



Federal Communications Commission
Washington, D.C. 20554

January 20, 2022

In Reply Refer to:
1800B3-HOD

SENT BY EMAIL TO CEKI045@HOTMAIL.COM

Ms. Jacqueline Contés-Santiago
Iglesia Refugio, Sanidad y Adoración
PO Box 1361
Caguas Pueblo
Caguas, PR 00726

In re: **Iglesia Refugio, Sanidad y Adoración**
WODB-LP, Caguas, Puerto Rico
Facility ID 194728
Application File Nos. 0000083542,
0000105627

Letter of Inquiry

Dear Ms. Contés-Santiago:

This letter concerns an LPFM station—WODB-LP, Caguas, Puerto Rico (Station)—licensed to Iglesia Refugio, Sanidad y Adoración (Iglesia Refugio). We have before us Iglesia Refugio's application to renew the Station's license (Renewal Application),¹ and a Petition to Deny the Renewal Application filed by Miguel A. Meléndez (Petitioner).² After reviewing the Renewal Application and the Petition, we have determined that additional information is necessary. Accordingly, pursuant to section 73.1015 of the Commission's Rules (Rules),³ Iglesia Refugio is hereby required to provide the information and materials discussed herein, and to do so within thirty calendar days of the date of this letter.

Background. Iglesia Refugio timely filed the Renewal Application. Therein, it certified that, during the preceding license term, the Station had not been silent for any period of more than 30 days.⁴ In response, Petitioner filed the Petition. Among other things, the Petition alleges (1) that the Station was silent between April 13, 2016, and July 9, 2016,⁵ (2) that Iglesia Refugio is a defunct organization,⁶ and

¹ Application File Nos. 0000083542 (Renewal Application), 0000105627 (Amendment). The Amendment changed (1) the address, and email listed in the Applicant Information, and (2) the legal representative listed in Contact Representatives from Miguel Meléndez to Jacqueline Contes-Santiago.

² See Pleading File Nos. 0000094017, 0000105760. Petitioner initially filed the Petition to Deny on December 23, 2019. Petitioner refiled the Petition on February 10, 2020, after Iglesia Refugio amended the Renewal Application.

³ 47 CFR § 73.1015.

⁴ Renewal Application, AM/FM/LPFM Certification, Adherence to Minimum Operating Schedule Item.

⁵ Petition at 1.

⁶ *Id.* at 3, 4.

(3) that the Station has never had Emergency Alert System (EAS) equipment and therefore has never performed any EAS tests.⁷ To date, Iglesia Refugio has not responded to Petitioner's allegations.

Information and Materials Requested. *Organizational Status.* In the Petition, Petitioner alleges that, among other things, the Iglesia Refugio board of directors is "non-operational."⁸ In addition, it appears that Iglesia Refugio filed Articles of Dissolution with the Puerto Rico Department of State,⁹ and, in response, the Government of Puerto Rico terminated Iglesia Refugio's corporate existence on June 16, 2020.

We request that Iglesia Refugio provide a narrative statement that addresses how Iglesia Refugio has satisfied the requirement that it be "recognized under the laws" of Puerto Rico between June 16, 2020, and the present.¹⁰ Iglesia Refugio should submit copies of all corporate materials (including those filed with the Government of Puerto Rico) related to its corporate status.

Board Composition. Petitioner alleges that five of the six board members listed in Iglesia Refugio's applications¹¹ are no longer affiliated with Iglesia Refugio. Petitioner notes that Iglesia Refugio did not notify the Commission that more than 50 percent of its board had turned over.¹²

We request that Iglesia Refugio provide a narrative statement that lists all individuals that have served on its board between November 12, 2013 (the date it first applied for a construction permit for the Station), and the present. Iglesia Refugio should include the specific dates on which each individual served on its Board. Iglesia Refugio should submit copies of all corporate materials (including those filed with the Government of Puerto Rico) related to its Board composition, or the appointment, resignation or termination of Board Members.

Operational Status. Petitioner alleges that the Station was silent between April 13, 2016, and July 9, 2016. The Commission's records, however, do not include any notifications or requests for special temporary authority (STA) for the Station to remain silent for more than 30 days.¹³ Further, Iglesia Refugio certified in the Renewal Application that, during the preceding license term (which ran

⁷ *Id.* at 3.

⁸ *Id.* at 1.

⁹ Puerto Rico Department of State, Registry of Corporations and Entities, *Corporation Information* (Register No. 49283), <https://prcorpfilinf.f1hst.com/CorpInfo/CorporationInfo.aspx?c=49283-121> (last visited Jan. 20, 2021).

¹⁰ *Hope Radio of Rolla, Inc.*, File No. BNPL-20010122AKZ, 28 FCC Rcd 7754, 7754, para. 2 (2013). *See also Applications for Review of Decision Regarding Six Applications for New Low Power FM Stations*, File No. BNPL-20000608AEN et al, 28 FCC Rcd 13390, 13393-94, para. 10 (2013).

