



Federal Communications Commission
Washington, D.C. 20554

April 20, 2021

In Reply Refer to:
1800B3-CEG

Mekaddesh Group Corporation
c/o Dan J. Alpert, Esq.
The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201
dja@commlaw.tv

Matinee Media Corporation
c/o Jeffrey L. Timmons, Esq.
974 Branford Lane NW
Lilburn, GA 30047
jeff@timmonspc.com

In re: **Mekaddesh Group Corporation**
KZAM(FM), Pleasant Valley, TX
Facility ID No. 164195
Application File No. 115863 (filed June 8, 2020)

Petition to Deny

Dear Counsel:

We have before us the above-referenced application (Auxiliary Application) for an auxiliary FM antenna for station KZAM(FM), Pleasant Valley, Texas (Station), filed on June 8, 2020, by Mekaddesh Group Corporation (Mekaddesh). We also have before us a petition to deny the Auxiliary Application filed by Matinee Media Corporation (Matinee) on July 7, 2020 (Petition to Deny).¹ On April 7, 2021, Mekaddesh filed an opposition to the Petition to Deny (Opposition).² For the reasons stated below, we deny the Petition to Deny and grant the Auxiliary Application.

Background. The Station is authorized to operate on a tower owned by Matinee (ASR No. 1262203) (Tower). In the Petition to Deny, Matinee states that, due to failure to pay its monthly fees, Mekaddesh “no longer has any legal right to use the Tower” after January 22, 2020.³ Therefore, Matinee argues, Mekaddesh should not be authorized to operate an auxiliary antenna “for an indefinite or permanent period of time when an FM station did not have an authorized main facility it could use.”⁴

¹ Pleading File No. 117191 (filed July 7, 2020).

² Pleading File No. 143182 (filed April 7, 2021). This pleading is not authorized because it was not filed within 15 days of the Petition to Deny. *See* 47 CFR § 73.3584. However, because it is responsive to a direct inquiry by the Commission and corroborates relevant information provided that is otherwise covered by a confidentiality request, we will consider the Opposition to the extent necessary to resolve this proceeding.

³ Petition to Deny at 2 (claiming that Mekaddesh owes Matinee “over \$30,000” in back payments).

⁴ Petition to Deny at 3 (citing 47 CFR § 73.1675(a) (defining an auxiliary antenna as “one that is permanently installed and available for use when the main antenna is out of service for repairs or replacement”); *Blackbelt Broadcasting, Inc.*, Letter Decision, 35 FCC Rcd 4564, 4566 (MB 2020) (rejecting a proposal to use the same antenna as a main and auxiliary facility, at a higher power than authorized, for the “novel and unauthorized purpose” of “circumventing the power restrictions that all FM station are subject to under section 73.211”).

Because the Petition to Deny raised issues regarding the Station's operating status during 2020 and 2021, on March 3, 2021, the Audio Division, Media Bureau (Bureau) issued a letter of inquiry (LOI) requesting additional information regarding the Station's operation during that time period.⁵ On April 5, 2021, Mekaddesh submitted a response to the LOI (LOI Response).⁶ In both the LOI Response and Opposition, Mekaddesh states that on January 28, 2021, Matinee and Mekaddesh resolved their financial dispute by entering into a "Settlement and Purchase Agreement" under which, *inter alia*, Mekaddesh would purchase the Tower from Matinee.⁷ Mekaddesh certifies that the Station resumed licensed operations from the Tower on February 11, 2021.⁸ Finally, Mekaddesh asserts that "at no time would the auxiliary site ever have been used as a proxy for legal, permanent operations required by the Commission's rules."⁹

Discussion. Given the information disclosed in the LOI Response and Opposition, namely, that the dispute between the parties has been resolved and the Station has resumed operation at its licensed site, we conclude that the objections to the Auxiliary Application raised by Matinee in the Petition to Deny are now moot. Therefore, we deny the Petition to Deny and grant the Auxiliary Application.

Conclusion/Actions. For the reasons set forth above, IT IS ORDERED that Petition to Deny filed on July 7, 2020, by Matinee Media Corporation (Pleading File No. 117191) IS DENIED and the application for an auxiliary FM antenna for station KZAM(FM), Pleasant Valley, Texas (Station), filed on June 8, 2020, by Mekaddesh Group Corporation (Application File No. 115863) IS GRANTED, pursuant to Section 0.283 of the Commission's Rules.¹⁰

Sincerely,

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

⁵ *Mekaddesh Group Corporation*, Letter of Inquiry, Application File No. 115863 (rel. March 3, 2021).

⁶ Mekaddesh requested confidentiality for the LOI Response pursuant to 47 CFR § 0.459(a), stating that the submission contained proprietary information. LOI Response at 1.

⁷ LOI Response, Attach. N; Opposition at 2, Attach. 1.

⁸ Notice of Resumption of Operations (filed Feb. 11, 2021; granted Feb. 12, 2021); Opposition at 2. We note that although this disclosure is not directly relevant to our disposal of the Auxiliary Application, it resolves in the negative the Bureau's inquiry into whether the Station's license previously expired under 47 U.S.C. § 312(g).

⁹ Opposition at 2.

¹⁰ 47 CFR § 0.283.