. 20554

September 16, 2022

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Word of God Fellowship, Inc.
Arnold Torres
3901 Highway 121 South
Bedford, TX 76021
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In re: WLLB-LD, Portland, ME
Facility ID No. 9205
LMS File No. 0000194145

Operational Status Inquiry

Dear Licensee:

Based on Commission records it appears the low power television (LPTV) station referenced above (Station or WLLB) may have been silent for more than one year¹ or has been operating in a manner that is in violation of the Commission's rules. This letter provides you **15 days** to provide evidence that the Station has not been operating in violation of the Commission's rules, has not been silent for more than one year, or went silent but returned to the air with authorized facilities prior to its one-year silent anniversary.

The Station is currently licensed to operate on channel 15.² On April 23, 2019, the Station was granted an application for displacement to channel 6 as a result of being displaced by repacked full power television station WGME-TV, Portland Maine.³ The Station failed to report completion of construction of the WLLB's displacement facility by the expiration date of the Displacement CP, April 23, 2022. Expiration of the Displacement CP resulted in the automatic forfeiture of the CP.⁴ On June 29, 2022, you filed a new application for displacement seeking to operate on channel 29.⁵ In the Second Displacement App, you represent that the Station was displaced as a result of the Incentive Auction and repacking process when full power television station WGME-TV, Portland, Maine (WGME-TV), began operating on its repacked channel 15.

¹ Section 312(g) of the Act provides that 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. *See* 47 U.S.C. § 312(g). *See e.g., Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009); *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603 (2008) (*A-O Broad.*).

² *See* LMS File No. BLDTL-20131108AAX.

³ *See* LMS File No. 0000054937 (Displacement CP).

⁴ *See* 47 CFR 74.788(b) ("Any construction permit for which construction has not been completed and for which an application for license or extension of time has not been filed, shall be automatically forfeited upon expiration without any further affirmative cancellation by the Commission..")

⁵ *See* LMS File No. 0000194145 (Second Displacement App).

According to the Second Displacement App,⁶ and as confirmed by Commission records, WGME-TV began operating on its repacked channel 15 on or about August 9, 2019.⁷ In the Second Displacement App, you state that upon WGME-TV's commencement of operation on channel 15, WLLB began causing 20.99 percent interference to WGME-TV.⁸ Pursuant to section 74.793(e) of the Commission's rules, such interference is in excess of permissible levels.⁹ Therefore, it appears that as of at least August 9, 2019 when WGME-TV commenced operation on channel 15, to avoid excess interference to WGME-TV, WLLB would have needed to go silent, operate at reduced power/variance from its licensed parameters, or entered into an interference agreement with WGME-TV.

As a result of the fact discussed above, we request that you provide information about the Station's operational status since August 9, 2019. For any time during this period that the Station was operational, please provide the Station's technical operating parameters, specific evidence of the Station's operation throughout the entire period of operation, and the valid authorization under which the Station operated.¹⁰ To the extent the Station was operating at full authorized power pursuant to an interference agreement with WGME-TV you must provide a copy of that agreement. If there was no written agreement, you must provide a signed letter from the licensee of WGME-TV stating that you were given permission to continue to operate WLLB at full power and that WGME-TV would accept such interference.¹¹ For any period that the Station was either silent or operating at reduced power/variance

⁶ *Id.*

⁷ See LMS File No. 0000080225.

⁸ See Second Displacement App.

⁹ See 47 CFR 74.793(e) ("a digital low power TV or TV translator station must not cause a loss of service to 0.5 percent or more of the population predicted to receive service from the authorized DTV facilities.").

¹⁰ This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation**. 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, for all periods. In addition, you must provide copies of all relevant invoices, bills (such as electricity bills), checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's operation. In addition, if the Station uses accounting software to maintain financial records, provide printouts of the data recorded for this period. You **must also include dated pictures** of the Station's studio facilities and transmission facilities during this timeframe and provide exact coordinates of the pictured facilities.

