



FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau
Investigations and Hearings Division
445 12th Street, SW
Washington, DC 20554

November 22, 2016

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
AND FACSIMILE AT 919-839-0304

Mr. J. Timothy Hannan
Executive Vice President
News-Press & Gazette Company, Parent of Gulf-California Broadcast Company
825 Edmond Street
Saint Joseph, Missouri 64501

Ms. Elizabeth E. Spainhour
Counsel to Gulf-California Broadcast Company
Brooks Pierce
1600 Wells Fargo Capitol Center
150 Fayetteville Street
Raleigh, North Carolina 27601

Re: File No. EB-IHD-16-00021742

Dear Mr. Hannan and Ms. Spainhour:

The Enforcement Bureau is investigating whether Gulf-California Broadcast Company (Gulf-California), violated the sponsorship identification requirements of Sections 317 and 507 of the Communications Act of 1934, as amended (Act), and Section 73.1212 of the Commission's rules (Rules) by failing to provide sponsorship announcements for program material promoting individuals and businesses that provided payments or other valuable Consideration, as defined herein, to Station employees in exchange for such on-air promotion.¹ We have reviewed Gulf-California's response² to our July 25, 2016, Letter of Inquiry (LOI),³ and have additional requests for information and documents.

In addition, Gulf-California's failure to completely respond to the LOI constitutes a violation of our rules and may result in enforcement action.⁴ You failed to provide, in response to Document Request

¹ 47 U.S.C. §§ 317, 508; 47 C.F.R. § 73.1212.

² Letter of Inquiry Response from Elizabeth E. Spainhour, counsel to Gulf-California Broadcast Company, to Melanie A. Godschall, Attorney Advisor, Investigations and Hearings Division, FCC Enforcement Bureau (Aug. 23, 2016) (on file in EB-IHD-16-00021742) (LOI Response).

³ Letter of Inquiry from Matthew L. Conaty, Deputy Chief, Investigations and Hearings Division, FCC Enforcement Bureau to Mr. J. Timothy Hannan, Executive Vice-President, News-Press & Gazette Company, Parent of Gulf-California Broadcast Company (July 25, 2016 LOI).

⁴ See, e.g., *Net One Int'l, Net One, LLC, Farrahtel Int'l, LLC*, Forfeiture Order, 29 FCC Rcd 264, 267, para. 9 (EB 2014) (imposing a \$25,000 penalty for failure to respond to LOI); *Conexions, LLC d/b/a Conexion Wireless*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 15318, 15325, para. 22 (2013) (proposing a \$300,000 forfeiture for failure to provide timely and complete responses to an LOI); *Technical Communication Network, LLC*

32, federal tax returns for the most recent three years or other information that reflects the Licensee's current financial status.⁵ The LOI and this follow-up letter constitute Orders of the Commission to produce the documents and information requested.⁶ In addition, to knowingly and willfully make any false statement or conceal any material fact in reply to our inquiry is punishable by fine or imprisonment.⁷ Accordingly, we direct Gulf-California pursuant to Sections 4(i), 4(j), 308(b), and 403 of the Act,⁸ to provide the information and documents requested herein within **thirty (30) calendar days** after the date of this letter of inquiry (LOI).

If you have any questions about this matter, please contact Melanie Godschall at 202-418-7259 or Melanie.Godschall@fcc.gov.

Sincerely,



Matthew L. Conaty
Deputy Chief
Investigations and Hearings Division
Enforcement Bureau

Attachments

Apparent Liability for Forfeiture, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 1018, 1020, para. 8 (EB 2013) (proposing a \$25,000 forfeiture for failure to provide a complete response to an LOI); *Hauppauge Computer Works, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 23 FCC Rcd 3684, 3688, para. 11 (EB 2008) (proposing an \$11,000 forfeiture for failure to respond to an LOI) (forfeiture paid); *Digital Antenna, Inc. Sunrise, Florida*, Notice of Apparent Liability for Forfeiture and Order, 23 FCC Rcd 7600, 7603, para. 10 (EB 2008) (proposing \$11,000 forfeiture for failure to provide a complete response to an LOI); *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7600, para. 28 (2002) (imposing \$100,000 penalty for failing to submit a sworn written response).

⁵ See July 25, 2016 LOI at 9, Document Request 32.

⁶ See 47 U.S.C. §155(c)(3).

⁷ See 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17; *SBC Communications, Inc.*, 17 FCC Rcd at 7600, para. 28 (Commission imposed a \$100,000 fine against the carrier for its failure to verify its response to an agency inquiry with a required sworn statement).

⁸ 47 U.S.C. §§ 154(i), 154(j), 308(b), 403.

ATTACHMENT A

Inquiries: Information and Documents to be Provided

You must provide the following information and documents as requested below, and in accordance with the Instructions and Definitions set forth in the July 25, 2016 LOI and attached hereto,⁹ except as noted below.

Unless otherwise indicated, the time covered by these inquiries is January 5, 2015, to the present.

Requests for Information

1. For each instance of Programming depicted in or referenced by the social media postings in Attachment B hereto, provide the following information:
 - (a) State the dates, times, and Station(s) on which the Programming was Broadcast.
 - (b) State whether the social media posting was made before or after the Broadcast of the Programming on each Station.
 - (c) Provide a full description of the Broadcast during which the Programming aired, including the content of the Broadcast and whether each such Broadcast of the Programming was live or recorded.
 - (d) State whether each Broadcast of the Programming followed a script and if so, Identify all Persons responsible for drafting, editing, and approving each script.
 - (e) Identify all Programming Personnel involved in each Broadcast of the Programming and fully describe each Person's respective role in the Broadcast process.
 - (f) Identify, with respect to the usernames listed in the social media postings in Attachment B hereto, each and every employee, representative, or agent of Licensee, excepting Bianca Rae Goutos and Alexandra Pawelski.
2. Identify all Persons listed in the response to Document Request 5(f) and 5(g) below.
3. Identify each and every Person referenced in footnote 1 of the LOI Response, excepting Bianca Rae Goutos and Alexandra Pawelski, and, with respect to the "former employee[s]" of Gulf-California, describe their terms of employment with Licensee, including dates of hiring and firing, immediate supervisor, job duties and description, and reason(s) for termination.
4. Provide a description by category and location of all Documents¹⁰ and tangible things that the Licensee has in its possession, custody, or control that are responsive to the questions herein.

Requests for Documents

5. For each discrete Broadcast of Programming listed in the responses to Inquiry 1 above, provide the following:
 - (a) A recording of the Programming in a Windows Media Player compatible format uploaded to a secure FTP site that may be accessed using electronic credentials that are

⁹ The attached July 25, 2016 LOI includes Attachment A, with the Instructions and Definitions, but omits Attachments B, C, and the Redacted Complaint and Enlarged Attachments Submitted with the Complaint.

