



Federal Communications Commission  
Washington, D.C. 20554

October 7, 2022

In Reply Refer To:  
1800B3-KV

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED AND VIA EMAIL

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In re: K223CW, Houston, Texas  
Facility ID No. 148239  
Application File Nos. BALFT-20200108AAZ,  
0000112788, 0000137403, 0000142845, 0000159318  
0000164175, and BSTA-20210913AAO

K287BQ, Houston, Texas  
Facility ID No. 148244  
Application File Nos. BALFT-20200108AAX, and  
0000142847

**Letter of Inquiry – Response Required**

Dear Counsel:

The Media Bureau (Bureau) is investigating potential violations of the Communications Act of 1934, as amended (the Act),<sup>1</sup> and the Commission's rules (Rules)<sup>2</sup> in connection with our review of the above-referenced applications. As discussed below, several pleadings have been filed against the applications concerning a potential unauthorized transfer of control of the referenced FM translator stations, misrepresentation to the Commission, and the proper operation of the translator stations. In order to evaluate the arguments raised, we request additional information and materials discussed herein within thirty calendar days of the date of this letter.

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<sup>1</sup> 47 U.S.C. §§ 310(d), 312(g), 319(a), and 325(a).

<sup>2</sup> 47 CFR §§ 1.17, 74.1231, 74.1232, 74.1251, 74.1283, and 74.1284.

**Background. Applications and Pleadings. K223CW and K287BQ Assignment Application.**

Prior to April 17, 2020, Centro Cristiano De Vida Eterna (Centro) was the licensee of FM translator stations K223CW and K287BQ (the Stations). On that day the Bureau granted the referenced applications seeking consent for Centro to assign the licenses for the Stations to SDK Franco, LLC (SDK).<sup>3</sup> Centro and SDK consummated the assignment of the Station licenses the day of the grant, according to a notice of consummation that SDK filed on April 24, 2020.<sup>4</sup> On May 15, 2020, Iglesia Centro De Liberacion (Iglesia)<sup>5</sup> filed a petition for reconsideration of the grant of the Assignment Applications, which is currently pending.<sup>6</sup>

**Other K223CW Contested Applications and Complaints.** With respect to K223CW, we also have pending before us two petitions for reconsideration of the grant of a construction permit for a minor modification to K223CW (K223CW 2021 Permit)<sup>7</sup> and five contested applications: (1) an application for a license to cover the K223CW 2021 Permit (K223CW 2021 License Application);<sup>8</sup> (2) an application for a

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<sup>3</sup> *Broadcast Actions*, Public Notice, Report No. 49722, at 1 (MB Apr. 22, 2020).

<sup>4</sup> Consummation Notice, Application File Nos. BALT-20200108AAX and BALFT-20200108AAZ (rec'd Apr. 24, 2020).

<sup>5</sup> Iglesia is the licensee of LPFM Station KJJG-LP, South Houston, Texas (Facility ID No. 191681). Iglesia has a pending interference complaint against K223CW. *See* Interference Complaint of Iglesia, Application File No. BLFT-20170406ACJ (rec'd Jan. 29, 2019) (Iglesia Interference Complaint).

<sup>6</sup> Petition for Reconsideration of Iglesia (or in the Alternative, Informal Objection), Application File No. BALT-20200108AAX et al. (rec'd May 15, 2020) (Iglesia Assignment Petition). We also received the following pleadings pertaining to the Assignment Applications: (1) an Errata filed on May 19, 2020, by Iglesia; (2) an Opposition to Petition for Reconsideration filed on May 28, 2020, by Centro (Centro Assignment Petition Opposition); (3) a Reply to Opposition to Petition for Reconsideration filed on June 8, 2020, by Iglesia; and (4) an Errata to Reply to Opposition to Petition for Reconsideration filed on June 9, 2020, by Iglesia.

<sup>7</sup> Application File No. 0000159318, granted September 29, 2021 (K223CW 2021 Permit). *See Broadcast Actions*, Public Notice, Report No. PN-2-211001-01, at 2 (MB Oct. 1, 2021). The K223CW 2021 Permit is the subject of an informal objection filed by Iglesia; two petitions for reconsideration, one filed by Iglesia and the other filed by Centro; and related pleadings. The informal objection and petitions for reconsideration are currently pending. Informal Objection of Iglesia, Pleading File No. 0000161405 (rec'd Sep. 30, 2021) (Iglesia K223CW Consolidated Objection); Petition for Reconsideration of Iglesia, Pleading File No. 0000162891 (rec'd Oct. 5, 2021); an Opposition of SDK, Pleading File No. 0000164263 (rec'd Oct. 20, 2021) (SDK Opposition to Iglesia Permit Petition); a Reply of Iglesia, Pleading File No. 0000165325 (rec'd Oct. 29, 2021); a Petition for Reconsideration of Centro, Pleading File No. 0000165507 (rec'd Nov. 1, 2021) (Centro K223CW 2021 Permit Petition); an Opposition of SDK, Pleading File No. 0000168848 (rec'd Nov. 16, 2021) (SDK Opposition to Centro Permit Petition); a Motion to Strike filed by SDK, Pleading File No. 0000168851 (rec'd Nov. 16, 2021) (SDK Strike Motion); a Motion for Extension of Time to Reply to Motion to Strike filed by Centro, Pleading File No. 0000173182 (rec'd Nov. 29, 2021); a Motion for Extension of Time to Reply to SDK Opposition filed by Centro, Pleading File No. 0000173184 (rec'd Nov. 29, 2021); a Consolidated Response of Centro, Pleading File No. 0000176802 (rec'd Dec. 6, 2021) (Centro Consolidated Response); a Consolidated Reply of Centro, Pleading File No. 0000176803 (rec'd Dec. 6, 2021) (Duplicate Filing); a Reply to Consolidated Response filed by SDK, Pleading File No. 0000177254 (rec'd Dec. 14, 2021) (SDK Consolidated Response); and a Consolidated Response of Centro Errata, Pleading File No. 0000177276 (rec'd Dec. 14, 2021).

<sup>8</sup> Application File No. 0000164175. *See Broadcast Applications*, Public Notice, Report No. PN-1-211025-01, at 10 (MB Oct. 25, 2021). The K223CW 2021 License Application is the subject of a pending informal objection. Informal Objection of Iglesia, Pleading File No. 0000164209 (rec'd Oct. 19, 2021) (arguing that grant of the K223CW 2021 License Application will cause interference to KJJG-LP).

license to cover a prior construction permit<sup>9</sup> for K223CW (K223CW 2020 License Application);<sup>10</sup> (3) an application for a modification of license for K223CW (K223CW 2021 Modification Application);<sup>11</sup> (4) an application for special temporary authority for K223CW (K223CW 2021 STA Application);<sup>12</sup> and (5) an application for renewal of license for K223CW (K223CW Renewal Application).<sup>13</sup>

Additionally, we have before us two complaints concerning K223CW: (1) a complaint filed on June 25, 2020, by Paul Bame and Pastor Juan Joel Gutiérrez (Bame/Gutiérrez Complaint);<sup>14</sup> and a complaint submitted on November 6, 2020, by Elmer Garcia (Garcia Complaint).<sup>15</sup>

K287BQ Contested Renewal Application and Complaint. Regarding K287BQ, in addition to the Assignment Application, we have pending before us a contested application for renewal of license

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<sup>9</sup> Application File No. BPFT-20170407AAY, granted April 25, 2017 (K223CW 2017 Permit). *See Broadcast Actions*, Public Notice, Report No. 48974, at 10 (MB Apr. 28, 2017). The K223CW 2017 Permit is the subject of a pleading styled as an “informal objection,” which is currently pending. Informal Objection of Iglesia, Application File No. BPFT-20170407AAY (rec’d May 4, 2020) (arguing that the permitted facilities will cause interference to KJIG-LP).

<sup>10</sup> Application File No. 0000112788. *See Broadcast Actions*, Public Notice, Report No. PN-2-200506-01, at 1 (MB May 6, 2020). The K223CW 2020 License Application is the subject of two pending informal objections and related pleadings. Informal Objection of Iglesia, Pleading File No. 0000113238 (rec’d May 5, 2020); Supplement of Iglesia to Informal Objection, Pleading File No. 000013277 (rec’d May 6, 2020); Response of Centro to Supplement to Informal Objection, Pleading File No. 0000115143 (rec’d May 29, 2020) (Centro K223CW 2020 License Response); Reply of Iglesia to Response to Supplement to Informal Objection, Pleading File No. 0000116031 (rec’d Jun. 12, 2020); Informal Objection of Jose Zamora, Pleading File No. 0000130040 (rec’d Dec. 18, 2020) (Zamora K223CW 2020 License Objection); and Supplement of Zamora to Informal Objection, Pleading File No. 0000132036 (rec’d Jan. 22, 2021) (Zamora K223CW 2020 License Objection Supplement).

<sup>11</sup> Application File No. 0000137403. *See Broadcast Applications*, Public Notice, Report No. PN-1-210303-01, at 7 (MB Mar. 3, 2021). In the pending K223CW 2021 Modification Application, SDK seeks to change the translator’s authorized primary station to KFNC(FM), Mont Belvieu, Texas (Facility ID No. 52407) (KFNC(FM)), licensed to Gow Media, LLC (Gow). The K223CW 2021 Modification Application is the subject of a pending informal objection. Informal Objection of Centro, Pleading File No. 0000138201 (rec’d Mar. 9, 2021) (Centro K223CW 2021 Modification Objection).

