

*Before the
Federal Communications Commission
Washington, DC 20554*

In re Application of

SDK FRANCO LLC

*For Minor Modification of License
Station K223CW, Houston, Texas*

Filed with: **Office of the Secretary**
Directed to: **Audio Division, Media Bureau**

)
) **LMS File No. 0000159318**
) **Facility No. 148239**
)
)
)

CONSOLIDATED RESPONSE

Centro Cristiano de Vida Eterna (“CCVE”), by its attorney, hereby submits its consolidated opposition and reply to the “Motion to Strike” and the “Opposition to Petition for Reconsideration” (“Opposition”) filed on November 16, 2021 by SDK Franco LLC (“SDK Franco”) in this proceeding. With respect thereto, the following is stated:

SDK Franco is the current licensee of Station K223CW. It was not assigned a new CP or license. It was assigned ownership of the existing K223CW license. As SDK Franco could have or should learned through the exercise of ordinary due diligence, that license was subject to a significant Condition – namely:

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 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.

Attachment 1 (emphasis added). Significant evidence has been presented to the FCC that the Condition has not yet been satisfied. Under even the *simplest* analysis it is clear that the Condition has not been

satisfied since as the record shows, insofar as by SDK Franco's own admission, when SDK Franco officially took over ownership of K223CW on April 17, 2020, it already was rebroadcasting Station KJOZ rather than Station KCOH, as seen in the license to cover filed by SDK Franco the next day, on April 20, 2020. LMS File No. 0000112788 (Attachment 2) at 6. Also by SDK Franco's own admission, the four-year Condition did not expire under "October 20, 2020." Opposition at 2. Therefore, even under SDK Franco's own interpretation of the Condition, SDK Franco voluntary "changed" (or stopped broadcasting) the required Primary Station of K223CW (*i.e.*, KCOH) *six months early* – six months prior to the even the normal expiration of the Condition.

However, in the end, whether that Condition has yet been satisfied at this point in time is a factual question that has been raised at the FCC that will have to be resolved by the FCC. For SDK Franco to try to do an "end run" around the issue by seeking final authority for the change in Primary Station in the course of a final grant of a construction permit was improper, and SDK Franco's overblown rhetoric to the contrary, there was nothing "frivolous" about raising this matter to the FCC. Cf. Motion to Strike at 3. SDK Franco has violated the Condition, it has been caught, and it is now desperately trying to deflect responsibility for failing to comply with the Condition.

The sole focus of the matter raised in this proceeding is the simple question of whether sufficient time has passed to allow the Primary Station to be rebroadcast by Station K223CW to be changed. Rather than focus exclusively on the matter at hand, SDK Franco has chosen to raise a series of ancillary matters, each of which will be dealt with to the extent necessary in this pleading.

First, the record is clear that K223CW in actuality did not rebroadcast KCOH since September 4, 2017. Section 74.1284 of the Commission's rules requires that the FCC be notified of the call letters of each station rebroadcast by an FM translator. That was done by email sent to the FCC by K223CW's former licensee (CCVE) on September 4, 2017. Attachment 3. The FCC further was notified by the former licensee (CCVE) that KCOH was not rebroadcast during the period following September 4, 2017 in the "Notification of Suspension of Operation" filed by CCVE on April 29, 2020. Attachment 4. The fact that K223CW has not rebroadcast KCOH was further reported by in an Informal Objection

filed Jose Zamora. Attachment 5. In contrast, despite all of this record information, SDK Franco still claims that it has “no knowledge of how the Station was operated between October 20, 2016 and April 17, 2020.” Opposition at 2.

SDK Franco states that it “should not be charged with any responsibility associated with any timeframe in which it was not the licensee of the Station.” Opposition at 2. In this respect, CCVE agrees with SDK Franco. However, as to the factual matter of whether the Condition has been complied with – the facts are the facts, and the Condition is the Condition – and four years of rebroadcast of Station KCOH did not in any manner occur, as required by the terms of the Commission’s directives embodied in *Revitalization of the AM Radio Service*, 30 FCC Rcd 12145 (2015) (“*AM Revitalization Order*”) or the terms binding upon SDK Franco is the permit and license assigned to it.

As to other ancillary matters, SDK Franco claims the “Notification of Suspension of Operations” was “fraudulently filed by CCVE’s counsel twelve days after consummation of the transaction.” Opposition at 6; Motion to Strike at 3-4. SDK Franco’s allegations are nonsense. As seen in Attachment 6, papers for the consummation of the transaction had not even yet been drawn up by counsel for SDK Franco by that time, and were not even first presented to counsel for CCVE until two days later, on May 1, 2020. Attachment 7. Once again, SDK Franco is making up facts. In actuality, it was SDK Franco that back-dated the consummation date of the transaction, based upon its own interpretation of Texas law.

SDK Franco also attempts to raise concerns with regard to Hector Guevara’s involvement with various LPFM stations, *i.e.*, Stations KJFI-LP (licensed to Iglesia Mundial de Oracion, Inc.) and KOHV-LP (licensed to Centro Cristiano Mundial Fe Y Amor) – licensees not even parties to this proceeding. Motion to Strike at 5-6. However, CCVE’s and Mr. Guevara’s “involvement” in those stations already has been scrutinized, and approved, by the

FCC. See Attachments 8-9. In both cases, evidence was presented that the parties were established ministries, lease available space from CCVE, and operate independently of CCVE. After due consideration, the FCC granted both parties' permits for their respective licenses. Attachment 10. Once again, SDK Franco has raised a frivolous matter. As to one other LPFM station (Station KCDE-LP) pertaining to Hector Guevara's estranged son, Daniel Guevara (Motion to Strike at 5 and Attachment B), what SDK Franco fails to disclose is Daniel Guevara's earlier contradictory statement to the FCC (from prior to his parent's divorce in which he sided with his mother), where he stated:

With regard to Centro de Fe Avivamineto Del Santo Espiritu Inc. (hereafter "CFASE"), CFASE has been in my heart for a very long time. I was born and raise in a Christian family, my father who is Mr. Hector Guevara, Senior Pastor and President of Centro Cristiano de Vida Etema (CCVE) has been involved in the works of God since can I remember, and is very passionate on their beliefs and on helping our community through their different organizations. This has taught me to also be passionate and to give myself, even at a very young age, a mission to work, to grow, to help and to love the Gospel of God and his mission towards our brothers and sisters.

CFASE has been an ongoing project for me from a very young age. Approximately six years ago we got together with a group of youth from my local Church and I shared with them my ideas and plans of CFASE and that's how at that time we started holding meetings in the same church where my father is the Senior Pastor. My Dad, Hector Guevara, has been in the Radio Ministry for approximately eighteen years. He first started leasing air time on different local stations. In the last number of years, he has become owner of KQVI-FM, Cedar Lake Texas; KNLY-FM New Waverly Texas; KQBI-FM Encinal Texas; KPAL-FM Palacios Texas. Those stations do not serve Houston or any portion of the area that will be served by CFASA's LPFM station.

Needless to say I also grow in the radio ministry. I am as passionate as my father and believe so much in media and broadcast to preach the Gospel, so much that in 2013, when the window for LPFM open I was not only quick to file for a LPFM station for CFASE, but also to get it incorporated as a nonprofit corporation in the State of Texas. Prior to this great opportunity we never had the need to do so that's why it was only incorporated in 2013. ...Since the transmitter site is nearby, my father will be letting me use studio space in his building, located at 8230 Antoine Dr., Houston, Texas, at no charge. This, I hope, will help the LPFM station survive.

