



Federal Communications Commission
Washington, D.C. 20554

February 21, 2014

In Reply Refer to:
1800B3-PPD

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Antonio Cesar Guel
2605 Hyacinth Drive
Mesquite, TX 75181

In re: **Applications for Construction Permit for a
Low Power Broadcast FM Station**

NEW-LP, Memphis, TN
Facility ID No. 193829
East Memphis Community Radio
File No. BNPL-20131112AFU

NEW-LP, Fort Worth, TX
Facility ID No. 193837
Fort Worth Hispanic Community Church
File No. BNPL-20131112AFX

NEW-LP, Greensboro, NC
Facility ID No. 194078
Greensboro Community Radio
File No. BNPL-20131112AGA

NEW-LP, Las Vegas, NV
Facility ID No. 194090
Las Vegas Community Radio
File No. BNPL-20131112AGG

NEW-LP, North Las Vegas, NV
Facility ID No. 194541
North Las Vegas Community Radio
File No. BNPL-20131112AHB

NEW-LP, Rockwall, TX
Facility ID No. 194580
Rockwall Radio De La Comunidad
File No. BNPL-20131112ALN

NEW-LP, Indianapolis, IN
Facility ID No. 194267
South Indianapolis Community Radio
File No. BNPL-20131112BDY

NEW-LP, Southlake, TX
Facility ID No. 194281
South Lake Hispanic Community Church
File No. BNPL-20131112BEB

NEW-LP, Sugar Land, TX
Facility ID No. 194395
Sugar Land Community Radio
File No. BNPL-20131112BEN

NEW-LP, Wichita Falls, TX
Facility ID No. 195685
Casa Al Imigrante De Wichita Falls
File No. BNPL-20131114APH

NEW-LP, Houston, TX
Facility ID No. 193940
Centro Cristiano De Amor Inc.
File No. BNPL-20131112ATV

NEW-LP, Houston, TX
Facility ID No. 193950
Centro Mundial De Fe Inc.
File No. BNPL-20131112AUM

NEW-LP, Houston, TX
Facility ID No. 193952
Centro Cristiano De Fe Inc.
File No. BNPL-20131112AUP

NEW-LP, Houston, TX
Facility ID No. 193958
Centro De Fe Y Avivamineto Del Santo
Espiritu Inc.
File No. BNPL-20131114BXE

Letter of Inquiry – Response Required

Dear Mr. Guel:

This letter concerns the listed Form 318 applications for a construction permit (“CP”) for a low power broadcast FM (“LPFM”) station for File Nos. BNPL-20131112AFU (Memphis, Tennessee), BNPL-20131112AFX (Fort Worth, Texas), BNPL-20131112AGA (Greensboro, North Carolina), BNPL-20131112AGG (Las Vegas, Nevada), BNPL-20131112AHB (Las Vegas, Nevada), BNPL-20131112ALN (Rockwall, Texas), BNPL-20131112BDY (Indianapolis, Indiana), BNPL-20131112BEB (Southlake, Texas), BNPL-20131112BEN (Sugar Land, Texas), and BNPL-20131114APH (Wichita Falls, Texas) (collectively, “the Community Applications”). Certain of the Community Applications were amended after they were filed (“the Amended Community Applications”). Except for questions that specifically refer to the Amended Community Applications, responses to questions in this letter concerning the Community Applications should provide answers that address the Community Applications as originally

filed, even if the questions use the present tense rather than the past tense.

This letter also concerns the Form 318 applications for a CP for an LPFM station in Houston, Texas, File Nos. BNPL-20131112ATV, BNPL-20131112AUM, BNPL-20131112AUP, and BNPL-20131114BXE (collectively, “the Centro Applications”).

The Community Applications and the Centro Applications (collectively, “the Applications”) are “singleton” applications which the Media Bureau (“Bureau”) has “accepted for filing.” We withhold further action on the Applications pending your response to the inquiries herein and our analysis of your response.

The Bureau is investigating potential statutory and rule violations and related instances of potential misrepresentation and/or lack of candor in connection with the Applications. Specifically, the Bureau is investigating (a) the authenticity of the applicants and the parties to the Applications, (b) the validity of information provided in and certifications made in the Applications, and (c) compliance with the ownership and application limits that apply to LPFM applicants.¹ We direct each Applicant, as defined herein, pursuant to sections 4(i), 4(j), 308(b) and 403 of the Communications Act of 1934, as amended (the “Act”), 47 U.S.C. §§ 154(i), 154(j), 308(b), and 403, to provide responses to the following inquiries, within thirty (30) calendar days from the date of this letter. Each Applicant may supplement its responses with additional relevant information pursuant to Sections 1.17 and 1.88 of the Commission’s rules (the “Rules”).²

Unless otherwise indicated, the period of time covered by these inquiries is January 1, 2013, to the present.

