



Federal Communications Commission
Washington, D.C. 20554

March 16, 2022

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Francis Hoffman
Executive Director
Relevant Radio, Inc.
680 Barclay Boulevard
Lincolnshire, IL 60069

**Re: File No. EB-TCD-22-00033243
Call Signs and Facility IDs in Attachment A**

Dear Mr. Hoffman:

The Enforcement Bureau is investigating potential violations of the Federal Communications Commission's rules (Rules) related to the nationwide test of the Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA) conducted on August 11, 2021. Accordingly, we direct Relevant Radio, Inc. (Relevant), pursuant to sections 4(i), 4(j), 308(b), and 403 of the Act, to provide the information and documents requested herein within **thirty (30) calendar days** after the date of this letter of inquiry (LOI).¹

This LOI constitutes an order of the Commission to produce the documents and information requested herein.² To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.³ **Failure to respond appropriately to this LOI constitutes a violation of the Act and our rules.**⁴

The Attachment 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.

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

² See 47 U.S.C. § 155(c)(3).

³ See 18 U.S.C. § 1001; see also 47 CFR § 1.17.

⁴ See 47 U.S.C. § 503(b)(1)(B); see also *Aura Holdings of Wisconsin, Inc.*, Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 3688, 3696, para. 21 (2018), *forfeiture order issued*, 34 FCC Rcd 2540 (2019) (imposing a \$19,693 penalty for failure to respond to LOI); *ABC Fulfillment Services LLC d/b/a HobbyKing USA LLC and HobbyKing.com, and Indubitably, Inc. d/b/a/ HobbyKing Corp., HobbyKing USA LLC, HobbyKing and HobbyKing.com*, Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 5530 (2018), *aff'd*, Forfeiture Order, 35 FCC Rcd 7441 (2020) (imposing a \$39,278 forfeiture for failure to respond to LOI); *Net One Int'l, Net One, LLC, Farrahel Int'l, LLC*, Forfeiture Order, 29 FCC Rcd 264, 267, para. 9 (EB 2014), *recon. denied*, Memorandum Opinion and Order, 30 FCC Rcd 1021 (EB 2015) (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 Comm'n Network, LLC*, 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); *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).

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If the Enforcement Bureau determines that Relevant Radio has acted in violation of the Commission's rules, the continued noncompliant conduct after the receipt of this LOI may subject Relevant Radio to additional penalties.

If you have any questions about this matter, please contact Karen Johnson by email at Karen.Johnson@fcc.gov.

Sincerely,

Sharon Lee

for

Kristi Thompson
Chief
Telecommunications Consumers Division
Enforcement Bureau

Attachment

ATTACHMENT

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 June 11, 2021 to September 27, 2021.

Requests for Information

Responses to Inquiries 1-4 should be submitted in the Excel spreadsheet labeled Attachment A.

1. For each Entity identified in Attachment A, state whether it was operational and broadcasting on August 11, 2021.
2. For each Entity identified in Attachment A that ceased operations before August 11, 2021, state the date on which the Entity ceased operations.
3. For each Entity identified in Attachment A that was operational on August 11, 2021, provide the following information:
 - a. State whether Form 1 for the August 11, 2021 nationwide Emergency Alert System and Wireless Emergency Alerts Test (Form 1) was filed.
 - b. If Form 1 was filed, state the date on which Form 1 was filed.
 - c. State whether Form 2 for the August 11, 2021 nationwide Emergency Alert System and Wireless Emergency Alerts Test (Form 2) was filed.
 - d. If Form 2 was filed, state the date on which Form 2 was filed.
 - e. State whether Form 3 for the August 11, 2021 nationwide Emergency Alert System and Wireless Emergency Alerts Test (Form 2) was filed.
 - f. If Form 3 was filed, state the date on which Form 3 was filed.
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.

Requests for Documents

5. 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.
6. Provide copies of any Documents that confirm or acknowledge that the FCC licensee was canceled before August 11, 2021.
7. Provide copies of any Documents that notified federal agencies and state agencies in which the Entity conducted business that the Entity was dissolved, closed, discontinued, or otherwise not doing business before August 11, 2021.

Filing Requirements

Affidavit Requirement. We direct the Company to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the Company with personal knowledge of the representations provided in the Company'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 Company'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 Company 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 Company employees contribute to the response, the Company 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 Commission's rules,⁵ and be substantially in the form set forth therein. Failure to support your responses with a sworn affidavit could subject you to forfeiture.⁶

Delivery Requirements. Electronic Copy. The Company transmit a copy of the response via e-mail to Karen.Johnson@fcc.gov and Sharon.Lee@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 CFR § 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 Commission's rules including, but not limited to, identifying the specific information for which 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.⁷ 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.⁸

Claims of Privilege. If the Company 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.

⁵ 47 CFR § 1.16.

⁶ *SBC Commc'ns, Inc.*, 17 FCC Rcd at 7600, para. 28 (imposing \$100,000 penalty for failing to submit a sworn written response).

⁷ See 47 CFR § 0.459(b).

⁸ See 47 CFR § 0.459(c).

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Method of Producing Documents. The Company 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 Company 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 Company submits in response to any inquiry, the Company shall also submit all written materials necessary to understand any document responsive to these inquiries.