Attachment 11.¹ Obviously, Daniel Guevara conveniently changed sides after the divorce, to assist SDK Franco in its ongoing battle with the FCC. Moreover, Daniel Guevara is a party to SDK Franco, as an owner. As a ongoing party to the licensee of KCDE-LP, he could not obtain an attributable interest in any other broadcast station. 47 C.F.R. § 73.860(a). The KCDE-LP license was voluntarily relinquished to the FCC by SDK Franco's former counsel once it was brought to the Commission's attention that because of Daniel Guevara's involvement with KCDE-LP, SDK Franco had *illegally obtained* ownership of Stations K223CW and K287BQ, and SDK Franco could not legally obtain ownership of Station KTWL(FM).² This further is relevant to Daniel Guevara's (and SDK Franco's) credibility with respect to this matter, and its lack of ability to comply with the FCC's rules in an honest and straightforward manner.

Finally, despite repeatedly arguing to the FCC that all consideration of the divorce matter should be disregarded,³ that matter is raised in this proceeding by SDK Franco itself in an utterly convoluted fashion. First, the recent judgment in a civil matter⁴ involving SDK Franco and CCVE dealt with a dispute over certain property, formerly owned by the Church, but transferred on behalf of Hector Guevara with the consent of the Church. This was at a time when Hector Guevara had recently stepped down from control of the Church. From this action, the Court determined there was an "alter ego"

¹ This Declaration was originally filed with the Commission as Attachment 3 to the "Consolidated Opposition to Informal Objections and Petitions to Deny," filed on behalf of Centro De Fe Avivamineto Del Santo Espiritu Inc. (former licensee of Station KCDE-LP) on January 19, 2017.

² CDBS File No. BALH-20200630AAI, "Reply to Opposition to Petition to Deny" filed on August 28, 2020. Attachment 12. Also pending at the FCC is evidence that it has engaged in intentional misrepresentations to the FCC concerning the antenna currently being used by SDK Franco in conjunction with Station K287BQ. Attachment 13. The Reply to Opposition also details a long list of false statements and questionable actions before the FCC on the part of SDK Franco.

³ See "Opposition to Petition to Deny," LMS File No. 0000142845, at 2 ("CCVE impermissively is seeking to drag the Commission into the divorce proceedings, even though such proceedings have no bearing at all on SDK's qualifications to serve as a Commission licensee...").

⁴ Case No. 2020-19224 in the District Court, 312 Judicial District, Harris County, Texas.

between the two parties for purposes of the award and responsibility for damages. Thus, even if literally final, the “Final Order of Enforcement” would have absolutely no effect on CCVE or its other stations.⁵

But the fact of the matter is that the “Final Order of Enforcement” is not final. It is on appeal. See Attachment 15. Under Commission policy, the Commission only will take cognizance of judgments that constitute final actions taken by an ultimate trier of fact.” *Character Qualifications Policy*, 7 FCC Rcd 6564, 6566 ¶¶ 9-10 (1992) (“pending litigation is presumptively not relevant to a broadcaster's character qualifications”). Therefore, SDK Franco’s attempt to attach undue significance to the Court’s order is grossly misplaced and inappropriate.

In short, important issues are being raised before the Commission. SDK Franco clearly is guilty of violations of numerous rules and policies of the FCC. SDK Franco’s blatant attempt to ascribe bad motivations to CCVE (*i.e.*, “CCVE’s pleadings are to engage in the legal equivalent of waterboarding”; “CCVE want to hurt SDK”; “the Petition is part of a harassment campaign being waged against SDK by CCVE,” etc.) are false and defamatory, and are presented without even a scintilla of evidence. It must be remembered that CCVE operates an FM translator station from the same transmitter site as SDK Franco’s stations. Due to that proximity, as well as its past involvement with the SDK Franco’s Stations, CCVE is singularly and intimately familiar with the SDK Franco stations and their ongoing violations. For that reason, SDK Franco’s mischaracterization of the purposes underlying the pleadings being filed by CCVE should be rejected in their entirety.

⁵ As even the “Final Order of Judgment” specifically states:

Nothing in this judgment is intended to invade the jurisdiction of the Federal Communications Commission to the extent administrative actions are pending with regard to the licensing of the radio stations conveyed in the divorce decree, the subject of this suit.

Final Order of Judgment, ¶ 9. Attachment 14.

WHEREFORE, it is respectfully requested that the “Petition for Reconsideration” filed by Centro Cristiano de Vida Eterna of the Commission’s grant is of construction permit issued to SDK Franco, Inc. be granted, and that the “Motion to Strike” filed by SDK Franco, Inc., be denied.

Respectfully submitted,

**CENTRO CRISTIANO DE VIDA
ETERNA**

By: _____/Dan J. Alpert/_____
Dan J. Alpert

*The Law Office of Dan J. Alpert
2120 21st Rd., N
Arlington, VA 22201
703-243-8690*

December 3, 2021

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that a true and correct copy of the forgoing is being sent by U.S. Mail to the following:

Mark Denbo, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Ave., N.W.
Washington, DC 20016

_____/Dan J. Alpert/_____
Dan J. Alpert

ATTACHMENT 1



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER STATION
CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

CENTRO CRISTIANO DE VIDA ETERNA
8230 ANTOINE DR.
HOUSTON TX 77088

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility Id: 148239

Call Sign: K223CW

Permit File Number: BMPFT-20160727ACD

Grant Date: September 06, 2016

The authority granted herein has no effect on the expiration date of the underlying construction permit.

This permit modifies permit no.: BNPFT-20130826ADD

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Name of Permittee: CENTRO CRISTIANO DE VIDA ETERNA

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 47 min 51 sec
 West Longitude: 95 deg 22 min 05 sec

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

Antenna type: (directional or non-directional): Directional

Major lobe directions 270
 (degrees true):

Horizontally	Vertically
Polarized	Polarized
Antenna:	Antenna:

Effective radiated power in the Horizontal Plane (kw):	0.01
Height of radiation center above ground (Meters):	152
Height of radiation center above mean sea level (Meters):	167

Antenna structure registration number: 1060608

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 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.
- 2 Prior to commencing program test operations, FM Translator or FM Booster permittee must have on file at the Commission, FCC Form 350, Application for an FM Translator or FM Booster Station License, pursuant to 47 C.F.R. Section 74.14.

Special operating conditions or restrictions:

- 3 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.

*** END OF AUTHORIZATION ***

ATTACHMENT 2



(REFERENCE COPY - Not for submission)

License To Cover for FM Translator Application

File Number: 0000112788 | Submit Date: 04/27/2020 | Lead Call Sign: K223CW | Facility ID: 148239 |

FRN: 0029490984

Service: FM Translator | Purpose: License To Cover | Status: Pending | Status Date: 05/04/2020 | Filing Status: Inactive

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	No

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	No
	Indicate reason for fee exemption:	
	Is the applicant exempt from FCC regulatory Fees?	No
Waivers	Does this filing request a waiver of the Commission's rule (s)?	No
	Total number of rule sections involved in this waiver request:	

Application Type	Call Sign	Facility ID	Fee Code	Fee Amount
License To Cover			MEF	\$170.00
			Total	

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
SDK Franco LLC Doing Business As: CENTRO CRISTIANO DE VIDA ETERNA	1420 HAWTHORNE ST #15 HOUSTON, TX 77006 United States	+1 (713) 545-2651	SARAGUEVARA44@YAHOO.COM	Company

Contact Representatives (1)

Contact Name	Address	Phone	Email	Contact Type
Francisco R. Montero FLETCHER, HEALD & HILDRETH, P.L.C.	1300 N. 17TH STREET Suite 1100 Arlington, VA 22209 United States	+1 (703) 812-0400	montero@fhhlaw.com	Legal Representative

Certifications

Section	Question	Response
Obligations	Licensee/Permittee certifies that all terms, conditions, and obligations set forth in the underlying construction permit have been fully met.	
	Licensee/Permittee certifies that, apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application to be now incorrect.	
Character Issues	<p>Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with:</p> <p>(a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or</p> <p>(b) any pending broadcast application in which character issues have been raised.</p>	Yes
Adverse Findings	Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
Program Service Certification	Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	
Local Public Notice	Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	
Equal Employment Opportunity (EEO)	If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report.	
Operational Compliance	Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary station being rebroadcast? See 47 C.F.R. Section 74.1232(d).	
	Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.	
Support Compliance	The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee /permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).	