<sup>12</sup> Application File No. BSTA-20210913AAO (rec’d Sep. 13, 2021). The K223CW 2021 STA Application is the subject of a pending. Iglesia K223CW Consolidated Objection.

<sup>13</sup> Application File No. 0000142845. *See Broadcast Applications*, Public Notice, Report No. PN-1-210412-01, at 10 (MB Apr. 12, 2021). The K223CW Renewal Application is the subject of an informal objection and a petition to deny that are currently pending, and related pleadings. Iglesia K223CW Consolidated Objection; Petition to Deny of Centro, Pleading File No. 0000151446 (rec’d Jul. 1, 2021) (Centro K223CW Renewal Petition); Motion for Extension of Time filed by SDK, Pleading File No. 0000156078 (rec’d Aug. 5, 2021); Consent Motion for Extension of Time filed by SDK, Pleading File No. 0000157045 (rec’d Aug. 13, 2021); Consent Motion for Extension of Time filed by SDK, Pleading File No. 0000157047 (rec’d Aug. 13, 2021) (Duplicate Filing); Opposition of SDK, Pleading File No. 0000159308 (rec’d Sep. 13, 2021) (SDK Opposition to Centro K223CW Renewal Petition); Consent Motion for Extension of Time filed by Centro, Pleading File No. 0000159952 (rec’d Sep. 22, 2021); Reply of Centro, Pleading File No. 0000162529 (rec’d Oct. 1, 2021).

<sup>14</sup> A redacted version of the Bame/Gutiérrez Complaint is appended as Attachment B to this LOI and the complaint is discussed *infra*.

<sup>15</sup> A redacted version of the Garcia Complaint is appended as Attachment C to this LOI and the complaint is discussed *infra*.

(K287BQ Renewal Application),<sup>16</sup> and a complaint submitted by Juan Moody on November 6, 2020 (Moody Complaint).<sup>17</sup>

Unauthorized Transfer of Control of Stations, Misrepresentation/Lack of Candor on Assignment Application, and SDK Real Party-In-Interest. Iglesia states that Centro disclosed in a notification of suspension of operations filed on April 29, 2020, that SDK took control of the Stations in February 2020 without prior Commission authorization in violation of Section 310(d) of the Act.<sup>18</sup> Iglesia also alleges that Centro and SDK engaged in misrepresentation or lacked candor in the filing of the Assignment Applications and concerning the K223CW real party-in-interest in violation of section 1.17 of the Rules.<sup>19</sup> Specifically, Iglesia alleges that Centro and SDK filed the Assignment Applications as “gamesmanship” to avoid resolving Iglesia’s pending interference complaint against K223CW.<sup>20</sup> According to Iglesia, this would occur “because the assignment forces Iglesia, pursuant to 47 C.F.R. Sec. 74.1203(a)(3)(iv), to re-start an interference complaint process from scratch (despite lack of mitigation) once the assignee, SDK, becomes the relevant licensee.”<sup>21</sup> Iglesia also declares that the Assignment Applications treated the Stations as personal property when in reality they were assets of a nonprofit nonstock corporation with no personal owners.<sup>22</sup> Iglesia further contends that the K223CW 2020 License Application suggests that Centro may still be the real party-in-interest because the named applicant is “SDK Franco, LLC doing business as Centro Cristiano de Vida Eterna.”<sup>23</sup>

In opposition, Centro denies Iglesia’s allegations apart from the unauthorized transfer of control of the Stations.<sup>24</sup> Specifically, Centro reports that Centro principal Hector Guevara and SDK principal Sara Franco arranged as part of a divorce settlement for the assignment of the Stations to SDK, but on approximately February 1, 2020, SDK took unauthorized control of the Stations.<sup>25</sup> Centro claims that

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<sup>16</sup> Application File No. 0000142847. See *Broadcast Applications*, Public Notice, Report No. PN-1-210412-01, at 12 (MB Apr. 12, 2021). The K287BQ Renewal Application is the subject of an informal objection and a petition to deny and related pleadings that are currently pending. Petition to Deny of Centro, Pleading File No. 0000151445 (rec’d Jul. 1, 2021); a Motion for Extension of Time filed by SDK, Pleading File No. 0000156077 (rec’d Aug. 5, 2021); a Consent Motion for Extension of Time filed by SDK, Pleading File No. 0000157046 (rec’d Aug. 13, 2021); an Opposition of SDK, Pleading File No. 0000159307 (rec’d Sep. 13, 2021) (SDK Opposition to Centro K287BQ Renewal Petition); an Informal Objection of Jonathan Andrew Guevara, Pleading File No. 0000160775 (rec’d Sep. 28, 2021) (Jonathan Guevara K287BQ Renewal Objection); a Consent Motion for Extension of Time filed by Centro, Pleading File No. 0000163406 (rec’d Oct. 10, 2021); and a Reply of Centro, Pleading File No. 0000162497 (rec’d Oct. 1, 2021) (Centro K287BQ Renewal Petition Reply).

<sup>17</sup> A redacted version of the Moody Complaint is appended as Attachment D to this LOI and the complaint is discussed *infra*. We note that the Moody Complaint was re-submitted on November 6, 2020, with a photograph, purportedly of the K287BQ tower site, that was missing from the original submission. Attachment D includes only the second submission with the photograph.

<sup>18</sup> Iglesia Assignment Petition at 8; see 47 U.S.C. § 310(d).

<sup>19</sup> 47 CFR § 1.17.

<sup>20</sup> Iglesia Assignment Petition at 8.

<sup>21</sup> *Id.* at 4.

<sup>22</sup> *Id.* at 4-8.

<sup>23</sup> *Id.*

<sup>24</sup> Centro Assignment Petition Opposition at 6.

<sup>25</sup> *Id.* See also Notification of Suspension of Operations, Filed under K223CW (rec’d Apr. 29, 2020), dismissed on May 6, 2020 (Dismissed K223CW Suspension Notice) and Notification of Suspension of Operations, filed under



shortly after the Assignment Applications were filed and the parties' divorce decree was issued, Centro was denied access to the Stations and that "police action even was taken to prevent access to the stations by Mr. Guevara on one occasion."<sup>26</sup> Centro also declares that although the K223CW 2020 License Application applicant is listed as "SDK Franco, LLC doing business as Centro Cristiano de Vida Eterna," SDK has "no relationship with [Centro] and it is not permitted to do business under the name 'as Centro Cristiano de Vida Eterna.'"<sup>27</sup>

SDK denies assuming control of K223CW, prior to April 17, 2020, the stated consummation date.<sup>28</sup> SDK also denies Iglesia's other allegations, declaring that SDK and Centro "have no ongoing business relationship."<sup>29</sup>

Other K223CW Allegations. K223CW Primary Station/Program Origination. Pursuant to the terms of its authorizations and the *AM Revitalization First Report and Order*,<sup>30</sup> K223CW is required to achieve at least four years of on-air operations rebroadcasting primary station KCOH(AM).<sup>31</sup> Because Centro was authorized to commence K223CW operations on October 20, 2016, K223CW was required to rebroadcast KCOH(AM) until at least October 20, 2020, assuming there were no interruptions in service.<sup>32</sup> However, Centro, and in the past, SDK, have both reported that K223CW began rebroadcasting a different primary station prior to October 20, 2020.<sup>33</sup>

Objector Zamora and Complainants Garcia and Bame/Gutiérrez also allege that K223CW rebroadcast a primary station other than KCOH(AM) prior to October 20, 2020.

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K287BQ (rec'd Apr. 29, 2020), dismissed on May 6, 2020. The Bureau dismissed the suspension notices because at the time of filing Centro was no longer the Stations' licensee. We note, however, that in the Centro K223CW Renewal Petition and the Centro K223CW 2021 Permit Petition, Centro included a copy of the Dismissed K223CW Suspension Notice and that the time period addressed in the Dismissed K223CW Suspension Notice covered Centro's tenure as licensee.

<sup>26</sup> Centro Assignment Petition Opposition at 2, n. 2. As an aside, Centro alleges that although SDK reported that the parties consummated the Assignment Applications on April 17, 2020, the assignments were not consummated until sometime after May 1, 2020. Centro Consolidated Response at 3. In support, Centro submitted several emails between counsel for Centro and SDK and Commission staff and unsigned legal documents concerning the assignments. Attachments 6-7, *Id.*

<sup>27</sup> Centro K223CW 2020 License Response at 1. Centro states that it submitted the response as part of the K223CW 2020 License Application proceeding only to refute filing the K223CW 2020 License Application.

<sup>28</sup> See SDK Opposition to Centro Permit Petition at 2, and SDK Opposition to Centro K223CW Renewal Petition at 5.

<sup>29</sup> SDK Opposition to Iglesia Permit Petition at 3.

<sup>30</sup> *Revitalization of the AM Radio Service*, First Report and Order, 30 FCC Rcd 12145, 12153, para. 16 (2015) (imposing a four-year operating condition on certain FM translators stations that have been modified to retransmit AM stations).

<sup>31</sup> Application File No. BMPFT-20160727ACD, granted on September 6, 2016; Application File No. BMPFT-20160912ADA; Application File No. BLFT-20161020ABY, granted on October 28, 2016 (K223CW 2016 License); Application File No. BPFT-20170317ABB) granted on April 4, 2017; Application File No. BLFT-20170406ACJ, granted on April 19, 2017; K223CW 2017 Permit.

<sup>32</sup> Upon the filing of the K223CW 2016 License application, Centro was authorized to commence K223CW operations under automatic program test authority. 47 CFR § 74.14.

