

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
<b>Multicultural Radio Broadcasting Licensee, LLC</b>	)	FRN: 0010215812
	)	
WZRC (AM), New York, NY	)	Facility Id: 27398
	)	File #: 0000182573
	)	
WHWH (AM), Princeton, NJ	)	Facility Id: 47426
	)	File #: 0000182604
	)	
WPAT (AM), Paterson, NJ	)	Facility Id: 51661
	)	File #: 0000182686
	)	
WKDM (AM), New York, NY	)	Facility Id: 71137
	)	File #: 0000182689
	)	
WTTM (AM), Lindenwold, NJ	)	Facility Id: 87111
	)	File #: 0000182588
	)	
WWRU (AM), Jersey City, NJ	)	Facility Id: 87123
	)	File #: 0000182675
To: The Commission		
Attn: Media Bureau		

**REPLY TO OPPOSITION TO PETITION TO DENY AND REVOKE**

Ukrainian Congress Committee of America, Inc. (“UCCA”), by counsel, hereby Replies to the Opposition To Petitions to Deny filed by Multicultural Radio Broadcasting Licensee, LLC (“Multicultural Radio”). As set forth in the Petition to Deny, Multicultural Radio, Way Broadcasting Licensee, LLC, (“Way Broadcasting”) and KALI-FM Licensee, LLC. (“KALI-FM Licensee”) are radio station groups whose controlling shareholders are Arthur Liu and Yvonne S. Liu. UCCA contends that Arthur Liu and Yvonne S. Liu have failed in their responsibilities as FCC licensees. Consequently, the renewal of the above-captioned applications should be denied, and their other station licenses revoked.

**Arthur Liu and Yvonne S. Liu's Opposition to Petition to Deny and Revoke is  
Procedurally Defective and Must be Dismissed Without Consideration**

Arthur and Yvonne Liu's Opposition contains specific allegations of fact. For example, Arthur Liu and Yvonne S. Liu argue that Russian controlled and programmed Radio Sputnik, covers a wide range of topics including, for example, high drug prices and the impact of COVID-19. They further assert that "The programming is clearly not a Kremlin based propaganda outlet as suggested by UCCA." Opposition at p. 4. They go on in this vein for several pages concluding that they believe that Radio Sputnik's "programming is high-quality news and opinion that appeals to the discerning audience of the market." Opposition at p. 8. As discussed herein, it is unlikely that Arthur Liu or Yvonne Liu have ever listened, even for a brief period, to what is broadcast on Radio Sputnik. This may explain why they are unwilling to submit declarations to support their so-called facts.

Section 73.3584(b) of the Rules requires allegations of fact or denials thereof in oppositions to be supported by affidavit of a person or persons with personal knowledge thereof. Section 309(d)(1) of the Communications Act states: "Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof. The applicant shall be given the opportunity to file a reply in which allegations of fact or denials thereof shall similarly be supported by affidavit."<sup>1</sup> The Opposition at p.2, cites to Section 309(d)(1) and acknowledges that allegations of fact must be supported by an affidavit. Nonetheless, Arthur and Yvonne Liu chose not to support their Opposition with affidavits under penalty of perjury.

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<sup>1</sup> 47 U.S.C. § 309(d)(1).

The FCC has consistently dismissed petitions filed without supporting affidavits. *In re Applications of Marri Broadcasting, L.P.* 16 FCC Rcd 10772, 10774 (2001) the FCC stated:

As a preliminary matter, we note that Julien's petition is procedurally defective, because it is not supported by an affidavit of personal knowledge of the facts alleged. Section 309(d)(1) of the Communications Act of 1934, as amended, and Section 73.3584 of the Commission's rules, require that petitions to deny be supported by affidavits or declarations under penalty of perjury from persons with personal knowledge of the facts set forth in the petition. Therefore, we will dismiss the petition.

Accord, *In re Applications of Salem Media of Ohio, Inc.* 10 FCC Rcd 7757, (1995) (FCC dismisses petition for failure to timely file declaration).<sup>2</sup>

The Opposition is further procedurally defective because it fails to comply with Section 1.49 of the rules. That section, in pertinent part, states: "Footnotes and long, indented quotations may be single spaced, but must be in type that is 12-point or larger in height." The Opposition's footnotes are significantly below the 12-points of height required by the FCC's rules.