Rebroadcast Certification	For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.	
Station Ready for Operation	Applicant certifies that station is now in satisfactory operating condition and ready for regular operation.	Yes
Programming	The applicant certifies that it is the licensee of the primary station or the applicant certifies that written authority has been obtained from the licensee of the primary station whose programming is to be retransmitted.	Yes
Eligibility Certifications	The applicant certifies that it is a:	
	If the applicant is submitting multiple applications, is this application the "priority" application? See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80, paras. 79-80 (2000).	
	The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.	
	The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.	
Community-Based Criteria	Applicants must certify that they are local to be eligible for LPFM authorizations. An applicant must select "yes" to at least one of the certifications below to be eligible for an LPFM license. The applicant certifies that: it is a nonprofit educational institution or organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	
	it is a nonprofit educational institution or organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	
	it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. See 47 C.F.R. Sections 73.853(c) and 73.7000.	
	it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.	

Ownership	The applicant certifies that: no party to this application has an attributable interest in any low power FM broadcast station	
	1. no party to this application has an attributable interest in any non-LPFM broadcast station, including any full power AM or FM station, FM translator station, full or low power television station, or any other media subject to the Commission's broadcast ownership restrictions	
	2. no party to this application has pending an application for a low power FM, full power AM or FM station, FM translator station, or full or low power television station;	
	the applicant is in compliance with the Commission's policies relating to media interests of immediate family members; and	
	the applicant is in compliance with the Commission's policies relating to investor insulation and the non-participation of non-party investors and creditors.	
Unlicensed Operation	The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.	
Financial	The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.	
Holding Period Certifications	Applicant certifies that this application does not propose a modification to an authorization that was awarded on the basis of a preference for fair distribution of service pursuant to 47 U.S.C. Section 307(b).	
	Applicant certifies that this application does not propose a modification to an authorized station that received a credit for superior technical parameters under the point system selection method in 47 C.F.R. Section 73.7003.	
Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b)	Applicant certifies that the proposed station will provide a first rural (reception) service.	
	Applicant certifies that: (a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000; (b) the facilities proposed in this Application will provide Tribal Coverage, as defined in 47 C.F.R. Section 73.7000, of Tribal Lands occupied by the applicant Tribe(s); (c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and (d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license	
	Applicant certifies that the proposed station will provide a first noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1mV/m) service contour and (b) to a minimum of 2,000 people.	
	Applicant certifies that the proposed station will provide a second noncommercial educational aural service, or an aggregated first and second noncommercial educational aural service, to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour and (b) to a minimum of 2,000 people.	

Channel and Facility Information

Auction Authorization	If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.	
Tribal Priority – Threshold Qualifications	Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window?	
Petition for Rulemaking /Counterproposal to Add New FM Channel to FM Table of Allotments	This application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. Section 73.202) to add a new FM channel allotment. The petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter- proponent will apply to participate in the auction of the channel allotment requested and specified in this application.	

Section	Question	Response
Program Test Authority	The application is operating pursuant to automatic program test authority	
	The applicant is requesting program test authority	
Proposed Community of License	State	
	City	
	Channel	223
	Frequency	92.5
Facility Type	Facility Type	Commercial
Station Class	Station Class	D

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	
	ASR Number	
Coordinates (NAD83)	Latitude	29° 45' 29.8" N+
	Longitude	095° 22' 07.7" W-
	Structure Type	
	Overall Structure Height	305 meters
	Support Structure Height	
	Ground Elevation (AMSL)	15 meters
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:302 meters Vertical:
	Height of Radiation Center Above Average Terrain	Horizontal: Vertical:
	Height of Radiation Center Above Mean Sea Level	Horizontal:317.0 meters Vertical:0 meters
	Effective Radiated Power	Horizontal:0.03 Vertical: null

Antenna
Technical Data

	Transmitter Power Output	.03 kW
Proposed Allotment or Assignment - Coordinates (NAD83)	Latitude	
	Longitude	

Section	Question	Response
Antenna Type	Antenna Type	Directional
Primary Station	Call Sign	KJOZ
	Facility ID	20625
	Frequency	880
	Channel	0
	Service Code	AM
	City	CONROE
	State	TX
Delivery Method	Delivery Method	Other
	If Other, Please specify:	Other
Transmitting Antenna	Manufacturer:	SCA
	Model	CL-FM
	Antenna Number of Sections:	
	Antenna Spacing Between Sections:	

Directional Antenna Relative Field Value

Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	1.0	90	0.01	180	0.04	270	0.01
10	0.95	100	0.01	190	0.04	280	0.01
20	0.82	110	0.01	200	0.04	290	0.02
30	0.645	120	0.015	210	0.038	300	0.085
40	0.47	130	0.025	220	0.034	310	0.25
50	0.25	140	0.034	230	0.025	320	0.47
60	0.085	150	0.038	240	0.015	330	0.645
70	0.02	160	0.04	250	0.01	340	0.82
80	0.01	170	0.04	260	0.01	350	0.95

Additional Azimuths

Degree	Value
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Technical
Certifications

Section	Question	Response
Environmental Effect	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	

Broadcast Facility	Does the proposed facility comply with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.203, 73.207, 73.213, 73.315, 73.509, 73.515, 73.525, and 73.1125?	
Contour Protection	Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215?	
Community of License Change - Section 307(b)	Is the application being submitted to change the facility's community of license? If 'Yes', an exhibit is required containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b))	
Proposal Compliance	Does the applicant certify that the proposal is for a fill-in translator or booster?	
	Does the applicant certify that the proposal complies with Sections 74.1204, 74.1205, 74.1232, 74.1234 and 74.1235?	
Interference	Does the applicant certify that the proposed facility complies with the engineering requirements of 47 CFR Section 73.807 (a) through (g), 73.825 and 73.827(a)?	
Transmitter Power Output	Does the operating transmitter power output produce the authorized effective radiated power?	Yes
Constructed Facility	The facility was constructed as authorized in the underlying construction permit or complies with 47 C.F.R. Section 74.1251?	Yes
Special Operating Conditions	Was the facility constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit?	Yes
Environmental	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	No
Reasonable Site Assurance	Applicant certifies that it has reasonable assurance in good faith that the site or proposed structure at the location of its transmitting antenna will be available to the applicant for the applicant's intended purpose.	
	If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.	
	Name of the person contacted	
	Phone number of the person contacted	
	Person contacted is	

Certification

Section	Question	Response
General Certification Statements	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	

	<p>The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002(c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.</p>	
Authorized Party to Sign	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND /OR FORFEITURE (U.S. Code, Title 47, §503).</p>	
	<p>I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.</p>	<p>Sara Guevara <i>Member</i></p> <p>04/27/2020</p>

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
KJJG-LP Informal Objection to BPFT-20170407AAY K223CW (4).pdf	Internal	All Purpose		Done with Virus Scan and/or Conversion

ATTACHMENT 3

From: [Dan J. Alpert](#)
To: ["Robert Gates"](#)
Bcc: [Hector Guevara](#); ["Ruben Villarreal"](#)
Subject: K223CW
Date: Monday, September 4, 2017 11:53:00 PM

Rob:

Can you please update the Commission's records to reflect that Station K223CW is now rebroadcasting Station KJOZ(AM), Facility No. 20625, Conroe, Texas.

