



Federal Communications Commission
Washington, D.C. 20554

April 6, 2022

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

Iglesia Jesucristo es Mi Refugio, Inc.
2929 S. Westmoreland Rd.
Dallas, TX 75233
DELAWDER@AOL.COM

In re: K43AG-D, Edwards, CA
Facility ID No. 34284

Operational Status Inquiry

Dear Licensee:

Based on Commission records, it appears the low power television (LPTV) station referenced above (Station) may have been silent for more than one year.¹ This letter provides you 30 days to provide evidence that the Station has either not been silent for more than one year or went silent but returned to the air with authorized facilities prior to its one-year silent anniversary.

The Station was licensed on digital channel 43, a channel that was reallocated for wireless use as a result of the Incentive Auction and repacking process. Although the Station's displacement application for channel 32 was granted on May 31, 2018,² the Station has not yet begun operating on its displacement channel.³ Therefore, you are requested to demonstrate the Station's operational history since May 31, 2018, the date that its displacement application for channel 32 was granted. For any period the Station was operational, please provide the Station's technical operating parameters, specific evidence of the Station's operation throughout the entire period of operation, and the valid authorization under which the

¹ Section 312(g) of the 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 Broadcasting Corporation*, Memorandum Opinion and Order, 23 FCC Rcd 603 (2008) (*A-O Broad.*).

² *See* LMS File No. 000054794.

³ In a request for waiver of the tolling rules filed October 12, 2021, the Station reported that construction of its displacement facilities was not complete and it requested additional time to complete construction. *See* LMS File No. 0000163407. On April 6, 2022, the Video Division denied the Station's request for waiver of tolling rules and cancelled the displacement construction permit. *See* Letter to Iglesia Jesucristo es Mi Refugio, Inc. from Barbara A. Kreisman, Chief, Video Division (April 6, 2022), a copy of which is available at LMS File No. 0000163407. To the extent that the Station's license is still valid and the licensee still wishes to pursue construction of a displacement facility for the station, it will need to file a new displacement application.

Station operated.⁴ For any period that the Station was silent, please provide an explanation for the Station's silence. The written response to this letter must be supported by a declaration by an individual with personal knowledge of the facts and signed under penalty of perjury that the facts and information provided in the response are both true and correct.⁵ As an alternative to a written response explaining the Station's operational status, the Licensee may submit its license for cancellation.

If you fail to provide such documented evidence within 30 days from the date of this letter or fail to provide a showing that reinstatement is warranted pursuant to the equity and fairness provision of section 312(g),⁶ the Commission's public and internal databases **WILL BE MODIFIED** to indicate that the broadcast license for the referenced station **IS EXPIRED**, that the station's license **IS CANCELED** as a matter of law, and that the station's call sign **IS DELETED**.

Documents sent in response to this letter shall be addressed to FCC, Office of the Secretary, 45 L Street, NE, Washington, DC 20554, and emailed to Shaun Maher at the address below.

Please direct any questions concerning the content of this letter to Shaun Maher, Attorney, phone (202-418-2324), or e-mail (Shaun.Maher@fcc.gov).

Sincerely,

/s/

Barbara Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Dan Alpert, Esq.

⁴ This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation**. Also include copies of all leases, personnel records (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, and station records, including EAS logs, for all periods. In addition, you must provide copies of all invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's operation. In addition, if the Station uses accounting software to maintain financial records, provide printouts of the data recorded for this period. You **must also include pictures** of the Station's studio facilities and transmission facilities during this timeframe and provide exact Station coordinates.

⁵ See 47 C.F.R. § 1.16.

⁶ See e.g. *A-O Broad.*, 23 FCC Rcd at 617, para. 27 ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited"). The Commission has exercised its authority to reinstate an expired license to "promote equity and fairness" only where the station failed to provide service for 12 consecutive months due to compelling reasons beyond the licensee's control. See, e.g., *V.I. Stereo Communications Corp.*, Memorandum Opinion and Order, 21 FCC Rcd 14259 (2006); *Community Bible Church*, Letter, 23 FCC Rcd 15012, 15014 (MB 2008); *Mark Chapman, Court-Appointed Agent*, Letter, 22 FCC Rcd 6578 (MB 2007). The Commission has declined to reinstate licenses where failure to transmit a broadcast signal was due to the licensee's own actions, finances, and/or business judgment. See, e.g., *A-O Broad.*, 23 FCC Rcd at 617, para. 27; *ETC Communications, Inc.*, Letter, 25 FCC Rcd 10686 (MB 2010); *Kirby Young*, Letter, 23 FCC Rcd 35 (MB 2008).