

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Renewal of License of) File No. 0000106614
WKXG(AM) Greenwood, Mississippi)
Facility ID #65008)
Eternity Media Group, WKXG, LLC)

To: The Chief, Media Bureau

PETITION TO DENY

Comes now Larry G. Fuss (“Fuss”), pursuant to 47 C.F.R. Section 73.3584 of the Commission’s Rules, and hereby submits the instant Petition to Deny against the late-filed 1/ license renewal of WKXG(AM) Greenwood, Mississippi, licensed to Eternity Media Group, WKXG, LLC (“Eternity”), a non-existent Limited Liability Company.
2/

BACKGROUND

Eternity is owned by Donald Pugh, Sr. (“Pugh”), an individual who has

1/ License renewal applications for stations in Mississippi were due on February 3, 2020. Eternity submitted their renewal application on February 26, 2020. As such, this Petition to Deny is timely filed within 90-days of the release of the Public Notice of Eternity’s application.

2/ The Secretary of State’s website for the State of Mississippi does not reflect the existence of Eternity Media Group, WKXG, LLC. There is, however, an entity registered as Eternity Media Group, LLC. (See Exhibit #1).

demonstrated a blatant disregard for compliance with the rules and regulations that all broadcast licensees are required to adhere to. Specifically, Eternity operates WKXG only sporadically and does not adhere to the minimum operating requirements of 47 C.F.R. Section 73.1740 of the Commission's Rules. Although Eternity certified on its renewal application that WKXG had not been silent for less than its prescribed minimum operating hours for more than 30 days during the license period, the record indicates otherwise. WKXG has had repeated instances of long periods of silence during the license term, only some of which were covered by requests for silent authority. In fact, one period of silence was in excess of 12-months. Because the Commission relies on licensees to self-report the discontinuance of operation, WKXG was able to remain off-air for more than 12-months by inaccurately reporting when the station went silent. In fact, had Eternity accurately reported their discontinuance of operation, Section 73.1740(c) decrees that *"The license of any broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary."* For this reason alone, Eternity's license renewal should be denied.

Even today, when WKXG does operate, it does not do so from its licensed site, but from a tower shared with WGRM(AM) in Greenwood. Due to the lack of diplexing equipment, the two stations cannot be on-air at the same time and basically "take turns" being on-air in order to keep their licenses active. Moreover, WKXG doesn't have Special Temporary Authority to utilize this site. A previous STA allowed the station to use a long-wire antenna at the site, however the long-wire has since been dismantled and WKXG operates from the WGRM tower, when it operates at all.

Eternity's renewal application also contains a certification that the Online Public Inspection File is up-to-date and that the licensee has uploaded the documentation required by 47 C.F.R. Section 73.3526 and 73.3527. In fact, no such documentation has been uploaded. Instead, the file contains a statement that "Issues Programs for 2019 year are located at the studio location at 106 Campbell Loop in Hattiesburg MS."

A similar statement was uploaded for 2018, neither of which comply with the Commission's Online Public File requirements. In addition, the file contains nothing for the previous 6 years of the license term, despite Eternity's assertion that the file is complete.

Eternity's principal, Donald Pugh, Sr., has also made fraudulent certifications in the license renewal applications for WETX(FM) Vardaman, Mississippi; and WETI(FM) Lake Village, Arkansas. Neither station was ever constructed, yet Eternity has filed a series of requests for silent authority during the license term and has falsely certified that both stations are on-air and operating in their respective renewal applications. (I have filed a Petition to Deny against the license renewal of WETI and an Informal Objection against the license renewal of WETX).

CONCLUSION

As documented herein, Eternity and its principal owner, Donald Pugh, Sr., have engaged in a repeated pattern of misrepresentation, false certifications, and downright fraud in connection with WKXG and other stations they own. As such, Pugh should be found unfit to be a licensee and the license renewal application of WKXG should be denied, or in the alternative, designated for hearing.