An e-mail message from:
Dan J. Alpert
The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

703-243-8690 (business)
703-539-5418 (fax)

(Please note: This is a message sent by an attorney. It is confidential. It may contain privileged attorney-client communication or work product intended only for the individual or entity named within the message. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, any review, dissemination, distribution, or copying of this message is prohibited. If this email message was received in error, it would be appreciated if you would notify me by reply e-mail and delete the original message from your system. Thank you for your cooperation.)

ATTACHMENT 4

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Notification of Suspension of Operations Read Instructions/FAQ before filling out form		FOR COMMISSION USE ONLY FILE NO.

Section I - General Information

1.	Legal Name of the Applicant CENTRO CRISTIANO DE VIDA ETERNA		
	Mailing Address 8230 ANTOINE DR.		
	City HOUSTON	State or Country (if foreign address) TX	Zip Code 77088 -
	Telephone Number (include area code) 7138758728		E-Mail Address (if available) APOSTOLGUEVARA@GMAIL.COM
	Call Sign K223CW	Facility ID Number 148239	
2.	Contact Representative (if other than licensee/permittee) DAN J. ALPERT		Firm or Company Name THE LAW OFFICE OF DAN J. ALPERT
	Mailing Address 2120 N. 21ST RD.		
	City ARLINGTON	State or Country (if foreign address) VA	ZIP Code 22201 -
	Telephone Number (include area code) 7032438690		E-Mail Address (if available) DJA@COMMLAW.TV
3.	Purpose: <input checked="" type="radio"/> Notification of Suspension of Operations <input type="radio"/> Notification of Suspension of Operations and Request for Silent STA <input type="checkbox"/> Request for Silent STA <input type="checkbox"/> Request to Extend STA <input type="checkbox"/> Resumption of Operations		
4.	Community of License: City: HOUSTON State: TX		
5.	Reason for going silent: <input type="checkbox"/> Technical <input type="checkbox"/> Financing <input type="checkbox"/> Staffing <input type="checkbox"/> Program Source <input checked="" type="radio"/> Other		
6.	Please provide a justification for the request		[Exhibit 4]
7.	Date Station will go silent: 02/01/2020 (mm/dd/yyyy)		
8.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.		<input checked="" type="radio"/> Yes <input type="checkbox"/> No

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
---	--

MARTIN GUEVARA	PRESIDENT
Signature	Date (mm/dd/yyyy) 04/29/2020

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 4

Description: SILENT NOTIFICATION NARRATIVE

PURSUANT TO 'MEDIATED SETTLEMENT AGREEMENT FOR TEMPORARY ORDERS' DATED DECEMBER 11, 2019, AND 'AGREED FINAL DECREE OF DIVORCE' DATED JANUARY 29, 2020, IT WAS AGREED BETWEEN SARA FRANCO (NEE GUEVARA) AND HECTOR GUEVARA THAT FOLLOWING RECEIPT OF FCC CONSENT SARA FRANCO WOULD OBTAIN OWNERSHIP OF STATIONS K287BQ, K223CW, AND K218EJ, CURRENTLY LICENSED TO CENTRO CRISTIANO DE VIDA ETERNA.

AN APPLICATION (FCC FORM 345) WAS FILED WITH THE FCC ON JANUARY 8, 2020, FOR ASSIGNMENT OF THE LICENSES FOR K287BQ AND K223CW FROM CENTRO CRISTIANO DE VIDA ETERNA AND SDK FRANCO LLC. FILE NO. BALFT-20200108AAX. THE APPLICATION WAS GRANTED ON APRIL 17, 2020.

HOWEVER, 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.

SPECIFICALLY, IN THIS CASE, PURSUANT TO THE RESTRICTIONS OF 'REVITALIZATION OF THE AM RADIO SERVICE,' 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), K223CW MAY NOT CHANGE THE PRIMARY STATION BEING REBROADCAST, NOR MAY K223CW REBROADCAST ANOTHER STATION WHEN KJOZ IS SILENT. HOWEVER, ON FEBRUARY 1, 2020, FRANCO UNILATERALLY CHANGED THE PROGRAMMING OF K223CW, AND AS A RESULT, K223CW HAS NOT REBROADCAST KJOZ SINCE FEBRUARY 1, 2020. SINCE FEBRUARY 1, 2020, CONTINUES TO ASSERT CONTROL OVER K223CW, AND FRANCO IS ENGAGING AT THIS TIME IN WHAT IS BELIEVED TO BE ORIGINATION OF ORIGINAL PROGRAMMING ON K223CW.

THEREFORE, EVEN THOUGH THE STATION WAS TAKEN SILENT ON APRIL 25, 2020, THE LAST DATE K223CW OPERATED WITH LEGAL FACILITIES WAS FEBRUARY 1, 2020 (THE DATE K223CW CEASED REBROADCASTING KJOZ(AM)), AND WHICH IS THE DATE REPORTED IN THIS APPLICATION.

Attachment 4

ATTACHMENT 5

Before the
Federal Communications Commission
Washington, DC 20554

SDK FRANCO LLC

)
) **File No. 0000112788**
) **Facility No. 148239**

For License to Cover Construction Permit for K223CW

Filed with: **Office of the Secretary**
Directed to: **Audio Division, Media Bureau**

INFORMAL OBJECTION

Jose Zamora hereby files this Informal Objection against this Station and this application for license for construction permit.

I am a resident of the Houston area. This station has been operating illegally for quite some time. According to the history of this station, this station originally was licensed to George West, Texas. Its 2016, in construction permit file number BMPFT-20160912ADA, it was allowed to change locations as long as it would rebroadcast KCOH(AM) for four years. "Period of silence shall not count toward fulfillment of this requirement." Attachment A.

As far as I have seen, this station has never complied with this requirement.

From September 2017 to February 2020, Station K223CW rebroadcast Station KJOZ(AM). I personally monitored the station on a periodic basis during that time. The station on the FM translator clearly identified itself as "KJOZ." The fact that KJOZ(AM) was broadcast previously is consistent with the filing made by the former licensee, where the former licensee said that station was required to rebroadcast KJOZ(AM). Attachment 2. It also should be noted that in the CP that the current licensee is trying to get granted, the current licensee ADMITS that a station other than KHOU is being broadcast, and claims that "KJOZ" is being rebroadcast, which is the WRONG PROGRAMMING.

From February 1, 2020, I believe Station K223CW originated programming. The type of programming it was broadcasting was RB music original programming, with no call sign from any primary station, local or otherwise. What I heard in the way of origination of programming is consistent with what the former licensee accused the current licensee of in Attachment 2.

It also should be noted that in the current license application where SDK Franco claims that KJOZ is being rebroadcast, that also is a lie. I have listened to the FM translator as recently as last week. The station being rebroadcast identified itself as KFNC, a station owned by Gow Communications in Mont Belview, Texas. That is the call letters it uses on the FM translator. I

also confirmed that is the station being rebroadcast by listening to both stations, and confirming that the programming is identical. It also should be noted that K223CW is licensed as a fill-in translator. Even if the restriction existing on the FM translator for primary station did not exist, KFNC would not qualify as a "fill-in" since the translator is outside the FM translator's 60 dBu contour. See the REC maps in Attachment 3.

Since the pending application specifies an improper Primary Station and is operating at an improper power with that primary station, the license to cover should be denied.

This information is this is made under penalty of perjury.

Respectfully submitted,

Jose Zamora

13310 Indianapolis St.
Houston, TX 77015
832-264-0250

December 18, 2020

This is being served on:

Francisco T. Montero
Fletcher Heald & Hildreth PLLC
1300 N 17th St.
Suite 1100
Arlington, VA 22209

A handwritten signature in black ink, appearing to read 'Jose Zamora', written over a light blue grid background.