<sup>33</sup> See Assignment Applications, Attachment 16, Rebroadcast Certification (identifying the K223CW primary station as KJOZ(AM), Conroe, Texas (Facility ID No. 20625) (KJOZ(AM)), licensed to Hector Guevara Ministry Corp.).

*KJOZ(AM)*. Centro claims that K223CW rebroadcasted KJOZ(AM) from September 2017 to February 2020 and that SDK stated on the K223CW 2020 License Application that K223CW was rebroadcasting KJOZ(AM).<sup>34</sup> Similarly, Objector Zamora states that he “personally monitored the station on a periodic basis” from September 2017 to February 2020 and that K223CW rebroadcast Station KJOZ(AM) during that time.<sup>35</sup> Additionally, Complainants Bame/Gutiérrez declare that “Pastor Guiterrez has heard KJOZ repeated via K223CW” but they do not specify when this allegedly occurred.<sup>36</sup>

SDK claims that it does not have actual knowledge of, nor responsibility for, K223CW operations prior to becoming the K223CW licensee<sup>37</sup> and that “[i]t would be Kafkaesque for the Commission to penalize SDK for the failure of [Centro] . . . to adhere to the Commission’s rules.”<sup>38</sup> SDK further notes that a local court has found that Centro is the “alter ego” of Hector Guevara and the court’s finding raises the issue of whether Centro has “truthfully explained [Centro’s] . . . ownership structure and other matters to the Commission in numerous applications” filed by Centro.<sup>39</sup>

*Program Origination.* Centro asserts that beginning in February 2020, after SDK purportedly took unauthorized control of the station, K223CW began originating programming for an unspecified period of time.<sup>40</sup> Objector Zamora also reports hearing programming originated on K223CW around the same time.<sup>41</sup> SDK denies these allegations.

*KLVL(AM)*.<sup>42</sup> Complainants Bame/Gutiérrez state “K223CW has been retransmitting KLV 1480 AM since June 8<sup>th</sup> [2020] which is prohibited by their license.”<sup>43</sup> Additionally, Complainant Garcia states

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<sup>34</sup> See Email from Dan J. Alpert, Esq., Counsel to Centro, to Robert Gates, Electronic Engineer, Audio Division, FCC Media Bureau (Sep. 4, 2017, 11:53pm EDT), Attachment, Centro K223CW 2021 Permit Consolidated Response (“Can you please update the Commission records to reflect that K223CW is now rebroadcasting Station KJOZ(AM), Facility No. 20625, Conroe Texas.”). Centro Consolidated Response at 2. Centro did not state whether Commission staff responded to this request. Centro also cites the Dismissed K223CW Suspension Notice and the Zamora K223CW 2020 License Objection as additional support that K223CW has failed to rebroadcast KCOH(AM). *Id.* at 2-3.

<sup>35</sup> Zamora K223CW 2020 License Objection at 1.

<sup>36</sup> Bame/Gutiérrez Complaint at 1.

<sup>37</sup> See SDK Opposition to Centro Permit Petition at 2, and SDK Opposition to Centro K223CW Renewal Petition at 5.

<sup>38</sup> SDK Opposition to Centro Permit Petition at 3, and SDK Opposition to Centro K223CW Renewal Petition at 6.

<sup>39</sup> SDK Strike Motion at 2, 5. Centro asserts that the judgement is a civil matter between Centro and SDK that is under appeal. See Centro K223CW 2021 Modification Objection at 5, and Centro K223 Renewal Petition at 5.

<sup>40</sup> See Centro K223CW 2021 Modification Objection at 4, Centro K223CW 2021 Permit Petition at 3, and Centro K223CW Renewal Petition at 4. In support, Centro cites the Zamora K223CW 2020 License Objection and the Dismissed K223CW Suspension Notice. See Centro K223CW 2021 Modification Objection, Attachments 2-3, Centro K223CW 2021 Permit Petition, Attachments 2-3, and Centro K223CW Renewal Petition, Attachments 2-3.

<sup>41</sup> Specifically, Objector Zamora states “[f]rom February 1, 2020, I believe K223CW originated programming. The type of programming it was RB music original programming, with no call sign from any primary station, local or otherwise.” Zamora K223CW 2020 License Objection at 1.

<sup>42</sup> KLV(AM), Pasadena, Texas (Facility ID No. 56148) (KLV(AM)), licensed to Siga Broadcasting Corporation.

<sup>43</sup> Bame/Gutiérrez Complaint at 1. In support, the Bame/Gutiérrez Complaint includes a recording purportedly of a June 15, 2020, K223CW broadcast in which “[t]he announcer says ‘Radio Vida’ several times, which is how AM 1480 identifies itself.” *Id.*

“[K223CW] transmitted KLV 1480AM for a small period of time, approximately one month.”<sup>44</sup> SDK denies these allegations.

*KNFC(FM)*. Complainant Garcia and Objector Zamora also report hearing KFNC(FM) on K223CW in November 2020 and December 2020, respectively.<sup>45</sup> Centro contends that as of March 5, 2021, K223CW was rebroadcasting KFNC(FM) and that KFNC(FM) is “paying consideration to either SDK. . . or its manager, Omar Romano, for the rebroadcast of Station KFNC[(FM)] on [K223CW].”<sup>46</sup> Centro states that this is not permitted under the Commission’s Rules” because “KFNC[(FM)] would be a non-fill-in station *vis a vis* Station K223CW.”<sup>47</sup> Objector Zamora similarly asserts that KFNC(FM) would not qualify for fill-in coverage from K223CW, which Zamora states is licensed as a fill-in translator.<sup>48</sup> Complainant Garcia also claims “[K223CW] [is] not announcing their ID. They’re only announcing KFNC-FM1 at the top of the hour, not K223CW.”<sup>49</sup>

SDK reports that K223CW was silent for periods of time between April 17, 2020, and October 20, 2020, due to circumstances beyond its control. SDK claims that Centro removed the Station’s transmitter and antenna prior to consummating the assignment to SDK and that SDK was forced to install replacement equipment before April 27, 2020. Shortly thereafter, SDK says the Station’s transmitter site landlord notified SDK that the Station was not operating properly and had to cease operations for a short period. SDK believes that Centro removed a filter that was necessary to accommodate the Station’s broadcast equipment, making proper on-air operations impossible. SDK says that after resuming operations for several days in July of 2020, the Station again had to cease operating temporarily because it could not operate properly. SDK states that the Station resumed operating on October 20, 2020, and has remained on the air since.<sup>50</sup>

SDK reports that K223CW began rebroadcasting KFNC(FM) on October 20, 2020; SDK denies changing the K223CW primary station prior to October 20, 2020.<sup>51</sup> SDK states that it informed the Commission of the primary station change on September 2, 2021.<sup>52</sup> SDK also denies receiving “any support or consideration associated with the rebroadcast of KFNC.”<sup>53</sup>

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<sup>44</sup> Garcia Complaint. Based on the complaint, it seems that this may have occurred around February 2020 or sometime after, although Garcia does not expressly state when. *Id.*

<sup>45</sup> Garcia Complaint; Zamora K223CW 2020 License Objection at 1.

<sup>46</sup> Centro K223CW 2021 Modification Objection at 6 & Attach. 5, Email from David Gow, CEO, Gow Media, to Hector Guevara (Mar. 5, 2021, 1:33PM CST) (Gow Email) (“As you know, we are broadcasting on Omar’s translator 92.5.”); Centro K223CW 2021 Permit Petition at 3-4 & Attach. 5, Gow Email; Centro K223CW Renewal Petition at 4, 6, & Attach. 5, Gow Email.

<sup>47</sup> *See supra* note 46.

<sup>48</sup> Zamora K223CW 2020 License Objection at 2 & Attach. 3. Objector Zamora also reports feeling “harassed” when two SDK representatives made an unannounced visit to Zamora’s mailing address which is also his grandfather’s residence. Zamora K223CW 2020 License Objection Supplement.

<sup>49</sup> Garcia Complaint.

<sup>50</sup> *See* SDK Opposition to Centro K223CW Renewal Petition at 7-8.

<sup>51</sup> *Id.* at 7.

<sup>52</sup> *Id.* at 4 and Attach. 1.

<sup>53</sup> *Id.* at 7-8.

K223CW Unauthorized Equipment. Centro and Complainant Garcia also allege that K223CW is operating with unauthorized equipment. Specifically, Centro claims that K223CW is already operating with the antenna proposed in the pending K223CW 2021 Modification Application.<sup>54</sup> Centro also notes that the K223CW 2021 Modification Application “proposes an antenna system different than that granted in the most recent application for construction permit” and that an FCC Form 349 is required to change the K223CW antenna system.<sup>55</sup> Centro asserts that SDK has not filed said form.<sup>56</sup> Additionally, Complainant Garcia states that “[K223CW] is running [its] channel OMNI with [a] 2 bay BKG77 Nicom antenna when [it] ha[s] a permit to use only a directional antenna.”<sup>57</sup>

In opposition, SDK states that rather than filing a minor modification application, it mistakenly filed modification of license application to change K223CW’s antenna.<sup>58</sup> SDK reports rectifying the error by subsequently filing the application for the K223CW 2021 Permit.<sup>59</sup> SDK states that if the K223CW 2021 License Application covering the K223CW 2021 Permit is granted, SDK expects that the mistakenly filed K223CW 2021 Modification Application will then be dismissed as moot.<sup>60</sup>

Other K287BQ Allegations. K287BQ Primary Station/Program Origination. Pursuant to the terms of its authorization as an FM Translator, K287BQ is required to broadcast a primary station.<sup>61</sup> According to Commission records, K287BQ’s authorized primary station is KTBZ-FM, Houston, Texas.<sup>62</sup> Additionally, in a pending application for minor modification filed on March 1, 2021, SDK seeks to change K287BQ’s primary station to KKBQ(FM), Pasadena, Texas.<sup>63</sup>

Centro and Complainant Moody each allege that K287BQ has not been rebroadcasting its authorized primary station KTBZ-FM. SDK denies the allegations, stating that K287BQ “has been on the air from its licensed location regularly since April 30, 2020, rebroadcasting the primary signal of KTBZ-FM.”<sup>64</sup>

Program Origination. Centro alleges that beginning in February 2020, after SDK purportedly took unauthorized control of K287BQ, the station ceased rebroadcasting the authorized primary station and

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<sup>54</sup> See Centro K223CW 2021 Modification Objection at 2-3, and Centro K223CW Renewal Petition at 2-3.

