



Federal Communications Commission
Washington, D.C. 20554

September 26, 2022

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

G.I.G., Inc.
Charles Poppen
PO Box 88336
Sioux Falls, SD 57109
cpoppen@kcpo.tv

In re: KCPO-LP, Sioux Falls, SD
Facility ID No. 26041
File Nos. 0000176044, 0000110806,
0000195312, and 0000196169

**Follow Up Operational and
Construction Permit Status Inquiry**

Dear Licensee:

This letter is to follow up on our previous Operational and Construction Permit Status Inquiry of May 20, 2022 (Inquiry Letter) regarding KCPO's (KCPO or Station) operation, and G.I.G., Inc.'s (G.I.G. or Licensee) response dated July 5, 2022, its supplementary response dated July 11, 2022, and further response dated September 14, 2022 (collectively, Responses).¹ On review of G.I.G.'s Responses and accompanying material, we find that G.I.G.'s Responses are deficient and do not provide all the information requested in the Inquiry Letter. This letter provides you **30 days** to provide all missing information and correct all deficiencies.

Accordingly, G.I.G. is directed to provide the missing information and documents, as detailed in the attachment, and provide associated affidavits/declarations which comply with 47 CFR § 1.16, no later than **30 days** after the date of this letter. If you fail to reply to this letter and/or do not provide all requested information and documents within **30 days from the date of this letter**, the Commission's public and internal databases **WILL BE MODIFIED** to indicate that the digital construction permit (File No. 0000139698) for KCPO-LP, Sioux Falls, South Dakota (KCPO-LP) has been automatically **FORFEITED**,² the license (File No. BLTTL-20011029AAL) for KCPO-LP has been automatically **CANCELED**,³ KCPO-LP's pending application for license renewal (File No. 0000176044) will be **DISMISSED**, and its call sign will be **DELETED**.⁴

¹ Copies of the responses and all related correspondence have been uploaded to the Station's facility page in the Commission's Licensing and Management System (LMS).

² 47 CFR § 74.788(b).

³ 47 CFR § 74.731(m).

⁴ As a former analog low power television (LPTV) station, the Station's analog license was automatically canceled, without any affirmative action required by the Commission, after 11:59 p.m. on July 13, 2021. See 47 CFR § 73.731(m). The Commission has a long-established policy of the "single, unified station license" as part of the digital conversion process. See *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for*

Documents sent in response to this letter shall be addressed to FCC, Office of the Secretary, 45 L Street, NE, Washington, DC 20554, Attention: Robin Fagan, Video Division, Media Bureau, and emailed to Robin Fagan at the address below.

Please direct any questions concerning the content of this letter to Robin Fagan at Robin.Fagan@fcc.gov.

Sincerely,

/s/

Barbara Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Aaron P. Shainis, Esq. (aaron@s-plaw.com)

Digital Class A Television Stations, Second Report and Order, 26 FCC Rcd 10732, 10755, para. 48 (2011) citing *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television, Television Translator, and Television Booster Stations and to Amend Rules for Digital Class A Television Stations*, Report and Order, 19 FCC Rcd 19331, 19390, n.362 (2004) (stating that the Commission has always been clear that the station's two "authorizations" are part of a single, unified license). Therefore, an analog LPTV station whose analog license is automatically cancelled after 11:59 pm local time on July 13, 2021 and does not subsequently retain its digital construction permit no longer has a facility to modify and convert to digital. Cancellation of a station's construction permit and deletion of its call sign by Media Bureau staff in the Licensing and Management System (LMS) is an administrative function and does not constitute an official Commission action nor require any affirmative cancellation by the Commission. *See Media Bureau Reminds Remaining Low Power Television and Television Translator Stations that the July 13, 2021 Digital Transition Date and Other Important Deadlines are One Week Away*, Public Notice, DA 21-786 (MB, rel. July 6, 2021); *Media Bureau Reminds Remaining Analog Low Power Television and Television Translator Stations Without Digital Construction Permits to File Immediately in Order to Ensure A Successful Digital Transition*, Public Notice, 36 FCC Rcd 9467, n.4 (MB2021); 86FR 32262 (June 17, 2021).

ATTACHMENT

Unless otherwise indicated, the time covered by these inquiries is **April 20, 2020** to the present.

Requests for Information

1. G.I.G. must explain the contradiction between its statements that KCPO commenced operations in April 2020, its filing on March 31, 2021 for a flash-cut, and its request for additional time to construct its digital facility, which the Commission granted in April 2022 based on the statements and certifications made therein by Licensee (*See* LMS File No. 0000139698). As has been noted previously, the Station's filings for a flash cut on March 31, 2021 and the statements made in KCPO's application for extension of the digital construction permit contradict its statement that it had operated continuously in digital since April 2020.
2. Provide the dates for any period the Station was operational since April 20, 2020, the Station's technical operating parameters, mode of operation (i.e., analog or digital), and specific information pertaining to the Station's operation or silence throughout the entire period. Provide all documents that support your responses to the following specific inquiries.
 - a. State the exact time periods (day, month, and year) that the Station was either operational or silent.
 - b. Provide itemized receipts for the purchase or lease of all equipment or supplies necessary for KCPO to resume operations in April 2020 as asserted and any other subsequent periods of operation.
 - c. For any periods of operation provide the exact coordinates for the location(s) of the Station's facilities (transmitter site, main studio (as applicable), office space, and any location from which the Station originated programming), the Station's effective radiated power, and the antenna height above ground level. Clearly state for each period of operation whether the Station's operations were digital or analog.
 - d. For any periods of operation provide invoices or receipts for utilities that would be billed for usage at the station's transmitter site, whether paid for by G.I.G. or a third party, such as Vantek Communications.
 - e. Provide receipts for any state/local/real estate taxes imposed on the Station or any of its locations referenced above.
 - f. Provide dated copies of payments received from advertisers.
 - g. Provide copies of all Emergency Alert System (EAS) logs. Identify all Persons who prepared or helped prepare the program logs.
 - h. The Station's logs that have been provided⁵ are not sufficient as they fail to fully explain the significance of the information in the logs, when they were prepared, and the means by which they were prepared. Please provide such explanatory information. In addition, identify all Persons who prepared, or helped prepare the program logs.

