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April 13, 2022

VIA ELECTRONIC MAIL

Kristi Thompson, Esq.
Chief, Telecommunications Consumers Division
Enforcement Bureau
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

Re: File No. EB-TCO-22-00033243
Relevant Radio, Inc.
Response to Letter of Inquiry

Dear Ms. Thompson:

Relevant Radio, Inc. (“RRI”), the licensee of the radio stations listed on Attachment A hereto (collectively, “Stations”), hereby responds to the Letter of Inquiry, dated March 16, 2022 (“LOI”), relating to potential violations of the Commission’s rules associated with the nationwide test of the Emergency Alert System (“EAS”) and Wireless Emergency Alerts (“WEA”) conducted on August 11, 2021.

The LOI directed RRI to provide certain information and Documents as requested therein, and in accordance with the Instructions and Definitions set forth therein. Capitalized terms used in this Response but not otherwise defined shall have the meanings ascribed to such terms as are set forth in the LOI.

Below in bold type are the requests set forth in the LOI, followed by RRI’s responses.

1. For each Entity identified in Attachment A, state whether it was operational and broadcasting on August 11, 2021.

Response: Other than radio station WCNZ(AM), Marco Island, Florida (Facility No. 86909), each Entity listed on Attachment A was operational and broadcasting on August 11, 2021. On August 11, 2021, Station WCNZ was off the air pursuant to a grant of Special Temporary Authority (File No. BLSTA-20210121AAA).

2. For each Entity identified in Attachment A that ceased operations before August 11, 2021, state the date on which the Entity ceased operations.

Response: Station WCNZ temporarily ceased operations on January 10, 2021. Station WCNZ resumed operations on October 12, 2021.

3. For each Entity identified in Attachment A that was operational on August 11, 2021, provide [the information at a-f].

Response: As indicated on Attachment A, Form 1 was not filed for any of RRI’s stations. As indicated above, Form 1 was not filed for Station WCNZ because it was not on the air on August

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11, 2021. For all of RRI's other full-power radio stations, RRI provides the following explanation as to why the Forms 1, 2, and 3 were not filed:

In all prior years that the Commission has conducted the nationwide EAS/WEA test, RRI has completed the Forms 1, 2, and 3 using the “batch filing” mechanism available from the Commission’s EAS Test Reporting System (“ETRS”). Under this mechanism, a licensee with multiple stations is able to download an Excel spreadsheet from ETRS, and complete the information for each station using that spreadsheet, rather than completing a separate Form for each station. In prior years, RRI has found that using the “batch filing” Excel spreadsheet has been an effective mechanism, and has not faced any problems with the downloading, and subsequent uploading, processes.

The most recent Form 1 was due to be filed for all participants on July 6, 2021. On that date, RRI’s Director of Engineering, Andrew Disterhaft, downloaded the Excel spreadsheet from ETRS and completed it. Attached as Attachment B is the Form 1 that RRI completed on July 6, 2021. In Mr. Disterhaft’s experience, uploading the Form 1 to ETRS typically takes about 15-20 minutes, during which time ETRS relays a “pending” message to the user while ETRS processes and creates the spreadsheet for its internal purposes. That is precisely what happened on July 6, 2021: Mr. Disterhaft uploaded the Form 1 to ETRS, and received the “pending” message, but this time for longer than the usual 15-20 minutes.

Mr. Disterhaft assumed that ETRS was simply acting slowly on July 6, due to the fact that the system likely was overloaded with many filers seeking to use the system on the deadline. On July 7, 2021, Mr. Disterhaft checked ETRS and found that, for some unknown reason beyond RRI’s control, ETRS did not accept RRI’s Form 1 filing on July 6, 2021. As indicated on Attachment B, as of July 6, 2021, RRI stood ready and willing to upload the Form 1 with all of the information required by ETRS. However, ETRS locked out all users after July 6, 2021, meaning no user could upload a Form 1 after that date. So despite RRI’s best efforts, ETRS did not accept RRI’s Form 1 that it attempted to file on July 6, 2021.

Under ETRS, a licensee that is unable to upload a Form 1 is prevented from filing a Form 2 (or a Form 3). Nevertheless, on August 11, 2021 (the day of the nationwide test), Mr. Disterhaft completed a Form 2 (again using the “batch filing” mechanism), and RRI stood ready and willing to upload it to ETRS. However, ETRS would not accept that Form 2. Attached as Attachment C is the Form 2 that RRI would have filed if ETRS allowed such a filing. As demonstrated thereon, the vast majority of RRI’s full-power stations received the EAS test on August 11, 2021. If the Commission were to open up ETRS at this time, RRI would be able to submit valid Forms 1, 2, and 3.

In summary, RRI fully intended to file a Form 1 by the July 6, 2021 deadline, but it was prevented by circumstances beyond its control (the failure of ETRS to accept RRI’s valid spreadsheet). And because ETRS prevented RRI from filing the Form 1, ETRS also prevented RRI from filing Forms 2 or 3. It is very common for the Commission to provide relief to a licensee when there are circumstances beyond its control that make it impossible to meet a Commission deadline.¹ For the

¹ See, e.g., *Incentive Auction Task Force and Media Bureau Report on Status of the Post-Incentive Auction Reimbursement Program, Announce Final Allocation and Post-Implementation Site Visit Validation Program, and Remind Stations of Invoice Filing Deadlines*, Public Notice, MB Docket 16-306, GN Docket 12-268, DA 22-191, rel. February 24, 2022, at ¶18.

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reasons set forth herein, RRI submits that no further Commission action is warranted with respect to this matter.

4. If the Company asserts that any Entity identified in Attachment A was operational and broadcasting on August 11, 2011, but was not required to file Forms 1-3 in connection with the 2021 nationwide EAS WEA Test, explain the basis for such assertion.

Response: As explained above, RRI intended to file a Form 1 (and Forms 2 and 3) for each station by the required deadlines, but it was thwarted due to circumstances beyond its control.

Each of RRI's stations rebroadcast 100 percent of the same programming, which originates from a single studio/control point. RRI intends to maintain EAS equipment at such studio/control point in compliance with Sections 11.32 and 11.33 of the Commission's rules so that, in future years, each of its stations no longer will be required to maintain individualized EAS equipment. Moreover, upon the installation of EAS equipment at the common studio/control point, RRI's stations will be exempt from the requirement to file Forms 1, 2, or 3, as set forth in Section 11.11(b) of the Commission's rules.

5-6-7. Requests for Documents.

Response: All such Documents are being provided as part of this Response to the LOI.

I hereby declare and affirm, under penalty of perjury, that the statements of fact set forth in this Response to the LOI, of which I have personal knowledge, are true and correct to the best of my knowledge and belief. All of the information requested by the LOI that is in RRI's possession, custody, control, or knowledge has been produced, and any and all Documents (as such term is defined in the LOI) are true and accurate copies of the original Documents. In making this declaration, I am relying on the personal knowledge of Andrew Disterhaft, RRI's Director of Engineering. The Declaration of Mr. Disterhaft is attached hereto.

Sincerely,


Father Francis Hoffman
Executive Director

Attachment

cc: Karen Johnson (*via e-mail*: Karen.Johnson@fcc.gov)
Sharon Lee (*via e-mail*: Sharon.Lee@fcc.gov)
Mark B. Denbo, Smithwick & Belendiuk, P.C. (*via e-mail*)