



Federal Communications Commission
Washington, D.C. 20554

December 15, 2022

In Reply Refer to: 1800B3-HOD

SENT BY EMAIL TO RASHLEYGENDREAU@HOTMAIL.COM

Gendreau Broadcast LLC
Attn: Brad Gendreau
5759 Riverview Rd
Thomson, IL 61285

In re: **Gendreau Broadcast LLC**

KMCN(FM), Clinton, Iowa
Facility ID No. 33054
Application File No. 123953

KCLN(AM), Clinton, Iowa
Facility ID No. 33055
Application File No.123955

Letter of Inquiry

Dear Licensee:

This letter concerns KMCN(FM), Clinton, Iowa, and KCLN(AM), Clinton, Iowa (collectively, Stations), both of which are licensed to Gendreau Broadcast LLC (Gendreau). We have before us informal objections¹ to Gendreau's applications to renew the Stations' licenses.² Pursuant to section 73.1015 of the Commission's rules (Rules),³ Gendreau is hereby required to provide the information and materials discussed herein, and to do so within thirty days of the date of this letter.

Online Public Inspection Files. In 2016, the Commission adopted an order requiring radio stations to post their public inspection files to the FCC's online database.⁴ To ease the transition for broadcast radio stations, particularly those with small staffs and limited financial resources, the Commission delayed all online file requirements for certain radio stations—including KMCN(FM) and KCLN(AM).⁵ As a result, Gendreau was not required to begin placing new public and political file material in the Stations' online public inspection files (OPIFs) until March 1, 2018.⁶ In addition, Gendreau was given until March 1, 2018 to upload all

¹ Pleading File Nos. 131262 (KMCN Objection), 131267 (KCLN Objection).

² Application File Nos. 123953 (KMCN Renewal Application), 123955 (KCLN Renewal Application).

³ 47 CFR § 73.1015.

⁴ Expansion of Online Public File Obligations To Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees, Report and Order, 31 FCC Rcd 526 (2016).

⁵ *Id.* at 528, para. 3.

⁶ *Id.* at 558-59, para. 83.

existing public file material—except material in each station’s political file—to each station’s OPIF.⁷

The KMCN Objection asserts that KMCN(FM) aired political advertisements but failed to include the information required by section 73.1943 of the Rules in its online political file.⁸ It also questions Gendreau’s certification in the KMCN Renewal Application that “the documentation required by 47 C.F.R. Section 73.3526 . . . has been uploaded to the station’s public inspection file as and when required.”⁹

We request that Gendreau provide a narrative statement that addresses whether, between October 29, 2018, and the present, KMCN(FM) received (1) requests to purchase broadcast time that were made by or on behalf of a candidate for public office, or communicated a message relating to any political matter of national importance,¹⁰ or (2) provided free time for use by or on behalf of a candidate.¹¹ If Gendreau received such requests or provided such free time, it must explain why the information set forth in section 73.1943 of the Rules was not uploaded to the political files folder of the KMCN(FM) OPIF.¹² Gendreau also must explain the basis for its certification in the KMCN Renewal Application that the documentation required by section 73.3526 of the Rules had been timely uploaded to the KMCN(FM) OPIF.

Turning to KCLN(AM), the KCLN Objection makes similar claims. Specifically, like the KMCN Objection, it alleges that KCLN(AM) aired political advertisements but failed to include the information required by section 73.1943 of the Rules in its online political file,¹³ and questions Gendreau’s certification in the KCLN Renewal Application that “the documentation

⁷ *Id.*

⁸ KMCN Objection at 5-6.

⁹ *Id.* at 2, 6. *See also* KMCN Renewal Application, AM/FM/LPFM Certification, Online Public Inspection File.

¹⁰ *See* 47 CFR § 73.1943(a). *See also* 47 CFR § 73.1943(b) (“A record maintained under paragraph (a) shall contain information regarding: (1) Whether the request to purchase broadcast time is accepted or rejected by the licensee; (2) The rate charged for the broadcast time; (3) The date and time on which the communication is aired; (4) The class of time that is purchased; (5) The name of the candidate to which the communication refers and the office to which the candidate is seeking election, the election to which the communication refers, or the issue to which the communication refers (as applicable); (6) In the case of a request made by, or on behalf of, a candidate, the name of the candidate, the authorized committee of the candidate, and the treasurer of such committee; and (7) In the case of any other request, the name of the person purchasing the time, the name, address, and phone number of a contact person for such person, and a list of the chief executive officers or members of the executive committee or of the board of directors of such person.”).