⁵ July 5, 2022, Response Letter, Attach. I; July 11, 2022 Supplemental Response Letter, Attach. F.

- i. Identify all employees of KCPO from April 20, 2020 to present and, for each such Person, provide the time periods each such Person is/was affiliated with KCPO, the Person's job title and duties.
3. G.I.G. provided to the Division declarations that G.I.G. purports are from viewers and an advertiser of KCPO.⁶ Each declarant uses the same language in averring that "[w]ith an antenna, I receive most of the off air channels, in particular KCPO TV."⁷ With regard to these declarations (Declarations), answer the following:
 - a. Identify each Person listed below (Declarant or, collectively, Declarants) and, for each, fully describe all relationships between G.I.G. and each Declarant, whether direct (i.e., between G.I.G. and Declarant) or indirect (i.e., between G.I.G. and any Person affiliated or related to any Declarant, to include but not limited to, a spouse, family member, employer/employee/agent, or any other type of affiliation).
 - i. David Ryan (averring he viewed KCPO on the air "since April of 2020");
 - ii. John Small (averring he viewed KCPO on the air "since April of 2020");
 - iii. Gary Dykstra (averring he viewed KCPO on the air "since April of 2020"); and
 - iv. Richard C. Hookie (averring he viewed KCPO on the air "since April of 2020").
 - b. Explain fully how G.I.G. solicited and obtained the Declarants' Declarations.
 - c. Identify all Persons who prepared, or helped prepare, each Declaration.
 - d. State whether G.I.G. offered or provided any consideration, of any type, to any Declarant. If yes, describe each such offered or actual consideration.
 - e. Explain, if known, why no Declarant provided a specific date he "viewed KCPO on the air."
 - f. Produce all documents associated with the creation of and process for obtaining each declaration.
4. In G.I.G.'s supplementary response dated July 11, 2022, G.I.G. included two photos that appear to have been taken inside a studio and one photo of an antenna.⁸ None of the photos were accompanied by declarations explaining what the photos depicted or their significance for demonstrating the Station was operational. G.I.G. also provided employment records.⁹ However, those records did not include employee names, job titles or duties, and those records were not accompanied by declarations that the records were true and correct nor did you include declarations from the employees attesting to the details of their employment. In addition, the list you provided showing rent paid from April 2020 is labeled, "Master Control/Office rent paid to Dunham Brokerage LLC," and one cancelled check.¹⁰ The list

⁶ Sept. 14, 2022 Further Response Letter, Attach. D.

⁷ July 4, 2022 Response, Attachs. C-F; Sept. 14, 2022 Further Response Letter, Attach. D.

⁸ July 11, 2022 Supplemental Response Letter, Attachs. B-C.

⁹ *Id.*, Attach. D.

¹⁰ *Id.*, Attach. E.

was not accompanied by a declaration attesting to its accuracy, explaining the significance of this information, or precisely what the rented space was used for. Please provide the necessary explanations and ensure that all declarations comply with 47 CFR § 1.16.

5. In G.I.G.'s further response dated September 14, 2022, it provided a statement from Vantek Communications describing the Station's use of Vantek Communication's tower from April 2020 until July 2022.¹¹ That statement did not comply with 47 CFR § 1.16, and did not include any documents pertaining to the arrangement between Vantek and G.I.G. Please provide all relevant documents and ensure that all declarations comply with 47 CFR § 1.16. Please also describe all relationships between G.I.G. and Vantek, whether direct (i.e., between G.I.G. and Vantek) or indirect (i.e., between G.I.G. and any Person affiliated or related to Vantek, to include but not limited to, a spouse, family member, employer/employee/agent, or any other type of affiliation).
6. Provide copies of all documents that serve as the basis for the responses to all the inquiries above. The significance of all supporting documents provided must be fully explained. If G.I.G. believes certain information and documents have already been provided with the information requested please identify the date and page number of the response where such information was provided. If G.I.G. cannot provide the documents or information requested, then fully explain why that information is not available or cannot be provided/obtained.
7. All information, documents and statements must be supported by a declaration prepared in accordance with 47 CFR § 1.16. attesting to their truthfulness and accuracy.
8. Provide any additional information that Licensee believes may be helpful in our consideration and resolution of this matter in order for us to determine the Station's operational history and whether the Station still has a valid underlying license by which Station's pending applications (See LMS File Nos. 0000176044, 0000110806, 0000195312, and 0000196169) can be granted.

¹¹ Sept. 14, 2022 Further Response Letter, Attach. D