



Federal Communications Commission
Washington, D.C. 20554

January 25, 2024

Sent via Certified Mail and Electronic Mail

DAIJ Media, LLC
1024 Wafer St.
PASADENA, TX 77506
rubenv75@gmail.com

Re: Application For Minor Modification to
Licensed Facilities and Silent Authority
K30QR-D, Bryan, TX
Fac ID No. 181615
LMS File Nos. 0000230602 and
0000226645

Dear Licensee,

This concerns the above-referenced application for minor modification to a licensed facility (Minor Mod)¹ and request for special temporary authority for silence (Silent STA)² of K30QR-D, Bryan, Texas (Station), licensed to DAIJ Media, LLC (Licensee or DM). We are unable to process the Application and Silent STA without additional information. Failure to submit this information within 30 days of the date of this letter will result in the dismissal of the Application and Silent STA and cancellation of the Station's license and deletion of its call sign.

Station History. On August 7, 2023, the Station's application for license to cover (License App)³ for its construction permit (CP) was granted.⁴ The Station's license contained the following condition:

"Grant of this license application is conditioned on continuous operations of the licensed facility for the twelve-month period following grant. The failure to so operate will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the presumption that the authorized facilities were temporarily constructed."⁵

On November 16, 2023, the Licensee filed the Minor Mod to move the Station to a new tower. The Minor Mod App, which was filed less than 12 months after the grant of the Station's license, failed to demonstrate that the Station was continuously operated and does not provide a showing rebutting the presumption that the facility contained in the Station's license was temporarily constructed. Subsequently, on December 1, 2023, the Licensee filed a Silent STA simply stating that the Station went

¹ LMS File No. 0000226645 (Minor Mod App)

² LMS File No. 0000230602 (Silent STA)

³ LMS File No. 0000218839 (License App).

⁴ LMS File No. BNPDTL-20090825BQB (CP). The Station's construction permit was scheduled to expire on August 3, 2023. DM filed its License App just one day prior to expiration.

⁵ License App at Authorization.

silent because it was “relocating to another Tower Site” and it had “new transmit equipment on order.”⁶ Without additional context, including a reason as to why the Station went silent, we find this statement draws into question whether the Station that DM certified it had constructed in the License App was in fact constructed.⁷

Request for Information. By this letter of inquiry (LOI), we seek to correct the deficiency in the Station’s Minor Mod App and determine whether the Station was in fact constructed and operated as set forth in its license. The attachment to this LOI includes inquiries to which the Licensee must respond, filing requirements, instructions for the response, and definitions for certain terms used in this LOI. The 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.⁸ To knowingly or willfully make any false statement,⁹ or to provide incorrect or misleading material factual information, or conceal any material fact in , reply to this letter,¹⁰ is punishable by imprisonment or fine,¹¹ and may subject the Licensee to sanction, up to and including license revocation.¹² Further, failure to respond to this LOI as directed herein constitutes a violation of the Act and our Rules and may subject the Licensee to sanction by the Commission.¹³

If within 30 days you fail to provide, in its entirety, the information requested by this letter, we will deem the Station’s silence that began on December 1, 2023, as evidence of discontinuation of operation, and we will cancel the Station’s license pursuant to section 74.763(c) of the Rules and dismiss all pending applications.¹⁴ As an alternative to a written response explaining the Station’s operational status, you may submit the Station’s license for cancellation and request withdrawal of all pending applications in the Commission’s Licensing and Management System.¹⁵

⁶ Silent STA at Attachment—Extraordinary Circumstances.

⁷ Whether the certifications in the License App were truthful and accurate could also raise serious questions about whether DM intentionally misled the Commission in order to preserve its expiring CP and could draw into question the ability of DM to remain a Commission licensee.

⁸ See 47 U.S.C. § 155(c)(3).

⁹ See 18 U.S.C. § 1001.

¹⁰ See 47 CFR § 1.17.

¹¹ See 18 U.S.C. § 1001; see also 47 CFR § 1.17.

¹² 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).

¹³ 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).

¹⁴ 47 CFR § 74.763(c) (“Failure of a low power TV or TV translator station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuation of operation and the license of the station may be cancelled at the discretion of the FCC.”).

¹⁵ 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

For questions or additional information on this matter, please contact Shaun Maher, Video Division, Media Bureau by phone at 202-418-2324 or by e-mail at Shaun.Maher@fcc.gov.

Sincerely,

/s/

Barbara A. Kreisman
Chief, Video Division
Media Bureau

cc (via email): Dan J. Alpert, Esq.

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

Requests for Information

Provide the following information with regards to the construction and operation of K30QR-D, Bryan, Texas (Facility ID No. 181615) from the Transmitter Site.

1. The manufacturer, make, and model of all equipment installed at the Station's Transmitter Site, whether owned or loaned/borrowed, and the dates on which equipment was installed and construction was completed. If such information cannot be provided, explain why and provide as much information about the equipment that was installed as is possible.
2. Provide 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.
3. Provide the exact location (ASRN or geographic coordinates) of the Station's transmitter and antenna 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.), a weekly sample of EAS and program logs, and the format that any programming was aired (i.e., 480i, 720p, 1080i, etc.).
4. Explain why the Station went silent on December 1, 2023, and needed to relocate to a new tower site and order new equipment.
5. Identify any Person or entity (whether compensated or not) that performed any services, performed any work for, assisted the Licensee in securing the Station's transmitter site and provided equipment, goods, services, or merchandise related to the construction or operation of the Station.
6. Provide the full legal name, mailing address, telephone number, and e-mail address of the property owner, tower owner, and/or tower manager of the Station's Transmitter Site, as well as all Documents related to the Station's use of the Transmitter Site, including but not limited to, purchase or rental contracts, invoices, receipts, tax records, electric bills, leasing agreements, and copies of payments made for all such invoices, receipts, or leases.
7. Provide any additional information that the 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 information provided.
8. Provide the full legal name, mailing address, telephone number, and e-mail address of each Person employed or relied upon by the Licensee (whether compensated or uncompensated) to provide the Licensee's response to this request.
9. The Licensee is expected to reply a complete response by the deadline. **If the 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.**¹⁶

¹⁶ 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).

Filing Requirements

Affidavit Requirement. We direct the 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 the 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 the 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 the 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, the 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. The 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.

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. The 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. The 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. The 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 the Licensee submits in response to any inquiry, the 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. The 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 the 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 the 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, the Licensee is directed to retain the originals of those Documents for 60 months from the date of this letter unless (a) the Licensee is required to retain Documents for a longer period of time pursuant to a Commission order or rule; (b) the 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, the 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,¹⁷ 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.¹⁸ 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.¹⁹

¹⁷ See 47 CFR § 0.459.

¹⁸ See 47 CFR § 0.459(b).

¹⁹ 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

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.

“DM” or “Licensee” shall mean, DAIJ Media, LLC or 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 DM 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 DM 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.

“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” means K30QR-D, Bryan, Texas (Facility ID No. 181615).

“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 the license (LMS File No. 0000218839) granted to K30QR-D, Bryan, Texas (Facility ID No. 181615).

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.