



Federal Communications Commission
Washington, D.C. 20554

June 16, 2023

In reply refer to: 1800B3-VM

Certified Mail Return Receipt Requested

WDZP Media Inc.
2090 Palm Beach Lake Blvd Suite 601
West Palm Beach, FL 33409
wallsndecor@gmail.com

Re: WDZP-LP, West Palm Beach, FL
Facility ID No. 194790
**Operational Status Inquiry – Response
Required**

Dear Licensee:

It has come to our attention that Low Power FM Station WDZP-LP, West Palm Beach, Florida (Station), licensed to WDZP Media Inc. (WM), may have been silent or operating with unauthorized facilities for more than a year. However, Commission records show that the Station is licensed and operating. Pursuant to section 73.1015 of the Commission's rules (Rules), WM is required to clarify this matter in writing within forty-five (45) days of the date of this letter.

Background. Our records show that the Station received its initial license on March 30, 2015, at a site in Okeechobee, Florida, while licensed to Caribbean Heritage Foundation (CHF).¹ On December 28, 2015, CHF filed an application for construction permit (CP) proposing a new transmitter site in Palm Beach Lakes, Florida, which was subsequently cancelled.² On January 16, 2020, WM became licensee pursuant to an application for assignment of license granted on September 23, 2019.³ On August 5, 2019, FCC EB field agents observed the Station operating from the unauthorized Palm Beach Lakes site.⁴ On July 14, 2022, WM filed an administrative update specifying a change of address to the unauthorized Palm Beach Lakes site.⁵ On July 29, 2022, WM admitted to operating without authority from the unauthorized Palm Beach Lakes site in an exhibit attached to an application for modification of license, but deflecting fault to the previous licensee.⁶ Finally, on August 2, 2022, Licensee again admitted it was

¹ See File No. BLL-20150326ABY (gr. Mar. 30, 2015), site coordinates: 26° 42' 22.9" N, 080° 06' 07.1" W (Okeechobee site).

² See File No. BPL-20151228ALU (gr. Jan. 8, 2016, cancelled Jul. 18, 2017), specifying site coordinates 26° 42' 49.2" N; 080° 05' 34.5" W (Palm Beach Lakes site).

³ File No. BALL-20190805AAJ (gr. Sep. 23, 2019, cons. Jan. 16, 2020) (Notice of Consummation dated June 23, 2021).

⁴ On that date, FCC field agents attempted to visit the Station to investigate an overpowering complaint, but were denied access, resulting in a Notice of Violation. See *WDZP Media Inc.*, Notice of Violation, File No. EB-FIELDSCR-21-00032921(EB, Jul. 8, 2022).

⁵ See File No. 0000195035 (Jul. 14, 2022).

⁶ See File No. 0000196127 (filed July 29, 2022, pending), "[I]n mid-July, 2022, it was determined that WDZP-LP was broadcasting from the Palm Beach Lake Site as opposed to the Okeechobee Site." In that exhibit, WM also states that it became licensee on July 23, 2021, but the Notice of Consummation dated June 23, 2021 specified a date

operating from the unauthorized Palm Beach Lakes site, but claimed to have been unaware of any problem with use of the unauthorized Palm Beach Lakes site.⁷

Based on this information, it appears that the Station may have been silent (or failed to operate with authorized facilities) for more than one year. Pursuant to section 312(g) of the Communications Act of 1934, as amended (Act), **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.**⁸

This letter provides WM 45 days to provide evidence of the Station's operation with authorized facilities between August 5, 2019, and the present date. If WM fails to provide such documented evidence within 45 days from the date of this letter, the Commission's public and internal databases WILL BE MODIFIED to indicate that the broadcast license for the Station is EXPIRED, that the Station's license is CANCELED as a matter of law, and that the Station's call sign is DELETED.

Information and Materials Requested. *Operational Status.* The materials required to establish the operational status of the Station are as follows. First, WM must provide a narrative statement that indicates the Station's operational status between August 5, 2019, and the present date. WM must indicate the dates on which the Station was silent, operated with its licensed facilities, or operated with technical parameters other than those specified in its license. For all dates, WM must indicate the effective radiated power, antenna height above ground level and geographic coordinates and address. With respect to any dates on which the Station operated at a variance from its licensed parameters, WM should indicate whether it requested STA to do so. With respect to any dates on which the Station was silent, WM 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, WM must submit copies of all leases, engineering records, utility bills, and station records (including EAS logs) for the Station from August 5, 2019, to the present. WM also must provide copies of monthly accounting records relating to the Station's operation, as well as copies of all utility bills.⁹ WM must include dated pictures of the Station's transmission facilities during this timeframe.

Affidavits or Declarations. In addition to the documentation noted above, WM must support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized representative of WM, 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 WM's possession, custody, control or knowledge has been produced. If multiple persons

of consummation of January 16, 2020.

⁷ *WDZP Media Inc.*, Response to Notice of Violation (Aug. 2, 2022).

⁸ 47 U.S.C. § 312(g) (emphasis added). The Commission has exercised its discretion under section 312(g) to extend or reinstate a station's expired license "to promote equity and fairness" only in limited circumstances where a station's failure to transmit a broadcast signals for 12 consecutive months is due to compelling circumstances that were beyond the licensee's control, such as a natural disaster. *See e.g., A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited").

⁹ In addition, if WM 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.*, August 5, 2019 to the present).

contribute to the response, in addition to such general affidavit or declaration of the authorized representative of WM noted above, any such person (or any other affiant or declarant) that is relying on the personal knowledge of any other individual, rather than his or her own knowledge, must 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,¹⁰ and be substantially in the form set forth therein. We remind WM 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.¹¹ Moreover, failure to respond appropriately to this letter of inquiry may constitute a violation of the Act and the Rules.

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's tower shall be maintained.¹²

All submissions must include a cover letter addressed to Marlene S. Dortch, Secretary, FCC 45 L Street N.E., Washington, DC, 20554, and **sent via email ONLY**, to Victoria.McCauley@FCC.gov.¹³

Failure to respond to this letter within the specified time will result in adverse actions jeopardizing both the Station's license and call letters. If you have any questions concerning the content of this letter, please contact Victoria McCauley, Attorney, by phone at (202) 418-2136 or via e-mail at the address above.

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

¹⁰ 47 CFR § 1.16.

¹¹ 47 CFR §1.17.

¹² See 47 CFR §§ 17.6 and 73.1740(a)(4).

¹³ In the event that a submission would exceed 5 MB, you must first contact Ms. McCauley to explain the nature of the documentation and seek guidance as to whether the submission should be reduced by providing representative documents, rather than all documents, of a particular nature.