



Federal Communications Commission  
Washington, D.C. 20554

December 3, 2015

In Reply Refer To:  
1800B3-ATS

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. Thomas M. Combiths  
The Church in Lafayette, Inc.  
3162 Litchfield Lane  
West Lafayette, IN 47906

In re: The Church in Lafayette, Inc.  
New LPFM, Lafayette, Indiana  
Facility ID Number: 194758  
File Number: BNPL-20131101AHR

Dear Applicant:

We have before us the referenced application (“Application”) filed by The Church in Lafayette, Inc. (as defined below, “Church”). Also before us is the Informal Objection (“Objection”) filed by Great Lafayette Chinese Traditional Cultural Association, Inc. (“Association”), against the Application.<sup>1</sup> In order properly to evaluate and process the Application, we require further information, as set forth below.

*Inquiries.* Prior to action on the Application, the Bureau must assess ownership and control of Church. Accordingly, Church is directed to submit, within thirty (30) days of the date of this letter, truthful and complete responses to the following inquiries, with a copy served on each person or entity listed as receiving a copy of this letter. We will dismiss the Application and all pending pleadings relating to the Application unless we receive the following documents within 30 calendar days of the date of this letter.

- 1) Produce true, correct, and complete copies of all billing and payment records or other Documents sent to or received from Sterling Communications, Inc. by Church or any Church Director from June 1, 2013 to the present.
- 2) Provide a statement fully explaining: (i) the role of any Church Director in the preparation of the local programming exhibit attached to the Application in support of Church’s claim for comparative credit under the local program origination criterion;<sup>2</sup> (ii) the role of any other person or persons (identified by full name and residence address) who participated in the preparation of the exhibit; and (iii) the basis for claiming local programming credit for each program listed as a local program in the exhibit.<sup>3</sup> Produce

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<sup>1</sup> Association filed the Objection on March 14, 2014. On December 10, 2014, Association filed a pleading requesting that the Objection be treated as a petition to deny the Application. Church did not file an opposition to either the Objection or this pleading.

<sup>2</sup> See Application at Exhibit 2, pg. 2 (identifying local programming as consisting of: “Strength for Today with Randy Ray,” “Trumpet of Warning with Carroll Joye,” “Revival Time with Tim Robson,” “Venture of Faith with Gene Wisehart,” and “Pastor’s Panel”). The local programming proposed by Church is identical to the local programming proposed by The Church in Anaheim, The Church in Atlanta, and The Church in Birmingham in their respective applications for construction permits for new LPFM stations. See File Nos. BNPL-20131108ADF at Exhibit 2; BNPL-20131028AAG at Exhibit 2; and BNPL-20131024ANR at Exhibit 2.

<sup>3</sup> The exhibit may not be amended or edited to enhance the Church’s comparative position. See *Commission Identifies Tentative Selectees in 111 Groups of Mutually Exclusive Applications Filed in the LPFM Window*;

true, correct and complete copies of all drafts of the exhibit and all emails or other Documents referencing the exhibit or the preparation of the exhibit.

- 3) Provide a statement fully explaining: (i) the relationship between Church, The Church in Anaheim, The Church in Atlanta and The Church in Birmingham; and (ii) the relationship between the Church and any national or international organization that oversees any of the activities of the Church.

#### Instructions for Inquiry Responses

If Church requests that any information or Documents, as defined herein, responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and Documents, a statement in accordance with Section 0.459 of the Commission's Rules ("Rules").<sup>4</sup> Requests for confidential treatment must comply with the requirements of Section 0.459, including the standards of specificity mandated by Section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Pursuant to Section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of Section 0.459.

If Church 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; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Each requested Document, as defined herein, shall be submitted in its entirety, even if only a portion of that Document is responsive to an inquiry made herein, unless the Document is a recording or transcript, in which case it should be provided only for the period of time of the broadcast specified in the pertinent inquiry herein. This means that the Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be submitted.

If a Document responsive to any inquiry made herein existed but is no longer available, or if Church 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 Church is otherwise unable to produce it.

With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, Church is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless Church is directed or informed by the Bureau in writing to retain such Documents for some shorter or longer period of time.

The specific inquiries made herein are continuing in nature. Church is required to produce in the future any and all Documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, Church must supplement its responses (a) if Church learns that, in some material respect, the Documents and information initially disclosed were incomplete or incorrect or (b) if additional responsive Documents or information are acquired by or become known to Church after the initial production. The requirement to update the

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*Announces a 30-Day Petition to Deny Period and a 90-Day Period to File Voluntary Time-Share Proposals and Major Change Amendments*, Public Notice, 29 FCC Rcd 10847, 10850 (2014).