<sup>55</sup> See Centro K223CW 2021 Modification Objection at 2, and Centro K223CW Renewal Petition at 2-3.

<sup>56</sup> *Id.*

<sup>57</sup> Garcia Complaint.

<sup>58</sup> SDK Opposition to Centro K223CW Renewal Petition at 3.

<sup>59</sup> *Id.* at 4.

<sup>60</sup> *Id.*

<sup>61</sup> 47 CFR § 74.1231.

<sup>62</sup> See, e.g., File No. BLFT-20190219ACC, granted February 27, 2019. *Broadcast Actions*, Public Notice, Report No. 49435, at 7 (MB Mar. 4, 2019). KTBZ-FM, Houston, Texas (Facility ID No. 18516) (KTBZ-FM) is licensed to IHM Licenses, LLC.

<sup>63</sup> See File No. 0000137405. See *Broadcast Applications*, PN-1-210303-01, at 1 (MB Mar. 03, 2021). KKBQ(FM), Pasadena, Texas (Facility ID No. 23083) (KKBQ(FM)) is licensed to CMG NY/Texas Radio, LLC.

<sup>64</sup> SDK Opposition to Centro K287BQ Renewal Petition at 3. SDK notes that “[o]n April 30, 2020, following consummation of the Assignment Application, SDK filed an application for a license to cover that construction permit (File No. 0000112935, the Current Station License), which the Commission granted on May 1, 2020.”

began originating programming.<sup>65</sup> Complainant Moody similarly alleges that K287BQ first began originating programming in late February or early March 2020 and was also doing so at the time Moody filed his complaint. In addition, Complainant Moody claims that K287BQ does not announce a primary station callsign on the air.<sup>66</sup>

*K236AR.*<sup>67</sup> Complainant Moody alleges that several weeks prior to November 6, 2020, “K287BQ was transmitting K236AR, another translator, with 1460AM.”<sup>68</sup>

K287BQ Unauthorized Equipment. Centro, Objector Jonathan Guevara, and Complainant Moody allege that K287BQ is operating with an unauthorized antenna. Centro declares that K287BQ has operated with an unauthorized antenna “for well over a year” and therefore the K287BQ license has expired pursuant to section 312(g) of the Act.<sup>69</sup> Centro claims that during a September 30, 2021, visit to the tower site it shares with K287BQ,<sup>70</sup> its principal, Hector Guevara, observed that K287BQ was operating with an antenna labelled “SWR FM 10/4.S.W.S” (SWR Antenna) rather than the Scala antenna specified on the K287BQ license.<sup>71</sup> Centro believes that the antenna being used was either an ERI FM-100 Antenna or a Jampro Polarized 2 bay 25 KW antenna.<sup>72</sup> Centro further asserts that even if K287BQ is operating with a Scala antenna, SDK’s picture shows a 1-bay Scala antenna rather than the 2-bay Scala Antenna that K287BQ is authorized to use.<sup>73</sup>

Objector Jonathan Guevara also alleges that K287BQ is operating with a Jampro Polarized 2-bay 25 kW antenna (Jampro Antenna).<sup>74</sup> In addition, he claims that K287BQ has engaged in transmissions in excess of its license authorization.<sup>75</sup>

Complainant Moody does not specify the type of unauthorized antenna but merely refers to an undated picture, purportedly of the unauthorized K287BQ antenna, attached to his complaint.<sup>76</sup> Moody further alleges that “you can hear this station in the outskirts of the metropolitan area . . . as if it were a full-

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<sup>65</sup> See Centro Assignment Petition Opposition, at 2, n. 2.

<sup>66</sup> Moody Complaint.

<sup>67</sup> K236AR, Missouri City, Texas (Facility ID No. 142962), licensed to DAIJ Media, LLC.

<sup>68</sup> Moody Complaint.

<sup>69</sup> See Centro Petition to Deny K287BQ Renewal at 3-4 (citing 47 U.S.C. § 312(g)).

<sup>70</sup> Centro notes that it leases tower space at the Wells Fargo Bank building also occupied by K287BQ. *Id.* at 3.

<sup>71</sup> *Id.* at 6.

<sup>72</sup> *Id.* at note 1. In an prior pleading, Centro claimed the unauthorized K287BQ antenna was an ERI FM100 2-bay antenna (ERI Antenna) that was proposed in the Dismissed K287BQ Modification Application. See Centro Petition to Deny K287BQ Renewal at 2-3.

<sup>73</sup> *Id.* at 5.

<sup>74</sup> Jonathan Guevara K287BQ Renewal Objection.

<sup>75</sup> *Id.* (claiming to have monitored K287BQ’s operations “for about a year and a half” and to have observed K287BQ operating “as if it was a full power transmission” with a “reach [that] is incredibly high considering that its license is only an ERP of 99 kW”).

<sup>76</sup> See Moody Complaint.

service station.”<sup>77</sup>

In opposition, SDK denies the allegations, stating that K287BQ is currently operating with a Scala, CL-FM/HRM/50N directional antenna (Scala Antenna) as authorized in the K287BQ license.<sup>78</sup> SDK further claims that Centro’s “photograph of the ERI Antenna could have been taken anywhere in the world, including at [K287BQ’s licensed tower site] where there are approximately 20 other antennas.”<sup>79</sup> SDK opines that if K287BQ was operating with an unauthorized antenna, “it is a virtual guarantee that at least one other broadcaster would be lodging ongoing objections at the Commission, complaining of interference.”<sup>80</sup>

**Conclusion.** Pursuant to sections 4(i), 4(j), 308(b), and 403 of the Act,<sup>81</sup> we direct Centro<sup>82</sup> and SDK to provide the information and documents requested herein within **thirty (30) calendar days** after the date of this letter of inquiry (LOI).

Attachment A to this letter includes filing requirements and instructions for the responses 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. Moreover, as detailed in Attachment A, responses must be submitted to the Office of the Secretary, Federal Communications Commission, Office of the Secretary, 45 L Street, NE, Washington, DC 20554, with copies served via email Christopher Clark, [Christopher.Clark@fcc.gov](mailto:Christopher.Clark@fcc.gov), Kim Varner, [Kim.Varner@fcc.gov](mailto:Kim.Varner@fcc.gov). In addition, Centro and SDK must also serve copies of responses on opposing counsel; counsel for Iglesia, and Objectors Jose Zamora and Jonathan Andrew Guevara.

Additionally, if the Bureau determines that K223CW is not rebroadcasting its authorized primary station and/or that K287BQ is not transmitting its authorized primary station, then the

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<sup>77</sup> *Id.* (claiming that K287BQ “doesn’t have a parent station (HD or AM) [and] you can hear this station in the outskirts of the metropolitan area . . . as if it were a full-service station”). Moody reports that at the time he filed his complaint K287BQ was “transmitting pop style genre of music.” *Id.*

<sup>78</sup> SDK Opposition to Centro K287BQ Renewal Petition at 3. In support, SDK attached a declaration from SDK consultant Omar Romero along with a photograph purportedly taken in August 2021 of the Scala Antenna. *Id.* at 3-4, and Attachments 2, Declaration of Omar Romero (dated Sep. 10, 2021) and Attachment 3.

<sup>79</sup> *Id.* at 3.

<sup>80</sup> *Id.* SDK states that the authorized Scala Antenna was directed away from station KTWL(FM) to resolve a 2017 interference complaint filed by the KTWL(FM) licensee. *Id.* at 3-4. According to SDK, if it were operating the translator with a non-directional antenna such as the one proposed in the K287BQ modification application dismissed on September 13, 2021, application file no. 0000137405, it is likely that the KTWL(FM) licensee would have filed another interference complaint against the translator. *Id.* at 4. However, Centro alleges that KTWL(FM) has not filed a new interference claim against K287BQ only because the KTWL(FM) licensee is negotiating to sell the FM station to SDK. Centro K287BQ Renewal Petition Reply at 7-8.

<sup>81</sup> 47 U.S.C. §§ 154(i), 154(j), 308(b), 403.

<sup>82</sup> We note that although Centro assigned the Stations licenses to SDK, Centro continues to hold other broadcast licenses. As a Commission licensee Centro must possess the requisite character to remain a Commission licensee. See *Policy Regarding Character Qualifications in Broadcast Licensing*, Policy Statement and Order, 5 FCC Rcd. 3252 (1990), *modified*, Memorandum Opinion and Order, 6 FCC Rcd. 3448 (1991), *further modified*, Memorandum Opinion and Order, 7 FCC Rcd. 6564 (1992). This LOI will aid the Bureau’s investigation of the issues raised in the pleadings, which could potentially raise questions as to whether Centro possesses the requisite character to be a Commission licensee. Accordingly, Centro is required to answer the applicable questions in Attachment A to this LOI.

continued retransmission of the unauthorized broadcasts after the receipt of this LOI may subject SDK to additional penalties.