Barry Friedman
Thompson Hine
1919 M St., NW
Suite 700
Washington, DC 20036

Gow Media
Suite 415
53535 West Alabama
Houston, TX 77056

Attachment A



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER STATION
CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

CENTRO CRISTIANO DE VIDA ETERNA
8230 ANTOINE DR.
HOUSTON TX 77088

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility Id: 148239

Call Sign: K223CW

Permit File Number: BMPFT-20160727ACD

Grant Date: September 06, 2016

The authority granted herein has no effect on the expiration date of the underlying construction permit.

This permit modifies permit no.: BNPFT-20130826ADD

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Name of Permittee: CENTRO CRISTIANO DE VIDA ETERNA

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 47 min 51 sec
 West Longitude: 95 deg 22 min 05 sec

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

Antenna type: (directional or non-directional): Directional

Major lobe directions 270
 (degrees true):

Horizontally	Vertically
Polarized	Polarized
Antenna:	Antenna:

Effective radiated power in the Horizontal Plane (kw):	0.01
Height of radiation center above ground (Meters):	152
Height of radiation center above mean sea level (Meters):	167

Antenna structure registration number: 1060608

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 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.
- 2 Prior to commencing program test operations, FM Translator or FM Booster permittee must have on file at the Commission, FCC Form 350, Application for an FM Translator or FM Booster Station License, pursuant to 47 C.F.R. Section 74.14.

Special operating conditions or restrictions:

- 3 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.

*** END OF AUTHORIZATION ***

Attachment 2

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Notification of Suspension of Operations Read Instructions/FAQ before filling out form		FOR COMMISSION USE ONLY FILE NO.

Section I - General Information

1.	Legal Name of the Applicant CENTRO CRISTIANO DE VIDA ETERNA		
	Mailing Address 8230 ANTOINE DR.		
	City HOUSTON	State or Country (if foreign address) TX	Zip Code 77088 -
	Telephone Number (include area code) 7138758728		E-Mail Address (if available) APOSTOLGUEVARA@GMAIL.COM
	Call Sign K223CW	Facility ID Number 148239	
2.	Contact Representative (if other than licensee/permittee) DAN J. ALPERT		Firm or Company Name THE LAW OFFICE OF DAN J. ALPERT
	Mailing Address 2120 N. 21ST RD.		
	City ARLINGTON	State or Country (if foreign address) VA	ZIP Code 22201 -
	Telephone Number (include area code) 7032438690		E-Mail Address (if available) DJA@COMMLAW.TV
3.	Purpose: <input checked="" type="radio"/> Notification of Suspension of Operations <input type="radio"/> Notification of Suspension of Operations and Request for Silent STA <input type="checkbox"/> Request for Silent STA <input type="checkbox"/> Request to Extend STA <input type="checkbox"/> Resumption of Operations		
4.	Community of License: City: HOUSTON State: TX		
5.	Reason for going silent: <input type="checkbox"/> Technical <input type="checkbox"/> Financing <input type="checkbox"/> Staffing <input type="checkbox"/> Program Source <input checked="" type="radio"/> Other		
6.	Please provide a justification for the request	[Exhibit 4]	
7.	Date Station will go silent: 02/01/2020 (mm/dd/yyyy)		
8.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.		<input checked="" type="radio"/> Yes <input type="checkbox"/> No

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
---	--

MARTIN GUEVARA	PRESIDENT
Signature	Date (mm/dd/yyyy) 04/29/2020

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 4

Description: SILENT NOTIFICATION NARRATIVE

PURSUANT TO 'MEDIATED SETTLEMENT AGREEMENT FOR TEMPORARY ORDERS' DATED DECEMBER 11, 2019, AND 'AGREED FINAL DECREE OF DIVORCE' DATED JANUARY 29, 2020, IT WAS AGREED BETWEEN SARA FRANCO (NEE GUEVARA) AND HECTOR GUEVARA THAT FOLLOWING RECEIPT OF FCC CONSENT SARA FRANCO WOULD OBTAIN OWNERSHIP OF STATIONS K287BQ, K223CW, AND K218EJ, CURRENTLY LICENSED TO CENTRO CRISTIANO DE VIDA ETERNA.

AN APPLICATION (FCC FORM 345) WAS FILED WITH THE FCC ON JANUARY 8, 2020, FOR ASSIGNMENT OF THE LICENSES FOR K287BQ AND K223CW FROM CENTRO CRISTIANO DE VIDA ETERNA AND SDK FRANCO LLC. FILE NO. BALFT-20200108AAX. THE APPLICATION WAS GRANTED ON APRIL 17, 2020.

HOWEVER, 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.

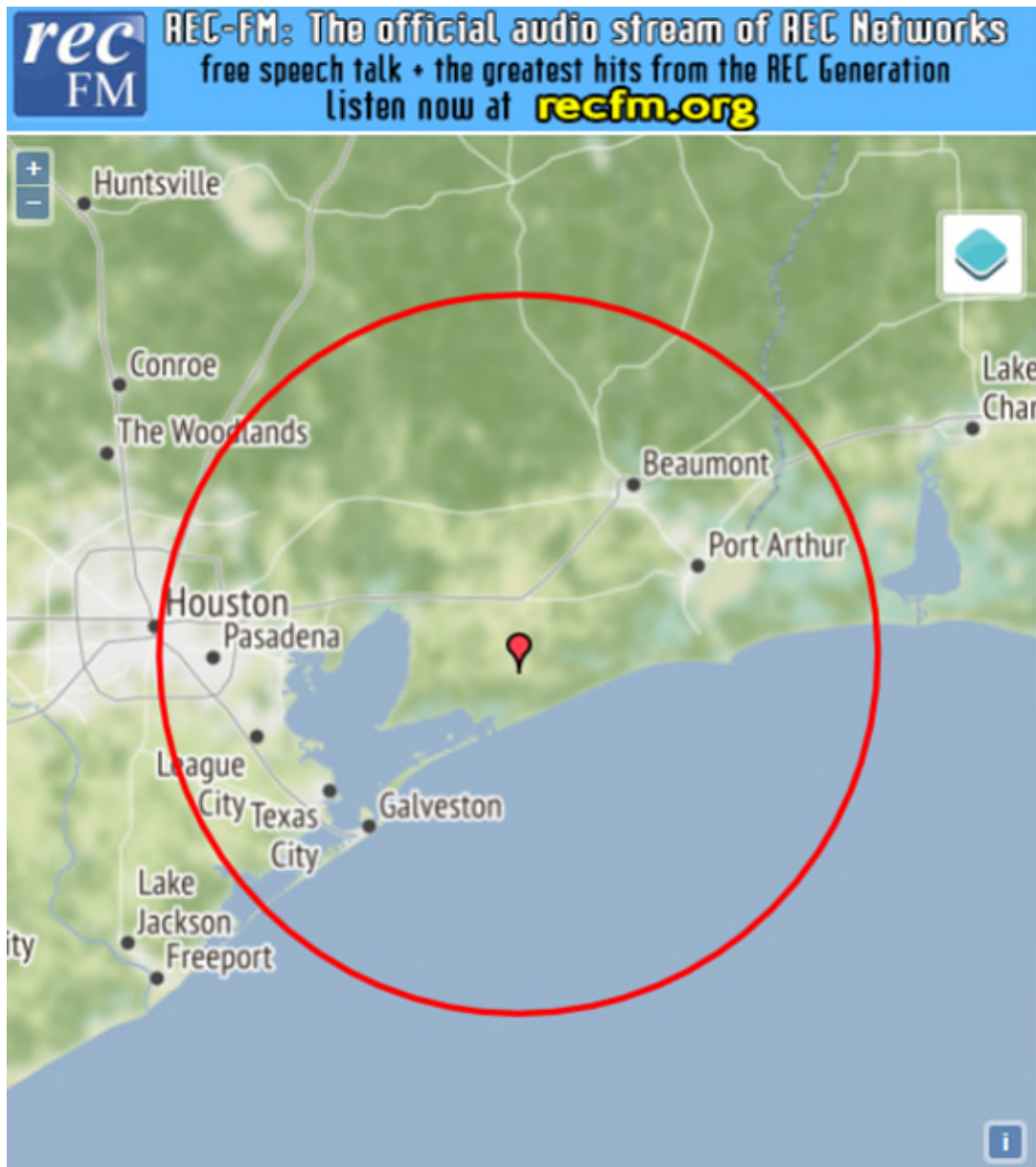
SPECIFICALLY, IN THIS CASE, PURSUANT TO THE RESTRICTIONS OF 'REVITALIZATION OF THE AM RADIO SERVICE,' STATION K223CW IS REQUIRED UNDER ITS LICENSE TO REBROADCAST KJOZ(AM). FROM THE GRANT OF THE CONSTRUCTION PERMIT FOR K223CW AND CONTINUING UNTIL K223CW HAS ACHIEVED FOUR YEARS OF ON-AIR OPERATIONS REBROADCASTING KJOZ(AM), K223CW MAY NOT CHANGE THE PRIMARY STATION BEING REBROADCAST, NOR MAY K223CW REBROADCAST ANOTHER STATION WHEN KJOZ IS SILENT. HOWEVER, ON FEBRUARY 1, 2020, FRANCO UNILATERALLY CHANGED THE PROGRAMMING OF K223CW, AND AS A RESULT, K223CW HAS NOT REBROADCAST KJOZ SINCE FEBRUARY 1, 2020. SINCE FEBRUARY 1, 2020, CONTINUES TO ASSERT CONTROL OVER K223CW, AND FRANCO IS ENGAGING AT THIS TIME IN WHAT IS BELIEVED TO BE ORIGINATION OF ORIGINAL PROGRAMMING ON K223CW.

