



Federal Communications Commission
Washington, D.C. 20554

September 20, 2023

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Ruben Villarreal
DAIJ Media, LLC
1024 Wafer St.
Pasadena, TX 77506
rubenv75@gmail.com

Dan J. Alpert, Esq.
The Law Office of Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22209
dja@commlaw.tv

Re: Letter of Inquiry
K20PC-D, Centerville, TX
Facility ID No. 181616

Dear Licensee/Counsel:

The Video Division (Division) of the Media Bureau (Bureau) is issuing this letter of inquiry (LOI) to develop the record regarding the construction and operation of the above-captioned low-power television station K20PC-D, Centerville, Texas (K20PC or Station), licensed to DAIJ Media, LLC (DAIJ or Licensee). You recently submitted information to the FCC, in response to an inquiry from the Division and the Fund Administrator, that suggests DAIJ may not have built or operated the Station as authorized by the FCC, in possible violation of various sections of the Communications Act of 1934, as amended (Act), and Part 73 of the FCC's rules and policies (Rules). We therefore direct Licensee to timely file a complete response to the following requests for information within **thirty (30) days of the date of this letter**.

Background: *Displacement Construction Permit.* On May 25, 2018, Licensee filed an application for displacement (Displacement Application) of the Station "due to its currently-licensed channel being above TV channel 36."¹ Licensee amended the application on October 19, 2018, to change various technical parameters.² The Bureau granted the amended application and issued a construction permit to build facilities on channel 32 (CP), with an expiration date of October 24, 2021.³

On October 13, 2021, shortly before expiration of its CP for channel 32, Licensee filed what it characterized as a minor modification to the CP requesting authority to change from channel 32 to channel 20.⁴ The Bureau granted Licensee's amended displacement application on October 14, 2021

¹ LMS File No. 0000054554, Attach. at Engineering Statement of Darryl Delawder (filed May 25, 2018; certified by Roberto Gomez, Managing Member) (Displacement Application). The Station's callsign was K40KX-D.

² See *id.* at amendment filed October 19, 2018 (Amended Displacement Application).

³ See *id.* at construction permit authorization issued Oct. 24, 2018 (for callsign K32OD-D, Madisonville, TX) (CP).

⁴ See LMS File No. 0000163689, Attach. at Engineering Statement of Darryl Delawder (Oct. 13, 2021) ("This application should be treated as a modification of the existing Construction Permit (LMS File No. 000054554) and

(Amended CP).⁵ On October 25, 2021, Licensee filed a license to cover for K20PC (License to Cover), which the Bureau granted on October 27, 2021.⁶

Renewal of License Application. On April 1, 2022, Licensee filed an application to renew K20PC's license (Renewal Application).⁷ Licensee certified that, at the time it filed the Renewal Application, the Station was currently on the air and broadcasting programming intended to be received by the public; had not been silent for any consecutive 12-month period; that during the preceding license term the Station had not been silent for any period of more than 30 days; and that the Station has operated pursuant to its authorized operating parameters, either pursuant to the terms of its license, special temporary authority, or as otherwise permitted.⁸ Based on its certifications, the Bureau granted the renewal application on August 3, 2022.⁹

Invoice Data Validation. On May 31, 2023, the Division directed Licensee to provide information and documents in order to verify that the Station's requests seeking reimbursement from the Fund for vendor expenses were reasonably incurred, that the equipment identified in invoices submitted for reimbursement was delivered to the Station, that Licensee had reimbursed the vendors, and that the reimbursement requests were otherwise consistent with the rules and regulations governing the repack program (IDV Letter).¹⁰

The IDV Letter specifically directed Licensee to provide, by June 14, 2023, a sworn written statement "of the operational status of the station, to include the date the station began permanent operations from its repack facilities consistent with the terms of its license and the date the station completed constructing the facility."¹¹ The IDV Letter also directed Licensee to provide the location and operational status of the equipment for which the station submitted invoices and received reimbursement from the Fund.¹² The IDV Letter further directed Licensee to provide photographs of the Station's equipment that indicate the name plate and serial number for each piece of such equipment, the make and model number of each piece of equipment, and the date each photograph was taken and the identity of the individual who took the picture.¹³

NOT a new displacement." (Emphasis in original)). Full-power station KDAF had filed an application to modify its channel when the Bureau lifted a freeze on full-power station modifications. The Bureau granted KDAF's application on February 2, 2021, thus formally causing displacement of Licensee's channel 32 permit.