This LOI constitutes an order of the Commission to produce the documents and information requested herein.<sup>83</sup> To knowingly and willfully make any false statement or conceal any material fact in reply to this inquiry is punishable by fine or imprisonment.<sup>84</sup> **Failure to respond appropriately to this LOI constitutes a violation of the Act and our Rules.**<sup>85</sup>

If you have any questions about this matter, please contact Kim Varner at [Kim.Varner@fcc.gov](mailto:Kim.Varner@fcc.gov). Finally, we remind all parties that this is a restricted proceeding, and, thus that *ex parte* presentations are prohibited.<sup>86</sup>

Sincerely,

Albert Shuldiner  
Chief  
Audio Division  
Media Bureau

Attachments A and B (Redacted Complaints)

cc: John O. Broomhall, Sr.  
Jose Zamora  
Jonathan Andrew Guevara

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<sup>83</sup> See 47 U.S.C. § 155(c)(3).

<sup>84</sup> See 18 U.S.C. § 1001; see also 47 CFR § 1.17.

<sup>85</sup> See 47 U.S.C. § 503(b)(1)(B); see also e.g. *Net One International, Net One, LLC, Farrahtel International, 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*, 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 Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7600, para. 28 (2002) (imposing \$100,000 penalty for failing to submit a sworn written response).

<sup>86</sup> 47 CFR § 1.1208.

## **ATTACHMENT A**

### **Inquiries: Information and Documents to be Provided**

Centro Cristiano De Vida Eterna (Centro) and SDK Franco, LLC (SDK) must provide the following information and documents as requested below, and in accordance with the Instructions and Definitions below.

### **Requests for Information from Centro**<sup>87</sup>

Unless otherwise indicated, the time covered by these inquiries is October 20, 2016, until April 17, 2020, or the actual consummation date of the assignment of the Station licenses from Centro to SDK.

1. Describe the business structure of Centro (*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). If it is a privately held corporation, sole proprietorship, partnership, or limited liability company, identify each owner, partner, or member, as applicable. In addition, Identify all parent and affiliate companies of Centro and explain their relationship with Centro.
2. Identify the corporate headquarters address of Centro and the states in which Centro is authorized to do business; indicate whether it is in good standing in each such state. Identify the Tax Identification Number of Centro. Provide a copy of Centro's certificate of incorporation and a current certificate of good standing in the state in which Centro is incorporated.
3. Identify the registered agent of Centro within the United States.
4. Identify the FCC Registration Number (FRN) or FRNs of Centro and any parent and affiliate companies of Centro.
5. Identify any licenses, permits, certificates, or other authorizations issued by the Commission and held by Centro and/or any parent or affiliate companies of Centro.
6. Identify the current mailing address and email address for Centro.
7. Identify all names under which Centro operates (*e.g.*, all "doing business as," "also known as," trade names, etc.), and the states where Centro is authorized or otherwise uses those names. Also, Identify all web addresses used by Centro, including those web addresses involving fictitious names.
8. Provide a description by category and location of all Documents and tangible things that Centro has in its possession, custody, or control that are responsive to the Inquiries herein.
9. State the date that Centro consummated the assignment of the licenses for K223CW and K223CW.
10. Attach copies of all executed documents effectuating the assignment of the licenses for

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<sup>87</sup> In responding to these inquiries, note the definitions below of the terms "Identify" and "Document."



K223CW and K287BQ (*i.e.* assignment of license agreement, bill of sale *etc.*).

11. State whether Centro remained in control of K223CW and K287BQ at all times. If the answer is no, answer the following:
  - a. State the date(s) on which Centro was not in control of K223CW and/or K287BQ.
  - b. Explain fully the circumstances under which Centro was not in control of K223CW and/or K287BQ.
  - c. Include any contemporaneous documents detailing the circumstances of the loss of control of K223CW and/or K287BQ, such as law enforcement reports.
12. Identify all primary stations that K223CW retransmitted from October 20, 2016, until the consummation date identified in response to Inquiry 9.
13. Identify and provide a copy of all Documents that provide the legal authority for K223CW to rebroadcast the primary stations identified in the response to Inquiry 12.
14. Identify the dates on which K223CW transmitted each primary station identified in the response to Inquiry 12.
15. Did Centro notify the Commission that K223CW was rebroadcasting each of the primary stations identified in the response to Inquiry 12? If so, indicate when such notification(s) occurred, and provide documentary proof of each such notification and include all responses, if any, from the Commission and Commission staff.
16. Did Centro discontinue operations of K223CW at any time? If yes, answer the following:
  - a. Specify the dates for each instance during which K223CW discontinued operations, and, if applicable, when K223CW recommenced operations and the primary station rebroadcast when K223CW resumed operations.
  - b. Did Centro notify the Commission on each occasion of discontinued operations? If so, provide documentary proof of such filings and also any Commission response thereto. If not, explain why not.
17. Has K223CW originated its own programming or otherwise broadcast programming other than the simultaneous retransmission of the primary stations identified in the response to Inquiry 12?<sup>88</sup> If yes, answer the following:
  - a. Identify any such programming.
  - b. Specify the dates and times on which K223CW broadcast any such programming.

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<sup>88</sup> Translators may be used for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station, but the Commission's rules prohibit an FM translator station from originating programming, except under very limited exceptions. *See* 47 C.F.R. § 74.1231

- c. Indicate the duration of each instance noted in your response to Inquiries 17.a-b.
  - d. Explain fully the circumstances under which K223CW originated programming or broadcast programming other than the simultaneous retransmission of any primary station identified in response to Inquiry 13, and identify whether any such programming complied with the exceptions set forth in section 74.1231 of the Commission's rules, 47 CFR § 74.1231.
- 18. Has K223CW ever failed to provide station identification as required by section 74.1283 of the Commission's rules, 47 CFR § 74.1283? If yes, answer the following:
  - a. Identify each such incident along with the dates and times on which K223CW failed to provide the required station identification.
  - b. Explain fully the circumstances under which K223CW failed to provide the required station identification.
- 19. Identify the make and model of the antenna(e) installed at the K223CW transmitter site on or until the consummation date identified in response to Inquiry 9. If the antenna installed differed from the one authorized by the K223CW license granted on April 19, 2017 (File No. BLFT-20170406ACJ), state the date the antenna was installed and explain the circumstances that lead to the installation of the specified antenna.
- 20. Identify the primary stations that K287BQ was retransmitting on the consummation date identified in response to Inquiry 9.
- 21. Identify and provide a copy of all Documents that provide the legal authority for K287BQ to rebroadcast the primary station identified in the response to Inquiry 20.
- 22. Identify the dates on which K287BQ transmitted the primary station identified in the response to Inquiry 20.
- 23. Did Centro notify the Commission that K287BQ was rebroadcasting each of the primary stations identified in the response to Inquiry 20? If so, indicate when such notification(s) occurred, and provide documentary proof of each such notification and include all responses, if any, from the Commission and Commission staff.
- 24. Did Centro discontinue operations of K287BQ at any time? If yes, answer the following:
  - a. Specify the dates for each instance during which K287BQ discontinued operations, and, if applicable, when K287BQ recommenced operations and the primary station rebroadcast when K287BQ resumed operations.
  - b. Did Centro notify the Commission on each occasion of discontinued operations? If so, provide documentary proof of such filings and also any Commission response thereto. If not, explain why not.
- 25. Has K287BQ originated its own programming or otherwise broadcast programming other

than the simultaneous retransmission of the primary stations identified in the response to Inquiry 20? If yes, answer the following:

- a. Identify any such programming.
  - b. Specify the dates and times on which K287BQ broadcast any such programming.
  - c. Indicate the duration of each instance noted in your response to Inquiries 25.a-b.
  - d. Explain fully the circumstances under which K287BQ originated programming or broadcast programming other than the simultaneous retransmission of any primary station identified in response to Inquiry 20, and identify whether any such programming complied with the exceptions set forth in section 74.1231 of the Commission's rules, 47 CFR § 74.1231.
26. Has K287BQ ever failed to provide station identification as required by section 74.1283 of the Commission's rules, 47 CFR § 74.1283? If yes, answer the following:
  - a. Identify each such incident along with the dates and times on which K287BQ failed to provide the required station identification.
  - b. Explain fully the circumstances under which K287BQ failed to provide the required station identification.
27. Identify the make and model of every antenna installed at the K287BQ transmitter site. If the antenna installed differed from the K287BQ license granted on February 27, 2019 (File No. BLFT-20190219ACC), state the date the antenna was installed and explain the circumstances that lead to the installation of the specified antenna.
28. Identify any other instance in which Centro, or any parent and/or affiliate companies of Centro received or were 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.
29. Identify any efforts by Centro to resolve or correct any noncompliance with the Rules, as identified herein, prior to this LOI. Identify any efforts by Centro to disclose to the Commission any noncompliance with the Act or the Commission's rules prior to this LOI.
30. To the extent not otherwise provided in response to the preceding Inquiries, provide any additional information that Centro believes may be helpful in our consideration and resolution of this matter.

#### **Requests for Information from SDK<sup>89</sup>**

Unless otherwise indicated, the time covered by these inquiries is April 17, 2020, or the actual

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<sup>89</sup> In responding to these inquiries, note the definitions below of the terms "Identify" and "Document."

consummation date of the Station licenses, to the present.