Identification of Documents. For each document or statement submitted in response to the inquiries stated in the cover letter, indicate, by number, to which inquiry it is responsive and identify the persons from whose files the document was retrieved. If any document is not dated, 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. The Company must identify with reasonable specificity all documents provided in response to these inquiries.

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 Company 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.

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 Company is directed to retain the originals of those documents for [twelve months/twenty-four/sixty months] from the date of this letter unless (a) the Company 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 Company 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.

Continuing Nature of Inquiries. The specific Inquiries made herein are continuing in nature. The Company 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 Company must supplement its responses (a) if the Company 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 Company after the initial production. The requirement to update the record will continue for [twelve months/sixty months] from the date of this letter unless (a) the Company is directed or informed by the Enforcement Bureau in writing that the Company'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.

“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.

“Entity” shall mean the cable operator identified by physical system identifier and community unit number as listed in Attachment A or the radio or television broadcaster identified by call sign and facility identifier as listed in Attachment A.

“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.

“Relevant” or “Company” shall mean Relevant Radio, Inc., 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 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.

ATTACHMENT A
EAS Participation

Company name	Call Sign	Facility ID number	Did the Entity identified in this Attachment case operations before August 11, 2002 (Inquiry 2) Y = yes or N = no	If the Company responded "yes" to question in column D, when did the entity cease operation (Inquiry 3) Y = yes or N = no	If the Company responded "no" in column D, was Form 1 filed (Inquiry 3(d)) Y = yes or N = no	If Company responded in "no" column D, was Form 2 filed (Inquiry 3(d)) Y = yes or N = no	If the date Form 2 was filed (Inquiry 3(d))	If the Company responded "no" in column D, was Form 3 filed (Inquiry 3(e)) Y = yes or N = no	If the date Form 3 was filed (Inquiry 3(e))
Reliant Radio, Inc.	W618	72321							
Reliant Radio, Inc.	W619	90268							
Reliant Radio, Inc.	K10P	31589							
Reliant Radio, Inc.	W51P	87121							
Reliant Radio, Inc.	KHU	35887							
Reliant Radio, Inc.	WMMB-FM	49118							
Reliant Radio, Inc.	WMOO	54573							
Reliant Radio, Inc.	WMBH	56617							
Reliant Radio, Inc.	W51P-FM	73051							
Reliant Radio, Inc.	W52Z	48393							
Reliant Radio, Inc.	W1CK	54177							
Reliant Radio, Inc.	W51P-FM	48394							
Reliant Radio, Inc.	W51P	68524							
Reliant Radio, Inc.	W51P	10827							
Reliant Radio, Inc.	KCK	16129							
Reliant Radio, Inc.	W1CK	321256							
Reliant Radio, Inc.	W1DG	42146							
Reliant Radio, Inc.	WMMT	15877							
Reliant Radio, Inc.	WMMR	56984							
Reliant Radio, Inc.	KPB	34592							
Reliant Radio, Inc.	KSMH	87036							
Reliant Radio, Inc.	W50S	74185							
Reliant Radio, Inc.	W1GL	42953							
Reliant Radio, Inc.	W50W	17628							
Reliant Radio, Inc.	KRM	53700							
Reliant Radio, Inc.	WMTD	6889							
Reliant Radio, Inc.	WMMR	11954							
Reliant Radio, Inc.	KCEO	67666							
Reliant Radio, Inc.	KHOT	39166							
Reliant Radio, Inc.	KMPH	137401							
Reliant Radio, Inc.	KNH	33074							
Reliant Radio, Inc.	W52H	171726							
Reliant Radio, Inc.	W51P	43904							
Reliant Radio, Inc.	KIC	50725							
Reliant Radio, Inc.	W51P	50725							
Reliant Radio, Inc.	W51P	170898							
Reliant Radio, Inc.	W50P	51976							
Reliant Radio, Inc.	W52Z	4622							
Reliant Radio, Inc.	KJF	56081							
Reliant Radio, Inc.	KWG	60418							
Reliant Radio, Inc.	W1GW	120510							
Reliant Radio, Inc.	W1WV	87600							
Reliant Radio, Inc.	KOHM	4705							
Reliant Radio, Inc.	KP1P	52527							
Reliant Radio, Inc.	KP1P	26310							
Reliant Radio, Inc.	W51P	47378							
Reliant Radio, Inc.	W51W	67378							
Reliant Radio, Inc.	W50P	9423							
Reliant Radio, Inc.	W50P	8681							
Reliant Radio, Inc.	WNSW	73322							
Reliant Radio, Inc.	KSF8	6369							
Reliant Radio, Inc.	KP1L	35011							
Reliant Radio, Inc.	W50D	25051							
Reliant Radio, Inc.	KU	37224							
Reliant Radio, Inc.	W1DM	1131							
Reliant Radio, Inc.	K0FN	74579							
Reliant Radio, Inc.	W52Z	88299							
Reliant Radio, Inc.	KM1A	60632							
Reliant Radio, Inc.	KP6	22682							
Reliant Radio, Inc.	W0N1	68366							
Reliant Radio, Inc.	WAF5	72111							
Reliant Radio, Inc.	WMMB	41332							
Reliant Radio, Inc.	WMTT	17331							
Reliant Radio, Inc.	K0MT	86619							
Reliant Radio, Inc.	K0FC	17161							
Reliant Radio, Inc.	W1HC	57335							
Reliant Radio, Inc.	W1RM	48240							