THEREFORE, EVEN THOUGH THE STATION WAS TAKEN SILENT ON APRIL 25, 2020, THE LAST DATE K223CW OPERATED WITH LEGAL FACILITIES WAS FEBRUARY 1, 2020 (THE DATE K223CW CEASED REBROADCASTING KJOZ(AM)), AND WHICH IS THE DATE REPORTED IN THIS APPLICATION.

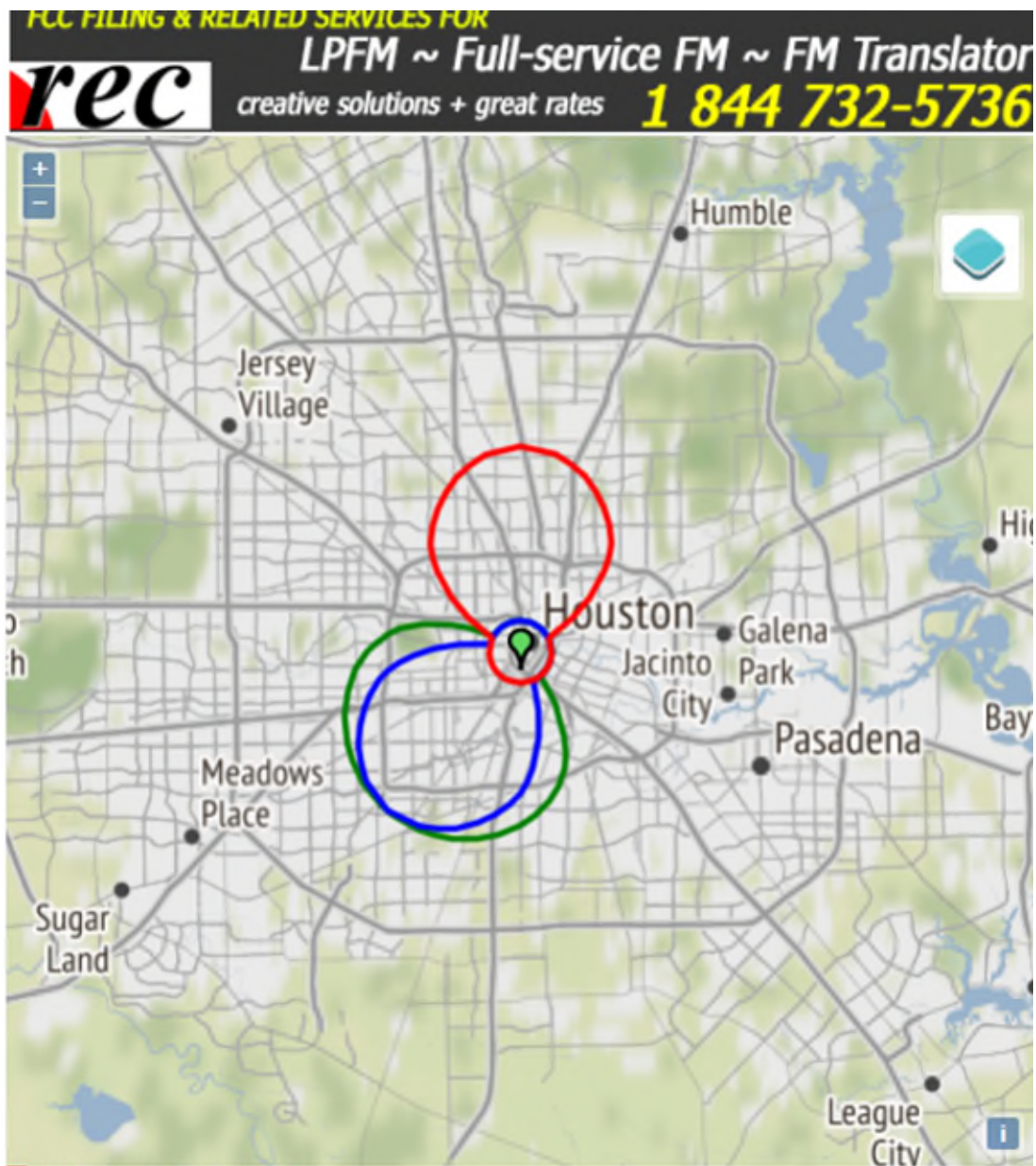
Attachment 4

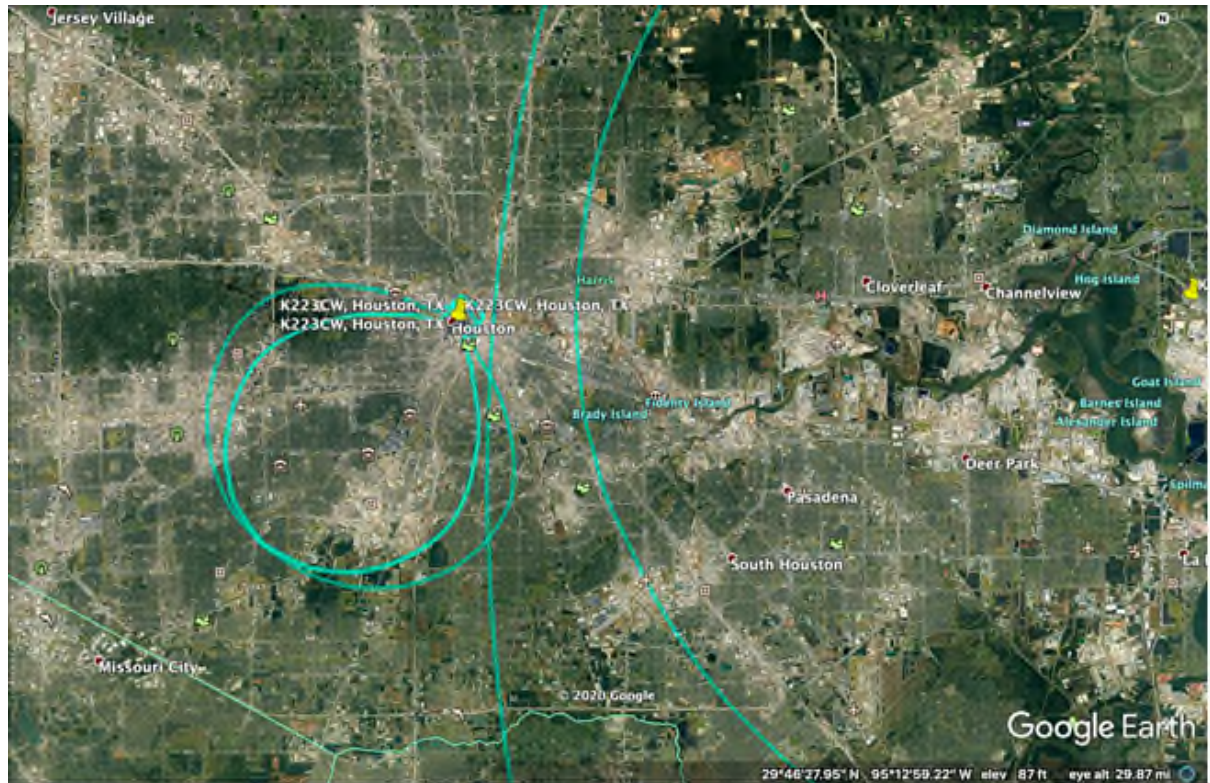
Attachment 3

KFNC



K223CW





ATTACHMENT 6

From: [Elizabeth Craig](#)
To: [Dan J. Alpert](#); [Francisco Montero](#)
Cc: shawn@houstondivorcesource.com; "[Samantha Cristina Rudisel](#)"
Subject: Closing Documents
Date: Thursday, April 30, 2020 7:23:30 PM
Attachments: [image006.png](#)
[image007.png](#)
[image009.png](#)
[image010.png](#)

Hi Dan,

I apologize for any delay. I should have the drafts of the closing documents to you tomorrow.

Thank you,

Betsy Craig



Elizabeth E. Craig, Esq.
1300 N. 17th Street, Suite 1100 | Arlington, VA 22209
Tel: 703.812.0424 | Fax: 703.812.0486
✉ craig@fhhlaw.com | www.fhhlaw.com | www.commlawblog.com

From: Dan J. Alpert [mailto:dja@commlaw.tv]
Sent: Thursday, April 30, 2020 6:25 PM
To: Francisco Montero <montero@fhhlaw.com>
Cc: shawn@houstondivorcesource.com; 'Samantha Cristina Rudisel' <service@houstondivorcesource.com>; Elizabeth Craig <craig@fhhlaw.com>
Subject: RE: K218EJ

Frank:

Thank you. Will do.

Where are we on the draft of the closing documents for K287BQ and K223CW that you also owe me?

Dan

From: Francisco Montero [mailto:montero@fhhlaw.com]
Sent: Thursday, April 30, 2020 6:09 PM
To: Dan J. Alpert <dja@commlaw.tv>
Cc: shawn@houstondivorcesource.com; Samantha Cristina Rudisel

<service@houstondivorcesource.com>; Elizabeth Craig <craig@fhhlaw.com>

Subject: RE: K218EJ

Dan:

Attached is the document you requested. Please proceed to file the K218EJ assignment application as soon as possible.

Frank

Francisco R. Montero
Partner
Fletcher, Heald & Hildreth
1300 N. 17th Street, Suite 1100
Arlington, VA 22209

Tel: [703.812.0480](tel:703.812.0480) | Mobile: [202.841.6358](tel:202.841.6358)
montero@fhhlaw.com
[Linkedin](#) | [Twitter @fmontero0208](#)
www.fhhlaw.com | www.commlawblog.com

----- Original message -----

From: "Dan J. Alpert" <dja@commlaw.tv>
Date: 4/30/20 12:17 PM (GMT-05:00)
To: Francisco Montero <montero@fhhlaw.com>
Subject: RE: K218EJ

I agree. That's why I'm asking for the document I need.

Hopefully you can get that to me shortly, along with the closing documents shortly.

From: Francisco Montero [<mailto:montero@fhhlaw.com>]

Sent: Thursday, April 30, 2020 12:12 PM

To: Shawn Rudisel <shawn@houstondivorcesource.com>; Dan J. Alpert <dja@commlaw.tv>

Cc: Samantha Cristina Rudisel <service@houstondivorcesource.com>; Elizabeth Craig <craig@fhhlaw.com>

Subject: RE: K218EJ

Dan:

The divorce order which permitted Sara Guevara to assign her rights to SDK Franco, LLC and