¹⁰ In responding to this inquiry, note the definition below of the term "Document" in the Instructions to the July 25, 2016, LOI.

sent via separate e-mail to: Matthew.Conaty@fcc.gov, Melanie.Godschall@fcc.gov, and Terrell.Richardson@fcc.gov. In preparing the recording(s) in accordance with the foregoing instructions, ensure that you

- i. provide details within Gulf-California's response to this LOI concerning this separate e-mail, e.g., prospective sender's name and e-mail address and anticipated date and time of transmittal; and
 - ii. take measures sufficient to ensure that the recordings uploaded to this site be accessible and available for transfer for at least 60 days from the date of Gulf-California's response to this LOI.¹¹
 - (b) A written transcript of the Programming.
 - (c) Any Documents that relate to such Programming, including e-mails, written agreements, marketing materials, or invoices, and a narrative response explaining such Documents.
 - (d) A recording of each and every sponsorship identification, if any, in a Windows Media Player compatible format uploaded to a secure FTP site that may be accessed using electronic credentials that are sent via separate e-mail to: Matthew.Conaty@fcc.gov, Melanie.Godschall@fcc.gov, and Terrell.Richardson@fcc.gov. In preparing the recording(s) in accordance with the foregoing instructions, ensure that you
 - i. provide details within Gulf-California's response to this LOI concerning this separate e-mail, e.g., prospective sender's name and e-mail address and anticipated date and time of transmittal; and
 - ii. take measures sufficient to ensure that the recordings uploaded to this site be accessible and available for transfer for at least 60 days from the date of Gulf-California's response to this LOI..¹²
 - (e) copies of all written agreements and written accounts of all oral agreements that the Licensee and/or its employees, representatives, or agents entered into with any Person regarding the Broadcast of the Programming;
 - (f) copies of all written agreements and written accounts of all oral agreements between or among Bianca Rae Goutos and any Person(s) regarding Consideration that she was paid, received in-kind, or was promised and that is depicted Attachment B;
 - (g) copies of all written agreements and written accounts of all oral agreements that Alexandra Pawelski between or among any Person(s) regarding Consideration that she was paid, received in-kind, or was promised and that is depicted in Attachment B; and
 - (h) all Documents that relate to any such oral or written agreements listed in response to 5(f) and 5(g) above.
6. Provide all Documents that relate to any payment of or promise to pay or provide Consideration in-kind listed in response to Document Request 5(f) and 5(g) above.
7. For each discrete Broadcast of Programming listed in response to Inquiry 1 above, provide all

¹¹ Name the file associated with each recording that you provide with the file number referenced above and the date and time of the Broadcast.

¹² Name the file associated with each recording that you provide with the file number referenced above, the date and time that the identification was Broadcast, and indicate that the recording is a Broadcast identification of the Programming.

Documents relating to the action(s), if any, that the Licensee took with regard to the Consideration promised to or received by Bianca Rae Goutos and/or Alexandra Pawelski and/or any other Licensee employee, agent or representative.

8. Provide all Documents that relate to each discrete Broadcast of Programming listed in response to Inquiry 1 above and/or the social media postings in Attachment B hereto.
9. Provide: (1) federal tax returns for the most recent three years; (2) financial statements prepared according to generally accepted accounting principles; or (3) some other reliable and objective documentation that accurately reflects the Licensee's current financial status.
10. Provide copies of all Documents that serve as the basis for or otherwise support the responses to all the Inquiries above, to the extent not already provided.

The Filing Requirements, Instructions, and Definitions set forth in Attachment A to the July 25, 2016 LOI are applicable to Gulf-California's response, with the following exception:

Delivery Requirements. The Licensee shall send its response by hand or messenger delivery, by commercial overnight courier, or by First-Class or overnight U.S. Postal Service mail.

If sent by messenger or hand delivery, the Licensee **must make arrangements in advance by contacting Melanie A. Godschall at Melanie.Godschall@fcc.gov or (202) 418-7259 no later than 5 business days prior to delivery.** The Licensee should direct its response to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554, to the attention of Melanie A. Godschall, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission, with a second copy included in the delivery to Matthew L. Conaty, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.¹³

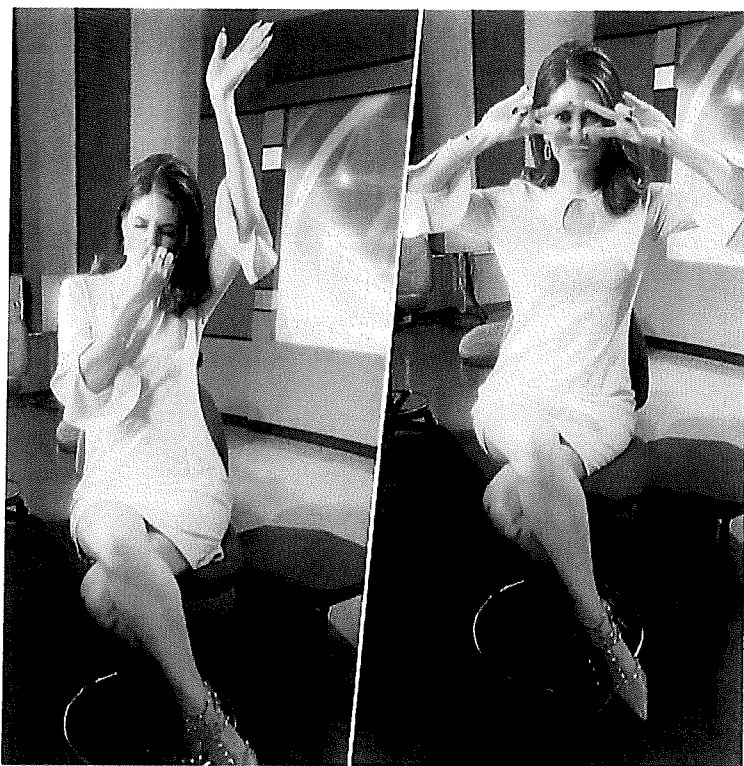
If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the attention of Melanie A. Godschall, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743, with a second copy included in the mailing to Matthew L. Conaty, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

If sent by first-class, Express, or Priority Mail, the response should be sent to Melanie A. Godschall, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW, Room 4-C330, Washington, DC 20554, with a second copy included in the mailing to Matthew L. Conaty, Deputy Chief, Investigations and Hearings Division, Enforcement Bureau.

Electronic Copy. The Licensee shall also transmit a copy of the response via email to Melanie.Godschall@fcc.gov and Matthew.L.Conaty@fcc.gov. The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source.

¹³ Originals and any copies of the response submitted via hand delivery or messenger must be held together with rubber bands or fasteners and must be submitted without envelopes. See Public Notice, FCC Announces Change in Filing Locations for Paper Documents, 24 FCC Rd 14312 (2009).

ATTACHMENT B



bianca__rae
KESQ Gulf California

Follow

115 likes

16v

bianca__rae According to @jerrysteffer, and everyone else, I look "groovy" today. Dress: @mkgrayse @grayseelpaseo Earrings: @the.jewelry.bar #lotd

artiststone Tell Jerry the ball is in his court now. Lol

bianca__rae @jerrysteffer the ball is in your court now 🙄

jerrysteffer Okay.. I guess it's gonna be a tie-dye, bell bottoms, granny glasses kind of day tomorrow morning!

bianca__rae @jerrysteffer ok you got that @tvjffstahl ?? 🙄

bianca__rae ;) @jerrysteffer @tvjffstahl

williamsalazar598 Beautiful

nevermartyred I really like the shoes!👍

jay.2410 Love the dress @bianca__rae

Log in to like or comment



bianca_rae

Follow

86 likes

16w

bianca_rae Rocking this
@grayseelpaseo @mkgrayse dress in
Rocky's desert home today with
@hurwitzjamesco realtor @joshreef.
Jewelry: @the.jewelry.bar

Look inside Sylvester Stallone's home on
Feb. 25th at 5:00 ONLY on News
Channel 3. Sneak peaks throughout the
month here on insta ☺ fun day with you
@crflicker!!