¹¹ Such a letter must be accompanied by an affidavit that conforms with 47 CFR § 1.16.

from its licensed parameters, please explain why no request for such authority was filed with the Commission.¹²

The written response to this letter must be supported by a declaration by an individual with personal knowledge of the facts and signed under penalty of perjury that the facts and information provided in the response are both true and correct. The declaration must be in compliance with section 1.116 of the Commission's rules.¹³ This letter constitutes an order of the Commission to produce the documents and information requested herein.¹⁴ To knowingly or willfully make any false statement,¹⁵ or to provide incorrect or misleading material factual information, or conceal any material fact in reply to this letter,¹⁶ may subject you to sanction, up to and including license revocation.¹⁷ **Failure to respond accurately, truthfully, and fully to this letter as directed herein constitutes a violation of the Act and our Rules.**¹⁸ As an alternative to a written response explaining the Station's operational status, the you may submit the Station's license for cancellation and request withdrawal of all pending applications in the Commission's Licensing and Management System.

If you fail to provide such documented evidence **within 15 days from the date of this letter** the Station's Displacement App **WILL BE DISMISSED**. Furthermore, based on the information provided

¹² See 47 CFR § 73.1635 (special temporary authorizations). To the extent the Station has been silent for any 12 consecutive month period you must include with its reply a showing demonstrating why reinstatement is warranted pursuant to the equity and fairness provision of section 312(g) of the Act. See e.g. *A-O Broad. Corp.*, 23 FCC Rcd at 617, para. 27 ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited"). The Commission has exercised its authority to reinstate an expired license to "promote equity and fairness" only where the station failed to provide service for 12 consecutive months due to compelling reasons beyond the licensee's control. See, e.g., *V.I. Stereo Communications Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006); *Community Bible Church*, Letter, 23 FCC Rcd 15012, 15014 (MB 2008); *Mark Chapman, Court-Appointed Agent*, Letter, 22 FCC Rcd 6578 (MB 2007). The Commission has declined to reinstate licenses where the failure to transmit a broadcast signal was due to the licensee's own actions, finances, and/or business judgment. See, e.g., *A-O Broadcasting*, 23 FCC Rcd at 617, para. 27; *ETC Communications, Inc.*, Letter, 25 FCC Rcd 10686 (MB 2010); *Kirby Young*, Letter, 23 FCC Rcd 35 (MB 2008). We also take this opportunity to remind you that the Commission does not consider unauthorized operation as operation for purposes of preventing automatic cancellation under section 312(g). See, e.g. *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) (unauthorized, unlicensed broadcasts cannot constitute transmission of broadcast signals to a void termination under Section 312(g)); *A-O Broad.*, 23 FCC Rcd 603 (transmission from unauthorized location not sufficient to a void the consequences of section 312(g)); *Mt. Rushmore Broadcasting, Inc.*, Letter Order, 32 FCC Rcd 3924, 3927 (MB 2017) (discretion unwarranted when station was either silent or engaging in brief periods of unauthorized operation for six years).

¹³ 47 CFR § 1.16.

¹⁴ See 47 U.S.C. § 155(c)(3).

¹⁵ See 18 U.S.C. § 1001.

¹⁶ See 47 CFR § 1.17.

¹⁷ See 18 U.S.C. § 1001; see also 47 CFR § 1.17. 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).

¹⁸ See, e.g., *Net One International, Net One, LLC, Farrahel 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).

in the Displacement App we will conclude that the Station has been silent since August 9, 2019, and the Commission's public and internal databases **WILL BE MODIFIED** to indicate that pursuant to section 312(g) of the Act the broadcast license for the referenced station **IS EXPIRED**, that the station's license **IS CANCELED** as a matter of law, and that the station's call sign **IS DELETED**.

Documents sent in response to this letter shall be addressed to FCC, Office of the Secretary, 45 L Street, NE, Washington, DC 20554, and emailed to Shaun Maher at the address below.

Please direct any questions concerning the content of this letter to Shaun Maher, Attorney, phone (202-418-2324), or e-mail (Shaun.Maher@fcc.gov).

Sincerely,

/s/

Mark Colombo
Associate Chief, Video Division
Media Bureau

cc (via electronic mail):
Ari Meltzer, Esq.
Richard Goetz