which was ***filed and granted*** by the FCC is the same authorization Sara Guevara has to assign her rights to the non-profit assignee of K218EJ. I again instruct you to stop delaying and file the application.

Frank

Francisco R. Montero
Partner
Fletcher, Heald & Hildreth
1300 N. 17th Street, Suite 1100
Arlington, VA 22209

Tel: [703.812.0480](tel:703.812.0480) | Mobile: [202.841.6358](tel:202.841.6358)
montero@fhhlaw.com
[Linkedin](#) | [Twitter @fmontero0208](#)
www.fhhlaw.com | www.commlawblog.com

----- Original message -----

From: Shawn Rudisel <shawn@houstondivorcesource.com>
Date: 4/30/20 11:58 AM (GMT-05:00)
To: "Dan J. Alpert" <dja@commlaw.tv>, Francisco Montero <montero@fhhlaw.com>
Cc: Samantha Cristina Rudisel <service@houstondivorcesource.com>
Subject: Re: K218EJ

Dan:

Sara Guevara was awarded, in part, three stations "as her sole and separate property, and Respondent, Hector Guevara" was "divested of all right, title, interest, and claim in and to" those stations as evidenced on page 4 of the attached *Agreed Final Decree of Divorce* signed January 29, 2020. Her ownership interest is further supported by the *Muniment of Title* language on page 9 of the decree which serves as evidence of title "to transfer ownership of all property" awarded to Sara Guevara. In short, Sara Guevara has the authority to assign her rights to receive the station to a non-profit of her choosing.

Very truly yours,

A handwritten signature in dark ink, appearing to be 'Shawn M. Rudisel', with a stylized, flowing script.

Shawn M. Rudisel



THE
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From: "Dan J. Alpert" <dja@commlaw.tv>

Date: Wednesday, April 29, 2020 at 5:39 PM

To: 'Francisco Montero' <montero@fhhlaw.com>

Cc: <shawn@houstondivorcesource.com>, 'Elizabeth Craig' <craig@fhhlaw.com>

Subject: RE: K218EJ

Frank:

I think our emails just crossed.

No, I haven't. Just sitting tight waiting for the doc I asked for. Is there something you need to change?

An e-mail message from:
Dan J. Alpert
The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

703-243-8690 (business)
703-539-5418 (fax)

(Please note: This is a message sent by an attorney. It is confidential. It may contain privileged attorney-client communication or work product intended only for the individual or entity named within the message. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, any review, dissemination, distribution, or copying of this message is prohibited. If this email message was received in error, it would be appreciated if you would notify me by reply e-mail and delete the original message from your system. Thank you for your cooperation.)

From: Francisco Montero [<mailto:montero@fhhlaw.com>]
Sent: Wednesday, April 29, 2020 6:32 PM
To: Dan J. Alpert <dja@commlaw.tv>
Cc: shawn@houstondivorcesource.com; Elizabeth Craig <craig@fhhlaw.com>
Subject: RE: K218EJ

Dan:

Have you filed the K218EJ assignment application?