Respect for – and compliance with – the Commission's rules and procedures is critical to the integrity of the Commission's regulatory process. Moreover, Arthur and Yvonne Liu are represented by highly experienced Commission counsel who cannot claim ignorance of the Commission's rules. Arthur and Yvonne Liu's disregard of the Commission's rules indicates a contempt for the Commission's process that should not go unchecked.<sup>3</sup> As the Court stated in

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<sup>2</sup> Even in cases where declarations are filed, but not sworn under penalty of perjury the FCC has dismissed the petition for failing to meet its procedural requirements. *In re Application of Fidelity Television, Inc. For Renewal of License For Station KCAL-TV Los Angeles, California.* 11 FCC Rcd 6766, (1996).

<sup>3</sup> See, e.g., *In re William L. Zawilla, et. al*, 32 FCC Rcd 1592, 1595-96, (2017) (dismissing an appeal filed one day late, recognizing that "[w]hile dismissal of an appeal when a deadline is missed by a brief time may seem harsh, both judicial and Commission precedent emphasize the need to strictly enforce deadlines").

*Reuters*: “Simply stated, rules are rules, and fidelity to the rules which have been properly promulgated, consistent with applicable statutory requirements, is required of those to whom Congress has entrusted the regulatory missions of modern life.” *Reuters, Ltd. v. FCC*, 251 U.S. App. D.C. 93, 781 F.2d 946, 951 (1986). Arthur and Yvonne Liu have failed to comply with the FCC’s rules and accordingly, their Opposition should be dismissed.

### **Standing**

The Opposition argues that Mr. Burak, and therefore UCCA, lacks standing because the radio stations broadcast in different languages and “Mr. Burak does not indicate that he is fluent in any of these languages.” Opposition at. p.2. There is nothing in the FCC rules or Commission precedent to suggest that a petitioner must be fluent in any language, including English. As discussed below, the injury to UCCA and Mr. Burak comes from Arthur and Yvonne Liu’s repeated and continuing failure to operate their stations in the public interest.

### **UCCA’s Petition Complies with the Requirements of Section 309(k)(1) of the Communications Act**

The Opposition contends that “Section 309(k)(1) does not allow allegations of violations to be considered if they do not involve the stations in question.” Opposition at p. 2. The Opposition states that UCCA’s petition pertains only to programming aired on WZHF. Opposition at p. 3. The Opposition argues that Section 309(k)(1)(b) specifically addresses “violations by the licensee of this chapter or the rules and regulations of the Commission” 47 U.S.C. § 309(d)(1). Therefore, its other licenses cannot be denied or revoked.

The FCC can and does revoke the licenses of miscreants who have violated the Commission’s rules or policies. *See, e.g., Augusta Radio Fellowship*, 6 FCC Rcd. 4823 (1991) (cocaine trafficking); *Contemporary Media, Inc.*, 13 FCC Rcd. 14437 (1998), *aff’d sub nom.. Contemporary Media, Inc. v. FCC*, 21 F.3d 187 (DC Cir. 2000), *cert. denied* 532 U.S. 920

(2001) (child molestation); *Roger Thomas Scaggs*, 19 FCC Rcd. 7123 (EB 2004) (murder); *David Edward Cox*, 21 FCC Rcd. 14153 (EB 2006) (burglary and firearms violations). The Commission has recognized that some crimes are “so egregious as to shock the conscience and evoke almost universal disapprobation, and thus can provide *prima facie* evidence of deficient character, **even when the misconduct has not been formally adjudicated, and even if there is no connection to the underlying FCC license.**

However, we also continue to believe that, where an applicant has allegedly engaged in nonbroadcast misconduct “so egregious as to shock the conscience and evoke almost universal disapprobation,” such conduct “might be a matter of Commission concern even prior to adjudication by another body.”

*1990 Character Policy Statement* at n.5 quoting *1986 Character Policy Statement*, 102 FCC 2d at 1205, n.60.<sup>4</sup> Clearly, the FCC has the power to deny the above captioned renewals and to revoke all of Arthur and Yvonne Liu’s licenses. Further, UCCA respectfully states that the FCC has the duty to deny and revoke their licenses.

As set forth in UCCA’s Petition to Deny, Arthur and Yvonne Liu’s company, Way Broadcasting, has an agreement with RM Broadcasting, LLC (“RM Broadcasting”), which gives RM Broadcasting the right to program WZHF(AM). RM Broadcasting has an agreement with Rossiya Segodnya which produces Radio Sputnik. Rossiya Segodnya is owned and operated by the Russian government, with a mandate to provide information on Russian state policy. What Radio Sputnik broadcasts is propaganda produced and controlled by Russian state agencies,

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<sup>4</sup> *Policy Regarding Character Qualifications in Broadcast Licensing*, Report, Order and Policy Statement, 102 FCC 2d 1179, recon. granted in part, 1 FCC Rcd 421 (1986) (“*1986 Character Policy Statement*”), modified, 5 FCC Rcd 3252 (1990) (“*1990 Character Policy Statement*”), on reconsideration, 6 FCC Rcd 3448 (1991), modified in part, 7 FCC Rcd 6564 (1992).

including Russian intelligence services. The Treasury Department has found that Russia's propaganda machine advances false narratives.