¹¹ *See* 47 CFR § 73.1943(c).

¹² We acknowledge that section 73.1943 of the Rules requires these records to be retained only for a period of two years. 47 CFR § 73.1943(d). *See also* 47 CFR § 73.3526(e)(6)). Accordingly, at present, the political files folder of the KMCN(FM) OPIF should include records dating back to December 15, 2020, not October 29, 2018. However, the KMCN Objection includes a screenshot of the political files folder from October 29, 2020. KMCN Objection at 6. At that time, the folder should have included records dating back to October 29, 2018. Accordingly, we inquire about Gendreau’s compliance with section 73.1943 between October 29, 2018, and the present.

¹³ KCLN Objection at 5.

required by 47 C.F.R. Section 73.3526 . . . has been uploaded to the station’s public inspection file as and when required.”¹⁴

We request that Gendreau provide a narrative statement that addresses whether, between October 29, 2018, and the present, KCLN(AM) received requests for broadcast time made by or on behalf of a candidate for public office, or provided free time for use by or on behalf of such a candidate. If Gendreau received such requests or provided such free time, we request that it explain why the information set forth in section 73.1943 of the Rules was not uploaded to the political files folder of the KCLN(AM) OPIF.¹⁵ Gendreau also must explain the basis for its certification in the KMCN Renewal Application that the documentation required by section 73.3526 of the Rules had been timely uploaded to the KCLN(AM) OPIF.

KCLN(AM) Nighttime Operations. KCLN(AM) is authorized to operate at 1 kilowatt during daytime hours, and 0.091 kilowatts during nighttime hours. The KCLN Objection alleges that the Station has “been failing to reduce power at night” and that “[t]his has been [an] ongoing issue for ‘years.’”¹⁶

We request that Gendreau provide a narrative statement regarding the power at which KCLN(AM) has operated at night since its license was last renewed on January 25, 2013].¹⁷ Gendreau must also submit station logs and/or records, and any other documents that corroborate its response.¹⁸

Affidavits or Declarations. In addition to the documentation noted above, Gendreau must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of Gendreau, with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter which is in Gendreau’s possession, custody, control or knowledge has been produced. If multiple persons contribute to the response, in addition to such

¹⁴ *Id.* at 2, 6. See also KCLN Renewal Application, AM/FM/LPFM Certification, Online Public Inspection File.

¹⁵ As noted *supra* note 10, section 73.1943 of the Rules requires these records to be retained only for a period of two years. 47 CFR § 73.1943(d). See also 47 CFR § 73.3526(e)(6)). Accordingly, at present, the political files folder of the KCLN(AM) OPIF should include records dating back to December 15, 2020, not October 29, 2018. However, the KCLN Objection includes a screenshot of the political files folder from October 29, 2020. KCLN Objection at 5. At that time, the folder should have included records dating back to October 29, 2018. Accordingly, we inquire about Gendreau’s compliance with section 73.1943 between October 29, 2018, and the present.

¹⁶ KCLN Objection at 6.

¹⁷ *Broadcast Actions*, Public Notice, Report No. 47915, at 28 (MB Jan. 30, 2013).

¹⁸ As used herein, “document(s)” means 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, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any broadcast, radio or television program, advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, text message, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, drives, disks and such codes or instructions as will transform such computer materials into easily understandable form).

general affidavit or declaration of the authorized representative of Gendreau noted above, if such person (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, 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 Section 1.16 of the Rules,¹⁹ and be substantially in the form set forth therein. We remind Gendreau that to knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.²⁰ Moreover, failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act of 1934, as amended,²¹ and the Rules.

Gendreau's response is due thirty (30) calendar days from the date of this letter. Please submit the response by email to Tom Hutton, tom.hutton@fcc.gov, and Heather Dixon, heather.dixon@fcc.gov. Gendreau must upload this letter to the Stations' OPIFs pursuant to section 73.3526(e)(10) of the Rules.²² Likewise, Gendreau must upload its response to this letter to the Stations' OPIFs pursuant that section of the Rules. Please note that, should Gendreau request confidential treatment for the response (in whole or in part) pursuant to 0.459 of the Rules,²³ it need not upload the response while that request is pending.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc: Dave Vickers (dave@kroradio.com)

¹⁹ 47 CFR § 1.16.

²⁰ 18 U.S.C. § 1001.

²¹ 47 U.S.C. § 151 *et seq.*

²² 47 CFR § 73.3526(e)(10).

²³ 47 CFRR § 0.459.