⁵ *Id.* at authorization granting construction permit for callsign K20PC, Centerville, TX (Oct. 14, 2021) with an expiration date of Oct. 14, 2024.

⁶ LMS File No. 0000164606 (Oct. 25, 2021) (License to Cover).

⁷ LMS File No. 0000188662 (filed Apr. 1, 2022) (Renewal Application).

⁸ *Id.*

⁹ *Id.* at authorization.

¹⁰ Letter from Barbara A. Kreisman, Chief, Video Division, FCC's Media Bureau, to DAIJ Media, LLC (May 31, 2023) (IDV Letter). The IDV Letter was addressed to Licensee's repack contact address (1600 Pasadena Blvd.).

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Licensee filed an untimely response on June 19, 2023 (Response), wherein it certified under penalty of perjury that information provided in the response are “true and accurate representations” and that all documents provided are true and accurate copies.¹⁴ Licensee avers that the Station was licensed on October 25, 2021, with the use of loaner equipment (Lender Letter), but Licensee failed to indicate the operational status of the Station.¹⁵ Licensee also does not explain how the Station was operating as of October 25, 2021, consistent with its authorized power, when it was apparently using loaner equipment that does not appear capable of operating at the authorized power listed in its License to Cover.

Licensee also provides seven photographs, none of which are labeled to indicate the location of the equipment depicted therein or containing a description of the image depicted. Licensee also failed to provide the full date on which each photograph was taken, or specify who took each of the photographs. As a result of these facts and omissions in Licensee’s IDV Response, there are material questions of fact as to the status of the construction and operation of K20PC as authorized by the Bureau.

We direct Licensee to respond to the inquiries contained in the attachment to this LOI (definitions for certain terms used in this LOI are included in the attachment). Licensee’s response to this LOI should be filed in accordance with the instructions set forth in the attachment. **Please note, in particular, the instructions for preparing affidavits or declarations** that must accompany Licensee’s response and the requirements to identify who is providing the information if the affiant does not have first-hand knowledge of the statements and representations made in an affidavit/declaration. Note also the requirements regarding the method and identification of **Document production**.

This LOI constitutes an order of the Commission to produce the documents and information requested herein.¹⁶ To knowingly or willfully make any false statement,¹⁷ or to provide incorrect or misleading material factual information, or conceal any material fact in reply to this letter,¹⁸ is punishable by imprisonment or fine,¹⁹ and may subject Licensee to sanction, up to and including license revocation.²⁰ **Failure to timely respond accurately, truthfully, and fully to this LOI as directed herein constitutes a violation of the Act and our Rules and may subject Licensee to sanction by the Commission.**²¹

¹⁴ Letter from Ruben Villarreal, DAIJ (filed June 19, 2023) (Response). The return address is 1600 Pasadena Blvd., Pasadena, TX, which is DAIJ’s repack contact address, not the Station’s official address.

¹⁵ See *id.* at 1, Letter from Ruben Villarreal, COO, Aleluya Broadcasting Network, 1600 Pasadena Blvd., Pasadena, TX (ABN) (June 19, 2023) (DAIJ’s repack contact address). The letter lists the equipment ABN purports to have lent DAIJ.

¹⁶ See 47 U.S.C. § 155(c)(3).

¹⁷ See 18 U.S.C. § 1001.

¹⁸ See 47 CFR § 1.17.