Definitions

For purposes of this letter, in addition to the terms defined elsewhere in this letter, the following definitions apply:

The word “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.”

“Applicant” shall mean the organization identified in the first line of Section I, Question 1 of each referenced Application.

“CCVE” shall mean Centro Cristiano de Vida Eterna.

“Document(s)” and “Documentation” 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,

¹ See 47 C.F.R. §§ 73.855 and 73.860.

² 47 C.F.R. §§ 1.17, 1.88.

correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, 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, drives, disks and such codes or instructions as will transform such computer materials into easily understandable form).

“HCCN” shall mean Hispanic Christian Community Network Inc.

“HFCN” shall mean Hispanic Family Christian Network, Inc.

Inquiries: Documents and Information To Be Provided

We direct you, pursuant to sections 4(i), 4(j), 308(b) and 403 of the Act, 47 U.S.C. §§ 154(i), 154(j), 308(b), and 403, to respond to the following inquiries, *within thirty (30) calendar days* from the date of this letter:

1) Applicant Location and Contact Information (Community Applications)

- a) Provide the correct mailing address for each Applicant in the Community Applications. If the Applicant’s headquarters address is different, provide that address as well.
- b) Provide the correct telephone number where each Applicant in the Community Applications can be contacted at its mailing address or headquarters address.
- c) Provide the address of the location of each computer that was used to enter the information for each Community Application into the CDBS electronic filing system.
- d) Provide a copy of representative Documents confirming the mailing address (and headquarters address, if that is different from the mailing address) and telephone number for each Applicant in the Community Applications (*e.g.*, copies of leases, utility bills, telephone bills, and any other Documents confirming that each Applicant occupies the mailing address (and headquarters address, if that is different) and can be reached at the telephone number provided).

2) Applicant Location and Contact Information (Centro Applications)

- a) Explain why each of the Centro Applications lists the address and telephone number for CCVE as the address and telephone number for the Applicant and as the Applicant’s proposed main studio address.
- b) Provide the address of the location of each computer that was used to enter the information for each Centro Application into the CDBS electronic filing system.
- c) Provide a copy of representative Documents confirming the mailing address and telephone number for each Applicant in the Centro Applications (*e.g.*, copies of leases, utility bills, telephone bills, and any other Documents confirming that each Applicant occupies the mailing address and can be reached at the telephone number provided).

3) Applicant Corporate Information (All Applications)

- a) State for each Application (1) who prepared the Articles of Incorporation for the Applicant, (2) who prepared and submitted the certificate of formation for the Applicant, (3) who paid the filing fee for the certificate of formation for the Applicant, (4) the name and address of the registered agent for the Applicant, and (5) if the Applicant applied for exemption from federal or state taxes, who prepared and submitted such Documentation.
- b) Provide a copy of all Documents relating or referring to the formation of the Applicant and the preparation of the Articles of Incorporation, certificate of formation and any applications for exemption from taxes for the Applicant.

4) Applicant Board of Directors Information (All Applications)

- a) Provide a signed and dated affidavit or sworn declaration from each board member listed in each Application (1) affirming his or her membership and positional interest in the Applicant, and (2) providing his or her identity and address, as shown in a copy of that board member's driver's license or other state-issued form of identification attached to such affidavit or declaration, and his or her current personal telephone number.³
- b) Describe in detail the formation of each Applicant, including who contacted each person who became a board member of the Applicant and who selected the name of the Applicant.
- c) Describe in detail the relationship between Antonio Cesar Guel and each board member in each Application, including periods prior to January 1, 2013. Provide a copy of all Documents referring or relating in any way to each board member's relationship with Antonio Cesar Guel.
- d) Describe in detail any former, current, or future relationship each of the board members listed in the Centro Applications has had, has, or will have with CCVE, HCCN, and HFCN, including periods prior to January 1, 2013. Provide a copy of all Documents referring or relating in any way to each board member's relationship with CCVE, HCCN, and HFCN.
- e) Describe in detail the activities of Antonio Cesar Guel and each board member in the preparation and submission of each Application. Provide a copy of all Documents referring or relating in any way to each person's involvement in the preparation and submission of each Application.
- f) Describe in detail the relationship between each board member in each Application and the proposed community of license specified in that Application, including any address(es) within 20 miles of the proposed transmitter site where the board member lives or has lived, and the dates the board member lived at such address(es), including periods prior to January 1, 2013.
- g) If the Application includes a "yes" certification to Section II, Question 4.a, state the basis for that certification.
- h) If the Application includes a "yes" certification to Section II, Question 4.b, state the basis for that certification.

³ If a board member's address has changed from the address shown in the document attached to the affidavit or declaration, the affidavit or declaration should provide the board member's current address and the date of the board member's move to that address.