¹¹ *See* Application File Nos. BNPL-20131112AVW, at Section II (Legal), Item 3 (Parties to the Application); BPL-20151112XKW, at Section II (Legal), Item 3 (Parties to the Application).

¹² Under section 73.865 of the Rules, transfers of control involving a sudden or gradual change of more than 50 percent of an LPFM's governing board are not prohibited, provided that the mission of the entity remains the same. 47 CFR § 73.865. However, sudden majority board changes must be submitted as a *pro forma* ownership change within 30 days of the change or final event that caused the LPFM licensee to exceed the 50 percent board turnover threshold. *Id.*

¹³ Section 73.850(d) of the Rules requires LPFM stations to notify the Commission within 10 days of temporarily discontinuing operations, and obtain Commission authorization if the discontinued operations last beyond 30 days. 47 CFR § 73.850(d).

from September 28, 2015, to February 1, 2020), the Station was not off the air for more than 30 consecutive days.

We request that Iglesia Refugio provide a narrative statement that indicates the Station's operational status between April 13, 2016, and July 9, 2016. Iglesia Refugio must indicate the dates during this time period on which the Station was silent, the dates on which the Station operated with its licensed facilities, and the dates on which the Station operated with technical parameters other than those specified in its license. For all dates between April 13, 2016, and July 9, 2016, Iglesia Refugio must indicate the Station's effective radiated power, and antenna height above ground level. With respect to any dates during this time period on which the Station operated at a variance from its licensed parameters, Iglesia Refugio should indicate whether it requested STA to do so. With respect to any dates during this time period on which the Station was silent, Iglesia Refugio should indicate whether it notified the Commission of the station's silence, and whether it requested STA for the station to remain silent.

In addition to the narrative statement, Iglesia Refugio should submit copies of all accounting records relating to the Station's operation during this time period.¹⁴

Emergency Alert System. Petitioner alleges that the Station has never had EAS equipment in place, and has never performed the required EAS tests.¹⁵ We hereby request that Iglesia Refugio provide a narrative statement that explains how the Station has complied with the Commission's EAS rules since it was licensed to operate on September 28, 2015. Iglesia Refugio also must provide copies of its station logs, and dated photographs of the Station's EAS equipment.

Affidavits or Declarations. In addition to the documentation noted above, Iglesia Refugio must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of Iglesia Refugio, with personal knowledge of the representations provided in the response, verifying the truth and accuracy of the information therein and that all of the information requested by this letter which is in Iglesia Refugio's possession, custody, control or knowledge has been produced. If multiple persons contribute to the response, in addition to such general affidavit or declaration of the authorized representative of Iglesia Refugio's noted above, if such person (or any other affiant or declarant) is relying on the personal knowledge of any other individual, rather than his or her own knowledge, provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with section 1.16 of the Rules,¹⁶ and be substantially in the form set forth therein. We remind Iglesia Refugio that to knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment. Moreover, failure to respond appropriately to this letter of inquiry may constitute a violation of the Communications Act of 1934, as amended, and the Rules.

¹⁴ In addition, if Iglesia Refugio uses accounting software to maintain financial records for the Station, it must provide printouts of the data recorded for the time period at issue (*i.e.*, April 13, 2016, to July 9, 2016).

¹⁵ Every LPFM station is part of the nationwide EAS network, a public warning system through which EAS participants are required to deliver alerts to the public to warn them of impending emergencies and dangers to life and property. As such, LPFM stations must install EAS equipment, 47 CFR § 11.11(a), and ensure that the equipment is functioning properly by performing equipment tests at regular intervals. 47 CFR § 11.61. LPFM stations also must record information regarding these tests in their station logs. 47 CFR § 73.877(d).

¹⁶ 47 CFR § 1.16.

Iglesia Refugio's response is due thirty (30) calendar days from the date of this letter. Please submit the response to the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554, and serve copies by email to Tom Hutton, tom.hutton@fcc.gov, Heather Dixon, heather.dixon@fcc.gov, and Petitioner, cantaresfm90.9@gmail.com. Petitioner may reply to Iglesia Refugio's response within twenty (20) calendar days from the date he receives a copy of the response by email. Please note that failure to respond to this letter within the specified time may result in adverse actions jeopardizing the Station's license, and call letters. If you have any questions concerning the content of this letter, please contact Heather Dixon by phone at (202) 418-1132, or via e-mail at the address above. Finally, we remind Iglesia Refugio and Petitioner that this is a restricted proceeding, and thus that *ex parte* presentations are prohibited.¹⁷

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc: Mr. Miguel A. Meléndez (by email to cantaresfm90.9@gmail.com)

¹⁷ *Id.* § 1.1208.