Respectfully submitted,



Larry G. Fuss
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Las Vegas NV 89143
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May 4, 2020

AFFIDAVIT OF LARRY G. FUSS

I, Larry G. Fuss, am an adult resident of Las Vegas, Clark County, Nevada. I am the owner of Contemporary Communications LLC, licensee of WMYQ(FM) in Moorhead, Mississippi. Moorhead is located in Sunflower County, Mississippi, the county immediately to the west of Greenwood. WKXG(AM) is a competitor of my station.

I maintain a secondary residence in nearby Cleveland, Mississippi, and travel to Greenwood quite often. In fact, WMYQ's main studio is located in Greenwood. On each such trip, I attempt to listen to WKXG(AM). On numerous occasions, I have found the station to be off-air.

I have also personally reviewed the Online Public File for WKXG(AM) and found that the file lacked much of the required documentation, despite the licensee's assertion that the file is complete.



Larry G. Fuss

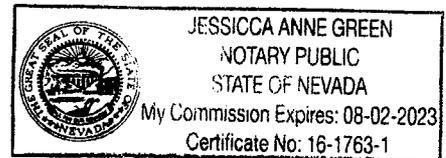
State of Nevada)
)
County of Clark)

Personally appeared before me, Jessica Anne Green, a Notary Public, Larry G. Fuss, who swears and affirms the above statement is true and correct.



Notary Public

My commission expires: 8/2/2023



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EXHIBIT #1

Copy of Mississippi Secretary of State listing for Eternity Media Group, LLC, and documentation that Eternity Media Group, WKXG, LLC., is not registered with the Secretary of State.



Michael Watson

SECRETARY OF STATE

This is not an official certificate of good standing.

Name History

Name	Name Type
Eternity Media Group, LLC	Legal

Business Information

Business Type:	Limited Liability Company
Business ID:	1067178
Status:	Good Standing
Effective Date:	05/12/2015
State of Incorporation:	Mississippi
Principal Office Address:	337 Ellisville Blvd Laurel, MS 39440

Registered Agent

Name
Donald H Pugh Sr 337 Ellisville Blvd Laurel, MS 39440

Officers & Directors

Name	Title
Donald H Pugh Sr PO Box 6424 Laurel, MS 39441	Manager



Business Services

- Home
- Business Search
- Business Filings
- Commercial Registered Agents
- User Login
- Filing Fees



Business Search

Business Name | Business ID | Officer Name | Registered Agent

Search Criteria

Starting With All Words Any Words Sounds Like Exact Match

Business Name: eternity media group, wkxg, llc

Search Type: Business Name Search Sub-Type: Starting With
Search Date: 05/04/2020 09:18 Search Thru Date: 05/02/2020
Criteria: eternity media group, wkxg, llc Result(s) Count: 0

Business Name Search Results

Business Name	Business ID	Type	Status	Create Date
No Matches Found.				

No matches found for any entity registered as Eternity Media Group, WKXG, LLC



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EXHIBIT #2

Copy of documents uploaded to the Online Public File demonstrating lack of compliance with 47 C.F.R. Section 73.3526 and 73.3527.

AM RADIO PROFILE

WKXG GREENWOOD, MS

Frequency **1540.0** Channel **1** Facility ID **65008**



LOGO
NOT
AVAILABLE



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Name	Size	Date Uploaded ↓
WKXF ISS 2018	28.96 KB	03/20/2019 2:55 PM
WKXG ISS 2019	26.57 KB	03/20/2019 2:55 PM



Showing 1 to 2 of 2 entries

WKXG AM

ISSUES PROGRAMS FOR 2018

YEAR ARE LOCATED AT THE

STUDIO LOCATION AT 106

CAMPBELL LOOP IN

HATTIESBURG MS

WKXG AM

ISSUES PROGRAMS FOR 2019

YEAR ARE LOCATED AT THE

STUDIO LOCATION AT 106

CAMPBELL LOOP IN

HATTIESBURG MS

CERTIFICATE OF SERVICE

I, Larry G. Fuss, certify that I have this 4th day of May, 2020, sent by regular United States mail, postage prepaid, a copy of the foregoing "*Petition to Deny*" to the following:

Mr. Donald Pugh, Sr.
ETERNITY MEDIA GROUP
PO Box 6424
Laurel MS 39441



Larry G. Fuss