5) Applicant Programming Information (All Applications)

- a) State for each Application who prepared the statement of educational purpose in Exhibit 2 of the Application.
- b) Provide a copy of all Documents relating or referring to any programming planned or considered for each Applicant's proposed station.

6) Applicant Financial Information (All Applications)

- a) State for each Application who has paid all legal fees, engineering fees, consulting fees or other fees or costs incurred in connection with the formation of the Applicant and the preparation and filing of its Application.
- b) Describe in detail the means by which each Applicant plans to fund the construction of its proposed station in the event the Application is granted, including the identity, residence address (and mailing address, if different) and personal telephone number for each funder or donor that will provide ten percent or more of the funds for the construction of the station.
- c) Provide a copy of all invoices and Documentation of payment for all fees or costs incurred and services rendered in connection with the formation of each Applicant and the preparation and filing of each Application.

7) Proposed Transmitter Site Information (All Applications)

- a) For the transmitter site proposed in each Application, provide (1) the address, (2) the property owner's, tower owner's or tower manager's name and telephone number, and (3) a description of all actions taken by or on behalf of the Applicant to determine that the site would be available to the Applicant in the event the Application is granted.
- b) Provide a copy of all Documents relating or referring to the availability of the transmitter site proposed in each Application.

8) Proposed Studio Site Information (Community Applications)

- a) For the studio site proposed in each Community Application, provide (1) the property owner's name and telephone number, and (2) a description of all actions taken by or on behalf of the Applicant to determine that the site would be available to effectuate the Applicant's pledge to maintain a publicly accessible main studio at that location in the event the Application is granted.
- b) Provide a copy of all Documents relating or referring to the availability of the studio site proposed in each Community Application.

9) Amendments (Amended Community Applications)

- a) State the reason(s) for each change in Section I of each of the Amended Community Applications.
- b) State the reason(s) for each change in Section II of each of the Amended Community Applications.

- c) State the reason(s) for each change in Section III of each of the Amended Community Applications.
 - d) State for each of the Amended Community Applications (1) who prepared and submitted the amendment, and (2) the address of the location of each computer that was used to enter the amendment into the CDBS electronic filing system.
- 10) Provide copies of all Documents that provide the basis for or otherwise support the responses to the above inquiries.

Submission Instructions

Each Applicant's response must be supported by an affidavit or declaration of one or more persons with personal knowledge attesting that the response is complete and accurate. In addition to the affidavits or declarations described in inquiry 4(a), we direct each Applicant to support each of its responses to the remaining inquiries with an affidavit or declaration under penalty of perjury, signed and dated by Antonio Cesar Guel, verifying the truth and accuracy of the information therein and that all of the information and Documentation specified by this letter which are in the possession, custody, control or knowledge of Mr. Guel and each Applicant (including all parties to its Application) have been produced. If multiple board members or representatives contribute to the response to inquiries other than inquiry 4(a), in addition to such general affidavit or declaration of Mr. Guel, the Applicant 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 submitted in lieu of affidavits must comply with Section 1.16 of the Rules,⁴ 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 letter is punishable by fine or imprisonment.⁵ Failure to respond appropriately to this letter may constitute a violation of the Act and the Rules.⁶

Applicants shall direct their response, if by messenger or hand delivery, to the attention of Parul P. Desai, Audio Division, Media Bureau, Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. If sent by mail, the response should be sent to Parul P. Desai, Audio Division, Media Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 2-A140, Washington, D.C. 20554.

If Applicant requests that any information or Documents, as defined herein, responsive to this letter be treated in a confidential manner, it shall submit, along with such information or Documents a request for confidential treatment which complies with the requirements of Section 0.459 of the Rules,⁷ including the standards of specificity set forth therein. 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.

⁴ 47 C.F.R. § 1.16.

⁵ See 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17.

⁶ See *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589 (2002); *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, n. 36 (2003); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Rcd 2718 (EB 2004); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (EB 2003).

⁷ 47 C.F.R. § 0.459.

If Applicant 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 (including photographs), 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. 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 Permittee is unable for any reason to produce a Document responsive to any inquiry, Permittee shall 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 Permittee 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, Permittee is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless Permittee 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. Applicant 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, Applicant must supplement its responses (a) if Applicant 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 Applicant after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless Applicant is directed or informed by the Bureau in writing that Applicant's obligation to update the record will continue for some shorter or longer period of time.

For each Document or statement submitted in response to the inquiries below, Applicant shall 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, Applicant shall 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). Applicant must identify with reasonable specificity all Documents provided in response to these inquiries.

Conclusion

Failure to respond within the time period specified may result in dismissal of the subject application for failure to respond to official correspondence pursuant to Section 73.3568 of the Rules.⁸

⁸ 47 C.F.R. § 73.3568.

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" with a stylized "TH" at the end.

Peter H. Doyle
Chief, Audio Division
Media Bureau

Cc: Dan J. Alpert, Esq.