



Federal Communications Commission
Washington, D.C. 20554

September 25, 2023

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Mekaddesh Group Corporation
8330 Lyndon B. Johnson Fwy
Suite B400
Dallas, TX 95243

Re: License Expiration
KWDA-LD, Dallas, TX
Facility ID 130929
LMS File No. BLDTL-20110711AGT

Dear Licensee:

This is with respect to the license of KWDA-LD, Dallas, Texas (Station or KWDA-LD), licensed to Mekaddesh Group Corporation (Mekaddesh or Licensee). For reasons set forth below, we find that pursuant to section 312(g) of the Communication Act of 1934, as amended (Act),¹ the Station's license has automatically expired and both its license has been cancelled and its call sign deleted in the Commission's databases.

Section 312(g) of the Act states, in part that:

"[i]f 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...."²

As part of the Incentive Auction and repacking process, the Station's pre-auction channel, channel 21, was displaced. The Station filed a displacement application requesting a new digital channel in the Commission's displacement application filing window for LPTV stations that were displaced by the Incentive Auction and repacking process.³ On November 8, 2018, the Station was granted a digital construction permit to move from channel 21 to channel 4 (Displacement CP), with an expiration date of November 8, 2021.⁴ The Station became displaced and was required to cease operating on channel 21 on or about June 21, 2019, when full power television KDTX-TV, Dallas, Texas (KDTX), began operating

¹ 47 U.S.C. § 312(g).

² 47 U.S.C. § 312(g). *See also* 47 CFR § 74.15(f).

³ *See Special Displacement Window PN; Incentive Auction Task Force and Media Bureau Extend Post Incentive Auction Special Displacement Window Through June 1, 2018*, MB Docket No. 16-306 and GN Docket No. 12-268, Public Notice, 33 FCC Rcd 3794 (IATF/MB 2018).

⁴ LMS File No. 0000029550. The Displacement CP was modified on October 15, 2020 by LMS File No. 0000124608. (collectively, Displacement CP).

on channel 21, its post-auction channel.⁵ Mekaddesh failed to complete construction of its displacement facility by November 8, 2021, and as such its Displacement CP expired and was automatically forfeited.⁶

On July 27, 2022, Mekaddesh filed a request for special temporary authority (STA) to go silent and the request was granted for a period of six-months on August 11, 2022.⁷ According to the STA, the Station went silent on May 20, 2022, “pending move to a new site due to loss of licensed transmitter site.”⁸ On August 30, 2022, Mekaddesh filed a new displacement application to replace the one that was forfeited nearly nine months earlier (New Displacement).⁹ The New Displacement specified the same location and operational parameters as the forfeited Displacement CP. However, in light of the uncertainty surrounding the Station’s operations following its displacement off channel 21 by KDTX in June 2019 and the date which Mekaddesh claimed in its silent STA that it went silent, the New Displacement remained pending subject to further investigation into the Station’s operational history.

The silent STA expired on November 11, 2022, and no subsequent request for silent authority or resumption of operations notice was filed. On May 31, 2023, the Video Division and TV Broadcaster Relocation Fund Administrator issued an Invoice Data Validation letter (IDV Letter) directing the Licensee to provide information and documents related to the Station’s requests for reimbursement from the TV Broadcaster Relocation Fund.¹⁰ In response to the IDV Letter, Mekaddesh confirmed that as of June 20, 2023, the Station was still silent, stating that:

“KWDA-LD at the moment is in a STA, Mekaddesh Group Corporation which is the new company in charge of the license is in a restructuring process and we are waiting for the new investors to make the decisions to return to the air as soon as possible.”¹¹

⁵ See LMS File No. 0000075181 (granted July 3, 2019) (granting the license to cover application of KDTX). KDTX was assigned to phase 3 of the post-incentive auction transition plan, which had phase completion date of June 21, 2018. The phase completion date was the date listed in each station’s construction permit as its construction deadline and was the last day that a repack station was permitted operate on its pre-auction channel. Accordingly, once KDTX commenced operating on its post-auction channel, KWDA-LD could no longer operate without causing impermissible levels of interference. See *The Incentive Auction Task Force and Media Bureau Announce Procedures for Low Power Television, Television Translator and Replacement Translator Stations During the Post-Incentive Auction Transition*, Public Notice, GN Docket No. 12-268 and MB Docket No. 16-306, 32 FCC Rcd 3860, 3871, para. 29 (2017).