miss.jasmine.nicole Oh!!! Josh! This is
wonderful

whalenproductions 🍷🍷🍷
@bianca_rae

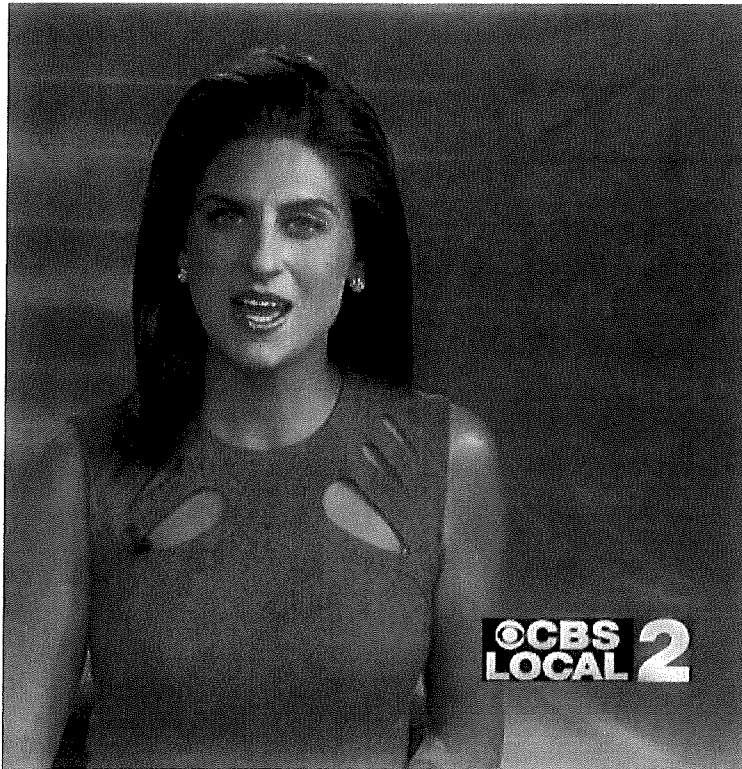
ryanryannn So very hot.....
@bianca_rae

ryanryannn Stunning
@eridanusandcassiopeia

eridanusandcassiopeia @bianca_rae

Log in to like or comment

16w



bianca__rae

Follow

90 likes

58w

bianca__rae CBS Local 2 Weekend News

Dress: @dvf

@_cell_a_la_mode

#newsanchor

bianca__rae Photo cred: mom ;)

@barbaragoutos

lexie33186 Gorgeous!! Come home!!

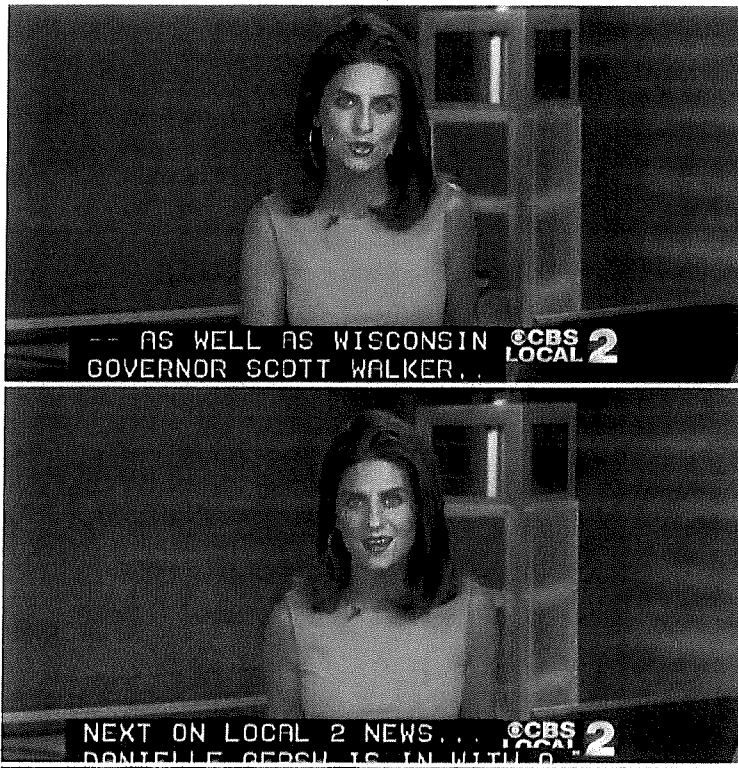
sockconciierge Check us out! We think you'll love it

harmini731 Hey @bianca__rae where are you based? Is this CBS district 2?

bianca__rae @harmini731 I am in Palm Springs, California. I'm the CBS Local 2 weekend evening anchor!

harmini731 @bianca__rae well your awesome! Do they let you do your own stories? Or usually pick what you can do?

Log in to like or comment



bianca_rae

Follow

59 likes

57%

bianca_rae One of my favorite colors. Tonight on CBS Local 2 dress: @dvyf styled by @celithatgirl

cbello32 Just saw you today for the first time. I was amazed how beautiful your eyes are. :) @bianca_rae

cbello32 Come to Kaiser grille in palm desert someday. :) I work Saturdays :)

_celithatgirl Gorgeous!! 😊

Josie92260 Gorgeous in green 🍷 love the new doo. ★

official_ryanwoolf 🍷

monday_blooms 🍷

bianca_rae @josie92260 thank you!!

karat_cake @bianca_rae interested in a piece?

greeneyes278 Mine too 🍷🍷🍷🍷🍷

Log in to like or comment

161



Follow

1990

 $\partial \text{dvf} / \partial \text{dvf}$

rodzillaroddy #teampacquiao 🇵🇭

christinarapken You look beautiful!

$$\text{Log in } (z + 1)^{1/2} = 0.5 \times 27.3341099 = 13.66705495$$

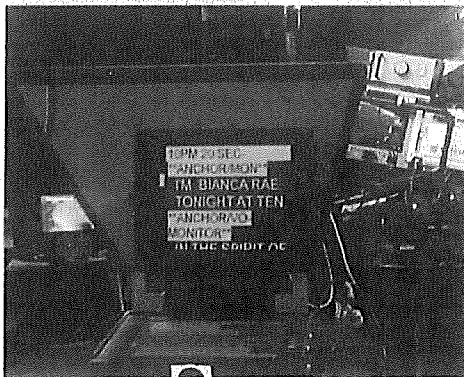


bianca__rae
KESQ Gulf California

60 likes

bianca__rae Good morning time is now to learn about a construction (road repairs) & closures (Stagecoach) so yo in traffic. See you back on N at Noon...turn it on and turn Blazer: @grayseelpaseo

Log in to like or comment



bianca__rae
CBS Local 2

Follow

74 likes

54w

bianca__rae Tonight on CBS Local 2

News...

Dress: @dvf #DVF

Styled by @_celihatgirl

#LOTD #NewsAnchor

williamsalazar598 Looking Beautiful"

vintage.emi. 96 Did you get the email my mom sent

bianca__rae @vintage.emi. 96 yes! I forwarded it to my producer :)

Log in to like or comment

...



bianca__rae
Palm Springs, Califor...

Follow

117 likes

3/4

bianca__rae What is the future of Palm Springs? Will Marilyn come back? Who does Mayor Moon hope to host in his city as the next President of the United States? I have the answers in an exclusive interview tomorrow on KESQ News Channel 3 at 6:00. #StateOftheCity @criticker Thank you @grayseelpaseo for letting me wear this mod PS dress!

bgoutos Beautiful dress!!

frenchtangerine Your hair looks wonderful!

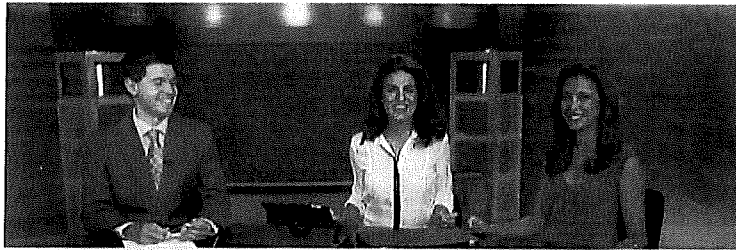
artiststone Bianca 🍷🍷🍷🍷

palmypoolgirl This city is getting crowded enough

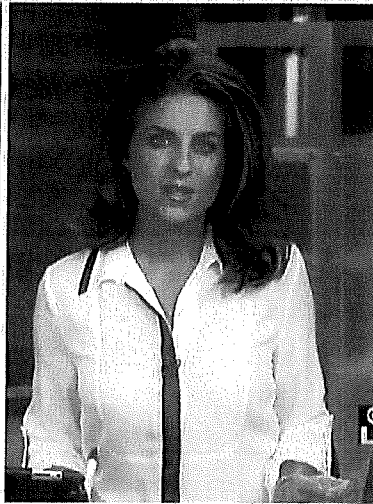
paul_michael_2 You so beautiful Bianca :)

Log in to like or comment

...