<sup>4</sup> 47 C.F.R. § 0.459.

record will continue for twelve (12) months from the date of this letter unless Church is directed or informed by the Bureau in writing that Church's obligation to update the record will continue for some shorter or longer period of time.

Unless and until otherwise instructed by the Commission, the Media Bureau or their representatives, we hereby direct that Church shall not place in its public file or upload to its online public file this letter, any supplements thereto, or any other correspondence from the Commission concerning this investigation, materials related to such inquiries, Church responses to these inquiries, or any Documents in connection with such responses not otherwise required to be placed in the public file.

For each Document or statement submitted in response to the inquiries below, indicate, by number, to which inquiry it is responsive and identify the person(s) 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 author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). Church must identify with reasonable specificity all Documents provided in response to these inquiries.

### Definitions

For purposes of this letter, the following definitions apply:

"Any" shall be construed to include the word "all," and the word "all" shall be construed to include the word "any." Additionally, the word "or" shall be construed to include the word "and," and the word "and" shall be construed to include the word "or." The word "each" shall be construed to include the word "every," and the word "every" shall be construed to include the word "each."

"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, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any broadcast, radio or television program, advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, text message, social media posting, invoice, memorandum, note, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, cards, magnetic or electronic tapes, disks and such codes or instructions as will transform such computer materials into easily understandable form).

"Church" shall mean The Church in Lafayette, Inc., and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated organization or business, and all owners, including but not limited to, partners or principals and receivers, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

"Church Director" shall mean Thomas M. Combiths, Antonette Cummings, Jessica Co, and John Kong.


"Sterling Communications, Inc." shall mean Sterling Communications, Inc. and 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, partners or principals and receivers, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

We direct Church to support its letter response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer or director of Church with personal knowledge of the representations provided in Church's response, verifying the truth and accuracy of the information therein and that all of the information and/or recordings requested by this letter which are in Church's possession, custody, control or knowledge have been produced. If multiple Church representatives contribute to the response, in addition to such general affidavit or declaration of the authorized officer or director of Church noted above, if such officer or director (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,<sup>5</sup> and be substantially in the form set forth therein. To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.<sup>6</sup> Failure to respond appropriately to this Bureau letter of inquiry may constitute a violation of the Communications Act of 1934, as amended, and our Rules.<sup>7</sup>

Church shall direct its letter response, if any, by messenger or hand delivery, to the attention of Alexander T. Sanjenis, Esq., Audio Division, Media Bureau, Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. If sent by mail, the response should be sent to the attention of Alexander T. Sanjenis, Esq., Audio Division, Media Bureau, 445 12th Street, S.W., Room 2-B115, Washington, DC 20554. An electronic courtesy copy may be sent to alexander.sanjenis@fcc.gov. Additionally, copies must be served by U.S. Mail on the parties listed below.

**Failure to comply with this request will result in the Application's dismissal for failure to respond to official correspondence pursuant to Section 73.3568(a)(1) of the Rules.<sup>8</sup>** We will defer action on the Application for thirty (30) calendar days after the date of this letter pending receipt of the requested response.

Sincerely,

  
Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Shiqin Yan M.D.  
Great Lafayette Chinese Traditional Culture Association, Inc.  
3422 Brixford Lane  
West Lafayette, IN 47906

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<sup>5</sup> 47 C.F.R. § 1.16.

<sup>6</sup> See 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17.

<sup>7</sup> 47 U.S.C. § 151, *et. seq.*; See, e.g., *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589 (2002) (\$100,000 forfeiture imposed for failure to submit a sworn response to an Enforcement Bureau letter of inquiry); *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, n. 36 (2003) (expressing concern and threatening sanctions for Globcom's "apparent" lack of cooperation with the investigation); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Rcd 2718 (EB 2004) (issuing a \$10,000 forfeiture for failure to respond to a directive of the Enforcement Bureau to provide certain information and documents); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (EB 2003) (issuing a \$4,000 forfeiture for failure to respond to a written Commission inquiry).

<sup>8</sup> 47 C.F.R. § 73.3568(a)(1).

Mr. Danny Langston  
Sterling Communications, Inc.  
219 Dodd Rd.  
Ringold, GA 30736