⁶ See 47 CFR § 73.3598(e) (“Any construction permit for which construction has not been completed and for which an application for license has not been filed, shall be automatically forfeited upon expiration without any further affirmative cancellation by the Commission.”)

⁷ LMS File No. 0000195817.

⁸ *Id.*

⁹ See LMS File No. 0000198697.

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 Letter from Maria C Guel, President of Mekaddesh Group Corp. at 1 (filed June 20, 2023) (IDV Response).

Accordingly, based on the information contained in the STA and IDV Response, we find that the Station's license expired by operation of law on May 21, 2023.¹²

While pursuant to section 312(g) of the Act the Commission may reinstate a station's license for any reason that "promotes equity and fairness," the Commission has exercised this discretion only in limited circumstances¹³ where a station's failure to transmit a broadcast signals for 12 consecutive months is due to "compelling circumstances" that were beyond its control.¹⁴ 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.¹⁵ Mekaddesh has not made a request for reinstatement of the Station's license under the "equity and fairness" provision of 312(g) and even if one were filed it appears reinstatement would not be warranted. By Mekaddesh's own admission, the Station's continued silence is the result of its own financial and independent business judgements, noting in its IDV Response that the Station has not returned to air due to "a restructuring process"¹⁶ and awaiting "new investors to make the decisions [sic] to return to air as soon as possible."¹⁷

Accordingly, pursuant to section 312(g) of the Act, the license of low power television station KWDA-LD, Dallas, Texas, **HAS AUTOMATICALLY EXPIRED**, and both its license **HAS BEEN CANCELLED** and call sign **HAS BEEN DELETED** in the Commission's databases. Further, all

¹² As previously discussed, because Station was actually displaced on or about June 21, 2019, it may have been silent for a much longer period than disclosed in its STA and IDV Response. Specifically, it is unclear from what facilities or channel the Station may have operated from between June 21, 2019 and May 20, 2022. While we make no finding on this question, we take this opportunity to make clear that any effort by Mekaddesh to seek reinstatement of the Station's license would require additional information about the Station's operational status between June 21, 2019 and May 20, 2022.

¹³ 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").

¹⁴ See e.g., *V.I. Stereo Communications Corp.*, 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) (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).

¹⁵ 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 operations); *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 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); *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 own business decisions); *Christian Broadcasting*, 30 FCC Rcd at 13976 (2015) (licensee provided no evidence that station's silence was beyond its control).

¹⁶ IDV Response at 1.

¹⁷ *Id.*

pending applications, including its application for displacement (LMS File No. 0000198697)¹⁸ and application for renewal of license (LMS File No. 0000187997) **ARE DISMISSED**. All authority to operate the facility **IS TERMINATED**.¹⁹

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

¹⁸ While the New Displacement remains pending, we find the pending status of it did not contribute to the Station's extended period of silence that has led to its license expiration under 312(g). As discussed above, we find that the Station's extended silence was a result of Mekaddesh's own financial and independent business judgements. Further, it remains unresolved whether the Station may have in fact been silent since June 2019. *See supra* note 12. If that were found to be the case, the pending nature of an application that was not filed until August 2022 would be irrelevant since the Station's license would have expired years before it was filed.

¹⁹ We remind Licensee that it must continue to adhere to the requirements in the former station's authorization pertaining to lighting of antenna structures. *See* 47 U.S.C. §303(q); 47 CFR §§17.1 *et seq.*, 73.1213 and 73.1740(a)(4). *See also Streamlining the Commission's Antenna Structure Clearance Procedure*, Report and Order, 11 FCC Rcd 4272, 4293 (1995) (tower owner bears primary responsibility for maintaining tower painting and/or lighting).