Rae
L 2 NEWS
ADMINISTRATION HA
AMTRAK TO IMMEDIAT



bianca__rae
CBS Local 2

Follow

85 likes

bianca__rae Tonight on CBS Local 2 News Weekend Edition. Blouse: @dvh #DVF styled by: @cellthatgirl We'll see you tonight at 11 for your latest news, weather and sports!

dodgerfansince1971 @bianca__rae hair is on point tonight.

kroesnews Love the shirt B!

bianca__rae @dodgerfansince1971 I hope I can get it like this again. .replication is the hardest thing ever!!!!)

bianca__rae @dodgerfansince1971 and thank you:))

_cellthatgirl Love! :))


kellygolightly Love the new 'do!

bianca__rae @kellygolightly thank you!!

Log in or like or comment








bianca__rae
 CBS 2

Follow


129 likes

bianca__rae Tonight on CBS Local
 2...dress, jacket and necklace! [ostjohnknits](#)
 See you tonight at 11:00! [#cbslocal2](#) [#ford](#)
[#ootd](#) [#NewsAnchor](#)

[dan_iel_germany](#) 

[mikeluna_](#) Nice picture [obianca__rae](#) 

[adamschw](#) [ostjohnknits](#)

[sjs3](#) St. John 

[bigboyzconstruction32](#) Looking great like
always!!

[meredithkay](#) Love this outfit [ostjohnknits](#)
[obianca__rae](#)

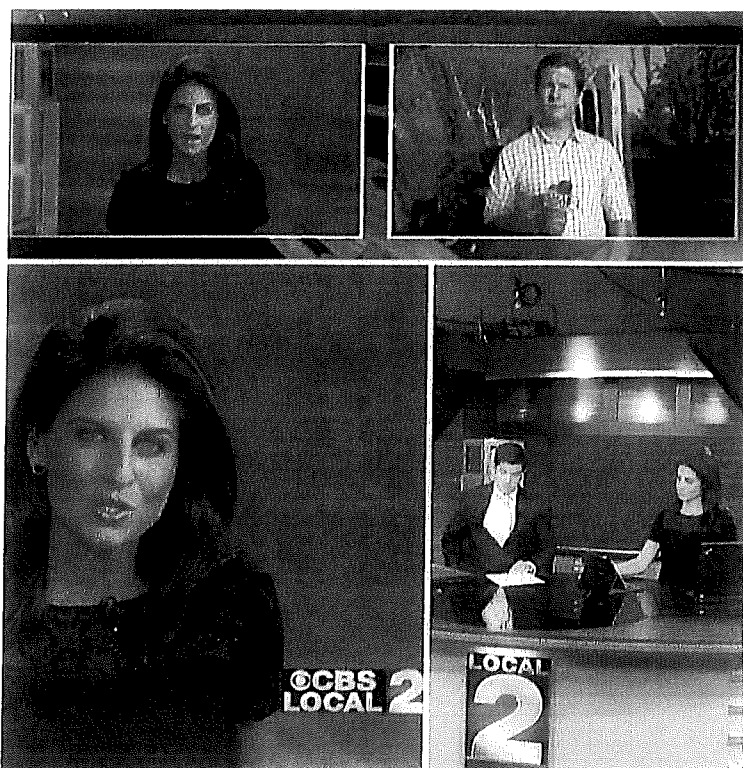
[bgoutos](#) Pure class!!!


[trishd713](#) Beautiful B!!!

[williamsalazar598](#) Beautiful Bianca

[silviabonfiglioli](#) Very elegant

Log in    




bianca__rae
 CBS Local 2

Follow

87 likes

bianca__rae A lot going on tonight on CBS Local 2 News at 6:30: A live report from a fire in Indio and an update on #americanpharaoh See you tonight at 11.00 for your latest news, weather and sports! shirt: @dylf #dylf @celithatgirl #NewsAnchor #ltd #ootd

daniellegersh Missing my counterpart!! Looking gorg as always 😊

bianca__rae Missing you dan!!!! Can't wait to hear about your #croatianvacation :) xo @daniellegersh

doublee66 Looking good Bianca. 🍷

bianca__rae Thank you @doublee66 !

Log in to see more posts

91



bianca_rae

Follow

32 likes

Like

bianca_rae Think hot stone massage but better, because these 120 degree lava shells stay hotter longer than stone, Find out where you can get this unique spa treatment Wednesday night on Eye On the Desert! #eyeonthedesert

williamsaleazar598 Why the tail?..

Log in to like and comment





bianca__rae

Follow

109 likes

Reels

bianca__rae Today on News Channel 3. dress: @dyf #dyf @celithatgirl #NewsAnchor

rodzillaroddy Looking good as always 🍷

alsamarlecorralesdesigns So pretty!!!

marinaberberyan Hello gorgeous!!!!

artiststone Awesome to see you as morning anchor!

bianca__rae Thank you!!! @artiststone @marinaberberyan @alsamarlecorralesdesigns @rodzillaroddy :))

coachellaeyewear Our favorite news anchor! 🍷🍷🍷

bianca__rae @coachellaeyewear thank you!!

Log in to see more posts



bianca, rae
KESO Gulf California

Follow

52 likes

bianca, rae It was all ☺☺ at the KESO News Channel 3 in the Morning desk today. Did you catch us this am? We'll be back at noon with your latest news and weather. hope you join! @tvjefstahl @jerrysteifen Dress. @dvl @dvl

Log in



bianca__rae
KESQ Gulf California

Follow

79 likes

bianca__rae Today's #LOTD dress, Le Chateau Old Town La Quinta
See you back on News Channel 3 at Noon!

davidgonzaleztv

ljsimon3

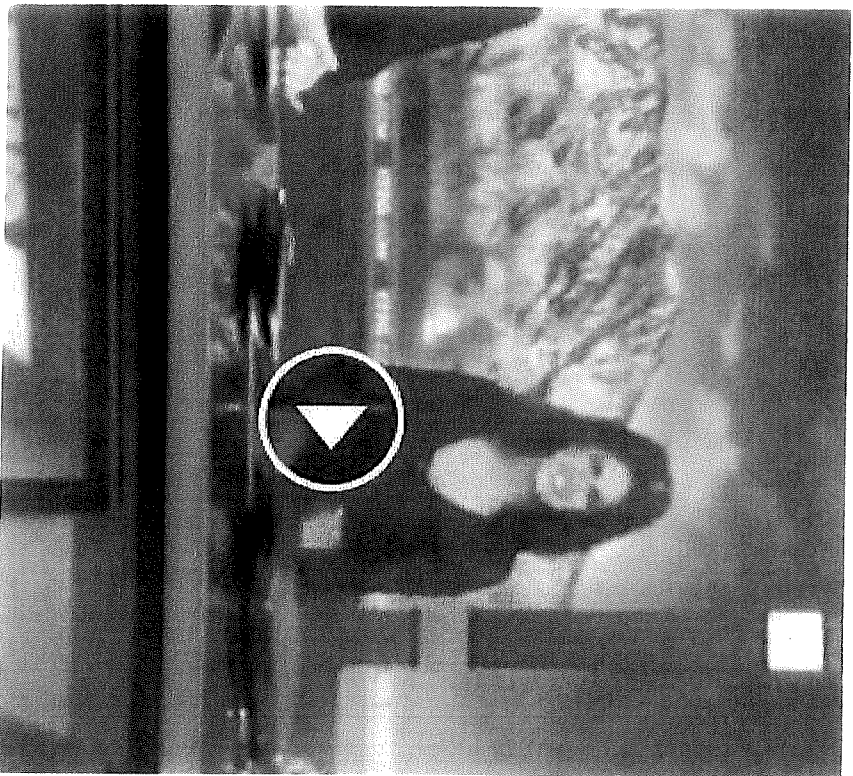
the_mystic, bat #wcnnewsedition

Log in to view comments

00

Bianca Rae at **KESQ Gulf California Broadcast**
November 1, 2015, Thousand Oaks, CA

about social media lend well to skits. We're here all day
back at noon @ Jeff Stahl Jerry Steffen
Le Chateau Boutique in Old Town La Quinta





```
the_all_car
cos_0002
```

NOV 19 1997

the...cat filling in on the anchor desk tonight. Tune into CBS Local 2 tonight at 11:00.