¹⁹ See 18 U.S.C. § 1001; see also 47 CFR § 1.17.

²⁰ 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).

²¹ 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. To ensure you provide complete and full responses to all inquiries, carefully review the Definitions (e.g., “Identify”) that follow these inquiries and the Instructions regarding Document production, retention, and the continuing nature of the responses and Licensee’s duty to ensure their accuracy.

Unless otherwise indicated, or necessary to accurately and fully respond to an inquiry, the time covered by these inquiries is **May 25, 2018**, to the present.

Requests for Information

1. Answer the following and produce all Documents that support your responses regarding the construction and operation of K20PC’s facilities:
 - a. Identify every site at which K20PC has operated and provide the following for each such site:
 - i. the manufacturer, make, model, and serial number of all equipment installed at all such sites, and the dates on which construction was completed for each such site;
 - ii. copies of any and all purchase orders, invoices and bills related to the construction of such facilities including equipment invoices, bills of lading, tax invoices, installation and service invoices, invoices for engineering services, invoices for legal services, and copies of payment of such invoices;
 - iii. the exact location (ASRN or geographic coordinates) of K20PC’s transmitter and antenna for each relevant time period, including the effective radiated power and antenna height above ground level, and the start and stop dates for each period of operation or silence;
 - iv. the precise date the Station completed construction of the facility associated with its Amended Displacement Application (LMS File No. 0000163689);
 - v. the dates the Station was operating and transmitting from each such site and all dates the Station was silent. For any period of operation, provide the Station’s programming source (i.e., satellite dish/receiver, playout server, internet, etc.) and a monthly sample of EAS and program logs¹; and
 - vi. Identify all Persons or entities (whether compensated or not) that performed any services, performed any work for, assisted Licensee in securing the Station’s transmitter sites and provided equipment or other goods, services or merchandise related to the construction or operation of K20PC.
 - b. Provide the full legal name, mailing address, and telephone number of all property owners, tower owners, and/or tower managers of all sites K20PC operated from, as well as all Documents related to K20PC’s use of any tower or transmitter site, including but not limited to, purchase or rental contracts, invoices, receipts, tax records, electric bills, and/or leasing agreements, and copies of payments made for all such invoices, receipts, leases; and

¹ Licensee may provide a quarterly sample of documents for the period that runs from May 25, 2018 to October 21, 2021. Licensee must provide a monthly sample of documents for the period that runs from October 22, 2021 to present.

