



Federal Communications Commission
Washington, D.C. 20554

May 20, 2022

SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL

G.I.G., Inc.
Charles Poppen
PO Box 88336
Sioux Falls, SD 57109
cpoppen@kcpo.tv

In re: KCPO-LP, Sioux Falls, SD
Facility ID No. 26041
File Nos. 0000176044 and 0000110806

**Operational and Construction Permit
Status Inquiry**

Dear Licensee:

Based on Commission records, it appears you improperly certified in the license renewal application for low power television (LPTV) station KCPO-LP, Sioux Falls, South Dakota (Station or KCPO) that the Station was operational and had not been silent for more than 30 days at the time of filing.¹ Furthermore, the Station was granted a digital construction permit that expired on January 10, 2022.² The Commission has no record that you filed the requisite application for license to cover by the July 13, 2021 the expiration of the construction permit. This letter provides you 30 days to explain these inconsistencies and potential improper certifications, and to clarify whether the Station's digital facility was in fact timely constructed in a manner consistent with its authorization.

As a former analog station, the Station was required to cease analog operation by 11:59 p.m. on July 13, 2021.³ However, in the Station's December 2021 Renewal Application, you certified that the facility was both operational and that the Station had not been silent for more than 30 days.⁴ It thus appears you either failed to make the proper certification in the Station's license renewal application or that the Station was operating (in either analog or digital) without a valid authorization.

Furthermore, on April 20, 2020, the Station was granted a construction permit to flash-cut its analog operations to digital operations on its licensed channel (Channel 26). As a former analog station, the construction permit carried an expiration date of July 13, 2021.⁵ On April 28, 2021, the Station was

¹ File No. 0000176044, TV Translator LPTV Certifications, Questions 1 and 8 (filed December 1, 2021) (Renewal Application).

² See File No. 0000139698 (filed March 15, 2021) (Request for Extension of Time) and 0000110806 (filed March 31, 2020) (Application for Digital Flash Cut for LPTV Station).

³ 47 CFR § 74.731. See e.g., *Media Bureau Reminds Low Power Television and Television Translator Stations of July 13, 2021, Digital Transition Date*, Public Notice, 36 FCC Rcd 4771 (MB 2021).

⁴ *Supra* note 1.

⁵ See 47 CFR § 74.788(a); *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 03-185, Third Report and Order and Fourth Notice of Proposed Rulemaking, 30 FCC Rcd 14927, 14932-33, para. 9 (2015). In that decision, the

granted an extension of its construction permit to January 10, 2022.⁶ To date, we have no record that you filed an application for license to cover. Section 74.788(b) of the Commission's rules states that: "Any construction permit for which construction has not been completed and for which an application for license or extension of time has not been filed, shall be automatically forfeited upon expiration without any further affirmative cancellation by the Commission."⁷ As such, the construction permit has been automatically forfeited.⁸

Based on the facts above, you are requested to (1) demonstrate whether the Station's digital facility was in fact constructed by January 10, 2022; and (2) provide the Station's operational history since the April 20, 2020 grant date of its last license renewal application.⁹ For any period the Station was operational since April 20, 2020, please provide the dates of operation, the Station's technical operating parameters, mode of operation (i.e., analog or digital), specific evidence of the Station's operation throughout the entire period of operation, and the valid authorization under which the Station operated.¹⁰ For any period that the Station was silent, please provide the Station's dates of silence and an explanation for the Station's silence. To the extent you made incorrect certifications in the Station's Renewal Application, please explain these inaccuracies.

The written response to this letter must be supported by a declaration from an individual with personal knowledge of the facts and signed under penalty of perjury that the facts and information

Commission extended the LPTV digital transition date and all valid digital construction permit expiration dates for analog stations until 12 months following the completion of the 39-month post-Incentive Auction transition period, or 51 months from the completion of the Incentive Auction and the release of the *Closing and Channel Reassignment Public Notice*. *Id.* See *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, Public Notice, 32 FCC Rcd 2786 (IATF and MB 2018) (*Closing and Channel Reassignment Public Notice*). Given the April 13, 2017 release date of the *Closing and Channel Reassignment Public Notice*, the LPTV digital transition date and expiration date of all analog stations' digital construction permits were set as July 13, 2021.

⁶ File No. 0000139698.

⁷ 47 CFR § 74.788(b).

⁸ Cancellation of the stations' construction permits and deletion of their call signs by Media Bureau staff in the Licensing and Management System (LMS) is an administrative function and does not constitute an official Commission action nor require any affirmative cancellation by the Commission. See, e.g., *Media Bureau Reminds Remaining Low Power Television and Television Translator Stations that the July 13, 2021 Digital Transition Date and Other Important Deadlines are One Week Away*, Public Notice, DA 21-786 (MB, rel. July 6, 2021); *Media Bureau Reminds Remaining Analog Low Power Television and Television Translator Stations Without Digital Construction Permits to File Immediately in Order to Ensure a Successful Digital Transition*, Public Notice, DA 21-684 (MB, rel. June 11, 2021); 86 FR 32262 (June 17, 2021).

⁹ See File No. BRTVL-20140402AAQ (License Renewal Authorization, granted April 20, 2020).

¹⁰ 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, electricity bills 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. Further, if the Station uses accounting software to maintain financial records, you must 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. If certain information requested cannot be provided, please explain why.

provided in the response are both true and correct.¹¹ If the Station's digital facility has been constructed, the Station is instructed to immediately file a license to cover and, as an attachment, a request for reinstatement of the Station's construction permit and waiver of any applicable rules.¹²

If you fail to reply to this letter and or do not provide all requested information and documents within 30 days from the date of this letter, the Commission's public and internal databases **WILL BE MODIFIED** to indicate that the digital construction permit (File No. 0000139698) for the Station has been automatically **FORFEITED**,¹³ the license (File No. BLTTL-20011029AAL) for the Station has been automatically **CANCELED**,¹⁴ the Station's pending application for license renewal (File No. 0000176044) will be **DISMISSED**, and its call sign will be **DELETED**.¹⁵

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 Robin Fagan at the address below.

Please direct any questions concerning the content of this letter to Robin Fagan at Robin.Fagan@fcc.gov.

Sincerely,

/s/

Barbara Kreisman
Chief, Video Division
Media Bureau

cc (via electronic mail): Aaron P. Shainis, Esq. (aaron@s-plaw.com)

¹¹ See 47 CFR § 1.16.

¹² As part of the Station's application for license to cover, you should provide the exact date construction was completed. You must also include copies of all leases, personnel records (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, electricity bills, and station records, including EAS logs, since construction was completed. 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 construction and subsequent operation. Finally, you must also include pictures of the Station's transmission facilities. This information must be supported by a declaration from an individual with personal knowledge of the facts and signed under penalty of perjury that the facts and information provided are both true and correct. If certain information requested cannot be provided, please explain why.

¹³ 47 CFR § 74.788(b).

¹⁴ 47 CFR § 74.731(m)

¹⁵ See *supra* note 8.