1. Describe the business structure of SDK (*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). If it is a privately held corporation, sole proprietorship, partnership, or limited liability company, identify each owner, partner, or member, as applicable. In addition, Identify all parent and affiliate companies of SDK and explain their relationship with SDK.
2. Identify the corporate headquarters address of SDK and the states in which SDK is authorized to do business; indicate whether it is in good standing in each such state. Identify the Tax Identification Number of SDK. Provide a copy of SDK's certificate of incorporation and a current certificate of good standing in the state in which SDK is incorporated.
3. Identify the registered agent of SDK within the United States.
4. Identify the FCC Registration Number (FRN) or FRNs of SDK and any parent and affiliate companies of SDK.
5. Identify any licenses, permits, certificates, or other authorizations, issued by the Commission and held by SDK and/or any parent or affiliate companies of SDK.
6. Identify the current mailing address and email address for SDK.
7. Identify all names under which SDK operates (*e.g.*, all "doing business as," "also known as," trade names, etc.), and the states where the Licensee is authorized or otherwise uses those names. Also, Identify all web addresses used by SDK, including those web addresses involving fictitious names.
8. Provide a description by category and location of all Documents and tangible things that SDK has in its possession, custody, or control that are responsive to the Inquiries herein.
9. State the date that SDK consummated the assignment of the licenses for K223CW and K223CW from Centro to SDK.
10. Attach copies of all executed documents effectuating the assignment of the licenses for K223CW and K287BQ (*i.e.* assignment of license agreement, bill of sale *etc.*).
11. Prior to the consummation date identified in response to Inquiry 9, did SDK assume control of K223CW and/or K287BQ? If the answer is yes, answer the following:
  - a. Specify the date(s) on which SDK assumed control K223CW and/or K287BQ.
  - b. Explain fully the circumstances under which SDK assumed control of K223CW and/or K287BQ.
  - c. Include any contemporaneous documents detailing the circumstances of SDK's assumption of control of K223CW and/or K287BQ, such as reports by law enforcement.
12. Identify all primary stations that K223CW has retransmitted from the consummation date

identified in response to Inquiry 9, to the present.

13. Identify and provide a copy of all Documents that provide the legal authority for K223CW to rebroadcast the primary stations identified in the response to Inquiry 12.
14. Identify the dates on which K223CW retransmitted each primary station identified in the response to Inquiry 12.
15. Did SDK notify the Commission that K223CW was/is rebroadcasting each of the primary stations identified in the response to Inquiry 12? If so, indicate when such notification(s) occurred, and provide documentary proof of each such notification and include all responses, if any, from the Commission and Commission staff .
16. Has SDK discontinued operations of K223CW at any time? If yes, answer the following:
  - a. Specify the dates for each instance during which K223CW discontinued operations, and, if applicable, when K223CW recommenced operations and the primary station rebroadcast when K223CW resumed operations.
  - a. Did SDK notify the Commission on each occasion of discontinued operations? If so, provide documentary proof of such filings and also any Commission response thereto. If not, explain why not.
17. Has K223CW originated its own programming or otherwise broadcast programming other than the simultaneous retransmission of the primary stations identified in the response to Inquiry 12?<sup>90</sup> If yes, answer the following:
  - a. Identify any such programming.
  - b. Specify the dates and times on which K223CW broadcast any such programming.
  - c. Indicate the duration of each instance noted in your response to Inquiries 17.a-b.
  - d. Explain fully the circumstances under which K223CW originated programming or broadcast programming other than the simultaneous retransmission of any primary station, and Identify whether any such programming complied with the exceptions set forth in section 74.1231 of the Rules, 47 CFR § 74.1231.
18. State the relationship between K223CW/SDK and KFNC(FM), Mont Belvieu, Texas (Facility ID No. 52407) Gow Media, LLC. If there are any contractual agreements or understandings (including verbal agreements) between the parties, provide copies of all such agreements. If any agreement is oral, its substance should be reduced to writing.
19. Has K223CW ever failed to provide station identification as required by section 74.1283 of the Commission's rules, 47 CFR § 74.1283? If yes, answer the following:
  - a. Identify each such incident along with the dates and times on which K223CW failed to provide the required station identification.

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<sup>90</sup> Translators may be used for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station, but the Commission's rules prohibit an FM translator station from originating programming, except under very limited exceptions. See 47 C.F.R. § 74.1231

- b. Explain fully the circumstances under which K223CW failed to provide the required station identification.
- 20. Identify the make and model of every antenna installed at the K223CW transmitter site on or after the consummation date identified in response to Inquiry 9. If the antenna installed differs from the K223CW license granted on April 19, 2017 (File No. BLFT-20170406ACJ), state the date the antenna was installed and explain the circumstances that lead to the installation of the specified antenna.
- 21. Identify all primary stations that K287BQ has retransmitted from the consummation date identified in Inquiry 9, until the Present.
- 22. Identify and provide a copy of all Documents that provide the legal authority for K287BQ to rebroadcast the primary stations identified in the response to Inquiry 21.
- 23. Identify the dates on which K287BQ has been transmitting each primary station identified in the response to Inquiry 21.
- 24. Did SDK notify the Commission that K287BQ was/is rebroadcasting each of the primary stations identified in the response to Inquiry 21? If so, indicate when such notification(s) occurred, and provide documentary proof of each such notification and include all responses, if any, from the Commission and Commission staff .
- 25. Has SDK discontinued operations of K287BQ at any time? If yes, answer the following:
  - b. Specify the dates for each instance during which K287BQ discontinued operations, and, if applicable, when K287BQ recommenced operations and the primary station rebroadcast when K287BQ resumed operations.
  - a. Did SDK notify the Commission on each occasion of discontinued operations? If so, provide documentary proof of such filings and also any Commission response thereto. If not, explain why not.
- 26. Has K287BQ originated its own programming or otherwise broadcast programming other than the simultaneous retransmission of the primary stations identified in the response to Inquiry 21?<sup>91</sup> If yes, answer the following:
  - a. Identify any such programming.
  - b. Specify the dates and times on which K287BQ broadcast any such programming.
  - c. Indicate the duration of each instance noted in your response to Inquiries 26.a-b.
  - d. Explain fully the circumstances under which K287BQ originated programming or broadcast programming other than the simultaneous retransmission of any primary

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<sup>91</sup> Translators may be used for the purpose of retransmitting the signals of a primary AM or FM radio broadcast station, but the Commission's rules prohibit an FM translator station from originating programming, except under very limited exceptions. See 47 C.F.R. § 74.1231

station identified in the response to Inquiry 21, and Identify whether any such programming complied with the exceptions set forth in section 74.1231 of the Rules, 47 CFR § 74.1231.

27. Has K287BQ ever failed to provide station identification as required by section 74.1283 of the Commission's rules, 47 CFR § 74.1283? If yes, answer the following:
  - a. Identify each such incident along with the dates and times on which K287BQ failed to provide the required station identification.
  - b. Explain fully the circumstances under which K287BQ failed to provide the required station identification.
28. Identify the make and model of every antenna installed at the K287BQ transmitter site on or after the consummation date identified in response to Inquiry 9. If the antenna installed differs from the K287BQ license granted on May 1, 2020 (Application File No. 0000112935), state the date the antenna was installed and explain the circumstances that lead to the installation of the specified antenna.
29. Has SDK ever operated K287BQ in a manner other than as authorized under the license granted on May 1, 2020 (Application File No. 0000112935)? If so, explain in detail the manner in which K287BQ's operations differed from its licensed facilities and the date of said operations.
30. State whether SDK has received any complaints or reports related to the allegations in the Complaints. 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 SDK has received any such complaints or reports, state what actions, if any, SDK has taken in response.
31. Describe any inaccuracies in the Complaints.
32. State the date and the names of the SDK representatives who visited the address of Objector Zamora. Describe the purpose of the visit and briefly summarize the visit.
33. Identify any other instance in which SDK or any parent and/or affiliate companies of SDK received or were 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.
34. Identify any efforts by SDK to resolve or correct any noncompliance with the Rules, as identified herein, prior to this LOI. Identify any efforts by SDK to disclose to the Commission any noncompliance with the Act or the Rules prior to this LOI.
35. To the extent not otherwise provided in response to the preceding Inquiries, provide any additional information that SDK believes may be helpful in our consideration and resolution of this matter.

## **Requests for Documents from Centro and SDK**

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 Centro and SDK each to support its responses with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of respondent said party with personal knowledge of the representations provided in the 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 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 respondent 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 employees contribute to the response, respondent 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, 47 CFR § 1.16, and be substantially in the form set forth therein. Failure to support your responses with a sworn affidavit could subject you to forfeiture.<sup>92</sup>

***Delivery Requirements for Responses.*** Centro and SDK each shall submit its response to the Office of the Secretary, Federal Communications Commission, Office of the Secretary, 45 L Street, NE, Washington, DC 20554, with copies served via email Christopher Clark, [Christopher.clark@fcc.gov](mailto:Christopher.clark@fcc.gov), Kim Varner, [kim.varner@fcc.gov](mailto:kim.varner@fcc.gov). In addition, Centro and SDK should also serve copies on opposing counsel, counsel for Iglesia, and Objectors Jose Zamora and Jonathan Andrew Guevara.

If you need help or have questions about how to provide the response or any accompanying documents, please contact Kim.Varner@fcc.gov **no later than** two business days prior to the response due date to ensure timely transmission of the response.