- c. Provide time-stamped photographic evidence of K20PC's Transmitter Sites and of the tower(s) from which K20PC has been broadcasting. Provide an affidavit from the person who took the photograph(s) in which the photographer describes what is depicted in all such photographs, where and when the photographs were taken, whether the photographs were in anyway edited (and if so, how), and an attestation by the photographer verifying the accuracy of the date of the photographs and the images depicted therein.
2. Licensee's original Displacement Application (LMS File No. 0000054554, filed May 25, 2018) was certified by DAIJ Managing Member Roberto Gomez. Identify Roberto Gomez's role in DAIJ from May 25, 2018 to the present, and state whether he held any other broadcast authorizations at that time to the present. If answered in the affirmative, provide the callsigns and facility identification numbers for all/any such authorizations.
3. In the License to Cover (LMS File No. 0000054554 filed October 25, 2021), you, Ruben Villarreal, certified that K20PC had been constructed as authorized. According to the IDV Response, the Lender Letter appears to be signed by you, in your capacity as COO for Aleluya Broadcasting Network (ABN), averring under penalty of perjury that ABN had lent the following equipment to DAIJ: 1) Elettronika MA1A100watt digital transmitter with 8 pole filter; 2) Adtec Media HUB-HD pro; 3) a WADE D1338 UHF antenna; and 4) 50 ft of ½ coax cable.
 - a. Confirm that you, Ruben Villarreal, signed both the June 19, 2023 Lender Letter and the June 19, 2023 IDV Response. Explain fully your duties and responsibilities at both DAIJ and ABN. Conversely, if you did not sign both letters, explain the relationship between you, an owner of DAIJ, and the COO of ABN.
 - b. Explain how the Station was able to broadcast at its authorized power of 4 kW ERP given the size of the transmitter and gain of the antenna that ABN had lent to DAIJ to permit K20PC to begin operating at its post-transition location.
 - c. Explain fully from where ABN obtained the "loaner equipment" identified in the Lender Letter. Provide all Documents relating to the loan of any and all such equipment from ABN to DAIJ, particularly all Documents made contemporaneously with the loan, to include the full make, model, and serial number for all such equipment, and provide the terms of the inter-company loan described in the Lender Letter, to include the cost, if any, charged by ABN for the loan of the equipment to DAIJ.
 - d. Provide photographs of all loaned equipment. Such photographs must include clearly visible images of the makes, models, and serial numbers of all such equipment. Identify the Person(s) who took such photographs, and provide an affidavit or declaration from all such Person(s) stating when the photograph was taken, the location where all such photographs were taken, whether the photographs were edited in any way (and if so, how), and a written description of the images depicted in all such photographs.
 - e. Identify all Persons who installed the loaner equipment, and specify the nature of each Persons' duties and responsibilities, the dates on which all such duties were performed, and whether such work was compensated or not.
 - f. Provide the date the loaner equipment was removed. Describe what became of the loaner equipment, to include the current location of all such equipment, and Identify all Person(s) who removed such equipment.

4. Transmitter Invoices. Elettronika invoice # 3806 for \$89,062.56 was for a new main 2 kW transmitter and associated filters. Per the terms stated on the face of the invoice, payment of “100% upon Receipt” was due on August 15, 2022, the date of the invoice, and delivery time was specified as “90 days after order is placed excluding August.” The equipment apparently was tested and presumably deliverable at the end of December 2022, according to a report included in the IDV Response (the “ATSC Transmitter Test Report” from Elettronika (Report)) indicating the vendor had assembled and tested the transmitter on December 27, 2022.

DAIJ submitted invoice 3806 for reimbursement on September 2, 2022. The Fund advised DAIJ on 9/21/2022 that full payment had been sent to the US Treasury. Contrary to the invoice payment terms, however, DAIJ paid only 50% of the invoice (\$44,531.28) via check # 1505 dated 9/30/2022. DAIJ did not pay the remaining balance until 4/13/2023.

Transmitter Installation. On September 2, 2022, DAIJ submitted Elettronika invoice # 3822 dated 8/30/22 for \$12,500 to install K20PC’s new transmitter. Per the terms of the invoice, 75% was due upon receipt of the invoice to schedule the work and the rest was due upon installation. The IDV Response indicates that DAIJ did not cut a check for any part of this invoice until 6/7/2023, check # 1627.

Answer the following and provide all Documents supporting your response:

- a. Explain fully why Licensee paid 50% of the balance in September 2022, despite the invoice’s requirement of 100% payment upon receipt and DAIJ’s receipt of reimbursement from the Fund for the full amount of the invoice.
 - b. Elettronika apparently completed its test of the transmitter in December 2022. Explain fully why Licensee waited until April 2023 to pay the remaining transmitter balance.
 - c. State the date on which the transmitter was delivered to K20PC’s authorized, post-transition site. State the date on which the transmitter was installed. Explain fully why DAIJ cut a check dated 6/7/23 to pay the full \$12,500 invoice to install the transmitter.
5. Antenna Invoices. Elettronika invoice # 3807 for \$5,460 was for antenna components. Per the terms on the face of the invoice, payment of “100% upon Receipt” was due August 15, 2022, the date of the invoice, and delivery time was specified as “90 days after order is placed excluding August.”

