



Federal Communications Commission
Washington, D.C. 20554

September 23, 2022

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL:

Esteban Handal, President
Iglesia Manmin Toda la Creacion USA Inc.
1640 West Flagler 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: **Application for Assignment and
Operational Status Inquiry**
KHFW-LD, Dallas, Texas
Facility ID No. 130952

Dear Licensee/Counsel:

This letter is with regard to the operational status of the above-captioned station (KHFW or Station) licensed to Iglesia Manmin Toda la Creacion USA Inc. (IMTC or Licensee). On February 22, 2022, IMTC filed an application to assign KHFW to Hispanic Family Christian Network, Inc.¹ On April 7, 2022, IMTC submitted a late-filed license renewal application for the Station,² and on March 18, 2022, IMTC filed and subsequently was granted silent authority for the Station (Silent STA).³ On September 15, 2022, IMTC belatedly filed a second request for silent authority, which remains pending (Second Silent Request).⁴ As a result of the Station's silence, its license renewal application is not grantable and the assignment application cannot be acted upon. Therefore, we direct you to provide the information requested below within **30 days** of the date of this letter.

In its Silent STA, Licensee certified that the Station went silent on January 15, 2022, "in anticipation of moving to a different transmitter site for which a modification application will be filed in the near future."⁵ The Station's silent authority expired on July 15, 2022.⁶ Although Licensee recently

¹ LMS File No. 0000185101.

² LMS File No. 0000189041.

³ LMS File No. 0000186888 (granted Apr. 14, 2022).

⁴ LMS File No. 0000199930.

⁵ Silent STA at Attach.

⁶ See Silent STA, Authorization.

filed the Second Silent Request seeking to extend its silent authority, Licensee does not appear to have made any progress toward resuming operation, as you state that you still have not secured a “more suitable site.”⁷

Pursuant to section 73.1635 of the Commission’s rules (Rules), an STA may be granted for an initial period not to exceed 180 days, and a limited number of extensions authorizations may be granted for additional periods not exceeding 180 days.⁸ Further, when seeking an extension, the licensee “must demonstrate that any further extensions requested are necessary and that all steps to resume normal operation are being undertaken in an expeditions and timely fashion.”⁹ Accordingly, we seek the following information regarding the Station’s operational status and timeline for resuming operation.

1. A timeline specifying all steps that have been taken to resume operation since the Station went silent on January 15, 2022, **including dates for each action, the names of the individuals taking such actions, and supporting documentation including but not limited to invoices, correspondence, payments, etc.**
2. The steps that Licensee must take to return the Station to operational status, a timeline for undertaking such actions, and an estimated date as to when you expect the Station will resume operations, including documentation supporting its plan and ability to resume operation by January 15, 2023 – the Station’s one year anniversary of going silent.

Licensee’s written response to this letter must be supported by a declaration from 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, in compliance with section 1.16 of the Rules.¹⁰ Further, this letter constitutes an order of the Commission to produce the documents and information requested herein.¹¹ To knowingly or willfully make any false statement,¹² or to provide incorrect or misleading material factual information, or to conceal or omit any material fact relevant to the Station’s status in reply to this letter,¹³ may subject to sanction, up to and including license revocation.¹⁴ **Failure to respond accurately, truthfully, and fully to this letter as directed herein constitutes a violation of the Act and our Rules.**¹⁵

⁷ Second Silent Request at Attach.

⁸ 47 CFR § 73.1635(a)(4).

⁹ *Id.*

¹⁰ *See* 47 CFR § 1.16.

¹¹ *See* 47 U.S.C. § 155(c)(3).

¹² *See* 18 U.S.C. § 1001.

¹³ *See* 47 CFR § 1.17.

¹⁴ *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).

¹⁵ *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 fail to provide such documented evidence **within 30 days from the date of this letter** the request for silent authority (LMS File No. 0000199930), application for renewal of license (LMS File No. 0000189041), and application for assignment of license (LMS File No. 0000185101) **WILL BE DISMISSED** for failure to prosecute.¹⁶ As an alternative to replying to this letter and providing the requested information, you may submit the Station's license for cancellation and request withdrawal of all associate applications pending in LMS.

We also remind you of the automatic cancellation provision of the section 312(g) of the Communications Act of 1934, as amended (Act), which states, in part that:

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, except that the Commission may extend or reinstate such station license...for any reason to promote equity and fairness.¹⁷

The Commission has exercised its discretion under section 312(g) of the Act to extend or reinstate a station's expired license "to promote equity and fairness" only in limited circumstances where a station's failure to transmit a broadcast signals for 12 consecutive months is due to "compelling circumstances" that were beyond the licensee's control.¹⁸ The Commission has declined to exercise its section 312(g) discretion when a station's silence is the result of a licensee's own action or inaction, finances, and/or business judgment.¹⁹ Therefore, if the Station does not resume operation by January 14, 2023, its license will automatically expire pursuant to section 312(g) of the Act.

File your response and copies of all documents and attachments as an amendment to your Second Silent Request and by email to Dana Leavitt at the address below.

¹⁶ 47 CFR § 73.3568(a).

¹⁷ 47 U.S.C. § 312(g).

¹⁸ See *A-O Broadcasting Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) (*A-O Broadcasting*) ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited"). See also, *V.I. Stereo Communications Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259, 14262, para. 8 (2006) (reinstating license where silence due to destruction of towers in hurricanes); *Community Bible Church*, Letter Order, 23 FCC Rcd 15012, 15014 (MB 2008) (*Community Bible*) (reinstatement warranted where licensee took all steps needed to return to air, but remained off air to promote air safety after discovering and reporting that FCC and FAA records contained incorrect tower information); *Mark Chapman, Court-Appointed Agent*, Letter Order, 22 FCC Rcd 6578, 6580 (MB 2007) (reinstating license where silence necessitated by licensee's compliance with court order).

¹⁹ See, e.g., *New Visalia Broadcasting, Inc.*, Memorandum Opinion and Order, 29 FCC Rcd 9744 (2014) (record did not show that health problems prevented the principals from resuming the station's operation); *A-O Broadcasting*, 23 FCC Rcd 603 (transmission from unauthorized location not sufficient to avoid the consequences of section 312(g)); *Eagle Broadcasting Group, Ltd.*, Memorandum Opinion and Order, 23 FCC Rcd 588, 592, 589-90 (2008) (operation from unauthorized site insufficient to avoid section 312(g) cancellation); *Mt. Rushmore Broadcasting, Inc.*, Letter Order, 32 FCC Rcd 3924, 3927 (MB 2017) (discretion unwarranted when station was either silent or engaged in brief periods of unauthorized operation for six years); *Zacarias Serrato*, Letter Order, 20 FCC Rcd 17232 (MB 2005) (station taken off the air due to a business decision); *Kingdom of God*, Letter Order, 29 FCC Rcd 11589 (MB 2014) (station's numerous periods of extended silence were a direct result of licensee's business decisions); *Christian Broadcasting*, 30 FCC Rcd at 13976 (2015) (licensee provided no evidence that station's silence was beyond its control).

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/

David Brown
Deputy Chief, Video Division
Media Bureau