



Federal Communications Commission
Washington, D.C. 20554

December 27, 2023

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

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Re: Letter of Inquiry
KBHO-LD, Richmond, TX
Facility ID No. 130327
LMS File No. 0000078392

Dear Licensee and Counsel:

This letter of inquiry (LOI) seeks information regarding low-power television station KBHO-LD, Richmond, Texas (KBHO or Station), licensed to Centro Cristiano De Vida Eterna (Centro or Licensee). In June 2023, you responded to an inquiry from the Media Bureau's Video Division (Bureau) and the TV Broadcaster Relocation Fund Administrator (Fund Administrator) and provided information suggesting that Centro 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 Parts 73 and 74 of the FCC's rules and policies (Rules). Centro also failed to provide requested information regarding equipment it received reimbursement for from the TV Broadcaster Relocation Fund (Fund). 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. Failure to do so will result in cancellation of the Station's license under section 312(g) of the Communications Act of 1934 (Act).**¹

Background. On May 17, 2018, Licensee filed an application for displacement (Displacement Application) for the Station.² On November 28, 2018, Centro amended the Displacement Application to resolve interference issues and the Displacement Application was subsequently granted on January 16, 2019 and the Station was issued a construction permit on channel 9 (CP) with an expiration date of January 16, 2022.³ On July 22, 2019, Licensee filed a license to cover for the CP, which the Bureau

¹ Section 312(g) of the Act provides, 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...." 47 U.S.C. § 312(g).

² LMS File No. 0000054255 (filed May 17, 2018; certified by Hector Guevara, President, Centro) (Displacement Application).

³ Amendment to LMS File No. 0000054255 (filed Nov. 28, 2018).

granted on August 2, 2019.⁴ On November 14, 2019, Licensee submitted a Form 399 to be deemed eligible to receive reimbursement payments from the Fund.⁵

Renewal of License Application. On April 1, 2022, Licensee filed an application to renew KBHO's license (Renewal Application).⁶ Licensee certified that the Station was 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.⁷ Based on Centro's certifications, the Bureau granted the renewal application on August 3, 2022.⁸

2023 Silent STA Request. On June 26, 2023, Licensee filed a request for special temporary authority (STA) to remain silent, certifying that KBHO went off the air as of June 10, 2023, "pending delivery of a new permanent transmitter. The loaner with which the station has been operating is no longer available for use by the licensee."⁹ The Bureau granted the STA with a January 2, 2024 expiration date. As of the date of this letter, the Station remains silent and has not filed a resumption of operations notice.

Reimbursement Invoice Data Validation Request. On May 31, 2023, the Bureau directed Licensee to, among other things, provide information related to its operational history and regarding equipment that it received reimbursement for from the Fund.¹⁰ Licensee filed an untimely response on June 25, 2023 (Response), wherein Roberto Guevara, Director, Centro, certified that "the statements of fact set forth in this response to the IDV Letter of which I have personal knowledge, are true and correct to the best of my knowledge and belief."¹¹ In the Response, Licensee avers that KBHO's license to cover for Channel 9 was filed July 22, 2019, and that the Station "was constructed using a transmitter sent to us by Elettronika that was shipped to us on **July 15, 2019**. This transmitter was a loaner."¹² Licensee further avers that the loaner transmitter was returned to Elettronika **on June 10, 2023**.¹³ Licensee failed to provide all information requested related to its operational history and did not provide complete answers with regards to the equipment it received reimbursement for from the Fund.

⁴ LMS File No. 0000078392 (July 22, 2019).

⁵ LMS File No. 0000089680 (Nov. 14, 2019).

⁶ LMS File No. 0000188785 (filed Apr. 1, 2022) (Renewal Application).

⁷ *Id.*

⁸ *Id.* at authorization.

⁹ LMS File No. 0000217153 (June 26, 2023) (STA). Martin Guevara, President, Centro, certified the application.

¹⁰ Invoice Data Validation Letter from Barbara A. Kreisman, Chief, Video Division, FCC's Media Bureau, to Hector Guevara, Centro Cristiano de Vida Eterna (May 31, 2023).

¹¹ Email from Martin Guevara, President, Centro, to FCC Repack Fund Administrator and Hector Guevara, Centro (June 25, 2023, 23:56) (containing IDV Response from Roberto Guevara, Director, Centro, dated June 22, 2023) (Response). Martin Guevara, Centro had requested – and received – extensions of the filing deadline to June 19, 2023. Because June 19 was a holiday, the filing deadline was Tuesday, June 20, 2023. The response filed Sunday, June 25, 2023, was thus untimely.

¹² Roberto Guevara Certification (emphasis added).

¹³ *Id.* (emphasis added).

Following receipt of Licensee's Response, the Bureau and Fund Administrator obtained information that certain "loaner" equipment was shipped to Licensee for use by KBHO on July 7, 2022, and that equipment was returned to Elettronika on or about May 3, 2023. Based on this information the Bureau has received, it is unclear if in fact the Station operated or was properly authorized to operate since July 11, 2019. Further, to the extent the Station was operational at any time since July 11, 2019, it is not clear what equipment was used, from where it operated, and under what authority it operated.