Russia's disinformation and propaganda machine is a network of official and unofficial communication channels and platforms that Russia uses to create and amplify false narratives. Russia invests massively in these propaganda outlets to support their disinformation efforts, and it leverages outlets that pose as news sites to spread these false and misleading narratives. These media outlets repeatedly republish content from each other in an attempt to legitimize and popularize the disinformation narratives they propagate.

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Russia's disinformation playbook employs specifically placed propaganda at the behest of Russian intelligence services to manipulate and weaken perceived adversaries.<sup>5</sup>

Arthur and Yvonne Liu are assisting Russian intelligence services to advance the illegitimate interests of Russia and to conceal war crimes being committed in Ukraine. Through these operations, Arthur and Yvonne Liu/Way Broadcasting work to weaken U.S. partnerships with European allies, undermine Western sanctions, and promote Russia's illicit actions designed to destroy the sovereignty of Ukraine. By broadcasting Russian propaganda, Arthur and Yvonne Liu are aiding and abetting Russia's continuing war crimes in Ukraine. These include, but are not limited to, the intentional killing of civilians, the rape of women and children, the bombing of hospitals and the large-scale looting of Ukrainian civilian property. These atrocities are recognized by President Biden and his administration, and Russian's actions have been termed "war crimes" and "genocide." On April 13th for example, President Joe Biden said Russia's war in Ukraine amounted to "genocide," accusing President Vladimir Putin of trying to "wipe out the

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<sup>5</sup> <https://home.treasury.gov/news/press-releases/jy0628>

idea of even being a Ukrainian.”<sup>6</sup> Secretary of State Antony Blinken said that the U.S. assesses that Russian forces have committed war crimes in Ukraine and will work to hold them accountable.<sup>7</sup> Arthur and Yvonne Liu’s active and willing participation in Russia’s disinformation and propaganda machine makes them accessories to torture, mass murder and the rape of children. Through their broadcasts they are spreading lies and helping to prolong a cruel invasion of a sovereign people. The FCC has revoked licenses for less.

**Radio Sputnik Programming is not Legitimate Information and  
It is Not Entitled to First Amendment Protection.**

The Opposition contends that Radio Sputnik is not unlike any other news and information service. In a different Opposition, Arthur and Yvonne Liu have gone so far as to claim that “The Radio Sputnik programming is not unlike information and opinion programming produced by its colleagues at the BBC or France 24.”<sup>8</sup> It is painfully clear that Arthur and Yvonne Liu have never listened to their station. The Opposition claims that Radio Sputnik covers a broad range of topics. This is certainly true, but each of those topics is designed to undermine the United States, its friends, and allies. Two example of Radio Sputnik’s programming will suffice. Israel is a friend and ally of the United States. Radio Sputnik is constantly critical of the State of Israel and that criticism is often delivered through antisemitic tropes. For example, in an interview, Russian Foreign Minister Sergey Lavrov was asked how Russian President Vladimir Putin could claim he was trying to “denazify” Ukraine when Volodymyr Zelensky, the country’s democratically

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<sup>6</sup> <https://www.nytimes.com/2022/04/13/world/europe/biden-russia-genocide-ukraine.html>

<sup>7</sup> <https://www.cbsnews.com/news/russia-war-crimes-antony-blinken/>

<sup>8</sup> Opposition to Petition to Revoke, p. 3, filed April 4, 2022.

elected president, was Jewish.<sup>9</sup> “So what if Zelensky is Jewish. The fact does not negate the Nazi elements in Ukraine. I believe that Hitler also had Jewish blood,” Lavrov said, adding that “some of the worst antisemites are Jews.” *Id.* It did not end there, Russia doubled down on its wild claims about Nazi Jews accusing Israeli Foreign Minister Yair Lapid of making “antihistorical statements” when he said that Jews did not murder themselves in the Holocaust.<sup>10</sup> In an interview with Radio Sputnik, Russian Foreign Ministry spokesperson Maria Zakharova said a group of Israeli mercenaries have joined forces with a Ukrainian regiment and are consequently supporting “the neo-Nazi regime in Kyiv.”<sup>11</sup>

Of course, Radio Sputnik does not only spread racism and lies about the United States, and its allies, it also supports its friends. For example, Radio Sputnik has taken the position that China cannot invade Taiwan, because Taiwan is a province of China and a country cannot invade itself. Undoubtedly, Arthur Liu, who was born in Taiwan, sleeps better knowing China will not invade Taiwan. At worst, his friends and family in Taiwan will experience nothing more than a “special military operation,” much like the one going on in Ukraine, to bring the rebellious province under China’s control.