Glazer and Scott: *qdcognaxznz*
 #zqzicqzqz

THE UNIVERSITY OF CHICAGO

10
 9
 8
 7
 6
 5
 4
 3
 2
 1






























 UNIVERSITY OF MICHIGAN PRESS

David Gonzalez 604 694 2424

PROF. DR. KENNETH















































[illegible]



the alle cat
CBS 2

Follow

76 likes

the alle cat Hosting Eye on the Desert
is double fun when you're working with
your gal pal **theallecat**

Twinning on tonight's #EOD #iota

Top and skirt. **adcbgmaxazna** Shoes

stevemadden

qsjs3 blazer, **theory** dress

adcbgmaxazna shoes, **stevemadden**

agreatmindstinkalike

qsjs3 Love you!!

jsimons3 a crazy great

team

kehoefromreno (I'm graduating in May

Log in



FEDERAL COMMUNICATIONS COMMISSION

Enforcement Bureau
Investigations and Hearings Division
445 12th Street, SW
Washington, DC 20554

July 25, 2016

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED
AND FACSIMILE AT 816-271-8695

Mr. J. Timothy Hannan
Executive Vice President
News-Press & Gazette Company, Parent of Gulf-California Broadcast Company
825 Edmond Street
Saint Joseph, Missouri 64501

Re: File No. EB-IHD-16-00021742

Dear Mr. Hannan:

The Enforcement Bureau is investigating potential violations of Sections 317 and 507 of the Communications Act of 1934, as amended (Act), and Section 73.1212 of the Commission's rules (Rules) related to required sponsorship identification announcements and disclosure of certain payments.¹ Accordingly, we direct Gulf-California Broadcast Company (Gulf-California), pursuant to Sections 4(i), 4(j), 308(b), and 403 of the Act,² to provide the information and documents requested herein within **thirty (30) calendar days** after the date of this letter of inquiry (LOI).

We are investigating whether Gulf-California violated the sponsorship identification requirements of the Act and the Rules by failing to provide sponsorship announcements for program material promoting individuals and businesses that provided payments or other valuable Consideration, as defined herein, to Station employees in exchange for such on-air promotion. Specifically, we have received complaints alleging that Bianca Rae, a morning news anchor at Station KESQ-TV, and Alexandra Pierce, a news reporter at Station KESQ-TV, accepted or agreed to accept Consideration including, but not limited to, clothing, shoes, spa and aesthetic services, and stylist services from individuals and businesses in exchange for promoting those individuals and businesses during programming aired on the Station, but that no required sponsorship announcements were aired even though Station managers were aware of these on-air employees' promotional agreements.³

Section 317(a)(1) of the Act and Section 73.1212(a) of the Rules require a television station to broadcast an announcement whenever money or other valuable consideration is directly or indirectly paid or promised to, or charged or accepted by, the station for the broadcast of program material.⁴ The

¹ 47 U.S.C. §§ 317, 508; 47 C.F.R. § 73.1212.

² 47 U.S.C. §§ 154(i), 154(j), 308(b), 403.

³ All of the complainants have requested confidential treatment of their complaints. A redacted copy of one of the complaints is attached. See Complaint, File No. EB-IHD-16-00021509 (Feb. 7, 2016) (on file in EB-IHD-16-00021742).

⁴ 47 U.S.C. § 317(a)(1); 47 C.F.R. § 73.1212(a).

disclosure must be aired at the time that the material is broadcast, inform the viewer that the program is sponsored, paid for, or furnished, either in whole or in part, and identify by whom or on whose behalf the consideration was paid to the station in exchange for airing such material.⁵

Section 507 of the Act (codified at 47 U.S.C. § 508) mandates that when an entity or individual pays to have program material broadcast, both the person making the payment and the person receiving it make a disclosure to the licensee in advance of the broadcast. This disclosure permits the licensee to air a sponsorship identification announcement at the time of the broadcast to inform viewers or listeners that a third party paid for the broadcast.⁶ The duty to disclose rests with any person involved in the production or preparation of broadcast matter who receives or agrees to receive, or provides or promises to provide, money or other consideration in exchange for the inclusion of program material in a broadcast.⁷

In addition, Section 317(c) of the Act and Section 73.1212(b) of the Rules require each licensee to "exercise reasonable diligence" to obtain information from its employees and other individuals concerning whether particular program material is sponsored in order to enable the licensee to make the required announcement.⁸

This LOI constitutes an order of the Commission to produce the documents and information requested herein.⁹ To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.¹⁰ **Failure to respond appropriately to this LOI constitutes a violation of the Act and our Rules.**¹¹

Attachment A to this letter includes filing requirements and instructions for your response and definitions for certain terms in this LOI. Requests for confidential treatment or claims of attorney-client privilege or attorney work product must strictly meet the requirements stated in the attached instructions.

If the Enforcement Bureau determines that Gulf-California has acted in violation of the Act and/or Rules, the continued violation of the disclosure requirements of Section 317 of the Act and Section 73.1212 of the Rules after the receipt of this LOI may subject Gulf-California to additional penalties.

⁵ See 47 C.F.R. § 73.1212(a).

⁶ See 47 U.S.C. § 317(b).

⁷ See 47 U.S.C. § 508(b).

⁸ 47 U.S.C. § 317(c); 47 C.F.R. § 73.1212(b).

⁹ See 47 U.S.C. § 155(c)(3).

¹⁰ See 18 U.S.C. § 1001; see also 47 C.F.R. § 1.17.

¹¹ See 47 U.S.C. 503(b)(1)(B); see also *Net One Int'l, Net One, LLC, Farrahtel Int'l, LLC*, Forfeiture Order, 29 FCC Rcd 264, 267, para. 9 (Enf. Bur. 2014) (imposing a \$25,000 penalty for failure to respond to LOI); *Conexions, LLC d/b/a Conexon Wireless*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 15318, 15325, para. 22 (2013) (proposing a \$300,000 forfeiture for failure to provide timely and complete responses to an LOI); *Technical Commc'n Network, LLC*, Notice of Apparent Liability for Forfeiture and Order, 28 FCC Rcd 1018, 1020, para. 8 (Enf. Bur. 2013) (proposing a \$25,000 forfeiture for failure to provide a complete response to an LOI); *SBC Commc'ns, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7600, para. 28 (2002) (imposing \$100,000 penalty for failing to submit a sworn written response).

J. Timothy Hannan
Gulf-California Broadcast Company
July 25, 2016
Page 3 of 14

If you have any questions about this matter, please contact Melanie Godschall at 202-418-7259 or Melanie.Godschall@fcc.gov.

Sincerely,



Matthew L. Conaty
Deputy Chief
Investigations and Hearings Division
Enforcement Bureau

Attachments

cc, via Certified Mail Return Receipt Requested and Facsimile at 760-773-5128:

Mr. Mike Stutz
General Manager
Gulf-California Broadcast Company
31276 Dunham Way
Thousand Palms, California 92276

ATTACHMENT A

Inquiries: Information and Documents to be Provided

You must provide the following information and documents as requested below, and in accordance with the Instructions and Definitions below.

Unless otherwise indicated, the time covered by these inquiries is January 5, 2015, to the present.