Licensee submitted invoice 3807 for reimbursement on September 2, 2022. The Fund advised DAIJ on 9/21/2022 that full payment had been sent to the US Treasury. The IDV Response includes a copy of check # 1626 dated 6/7/23 written for the full amount of the antenna invoice. It would appear that DAIJ did not order the antenna until after it received the IDV Letter on May 31, 2023.

Antenna Installation. Elettronika invoice # 3830 dated 9/2/22 was for \$32,500 to install and rig K20PC’s new antenna and cables. DAIJ submitted invoice 3830 for reimbursement on September 2, 2022. The Fund advised DAIJ on 9/21/22 that full payment had been sent to the US Treasury. The IDV Response includes a copy of check # 1625 dated 6/7/2023 and drafted in the amount of \$32,500.

Coax cable. Elettronika invoice # 3808 for \$7473.44 was for coax cable. Per the terms stated on the invoice, 100% payment was due upon receipt, or 8/15/22, the date of the invoice. In your IDV Response, you provided a copy of check # 1600 dated 4/13/2023 written for the full amount.

- a. State the date on which DAIJ ordered the antenna for K20PC.
- b. Explain fully why Licensee waited nine months from the time it received reimbursement for antenna invoice # 3807 on September 21, 2022, to pay the required amount for the antenna as indicated in a check dated June 7, 2023

- c. When Licensee ordered the antenna, what was the expected delivery date? Did that delivery date change and, if so, how many times and what were the new delivery dates?
 - d. When did Licensee schedule a date to install the antenna specified in invoice 3830? What was the date the antenna was installed? Did the installation date change and, if so, how many times and what were the rescheduled installation dates?
 - e. When was the antenna delivered to K20PC's authorized transmission site? When was the antenna installed and fully functional? Identify all Persons who installed the antenna.
 - f. Provide all Documents and communications that discuss ordering an antenna for K20PC or are related to ordering K20PC's antenna as described in invoice # 3807.
6. Photographs. The IDV Response includes an email apparently sent on June 6, 2023, from Maria Quintero, Elettronika, and addressed to "Susanna, Me, Alan," and includes four email addresses and appears to contain six attachments labeled as jpgs. The text of the email was addressed to "Susan" and, as reproduced in DAIJ's IDV Response, does not contain the entire message, in that the ends of each sentence are missing. Furthermore, a message at the bottom of the email states "one or more messages in this thread were collapsed and will not be printed." Additionally, some of the relevant numbers in certain photographs are indecipherable.
7. Provide a fully legible copy of the June 6, 2023 email from Maria Quintero and include the entire email chain, i.e., the messages in the thread that were collapsed. Identify Ms. Quintero's role at Elettronika.
- a. State whether the photographs provided in the IDV Response had been altered or edited in any way and, if so, explain fully why and how they were altered/edited, and Identify by whom.
 - b. Identify the Person who took each photograph submitted in the IDV Response and include the day, month, and year each photograph was taken. Describe what the image depicts and where the photograph was taken.
8. Transmit the original jpeg files for each photograph submitted in the Response to Dana Leavitt, Special Counsel, Video Division, at dana.leavitt@fcc.gov. Identify Alan Maldonado. Identify which photographs he provided in the IDV Response.
9. Identify all Persons who have any financial interest in K20PC, to include but not limited to any Person who is or may be a creditor of K20PC, or would have a financial interest in any future sale or transfer of K20PC.
10. On February 3, 2020, the Fund Administrator advised K20PC that it was eligible to participate in the reimbursement Fund. On January 7, 2021, Licensee was advised that \$153,280.83 had been allocated into K20PC's RFAS account, or 92.5% of the verified estimate amount of \$165,709.

On October 25, 2021, Licensee certified the Station had constructed its post-transition facilities (albeit with borrowed equipment as disclosed in its IDV Response). Thereafter, Licensee submitted a number of invoices for reimbursement of outside professional/legal fees. On March 1, 2022, Licensee was advised that K20PC had been allocated \$187,074.50, or 100% of its verified estimate amount.