## **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.<sup>93</sup> Accordingly, a "blanket" request for confidentiality or a casual request, including simply stamping pages "confidential," will not

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<sup>92</sup> *SBC Communications, Inc.*, 17 FCC Rcd at 7600, para. 28 (2002) (imposing \$100,000 penalty for failing to submit a sworn written response).

<sup>93</sup> See 47 CFR § 0.459(b).



be considered a proper request for confidentiality, and those materials will not be treated as confidential.<sup>94</sup>

***Claims of Privilege.*** If Centro and/or SDK withholds any information or documents under a 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.*** Centro and SDK 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. Centro and SDK 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 Centro and SDK submits in response to any inquiry, the Centro and SDK 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 Licensee must identify with reasonable specificity all documents provided in response to these inquiries.

Centro and SDK shall identify all documents provided in response to these inquiries in accordance with this paragraph. Centro and SDK 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.*, Licensee 01-000001, where “Licensee” 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, Centro and SDK 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, then Centro and SDK 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 Media 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 Centro and/or SDK is unable for any reason to produce a document responsive to any Inquiry, identify each such document by author, recipient, date, title, and specific

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<sup>94</sup> See 47 CFR § 0.459(c).

subject matter, and explain fully why the document is no longer available or why Centro and/or SDK 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, Centro and SDK are directed to retain the originals of those documents for sixty (60) months from the date of this letter unless (a) Centro and SDK are directed or informed by the Media Bureau in writing to retain such documents for some shorter or longer period of time, or (b) the Media 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, Centro and SDK 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 Media Bureau.

***Continuing Nature of Inquiries.*** The specific Inquiries made herein are continuing in nature. Centro and SDK are 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, Centro and/or SDK must supplement its responses (a) if it 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 (60) months from the date of this letter unless (a) Centro and SDK are directed or informed by the Media Bureau in writing that the obligation to update the record will continue for some shorter or longer period of time, or (b) the Media 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 Media 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 a 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.”

“Commission” shall mean the Federal Communications Commission.

“Complaints” shall mean the Garcia Complaint, the Bame/Gutiérrez Complaint, and the Moody Complaint.

“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 such 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.

“Licensee” shall mean SDK Franco, LLC and/or Centro Cristiano de Vida Eterna, and any predecessor-in-interest, affiliate, parent, wholly or partially owned subsidiary, and other affiliated business, and all advisers, agents, consultants, directors, employees, members, officers, owners, partners, principals, representatives, and any other Persons working for or on behalf of the foregoing at any time during the period covered by this LOI.

“Person” shall mean any natural person or any non-natural person, including but not limited to a business, company, corporation, enterprise, institution, organization (educational, religious, or otherwise), partnership, proprietorship, or any other entity, whether for-profit or non-profit and whether of general or limited liability, and all of such non-natural person’s advisers, agents, consultants, directors, employees, members, officers, owners, partners, principals, representatives, and any other persons working for or on behalf of the foregoing.

“Stations” shall mean any Broadcast facility licensed to Licensee including, but not limited to, FM translator station K223CW, Facility Identification Number 148239, Houston, Texas, and FM translator station K287BQ, Facility Identification Number 148244, Houston, Texas, including all predecessors and previous call signs, and any Station to which Licensee provides programming under a retransmission agreement, rebroadcast agreement, local marketing agreement, time brokerage agreement, or any other shared services agreement.

**ATTACHMENT B**

Redacted Bame/Gutiérrez Complaint



NOKCL/3

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Statement by Pastor Juan Joel Gutiérrez.

I am the Pastor of Iglesia Centro de Liberación, licensee of KJJG-LP 92.5 whose transmitter is located at 8412 Hansen Road in South Houston, TX. This complaint is about improper operation of K223CW 92.5 located at 1000 Louisiana St, Houston, TX. I may file a separate interference complaint because interference is also very bad.

K223CW has been retransmitting KLVL 1480 AM since June 8th which is prohibited by their license. I swear that I am telling the truth in these recorded and written documents. For the benefit of the FCC I describe the recording in English.

The recording was made with the radio tuned to 92.5 at 7:30 am on the 15th June 2020 driving from the railroad tracks between College and Spencer on Highway 3, following Spencer, turning right on Texas Street going South to Avenue N, where our church is located. The first 48 seconds an announcer from AM 1480 receives a call from a woman named Mari. The announcer asked on which radio she listens. Mari answers on 92.5 and that she hears very well. The announcer asks where she listens to us and she answers that in the city of Magnolia the radio 92.5 is heard very clearly. The second call is another woman and the announcer asks her where she listens and she answers on 1480 very clearly, and the third call another woman answers that she listens on 1480. The announcer says "Radio Vida" several times, which is how AM 1480 identifies itself.

They are not retransmitting the right station. According to the license BLFT-20170406ACJ they must retransmit KCOH 1230 AM for 4 years from 4/4/2017.

I swear before God and before the FCC that I am telling the truth. I am willing to appear anywhere to testify to the Federal Communications of the United States without any fear of being judged by this confession.

I may be reached by phone  
consultant on any email

include my

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Supplemental Information to Pastor Guterrez' Statement

On the record are assertions by K223CW's licensee(s) that its primary station is KCOH, KJOZ, and that it was also originating programming in April.

K223CW is an AM Revitalization translator and operates under the condition that it repeat the primary station, KCOH(AM), for 4 years from the grant of construction permit BPFT-20170317ABB. The grant occurred on 4/4/2017 so the restriction is still in effect. A copy of the license authorization for BLFT-20170406ACJ is attached.

In an exhibit entitled "Rebroadcast Certification" (copy attached) on the license-assignment application BALFT-20200108AAX, the licensee specifies KJOZ(AM) as the primary station, which does not appear to be permissible. Pastor Guterrez has heard KJOZ repeated via K223CW. The license assignment was granted on April 17, 2020 and is the subject of a current Petition for Reconsideration on behalf of KJJG-LP.

In a post-assignment April 29, 2020 Notice of Suspension of Operations, the former licensee states "Station K223CW is required under its license to rebroadcast KJOZ(AM). From the grant of the construction permit for K223CW and continuing until K223CW has achieved four years of on-air operations rebroadcasting KJOZ(AM)". The record is not clear how the primary station changed from KCOH listed in the license authorization, to KJOZ.




The notice further describes origination of programming: "Franco [the license assignee] is engaging at this time [April 29, 2020] in what is believed to be origination of original programming on K223CW". Although the start date for origination is unclear, the notice narrative suggests it might have begun in early February: "On or about February 1, 2020, prior to the grant of the assignment applications, and without the consent or cooperation of Centro Cristiano de Vida Eterna, Sara Franco or her representatives took control of stations K287BQ and K223CW, and would not permit the stations' affairs to be conducted or overseen by Centro Cristiano de Vida Eterna following that date".

As of June 8th, Pastor Guterrez has heard K223CW repeating KLVL AM 1480.


While it is not the subject of this filing, Pastor Guterrez' recording also demonstrates K223CW's signal overwhelming KJJG-LP's signal at locations where KJJG-LP's signal level should be 70 dBu.

KJJG-LP's story started with a 74.1203 interference complaint against K223CW (BLFT-20170406ACJ), which is now more than a year old and has seen no decision. A summary of filings to date can be gleaned from the Petition and Reply to BALFT-20200108AAX.


I am Paul Bame of the Prometheus Radio Project, acting as a consultant to KJJG-LP. I declare that the information presented here is true and accurate to the best of my knowledge. I may be reached at




20200615\_073041\_...  
MP3



Rebroadcast-Certific...  
PDF



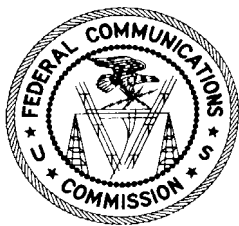
K223CW-lic-auth  
PDF



**REBROADCAST CERTIFICATION**

Each of the FM translators to be assigned are currently rebroadcasting a different primary station. The primary stations that are being rebroadcast will remain the same after the proposed assignment.

FM TRANSLATOR			PRIMARY STATION		
Call Sign	Facility ID	Community of License	Call Sign	Facility ID	Community of License
K287BQ	148244	Houston, TX	KTBZ-FM	18516	Houston, TX
K223CW	148239	Houston, TX	KJOZ	20625	Conroe, TX



United States of America  
**FEDERAL COMMUNICATIONS COMMISSION**  
**FM BROADCAST TRANSLATOR/BOOSTER**  
**STATION LICENSE**

Authorizing Official:

Official Mailing Address:

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SDK FRANCO LLC  
1420 HAWTHORNE ST #15  
HOUSTON TX 77006

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Nazifa\_Sawez  
Assistant Chief  
Audio Division  
Media Bureau

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Facility Id: 148239

Call Sign: K223CW

License File Number: BLFT-20170406ACJ

Grant Date: April 19, 2017

This license expires 3:00 a.m.  
local time, August 01, 2021.

This license covers permit no.: BPFT-20170317ABB

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.



Name of Licensee: SDK FRANCO LLC

Principal community to be served: TX-HOUSTON

Primary Station: KCOH (AM) , Frequency 1230 kHz, HOUSTON, TX

Via: Other

Frequency (MHz): 92.5

Channel: 223

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 29 deg 45 min 29 sec

West Longitude: 95 deg 22 min 07 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules.

