



Federal Communications Commission
Washington, D.C. 20554

March 7, 2017

In Reply Refer to:
1800B3-ATS

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

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In re: **North Miami Hispanic Community Radio**
New LPFM, Miami, FL
Facility ID No. 194544
File No. BNPL-20131112AHC

South Miami Hispanic Community Radio
New LPFM, Miami, FL
Facility ID No. 194287
File No. BNPL-20131112BEE

Letter of Inquiry – Response Required

Dear Counsel:

We have before us the referenced applications (collectively, Applications) filed by North Miami Hispanic Community Radio and South Miami Hispanic Community Radio (as defined below, NMHCR and SMHCR, respectively). Also before us is an informal objections filed against the Applications and related pleadings.¹ In order properly to evaluate and process the Applications, we require further information, as set forth below.

The Media Bureau (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 NMHCR and SMHCR 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.² We direct NMHCR and SMHCR, as defined herein, pursuant to sections 4(i), 4(j), 308(b) and 403 of the Communications Act of 1934, as amended (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. NMHCR and SMHCR may supplement its responses with additional relevant information pursuant to Sections 1.17 and 1.88 of the FCC's rules (Rules).³ Accordingly, NMHCR and SMHCR are directed to submit, within

¹ REC Networks (REC) filed an Informal Objection to both Application on December 2, 2013, and a Supplement to the Informal Objection on January 19, 2016. SMHCR filed a pleading styled as a "Reply", which we will treat as an Opposition, on September 1, 2016, and an additional Opposition on January 12, 2017.

² See 47 CFR §§ 73.855 and 73.860.

³ 47 CFR §§ 1.17, 1.88.

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 Applications unless we receive the following documents within 30 calendar days of the date of this letter.

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."

"Applications" shall mean the referenced applications of NMHCR and SMHCR (FCC File Nos. BNPL-20131112AHC and BNPL-20131112BEE, respectively), including any amendments submitted to the FCC as of the date of this letter by or on behalf of NMHCR and SMHCR.

"NMHCR" shall mean North Miami Hispanic Community Radio 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.

"SMHCR" shall mean South Miami Hispanic Community Radio 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.

"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, 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).

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

- a) Provide the correct current mailing addresses for NMHCR and SMHCR. If NMHCR's or SMHCR's corporate headquarters addresses from their mailing addresses are different, provide those addresses as well.
- b) Provide the correct telephone number where NMHCR and SMHCR can be contacted at their mailing address or corporate headquarters address.
- c) State the reason(s) for each amendment to the Applications in which a new address for NMHCR or SMHCR was identified.
- d) Provide a copy of representative Documents confirming **each** mailing address (and **each** headquarters address, if that is different from the mailing address) and telephone number for NMHCR and SMHCR (*e.g.*, copies of leases, utility bills, telephone bills, and any other Documents confirming that NMHCR and SMHCR occupied **each** prior address provides, and currently occupies the **actual** mailing address (and headquarters address, if that is different) and can be reached at the telephone number provided). These documents must demonstrate that NMHCR and SMHCR have been at **each** mailing address (and headquarters address, if that is different) they have identified in Section I of the Applications, the time period it was at **each** address, and cover the entire period from **November 1, 2013, until the present**.

2) Applicant Board of Directors Information

- a) Provide a signed, dated, and **notarized** affidavit or declaration from **each board member** listed in the Applications as **originally filed** and **each subsequent amendment** (1) affirming his or her membership and positional interest in NMHCR or SMHCR in the time period specified in the Applications, 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 **notarized** affidavit or declaration, and his or her current residential address and telephone number.⁴ Accordingly, NMHCR must provide these Documents with respect to: **Cesar Juarez, Martha, Juarez, Benito Juarez, Julio Cesar Juarez, Belkis Aurelia Perez, and Elsa Alvarez**; and SMHCR must provide these Documents with respect to: **Pedro de la Rosa, Sergio Jimenez, Laura de La Rosa, and Oscar Lopez**
- b) State the reason(s) for each amendment changing the addresses of any member of the board of directors of NMHCR or SMHCR.
- c) State the reason(s) for each amendment changing the composition of NMHCR's or SMHCR's boards of directors or voting rights on the boards of directors.

⁴ 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.

- 3) Provide copies of all Documents that provide the basis for or otherwise support the responses to the above inquiries.
- 4) Explain Belkis Aurelia Perez's relationship with Oscar Lopez, SMHCR, and Ministerio Internacional Yo Soy, Inc. Further explain the basis for listing Perez's address as 100 Sunrise Dr., #17, Key Biscayne, Florida, in the amendment to NMHC's application (File No. BNPL-20131112AHC) filed on April 15, 2014.

Submission Instructions

NMHCR's and SMHCR's responses must be supported by a **notarized** 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 2(a), we direct NMHCR and SMHCR to support each of their responses to the remaining inquiries with a **notarized** affidavit or declaration under penalty of perjury, signed and dated by one of its directors, 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 NMHCR and SMHCR (including all parties to the Applications) have been produced. If multiple board members or representatives contribute to the response to inquiries other than inquiry 2(a), in addition to such general affidavit or declaration of a NMHCR or SMHCR director, NMHCR or SMHCR 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 shall be **notarized**. 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

NMHCR and SMHCR shall direct their 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. **Each of the parties listed below will have an opportunity to submit comments within thirty days of NMHCR and SMHCR's filing of the response, with a copy to be served by U.S. Mail on NMHCR and SMHCR and their counsel.**

If NMHCR or SMHCR requests that any information or Documents, as defined herein, responsive to this letter be treated in a confidential manner, they 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.

⁵ See 18 U.S.C. § 1001; see also 47 CFR § 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 CFR § 0.459.

If NMHCR or SMHCR 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, NMHCR and SMHCR are directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless NMHCR and SMHCR are directed or informed by the Bureau in writing to retain such Documents for some shorter or longer period of time.

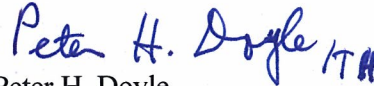
The specific inquiries made herein are continuing in nature. NMHCR and SMHCR are required to produce in the future any and all Documents and information that are responsive to the inquiries made herein but not initially produced at the time, date and place specified herein. In this regard, NMHCR and SMHCR must supplement their responses (a) if NMHCR or SMHCR 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 NMHCR or SMHCR after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless NMHCR and SMHCR are directed or informed by the Bureau in writing that NMHCR's and SMHCR'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, NMHCR and SMHCR 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, NMHCR and SMHCR 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). NMHCR and SMHCR must identify with reasonable specificity all Documents provided in response to these inquiries.

Conclusion

Failure to respond within the time period specified shall result in dismissal of the subject application for failure to respond to official correspondence pursuant to Sections 73.801 and 73.3568 of the Rules.⁸

Sincerely,

Handwritten signature of Peter H. Doyle in blue ink, followed by the letters "TH" in a stylized manner.

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Ms. Michie Bradley
REC Networks
11541 Riverton Wharf Rd.
Mardela Springs, MD 21837

Mr. Clay Leander
Common Frequency
P.O. Box 4301
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Mr. Antonio Cesar Guel
2605 Hyacinth Drive
Mesquite, TX 75181

Ms. Belkis A. Perez
North Miami Hispanic Community Radio
1395 Brickell Avenue, Suite 800
Miami, FL 33131

Mr. Oscar Lopez
South Miami Hispanic Community Radio
100 Sunrise Drive #17
Key Biscayne, FL 33149

⁸ 47 CFR §§ 73.801, 73.3568.