Request for Information. 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 must be filed in accordance with the instructions set forth in the attachment. This LOI constitutes an order of the Commission to produce the documents and information requested herein.¹⁴ To knowingly or willfully make any false statement,¹⁵ or to provide incorrect or misleading material factual information, or conceal any material fact in reply to this letter,¹⁶ is punishable by imprisonment or fine,¹⁷ and may subject Licensee to sanction, up to and including license revocation.¹⁸ **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.**¹⁹

If Licensee fails to provide the information requested **within 30 days from the date of this letter**, we will conclude that the Station was silent between July 22, 2019 and July 7, 2022, and between April 19, 2023 and June 10, 2023, and the Commission's public and internal databases **WILL BE MODIFIED** to indicate that pursuant to section 312(g) of the Act the broadcast license for the Station **HAS AUTOMATICALLY EXPIRED** as a matter of law, that the station's license **IS CANCELLED**, its call sign **IS DELETED**, and any pending applications **WILL BE DISMISSED**. **The Licensee may also choose to voluntarily relinquish the Station's license for cancellation.**²⁰ To the extent the Station's license is canceled or it voluntarily relinquishes its license, Licensee must still provide the

¹⁴ See 47 U.S.C. § 155(c)(3). See also *The Incentive Auction Task Force and Media Bureau Announce Reimbursement Form Availability and Filing Deadline and Procedures for Reimbursement of Lower Power TV, TV Translator, and FM Stations*, Public Notice, 34 FCC Rcd 7166, 7172, para. 26 (MB 2019) (*LPTV PN*) (warning stations that they "must retain all relevant documents pertaining to construction or other reimbursable changes or expenses for a period ending not less than 10 years after the date on which the entity receives final payment from the Reimbursement Fund.")

¹⁵ See 18 U.S.C. § 1001.

¹⁶ See 47 CFR § 1.17.

¹⁷ See 18 U.S.C. § 1001; see also 47 CFR § 1.17; *LPTV PN*, 34 FCC Rcd at 7173, para. 27 ("A false certification may result in disqualification for reimbursement and other sanctions provided for in the Communications Act and the Commission's rules.")

¹⁸ 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).

¹⁹ 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).

²⁰ Requests for license cancellation may be filed electronically in the Commission's Licensing and Management System (LMS). After logging in to LMS: (1) click on "Facility" tab on the left top of the page; (2) click on facility ID of the station; (3) click on "File an Application" button; (4) select "Cancellation" from the drop-down menu; and (5) complete the application and click "Submit."

information required by questions 3 through 6 in the Attachment. Any matters related to the Station's acceptance of reimbursement funds from the Fund and whether funds will need to be returned will be addressed by separate action through the Bureau and Fund Administrator.

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.

1. Identify every site at which KBHO-LD, Richmond, Texas (Facility ID No. 130327) (KBHO) has operated since July 11, 2019, and provide the following information:
 - a. the manufacturer, make, model, and serial number of all equipment installed at all such sites, whether owned or loaned/borrowed, and the dates on which equipment was installed and construction was completed for each such site. If such information cannot be provided, explain why and provide as much information about the equipment that was installed as is possible;
 - b. identify from whom Centro obtained the “loaner equipment” it avers it received in July 2019, with relevant contact information (full legal name, mailing address, telephone number, and e-mail address), and provide all documents relating to the “loaner” equipment;
 - c. provide the exact location (ASRN or geographic coordinates) of KBHO’s transmitter and antenna for each relevant site from which it operated, including the effective radiated power and antenna height above ground level, the start and stop dates for each period of operation, the Station’s programming source (i.e., satellite dish/receiver, playout server, internet, etc.), and a quarterly sample of EAS and program logs. For any periods of silence provide the exact dates for when the Station was silent and explain why;
 - d. provide the date that the equipment for any site was removed or uninstalled; and
 - e. 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, goods, services, or merchandise related to the construction or operation of any site from which KBHO operated.
2. Provide the full legal name, mailing address, telephone number, and e-mail address of all property owners, tower owners, and/or tower managers of all sites KBHO operated from, as well as all Documents related to KBHO’s use of any tower or transmitter site, including but not limited to, purchase or rental contracts and/or leasing agreements, receipts, tax records, and electric bills.
3. From the submission on June 25, 2023; a vendor letter from Elettronika America was not provided. If the licensee has possession of this letter for station KBHO, provide a copy or state that one was not received.
4. In response to a request for third-party proof of payment that Licensee paid Elettronika Invoice #3974, Licensee provided multiple check images that were issued to multiple vendors. These documents do not establish that funds were actually transferred from Licensee’s account to the account of Elettronika America, nor do the amounts on the checks match the reimbursed total of \$80,129.50. We therefore direct Licensee to: (1) list all date(s) and amount(s) on which Licensee

made payments for the invoice, (2) identify which specific check numbers were used to pay this invoice; and (3) provide the WoodForest National Bank Account Statement(s) for applicable months or other proof of payment documentation that clearly demonstrate funds from Licensee's account were withdrawn for the total amount Licensee was reimbursed. If Licensee has not yet paid the invoice in full, explain why not and state where the monies received from the Fund are located as of the date of this Letter of Inquiry (LOI).

5. Provide any additional information that Licensee believes may be helpful in our consideration and resolution of this matter and provide copies of all Documents that serve as the basis for the responses to all the Inquiries above, to the extent not already requested.
6. Provide the full legal name, mailing address, telephone number, and e-mail address of each Person employed or relied upon by Licensee (whether compensated or uncompensated) to respond to or answer this LOI.
7. 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 remind Licensee that it is Commission policy that extensions of time shall not be routinely granted.¹**

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.**

¹ 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.

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.

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 and VideoLOI@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,² 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.³ 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.⁴

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.

² See 47 CFR § 0.459.

³ See 47 CFR § 0.459(b).

⁴ See 47 CFR § 0.459(c).

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

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.

“Centro” or “Licensee” shall mean Centro Cristiano De Vida Eterna 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 Centro 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 Centro 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.

“Station” shall mean the broadcast facility licensed to Centro for KBHO-LD (Facility ID No. 130327).

“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 KBHO-LD (Facility ID No. 130327).