Arthur and Yvonne Liu’s claim that Radio Sputnik is like the BBC or France 24 is either a material misrepresentation or it demonstrates a stunning lack of knowledge of what is being broadcast on their radio station. The FCC should require them to produce the transcripts of all

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<sup>9</sup> <https://www.timesofisrael.com/lavrov-so-what-if-zelensky-is-jewish-even-hitler-had-jewish-blood/>

<sup>10</sup> *Wall Street Journal*, May 4, 2022, “Kremlin Ramps Up Its Nazi Accusations Toward Kyiv and Israel,” By David S. Cloud and James Marson

<sup>11</sup> *Newsmax*, May 4, 2022 “Russia Doubles Down on Claim Israel Supporting Ukraine's 'Neo-Nazi Regime’” By: Jay Clemons



the Radio Sputnik programs going back at least six months. These transcripts will permit the FCC to review and evaluate whether Arthur and Yvonne Liu have taken the time to ascertain that the needs and interest of the community they have been licensed to serve.

Finally, Arthur and Yvonne Liu seek to hide behind the First Amendment, but this is a strawman argument. No one has suggested that they do not have the right to broadcast in the public interest. As the UCCA pointed out in its petition, a licensee is responsible for ascertaining the needs and interests of the community it serves. An FCC licensee's First Amendment right to broadcast is tempered by its responsibility to be responsive to the needs of the local community. See, *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 650, 114 S. Ct. 2445, 129 L. Ed. 2d 497 (1994) ("The FCC's oversight responsibilities do not grant it the power to ordain any particular type of programming that must be offered by broadcast stations; for although the Commission may inquire of licensees what they have done to determine the needs of the community they propose to serve, the Commission may not impose upon them its private notions of what the public ought to hear.") (internal quotations and cites omitted). The prohibition of 47 USCS § 326 against "censorship" regarding radio communications denies the FCC any power to edit proposed broadcasts in advance and to excise materials considered inappropriate for airwaves, but it does not deprive the Commission of power to review content of completed broadcasts.<sup>12</sup> For this reason, UCCA requests that the FCC order Arthur and Yvonne Liu to produce the Radio Sputnik transcripts. If, as UCCA contends, Radio Sputnik's programming consists of attacks on the United States, vial lies and racist tropes, Arthur and Yvonne Liu's licenses should be revoked.

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<sup>12</sup> *FCC v. Pacifica Foundation*, 438 U.S. 726, 98 S. Ct. 3026, (1978).

### Conclusion

In the Opposition, Arthur and Yvonne Liu have demonstrated that they have no knowledge of what is being broadcast on their station. They have failed to submit supporting declarations. Arthur and Yvonne Liu have demonstrated that they do not care what happens at their stations. Their duty to the public interest begins and ends with the receipt of a monthly check. Based on their mishandling of Radio Sputnik programming, there is reason to believe that their other stations are managed no better. The FCC needs to set their applications for hearing to determine if they have made material misrepresentation to the FCC and to determine if they have abdicated their responsibilities as FCC licensees. A hearing is necessary to determine if Arthur and Yvonne Liu have the basic qualifications to remain FCC licensees. If not, all their licenses should be denied or revoked.

Respectfully Submitted,



By: \_\_\_\_\_

Arthur V. Belendiuk

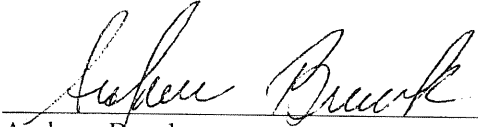
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May 18, 2022

**Declaration of Andrew Burak**

I, Andrew Burak, declare under penalty of perjury, that the following information is true and correct:

I have read the foregoing Reply to the Opposition To Petitions to Deny filed by Multicultural Radio Broadcasting Licensee, LLC. The statements made in the Petition are true and correct to the best of my personal knowledge, information and belief.

  
\_\_\_\_\_  
Andrew Burak

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via email to the following:

Mark Lipp, Esq.  
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lipp@FHHLAW.com

A handwritten signature in cursive script, reading "Arthur V. Belendiuk".

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Arthur V. Belendiuk