Requests for Information

1. Describe the business structure of Gulf-California (e.g., corporation, sole proprietorship, partnership, limited liability company, etc.). If it is a corporation, give the date and location of its incorporation and describe what type of corporation it is (e.g., public or privately held).¹² If it is a sole proprietorship, partnership, or limited liability company, Identify each owner, partner or member, as applicable.¹³ In addition, Identify all parent and affiliate companies of Gulf-California and explain their relationship with Gulf-California.
2. Identify the Licensee's officers and directors and the positions that they held, respectively, for each year from 2015 to the present. If it is a sole proprietorship, partnership, or limited liability company, Identify each owner, partner, or member, as applicable.¹⁴
3. Identify the corporate headquarters address of the Licensee and the States in which the Licensee is authorized to do business; indicate whether it is in good standing in each such State. Identify the Tax Identification Number of the Licensee.
4. Identify the registered agent of the Licensee within the United States.
5. Identify the FCC Registration Number (FRN) or FRNs of Gulf-California and any parent and affiliate companies of Gulf-California.
6. Identify any licenses, permits, certificates, or other authorization, including any Section 214 authorization for the resale of international long distance service, issued by the Commission held by Gulf-California and/or held by any parent or affiliate companies of Gulf-California.
7. State whether Gulf-California has received any complaints or reports related to compliance with the sponsorship identification requirements of the Act and the Rules. If so, provide full details of such complaints, including the dates the complaints or reports were received, a description of the complaint or report, and the contact information of the complainant or reporter. In addition, if Gulf-California has received any such complaints or reports, state what actions, if any, Gulf-California has taken in response.
8. Identify Bianca Rae, the dates of her employment by Licensee, and, chronologically, the title and nature of each position she has held with Licensee.
9. Identify Alexandra Pierce, the dates of her employment by Licensee, and, chronologically, the title and nature of each position she has held with Licensee.
10. State whether Bianca Rae received or was promised Consideration from any source including, but not limited to, the Persons listed in Attachment B, in exchange for the Broadcast of Programming

¹² In responding to this inquiry, note the definition below of the term "Identify" when used in reference to a Person in the Instructions to this letter.

¹³ *Id.*

¹⁴ *Id.*

on any Station. If so:

- (a) Identify the Persons from whom such consideration was received or promised;
- (b) State the nature and value of the Consideration involved;
- (c) State the dates on which the Consideration was promised or received;
- (d) Provide a description of the agreement, including whether the agreement was oral or written, by which Bianca-Rae received or was promised Consideration in exchange for the Broadcast of Programming;
- (e) Identify the Persons who negotiated, approved, or executed the agreement;
- (f) State the dates, times, and Station(s) on which the Programming was Broadcast pursuant to the agreement;
- (g) Provide a full description of the Broadcast during which the Programming aired, including the content of the Broadcast and whether each such Broadcast of the Programming was live or recorded;
- (h) State whether each Broadcast of the Programming followed a script and if so, Identify all of the Persons responsible for drafting, editing, and approving each script;
- (i) Identify all Programming Personnel involved in each Broadcast of the Programming and fully describe each Person's respective role in the Broadcast process; and
- (j) State whether the Licensee announced that such Programming was aired in exchange for Consideration and if so, specify the manner in which that sponsorship identification occurred.

11. State whether Alexandra Pierce received or was promised Consideration from any source including, but not limited to, the Persons listed in Attachment B, in exchange for the Broadcast of Programming on any Station. If so:

- (a) Identify the Persons from whom such consideration was received or promised;
- (b) State the nature and value of the Consideration involved;
- (c) State the dates on which the Consideration was promised or received;
- (d) Provide a description of the agreement, including whether the agreement was oral or written, by which Alexandra Pierce received or was promised Consideration for the Broadcast of Programming;
- (e) Identify the Persons who negotiated, approved, or executed the agreement;
- (f) State the dates, times, and Station(s) on which Programming was Broadcast pursuant to the agreement;
- (g) Provide a full description of the Broadcast during which the Programming aired, including the content of the Broadcast and whether each such Broadcast of the Programming was live or recorded;
- (h) State whether each Broadcast of the Programming followed a script and if so, Identify all of the Persons responsible for drafting, editing, and approving each script;
- (i) Identify all Programming Personnel involved in each Broadcast of the Programming and fully describe each Person's respective role in the Broadcast process; and

- (j) State whether the Licensee announced that such Programming was aired in exchange for Consideration and if so, specify the manner in which that sponsorship identification occurred.
12. For each instance of Programming depicted or referenced in Attachment C,¹⁵ provide the following information or, if such information has been previously provided in response to Inquiries 10 and 11 above, provide a reference to such information contained within those responses:
- (a) State whether the Licensee or any Licensee employees, representatives, or agents received or were promised Consideration from any source including, but not limited to, the Persons listed in Attachment B, in exchange for the Broadcast of Programming on any Station. If so:
- i. Identify the Persons from whom such consideration was received or promised;
 - ii. State the nature and value of the Consideration involved;
 - iii. State the dates on which the Consideration was promised or received;
 - iv. Provide a description of the agreement, including whether the agreement was oral or written, by which the Licensee and/or its employees, representatives, or agents received or were promised Consideration in exchange for the Broadcast of Programming;
 - v. Identify the Persons who negotiated, approved, or executed the agreement;
 - vi. State the dates, times, and Station(s) on which the Programming was Broadcast pursuant to the agreement;
 - vii. Provide a full description of the Broadcast during which the Programming aired, including the content of the Broadcast and whether each such Broadcast of the Programming was live or recorded;
 - viii. State whether each Broadcast of the Programming followed a script and if so, Identify all Persons responsible for drafting, editing, and approving each script;
 - ix. Identify all Programming Personnel involved in each Broadcast of the Programming and fully describe each Person's respective role in the Broadcast process; and
 - x. State whether the Licensee announced that such Programming was aired in exchange for Consideration and if so, specify the manner in which that sponsorship identification occurred.
13. For each Broadcast listed in response to Inquiries 10, 11, and 12 above, state whether any Person provided any oral or written communications and/or materials to the Licensee indicating that any Person had provided Consideration relating to the Programming. If so, provide the following information:
- (a) the dates on which the Licensee received such communications and/or materials; and
 - (b) a written account of any such oral communications.
14. For each Broadcast listed in response to Inquiries 10, 11, and 12 above, provide the following

¹⁵ The source of material in Attachment C is Bianca Rae's and Alexandra Pierce's Station Social Media Accounts (Twitter, Instagram and/or Facebook).

information:

- (a) a full description of the actions and/or procedures, if any, the Licensee took to determine whether the Programming required sponsorship identification;
 - (b) the dates on which such actions and/or procedures began and ended;
 - (c) the Persons who authorized or performed such actions and/or procedures; and
 - (d) a full description of the information obtained by means of such actions and/or procedures.
15. If the Licensee asserts that sponsorship identifications were not required in connection for a Broadcast of Programming identified in response to Inquiries 10, 11, and 12 above, fully explain the basis for this assertion.
16. State whether the Licensee has policies, directives, and/or guidelines concerning Station Social Media Accounts and/or postings of its employees, representatives or agents thereto. If so:
- (a) Provide a description of such policies, directives, and/or guidelines;
 - (b) Provide a description of the Licensee's oversight of Station Social Media Account postings;
 - (c) Identify Licensee employees, representatives, or agents responsible for the oversight described in Inquiry 16(b) above;
 - (d) For each social media posting referenced in Attachment C that depicts Programming for which the Licensee or any Licensee employee, agent or representative received or was promised Consideration in exchange for the Broadcast of such Programming, provide a full description of the actions and/or procedures, if any, that the Licensee took to determine if the social media posting related to Programming for which the Licensee or any Licensee employee, agent or representative received or was promised Consideration in exchange for the Broadcast of such Programming;
 - (e) Fully describe the results of the actions and/or procedures listed in response to Inquiry 16(d) above.
17. If the Licensee has no policies, directives, and/or guidelines concerning Station Social Media Accounts and/or postings of its employees, representatives or agents thereto, then provide the following information:
- (a) an explanation as to why the Licensee has no such policies, directives, and/or guidelines; and
 - (b) the nature of any such policies, directives, and/or guidelines discontinued by the Licensee in the past; the date of their discontinuance; and the reason for their discontinuance.
18. State the nature and dates of the training and/or refresher training, if any, concerning the sponsorship identification requirements of Sections 317 and 507 of the Act and Section 73.1212 of the Rules administered to or undertaken by the following Persons:
- (a) Bianca Rae;
 - (b) Alexandra Pierce; and
 - (c) Licensee employees, representatives, and agents Identified in response to Inquiry 16(c) above.
19. For the period January 1, 2006, to the present, Identify any other instance when the Licensee received or was issued a Letter of Inquiry, Citation, Warning Letter, Notice of Apparent Liability,

Forfeiture Order, or Admonishment from the Commission, or entered into a Consent Decree with the Commission.