Licensee, however, apparently did not begin ordering equipment for K20PC until August 15, 2022. Further, DAIJ only began submitting invoices for the equipment it had certified was necessary for K20PC's new facilities on September 2, 2022, seven months after receiving its full allocation and only a few days before the FCC's September 6, 2022, final invoice filing deadline.

- a. In light of this timeline, explain fully why DAIJ waited 10 months from the time it filed its October 2021 license to cover to the time it began placing orders in August and September 2022 for the equipment it had certified was necessary for K20PC to broadcast from its post-transition facilities.
11. Provide any additional information that Licensee believes may be helpful in our consideration and resolution of this matter.
12. 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.
13. Identify (as this term is defined, below, and in conformity with the sworn statement requirements) each Person employed or relied upon by Licensee to respond to or answer this LOI.
14. Licensee is expected to reply and provide a complete response by the deadline. **If Licensee cannot provide all requested information or Documents by the deadline, it must submit all information it is able to obtain by the deadline, fully explain why certain information could not be provided, and indicate when such information will be submitted. We also remind Licensee that it is Commission policy that extensions of time shall not be routinely granted.**²

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. **All affiants or declarants must sign their attestations using their full legal name and must identify their employer, job title or position, and specify the affiants/declarants' mailing address, telephone number and e-mail address.**

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.

² 47 CFR § 1.46(a); *see Communications Satellite Corporation and Contel Corporation for Approval of Merger*, Order, 2 FCC Rcd 76, para. 3 (CCB 1986) (denying request for extension of time due to upcoming holidays as inadequate). As the Commission has noted previously, "parties and counsel should estimate their need for an extension sufficiently far in advance of the filing date to permit orderly action on the motion." *Amendment of Section 1.46 of the Rules of Practice and Procedure*, Order, 49 F.C.C.2d 1136, 1137, para. 2 (1974). Last-minute requests that do not contain sufficient detail to justify an extension will not be viewed favorably.

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 required to retain Documents for a longer period of time pursuant to a Commission order or rule; (b) Licensee is directed or informed by the Bureau in writing to retain such Documents for some shorter or longer period of time; or (c) 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.

Confidentiality. In addition to providing the requested information and documents, any request for confidentiality of certain information or documents must strictly comply with the requirements of section 0.459 of the Rules,³ including a statement of the reasons for withholding the materials from inspection. The request must include a schedule of the information or documents for which confidentiality is requested that states, individually as to each such item, the information required by section 0.459(b) of the Rules including, but not limited to, identifying the specific information for which confidential treatment is sought; explaining the degree to which the information is commercial or financial, or contains a trade secret or is privileged; and explaining how disclosure of the information could result in substantial competitive harm.⁴ Accordingly, a "blanket" request for confidentiality or a casual request, including simply stamping pages "confidential," will not be considered a proper request for confidentiality, and those materials will not be treated as confidential.⁵

Claims of Privilege. If Licensee withholds any information or documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item: the numbered inquiry to which each item responds and the type, title, specific subject matter and date of the item; and the specific grounds for claiming that the item is privileged.

Prior Responses. If a document responsive to any inquiry made herein has already been provided to the Commission during this or any other investigation, identify each such document, when and how it was produced, and the facility identification number under which such document was filed.

Definitions

³ See 47 CFR § 0.459.

⁴ See 47 CFR § 0.459(b).

⁵ See 47 CFR § 0.459(c).

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.

“DAIJ” or “Licensee” shall mean DAIJ Media, LLC 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 DAIJ 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 DAIJ 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.

“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 business address or telephone number are not available, state the person’s home address and telephone number.

“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.

“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.

“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.

“Transmitter Site” shall mean the permanent, physical location, and all associated equipment necessary for the transmission of broadcast television programming consistent with Part 73 and Part 74 of the Rules and as specified in any construction permit or authorization granted to K20PC-D (Facility ID No. 181616).