



Federal Communications Commission
Washington, D.C. 20554

April 4, 2024

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Word of God Fellowship, Inc.
3901 Highway 121 South
Bedford, TX 76021
arnold.torres@daystar.com

Re: Letter of Inquiry
WIPX-LD, Indianapolis, IN
Facility ID No. 65121

Dear Licensee:

The Video Division of the Media Bureau (Bureau) is issuing this letter of inquiry (LOI) to develop the record regarding the operational record of low power television (LPTV) station WIPX-LD, Indianapolis, Indiana (WIPX-LD or Station), licensed to Word of God Fellowship, Inc. (WGF or Licensee). Based on information received by the Commission it appears the Station may have been silent for more than one year.¹ This letter provides you **thirty (30) days** to provide evidence that the Station has either not been silent for more than one year.

Station History. WIPX-LD is an LPTV station licensed on digital channel 34.² The Station reported that it began operating its digital channel 34 facilities in July 2015.³ In its application for renewal of license granted on August 24, 2021, the Station did not report any periods of silence during its previous license term.⁴

Complaint. In February 2024, the Bureau received information from a viewer alleging that the station was silent and has never been observed operating. There are no requests for silent authority currently on file with the Commission. On February 29, 2024, FCC Enforcement Bureau agents visited the Station's transmitter site and found that the Station was silent and that no facility was present at the location specified in its license. The agent also talked to the manager of the tower site who informed the agent that he had no knowledge of the Station be located at the site.

Request for Information. Based upon Commission records and the conflicting information we have received from a viewer we seek to determine the Station's operational history and whether it was silent for more than 12 consecutive months and its license has automatically expired pursuant to section 312(g) of the Act. The attachment to this LOI includes inquiries to which Licensee must respond, filing

¹ Section 312(g) of the Communications Act of the 1934 (Act) provides that if a broadcast station fails to transmit broadcast signals with its authorized facilities 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, except that the Commission may extend or reinstate such station license to promote equity and fairness. See 47 U.S.C. § 312(g). See e.g., *Eagle Broad. Group, Ltd. v. FCC*, 563 F.3d 543 (D.C. Cir. 2009); *A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603 (2008).

² LMS File No. 0000004295, granted October 8, 2015.

³ *Id.*

⁴ LMS File No. 0000134770, granted August 24, 2021.

requirements, instructions for your response, and definitions for certain terms used in this LOI. Licensee's response to this LOI should 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.⁵ To knowingly or willfully make any false statement,⁶ or to provide incorrect or misleading material factual information, or conceal any material fact in , reply to this letter,⁷ is punishable by imprisonment or fine,⁸ and may subject Licensee to sanction, up to and including license revocation.⁹ **Failure to 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.**¹⁰

If you fail to provide the information requested **within 30 days from the date of this letter**, we will conclude that the Station has been silent for more than twelve months, 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 referenced station **IS EXPIRED**, that the station's license **IS CANCELED** as a matter of law, that the station's call sign **IS DELETED**, and any pending applications will **BE DISMISSED**. **As an alternative to a written response explaining the Station's operational status, you may submit the Station's license for cancellation in the Commission's Licensing and Management System.**¹¹

If you have any questions about this matter, please contact Shaun Maher, Attorney-Advisor, Video Division, at (202) 418-2324 or Shaun.Maher@fcc.gov.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Mark Denbo, Esq.

⁵ See 47 U.S.C. § 155(c)(3).

⁶ See 18 U.S.C. § 1001.

⁷ See 47 CFR § 1.17.

⁸ See 18 U.S.C. § 1001; *see also* 47 CFR § 1.17.

⁹ 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).

¹⁰ 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).

¹¹ 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."

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 that follow these inquiries and the Instructions regarding Document production and retention.

Requests for Information

1. Identify every site at which WIPX-LD, Indianapolis, Indiana (Facility ID No. 65121) has operated since **August 24, 2021** (the date of grant of the Station's license renewal) and provide the following information:
 - a. the manufacturer, make, and model 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. copies of any and all purchase orders, invoices and bills related to the construction of such facilities including equipment invoices, installation and service invoices, invoices for engineering services, and copies of payment of such invoices. If such information cannot be provided, explain why and provide as much information about the construction of the facility as is possible;
 - c. the exact location (ASRN or geographic coordinates) of WIPX-LD's transmitter and antenna from which it has 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.), a sample of EAS and program logs,¹ and the format that any programming was aired (i.e., 480i, 720p, 1080i, etc.). For any periods of silence provide the exact dates for when the Station was silent and explain why;
 - d. 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 WIPX-LD operated from, as well as all Documents related to WIPX-LD'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
 - e. time-stamped pictorial evidence of WIPX-LD's Transmitter Sites and of the tower(s) from which WIPX-LD has been broadcasting. Provide an affidavit from the person who took the photographs that describes what is depicted in the photographs, where and when the photographs were taken, and an attestation by the photographer verifying the accuracy of the date of the photographs and the images depicted therein. The full legal name, mailing address, telephone number, and e-mail address of the photographer(s) must also be provided.

¹ For calendar years 2021, 2022 and 2023, a quarterly sample may be provided. For calendar year 2024 monthly samples must be provided.

2. To the extent any information provided in the Station's most recent license renewal application as incorrect please provide a detailed description of what information was incorrect, why it was incorrect, and provide accurate information.
3. 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.
4. 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; in whole or in-part) to respond to or answer this LOI.
5. Licensee is expected to reply 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 affidavits provided in response to this letter must include the full legal name of and contact information for the signatory (address, phone number, and e-mail address (if applicable)).**

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 individual 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 Shaun Maher, Attorney-Advisor, Video Division, Media Bureau, Federal Communications Commission, BrightKey, 9050 Junction Drive, Annapolis Junction, MD 20701.

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).

If sent by first-class, Express, or Priority Mail, the response should be sent to Shaun Maher, Video Division, Media Bureau, Federal Communications Commission, 45 L Street, NE, Room 4-444, Washington, DC 20554.

Electronic Copy. Licensee shall also transmit a copy of the response and any attachments or exhibits via email to Shaun.Maher@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.

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 Commission's 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 Commission's 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 the 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

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.

"WGF" or "Licensee" shall mean Word of God Fellowship, Inc., or WGF 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 WGF 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 WGF 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.

³ See 47 CFR § 0.459.

⁴ See 47 CFR § 0.459(b).

⁵ See 47 CFR § 0.459(c). If the [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; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific grounds for claiming that the item is privileged.

“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 WIPX-LD.

“WIPX-LD” or “Station” means, WIPX-LD, Indianapolis, Indiana (Facility ID No. 65121).