20. Identify any efforts by the Licensee to resolve or correct any noncompliance with the Act or Rules prior to this LOI. Identify any efforts by the Licensee to disclose to the Commission any noncompliance with the Act or Rules prior to this LOI.
21. Identify all Station employees, representatives, or agents fired or otherwise disciplined for apparent violations of Section 317 or 507 of the Act or Section 73.1212 of the Rules and describe the apparent violations and disciplinary actions.
22. Provide a description by category and location of all Documents¹⁶ and tangible things that the Licensee has in its possession, custody, or control that are responsive to the questions herein.

Requests for Documents

23. For each Broadcast of Programming listed in the responses to Inquiries 10, 11, and 12 above, provide the following:
 - (a) two recordings of the Programming in DVD format and if the Programming was edited before Broadcast, two recordings of the unedited Programming in DVD format;¹⁷
 - (b) a written transcript of the Programming;
 - (c) any Documents that relate to such Programming, including e-mails, written agreements, marketing materials, or invoices;
 - (d) a recording of any sponsorship identification in DVD format;¹⁸
 - (e) copies of all written agreements and written accounts of all oral agreements that the Licensee and/or its employees, representatives, or agents entered into with any Person regarding the Broadcast of the Programming; and
 - (f) all Documents that relate to any such oral or written agreements Identified in response to Inquiries 10, 11, and 12 above.
24. Provide all Documents that relate to any payment of or promise to pay Consideration identified in response to Inquiries 10, 11, and 12 above.
25. For each Broadcast listed in the responses to Inquiries 10, 11, and 12 above, provide all Documents relating to the actions, if any, that the Licensee took to determine if Bianca Rae and/or Alexandra Pierce, referenced above in the introductory paragraphs of this letter, or any other Licensee employee, agent or representative had received or been promised Consideration by any Person in exchange for promoting or discussing that Person's products, merchandise, and/or services during Broadcast of any Programming.
26. Provide all documents related to the social media postings listed in response to Inquiry 16(d) above.
27. Provide a copy of all written policies and directives of the Licensee relating to the Licensee's

¹⁶ In responding to this inquiry, note the definition below of the term "Document" in the Instructions to this letter.

¹⁷ Clearly label each recording provided with the file number referenced above and the date and time of the Broadcast.

¹⁸ Clearly label each recording provided with the file number referenced above, the date and time that the identification was Broadcast, and indicate that the recording is a Broadcast identification of the Programming.

compliance with Sections 317 and 507 of the Act and Section 73.1212 of the Rules.

28. Provide a copy of all written policies and directives of the Licensee relating to Station Social Media Accounts.
29. Provide a copy of each affidavit, acknowledgement, or other certification concerning awareness of or compliance with the statutory and regulatory provisions governing payola and sponsorship identification contained in 47 U.S.C. §§ 317 or 508 and in 47 C.F.R. § 73.1212 executed by the by the following:
 - (a) Bianca Rae;
 - (b) Alexandra Pierce;
 - (c) all Licensee employees, representatives, or agents who supervised Bianca Rae and/or Alexandra Pierce;
 - (d) any Licensee employee, representative, or agent Identified in the responses to Inquiries 10, 11, 12, and/or 16, above; and
 - (e) any Programming Personnel who were materially involved in or participated in each Broadcast identified in response to Inquiries 10, 11, and 12 above.
30. Provide a copy of all contractual agreements between the Licensee and the following Persons relating to the employment of each:
 - (a) Bianca Rae;
 - (b) Alexandra Pierce; and
 - (c) all Licensee employees, representatives, or agents who supervised Bianca Rae and/or Alexandra Pierce.
31. Provide a copy of the Licensee's certificate of incorporation and a current certificate of good standing in the state in which the Licensee is incorporated.
32. Provide: (1) federal tax returns for the most recent three years; (2) financial statements prepared according to generally accepted accounting principles; or (3) some other reliable and objective documentation that accurately reflects the Licensee's current financial status.
33. Provide copies of all Documents that serve as the basis for or otherwise support the responses to all the Inquiries above, to the extent not already provided.

Filing Requirements

Affidavit Requirement. We direct the Licensee to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Licensee with personal knowledge of the representations provided in the Licensee's response. The affidavit or declaration must verify the truth and accuracy of the information therein, state that all of the information requested by this letter that is in the Licensee's possession, custody, control, or knowledge has been produced, and state that any and all documents provided in its responses are true and accurate copies of the original documents. In addition to such general affidavit or declaration of the authorized officer of the

Licensee described above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual rather than his or her own knowledge, and if multiple Licensee employees contribute to the response, the Licensee shall 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 Rules¹⁹ and be substantially in the form set forth therein. Failure to support your responses with a sworn affidavit could subject you to forfeiture.²⁰

Delivery Requirements. The Licensee shall send its response by hand or messenger delivery, by commercial overnight courier, or by First-Class or overnight U.S. Postal Service mail.

If sent by messenger or hand delivery, the Licensee should direct its response to Marlene H. Dortch, Secretary, Federal Communications Commission, 445 12th Street, SW, Room TW-A325, Washington, DC 20554, to the attention of Melanie A. Godschall, Investigations and Hearings Division, Enforcement Bureau, Room 4-C330, Federal Communications Commission, with a second copy included in the delivery to Jeffrey J. Gee, Chief, Investigations and Hearings Division, Enforcement Bureau.²¹

If sent by commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail), the response should be sent to the attention of Melanie A. Godschall, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 9300 East Hampton Drive, Capitol Heights, Maryland 20743, with a second copy included in the mailing to Jeffrey J. Gee, Chief, Investigations and Hearings Division, Enforcement Bureau.

If sent by first-class, Express, or Priority Mail, the response should be sent to Melanie A. Godschall, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 445 12th Street, SW, Room 4-C330, Washington, DC 20554, with a second copy included in the mailing to Jeffrey J. Gee, Chief, Investigations and Hearings Division, Enforcement Bureau.

Electronic Copy. The Licensee shall also transmit a copy of the response via email to Melanie.Godschall@fcc.gov and Jeffrey.Gee@fcc.gov. The electronic copy shall be produced in a format that allows the Commission to access and use it, together with instructions and all other materials necessary to use or interpret the data, including record layouts, data dictionaries, and a description of the data's source.

Instructions

Request for Confidential Treatment. In addition to providing the requested information and documents, any request for confidentiality of certain information or documents must strictly comply with the requirements of 47 C.F.R. § 0.459, including a statement of the reasons for withholding the materials from inspection. The request must include a schedule of the information or documents for which confidentiality is requested that states, individually as to each such item, the information required by Section 0.459(b) of the Rules including, but not limited to, identifying the specific information for which

¹⁹ See 47 C.F.R. § 1.16.

²⁰ *SBC Commc'ns, Inc.*, 17 FCC Rcd at 7600, para. 28 (2002) (imposing \$100,000 penalty for failing to submit a sworn written response).

