



**Federal Communications Commission
Washington, D.C. 20554**

April 10, 2019

In Reply Refer to: 1800B3-KV

Hispanic Family Christian Network, Inc.
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In re: K229DD, San Francisco, CA
File No. BLFT-20170519AAW
Facility ID No. 144139

Letter Request to Resume Operations

Dear Counsel:

We have before us a March 29, 2019, letter (Request) filed by Hispanic Family Christian Network, Inc. (HFCN or Licensee), licensee of FM Translator Station K229DD, San Francisco, California (K229DD or Station).¹ For the reasons set forth below, we will treat the Request as an informal request for Commission action pursuant to Section 1.41² and deny it.

Background. On March 25, 2019, the Media Bureau (Bureau) ordered the Station to cease operations due to unresolved interference caused to certain listeners of Station KXZM(FM), Felton, California, licensed to Lazer.³ On March 29, 2019, HFCN filed the Request for permission “to resume operations immediately . . . [because] the interference problem [was resolved in November 2017] . . . through a technical solution, and responding to all complaints”⁴

¹ Lazer Licenses, LLC (Lazer) filed a Response to the Request on April 2, 2019 (Response).

² 47 CFR § 1.41.

³ See *Letter to Hispanic Family Christian Network, Inc. from James D. Bradshaw, Senior Deputy Chief, Audio Division, Media Bureau*, reference 1800B3-KV (dated Mar. 25, 2019) (*Letter Decision*).

⁴ Request at 1, 3.

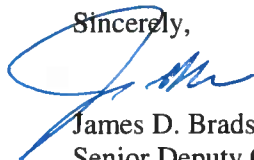
In its Response, Lazer indicates that interference to KXZM(FM) from K229DD's operations has persisted during the past 16 months and that HFCN has failed to resolve at least the complaint of Christopher Zarate.⁵

Discussion. Under Section 1.41 of the Commission's rules (Rules) a party may request action informally "[e]xcept where formal procedures are required . . ."⁶ Section 1.41's underlying purpose is to provide "an avenue of recourse to parties who might otherwise have none."⁷ The Commission has further noted that while formal procedures are not an absolute preclusion to consideration under Section 1.41 in every case, "Section 1.41 is not a vehicle to evade the procedural requirements of 47 CFR § 1.106."⁸

Upon review of HFCN's submission, we do not believe that HFCN has stated an adequate need for immediate Commission action, and we will deny the Request. In this case, Centro may file: (1) a petition for reconsideration by April 25, 2019 containing its evidence that all outstanding interference complaints have been resolved, and (2) a request for special temporary authorization to resume station operations pending consideration of the petition for reconsideration. These procedurally proper avenues obviate the need for consideration of the Request. We also reiterate the holding in the *Letter Decision* that the Station must be and remain off the air until all interference complaints have been resolved.

Conclusion. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.41 of the Commission's Rules, 47 CFR § 1.41, the Request filed on March 29, 2019, by Hispanic Family Christian Network, Inc., IS DENIED.

Sincerely,



James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

⁵ Response at 2 and Attachment (follow-up interference complaint dated March 30, 2018 from Christopher Zarata.

⁶ 47 CFR § 1.41.

⁷ See Warren C. Havens, Memorandum Opinion and Order, 28 FCC Rcd 16261, 16267 para. 18 (2013).

⁸ *Id.*