Transmitter output power: 0.06 kW

Antenna type: (directional or non-directional): Directional  
Description: SCA CL-FM

Major lobe directions 290  
(degrees true):

Horizontally	Vertically
Polarized	Polarized
Antenna:	Antenna:

Effective radiated power in the Horizontal Plane (kw):	0.03
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Height of radiation center above ground (Meters):	304
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Height of radiation center above mean sea level (Meters):	319
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Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 305 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

## Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.
  
- 2 Pursuant to Revitalization of the AM Radio Service, First Report and Order, 30 FCC Rcd 12145, 12153 para. 16 (2015), the permittee/licensee and any successor in interest (licensee) shall be subject to the following restrictions. From the grant of the construction permit and continuing until the facility has achieved four years of on-air operations rebroadcasting the primary AM station identified on this authorization, the licensee may NOT change such primary station being rebroadcast by this translator, nor may it rebroadcast another station when the primary station identified on this authorization is silent. Periods of station silence shall not count toward the fulfillment of this four-year requirement. During this same four-year period the licensee may not assign or transfer the construction permit/license to another party, unless it is to the licensee of the AM station identified on this authorization or unless such assignment or transfer provides for the continuing right of the primary station to rebroadcast on the translator. Minor modifications of this authorization are permitted, provided that the translator will continue to rebroadcast the AM station for which the modification was granted.

\*\*\* END OF AUTHORIZATION \*\*\*

**ATTACHMENT C**

Redacted Garcia Complaint



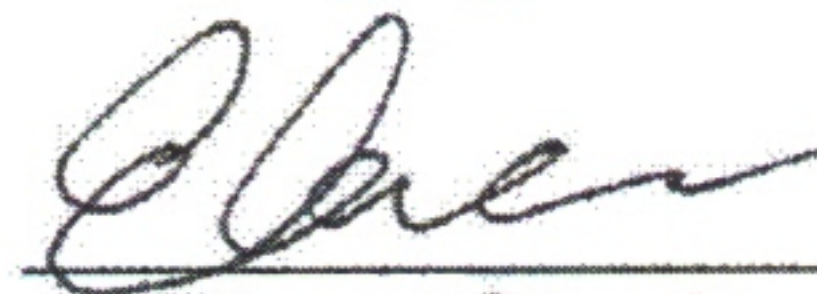
**I'm Elmer Garcia from Houston TX. I am writing about Station K223CW. This channel (K223CW) is currently running without a parent station (the station it is supposed to be rebroadcasting) since February of 2020.**

**I've been a fan of their programming. That's why I've been a listener. However, since February of 2020, it's been running without its parent station. They transmitted on KLVL 1480AM for a small period of time approximately one month. Now they're rebroadcasting another full power station that is not within its range of coverage. It is my understanding that K233CW was granted a special permit to retransmit an AM (KCOH), which they have not been doing at all.**

**The FCC rules clearly state that this translator is made to feed an AM station, which is now not happening with this channel. Today, they're rebroadcasting ESPN from KNFC-FM1 97.5FM on its channel (K223CW). They are running their channel OMNI with 2 bay BKG77 Nicom antenna when they have a permit to use only a directional antenna. This channel is using the incorrect antennas, and also, they're not announcing their ID. They're only announcing KNFC-FM1 at the top of the hour, not K223CW.**

**I consider this channel to be a pirate, since it doesn't have a parent station. I am asking for a petition to deny from the FCC Chief. Thank you.**

**I declare under penalty of perjury that the foregoing is true and correct.**



**Elmer Garcia**

**Elmer Garcia**



**ATTACHMENT D**

Redacted Moody Complaint



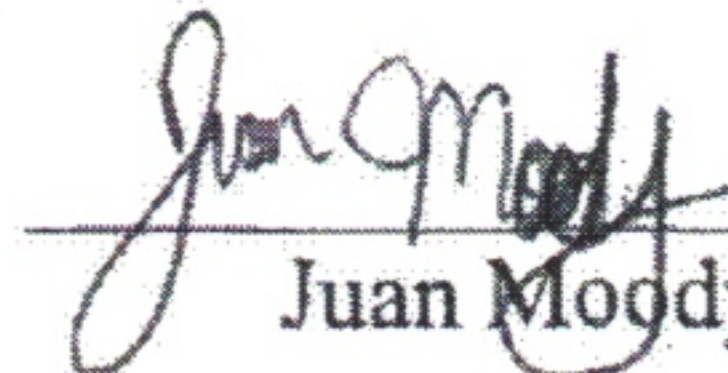
I Juan Moody hereby state as follows:

I live in Houston Texas. I have been following K287BQ also known as 105.3 FM for quite some time now and it drew my attention that how a station like 105.3FM could be heard around the city and covering as if it were a full service. I've been investigating radio and I noticed that this station doesn't have a parent station (HD or AM) you can hear this station in the outskirts of the metropolitan area again as if it were a full-service station. Through my investigations in the FCC website they are way out of their area of what they should legally be covering.

Below I have attached the pictures of the antennas they have been using in their tower in Wells Fargo Plaza which are the incorrect ones. I am requesting for a petition to deny. Several weeks ago K287BQ was transmitting K236AR, another translator, with 1460 AM. They're currently transmitting pop style genre of music and they continue to not have a parent station this has been a continuous pattern since late February early March. At the top of the hour they don't announce an HD and/or AM with their ID.

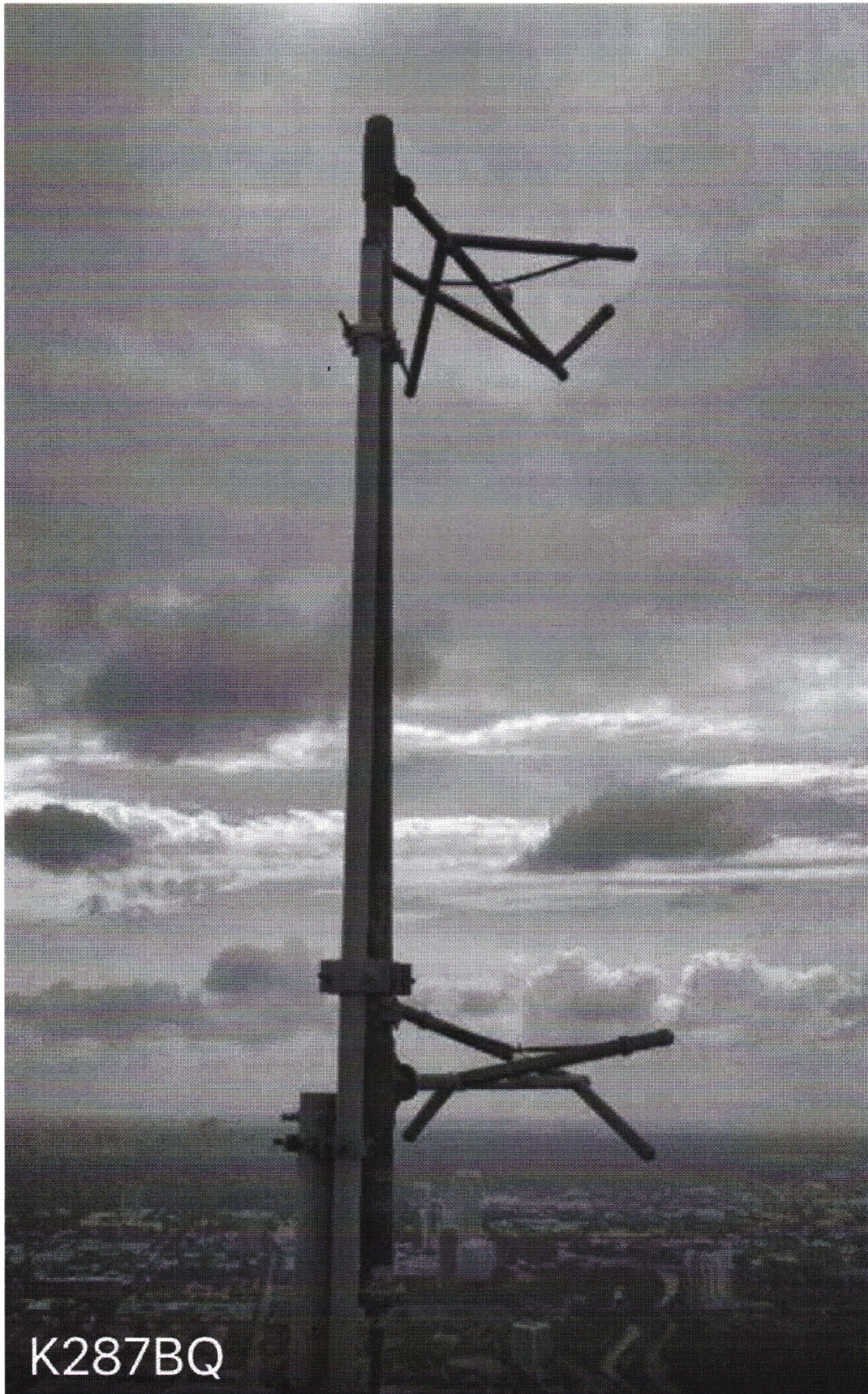
This brings to light that this station is illegally transmitting their broadcast. I ask the Chief of the FCC to look into this matter at their earliest convenience and grant my petition to dismiss this channel that is running in an incorrect manner. Also, this station is running alongside with KTWL 105.3FM that is in north Houston which they happen to be buying. Reading through the FCC website it states that they cannot transmit when it's the same company a full power station and translator.

This station has many violations since the time I've been following it. Thank you for your time I hope these issues can be addressed immediately.

  
\_\_\_\_\_  
Juan Moody

Juan Moody





K287BQ