²¹ Originals and any copies of the response submitted via hand delivery or messenger must be held together with rubber bands or fasteners and must be submitted without envelopes. See Public Notice, FCC Announces Change in Filing Locations for Paper Documents, 24 FCC Rcd 14312 (2009).

confidential treatment is sought; explaining the degree to which the information is commercial or financial, or contains a trade secret or is privileged; and explaining how disclosure of the information could result in substantial competitive harm.²² Accordingly, a "blanket" request for confidentiality or a casual request, including simply stamping pages "confidential," will not be considered a proper request for confidentiality, and those materials will not be treated as confidential.²³

Claims of Privilege. If the Licensee 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 grounds for claiming that the item is privileged.

Format of Responses. The response must be organized in the same manner as the questions asked, i.e., the response to Inquiry 1 should be labeled as responsive to Inquiry 1.

Method of Producing Documents. The Licensee shall submit each requested document in its entirety, even if only a portion of that document is responsive to an inquiry made herein, including all appendices, tables, or other attachments, and all other documents referred to in the document or attachments. The Licensee shall not edit, cut, expunge, or otherwise take any action to modify any document submitted in response to this LOI. In addition to any document the Licensee submits in response to any inquiry, the Licensee shall also submit all written materials necessary to understand any document responsive to these inquiries.

Identification of Documents. The Licensee shall identify all documents provided in response to these inquiries in accordance with this paragraph. The Licensee shall include a reference label on each document that identifies each document in sequential and consecutive numerical order and "Bates" stamp all documents (e.g., Company 01-000001, where "Company" is the responding entity, "01" signifying that the document is response to Question 1 of this LOI, and "000001" indicating that the document is the first page in a consecutively numbered range potentially reaching one hundred thousand). Elements such as these should be separated by dashes, as indicated. For each document submitted in response to this LOI, the Licensee shall provide an index indicating: the title of the document; the date of the document; the custodian from whose files the document was retrieved; the author and recipient of the document; and the corresponding reference label number assigned to the document. If any document is not dated, the Licensee shall state the date on which it was prepared. If any document does not identify its authors or recipients, state, if known, the names of the authors or recipients.

Documents Already Provided. If a document responsive to any inquiry made herein has already been provided to the Enforcement Bureau during this or any other investigation, identify each such document, when and how it was produced to the Bureau, and specify the Bates-number range for the document.

Documents No Longer Available. If a document responsive to any Inquiry made herein existed but is no longer available, or if the Licensee 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 the Company is otherwise unable to produce it.

²² See 47 C.F.R. § 0.459(b).

²³ See 47 C.F.R. § 0.459(c).

Retention of Original Documents. With respect only to documents responsive to the specific Inquiries made herein and any other documents relevant to those Inquiries, the Licensee is directed to retain the originals of those documents for sixty months from the date of this letter unless (a) the Licensee is directed or informed by the Enforcement Bureau in writing to retain such documents for some shorter or longer period of time, or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case, the Licensee must retain all such documents until the matter has been finally concluded by payment of any monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any enforcement action brought by the United States Department of Justice, or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

In accordance with Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Second Report and Order, 27 FCC Rcd 4535, 4570-71, para. 74 (2012), unless and until otherwise instructed by the Commission, the Enforcement Bureau or their representatives, we hereby direct that the Licensee 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, Licensee responses to these Commission inquiries, or any Documents in connection with such responses not otherwise required to be placed in the public file or uploaded to the online public file.

Continuing Nature of Inquiries. The specific Inquiries made herein are continuing in nature. The Licensee 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, the Licensee must supplement its responses (a) if the Licensee 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 the Licensee after the initial production. The requirement to update the record will continue for sixty months from the date of this letter unless (a) the Licensee is directed or informed by the Enforcement Bureau in writing that the Licensee's obligation to update the record will continue for some shorter or longer period of time, or (b) the Enforcement Bureau or the Commission releases an item on the subject of this investigation, including, but not limited to, a Notice of Apparent Liability for Forfeiture or an order disposing of the issues in the investigation, in which case the obligation to update the record will continue until the matter has been finally concluded by payment of any such monetary penalty, satisfaction of all conditions, expiration of all possible appeals, conclusion of any enforcement action brought by the United States Department of Justice, or execution and implementation of a final settlement with the Commission or the Enforcement Bureau.

Construction. The terms "any" and "all," "and" and "or," and "each" and "every" shall be construed inclusively to bring within the scope of the requests for information and documents all information and documents that might otherwise arguably be construed as outside the scope of the requests. Likewise, the singular of any word or defined term shall include the plural and the plural of any such word or defined term shall include the singular. The words "relating to" or "relate to" shall be construed to mean, whether directly or indirectly, in whole or in part constituting, containing, concerning, discussing, describing, analyzing, identifying, supporting, qualifying, confirming, contradicting, or stating.

Definitions

For purposes of this LOI, the following definitions apply. The definitions in this section apply regardless of whether the first letter of the defined term appears in upper or lower case.

"Broadcast," when used as noun, shall mean images or sounds or language transmitted or disseminated over a station during the course of a radio or television broadcast.

"Broadcast," when used as a verb, shall mean the transmission or dissemination of radio or television communications intended to be received by the public. The verb "broadcast" may be used interchangeably with the verb "air."

"Consideration" shall mean anything of value, including but not limited to, cash, checks, salary, fees, commissions, loans, management fees, consulting fees, honoraria, per diem allowance, payment of third-party invoices, travel and/or hotel expenses, clothing, shoes, jewelry, aesthetic services including hair and make-up, meals, gifts, bonuses, stylists' services, other services, the purchase of, or promise to purchase, advertising time, and/or any other thing of value, from any source, or given by third parties, to another.

"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, electronically-stored, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made.

"Identify," when used with reference to a person, shall mean to state his or her full legal name, job title (if any), current business address, business phone number, and e-mail address. If business address or telephone number are not available, state the person's home address and telephone number.

"Identify," when used with reference to a Document, shall mean to state the date, author, addressee, type of document (e.g., the types of document, as described above), a brief description of the subject matter, its present or last known location, and its custodian.

"Identify," when used with reference to an entity other than a person, shall mean to state its name, current or last known business address, current or last known business telephone number, and e-mail address.

"Gulf-California" shall mean Gulf-California Broadcast Company, the Person which is the licensee of the Stations and any predecessor-in-interest, or wholly or partially owned subsidiary.

"Licensee" shall mean Gulf-California Broadcast Company, and any predecessor-in-interest, affiliate, parent, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals, 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 LOI. Although this LOI refers to Licensee to collectively include each person or entity listed in this definition, any responses must specifically detail and distinguish between the actions or responsibilities of each entity.

"Person" shall mean any individual, entity, business, company, association, or organization.

"Programming" shall mean audio/video content of any type or format, including, but not limited to interviews, news-style coverage, entertainment programs, documentaries, and informational programs but shall exclude commercial spot advertisements of 60 seconds or less in duration that are displayed during program breaks in accordance with standard industry practice.

"Programming Personnel" shall mean employees who are on-air talent and/or materially participate in the on-air broadcast of program material or in programming decisions including management, direction, creation, planning, production, approval, and their supervisory employees.

"Station" shall mean any station licensed to Gulf-California, including the following: Station KESQ-TV, Palm Springs, California, FID 25577; KCWQ-LD, Palm Springs, California, FID 167761; KCWQ-LP, Palm Springs, California, FID 130100; KDFX-CD, Indio/Palm Springs, California, FID 51207; K27DS, Yucca Valley, California, FID 25576; K31MF-D, Yucca Valley, California, FID 186768; K42LC-D, Yucca Valley, California, FID 186844; KPSP-CD, Cathedral City, California, FID 10535; KUNA-LP, Indio, California, FID 19779; KUNA-LD, Palm Springs, California, FID 167763; KYAV-LD, Palm Springs, California, FID 2961.

"Station Social Media Account" shall mean the following: www.twitter.com/Bianca_Rae; www.instagram.com/bianca_rae; www.facebook.com/Bianca-Rae; www.twitter.com/@_APierce; www.instagram.com/the_alle_cat; www.facebook.com/alexandraepierce; and any other social media account established by Programming Personnel of Gulf-California and/or the Station for related to the Station and their employment.