Frank



Francisco R. Montero
Partner
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street, Suite 1100 | Arlington, VA 22209
Tel: 703.812.0480 | Fax: 703.812.0486 | Mobile: 202.841.6358
montero@fhhlaw.com

[LinkedIn](#) | [Twitter @fmontero0208](#)
www.fhhlaw.com | www.commlawblog.com



From: Dan J. Alpert [<mailto:dja@commlaw.tv>]
Sent: Wednesday, April 29, 2020 10:44 AM
To: Francisco Montero <montero@fhhlaw.com>
Cc: shawn@houstondivorcesource.com
Subject: K218EJ

Frank:

As seen by the attached, the FCC account problem has been fixed. Apparently someone, without permission, went into Centro's account for this transaction, (i) changed the "licensee" name to "SDK Franco LLC" and provided its address; (ii) changed the name of the "Contact Representative" to your name and address and phone number; and (iii) changed the password for Centro's account.

That all has now been fixed. Fortunately, I now have access to the account.

Also fortunately, I seen that the "Assignee" portion of the application already has been updated; the assignee name has been inputted to read "Hope Franco Organization Incorporation"; and the application has been signed and dated yesterday. I presume all this was done by your office. I note that the Facility ID for the Primary Station (KJIC) is not correct. With your permission, I will update this to "12972" (the facility id for KJIC) and get the application on file.

The only thing that puzzles me is why you bothered to send me an email at about 2:30 yesterday afternoon "to start a new FCC application for K218EJ" when your office evidently already had the application, and even completed preparation of the application prior to the time you sent your email.

An e-mail message from:
Dan J. Alpert
The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

703-243-8690 (business)
703-539-5418 (fax)

(Please note: This is a message sent by an attorney. It is confidential. It may contain privileged attorney-client communication or work product intended only for the individual or entity named within the message. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, any review, dissemination, distribution, or copying of this message is prohibited. If this email message was received in error, it would be appreciated if you would notify me by reply e-mail and delete the original message from your system. Thank you for your cooperation.)

ATTACHMENT 7


From: [Elizabeth Craig](#)
To: [Dan J. Alpert](#)
Cc: [Francisco Montero](#)
Subject: Closing Documents -- K287BQ & K223CW
Date: Friday, May 1, 2020 11:22:45 AM
Attachments: [image001.png](#)
[Franco LLC - Assignment of FCC Licenses \(01423426xB3D1E\).doc](#)
[Franco LLC - Bill of Sale \(01423424xB3D1E\).doc](#)
[Franco LLC - Assignment of Contracts \(01423425xB3D1E\).doc](#)

Good morning Dan,

Attached are the closing documents for K287BQ and K223CW.

Sincerely,
Betsy



Elizabeth E. Craig, Esq.
1300 N. 17th Street, Suite 1100 | Arlington, VA 22209
Tel: 703.812.0424 | Fax: 703.812.0486
 craig@fhhlaw.com | www.fhhlaw.com | www.commlawblog.com

ASSIGNMENT OF CONTRACTS

THIS ASSIGNMENT OF CONTRACTS (this “Assignment of Contracts”), is made as of April 24, 2020, by Centro Cristiano de Vida Eterna, a Texas corporation (“Assignor”), and SDK Franco, LLC, a Texas limited liability company (“Assignee”).

WHEREAS, this Assignment is made to assign all contracts used or useful in connection with FM Translators K287BQ (FCC Facility ID No. 148244) and K223CW (FCC Facility ID No. 148239) (the “Stations”); and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Assignor does hereby assign to Assignee any and all rights and interests of Assignor in connection with contracts used or useful in relation to the operation of the Stations.

[SIGNATURE PAGE FOLLOWS]

SIGNATURE PAGE TO ASSIGNMENT OF CONTRACTS

IN WITNESS WHEREOF, Assignor has duly executed this Assignment of Contracts as of the date first set forth above.

Centro Cristiano de Vida Eterna
By: Hector Guevara
Title: President

BILL OF SALE

THIS BILL OF SALE, is made as of April 24, 2020, by Centro Cristiano de Vida Eterna, a Texas corporation (“Centro”), in favor of SDK Franco, LLC, a Texas limited liability company (“SDK”).

WHEREAS, Centro desires to convey all of the assets and tangible personal property (“Tangible Personal Property”) used or useful in the operation of FM Translators K287BQ (FCC Facility ID No. 148244) and K223CW (FCC Facility ID No. 148239) (the “Stations”);

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Centro hereby sells, transfers, conveys, assigns and delivers unto SDK all of Centro’s right, title and interest in and to the Tangible Personal Property used or useful in connection with the Stations.

To have and to hold the same unto SDK, its successors and assigns forever.

[SIGNATURE PAGE FOLLOWS]

SIGNATURE PAGE TO BILL OF SALE

IN WITNESS WHEREOF, Centro Cristiano de Vida Eterna has duly executed this Bill of Sale as of the date first set forth above.

Centro Cristiano de Vida Eterna

By: Hector Guevara

Title: President

ASSIGNMENT OF FCC LICENSES

THIS ASSIGNMENT OF FCC LICENSES (this “Assignment”), is made as of April 24, 2020, by Centro Cristiano de Vida Eterna, a Texas corporation (“Assignor”), in favor of SDK Franco, LLC a Texas limited liability company (“Assignee”).

WHEREAS, this Assignment is made to assign all Federal Communications Commission (“FCC”) licenses in connection with FM Translators K287BQ (FCC Facility ID No. 148244) and K223CW (FCC Facility ID No. 148239) (the “Stations”); and

WHEREAS, the FCC has authorized the assignment of the FCC Licenses from Assignor to Assignee.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby assign to Assignee the FCC Licenses and all rights and interests of Assignor thereunder (including without limitation all rights in and to the Stations’ call letters), together with any permits, special temporary authorizations, applications, renewals and extensions thereof.

[SIGNATURE PAGE FOLLOWS]

SIGNATURE PAGE TO ASSIGNMENT OF FCC LICENSES

IN WITNESS WHEREOF, Assignor has duly executed this Assignment as of the date first set forth above.

Centro Cristiano de Vida Eterna
By: Hector Guevara
Title: President

ATTACHMENT 8



Federal Communications Commission
Washington, D.C. 20554

October 5, 2017

In Reply Refer to:
1800B3-ATS

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dan J. Alpert, Esq.
Law Office of Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22201

In re: Centro Cristiano Mundial Fe y Amor Inc.
New LPFM, Houston, TX
Facility ID No. 193943
File No. BNPL-20131112ATY

Letter of Inquiry – Response Required

Dear Counsel:

We have before us the referenced application (Application) filed by Centro Cristiano Mundial Fe y Amor Inc. (Centro Cristiano). Also before us are the informal objections filed by REC Networks (REC) and William Marsh Rice University (WMRU) against the Application (REC Objection and WMRU Objection, respectively), and related pleadings.¹ In order properly to evaluate and process the Application, we require further information, as set forth below.

The Media Bureau (Bureau) is investigating potential statutory and rule violations and related instances of potential misrepresentation and/or lack of candor in connection with the Application. Specifically, the Bureau is investigating (a) the authenticity of Centro Cristiano and the parties to the Application, (b) the validity of information provided in and certifications made in the Application, and (c) compliance with the ownership and application limits that apply to LPFM applicants.² We direct Centro Cristiano, pursuant to sections 4(i), 4(j), 308(b) and 403 of the Communications Act of 1934, as amended (Act), 47 U.S.C. §§ 154(i), 154(j), 308(b), and 403, to provide responses to the following inquiries, within thirty (30) calendar days from the date of this letter. Centro Cristiano may supplement its responses with additional relevant information pursuant to Sections 1.17 and 1.88 of the FCC's rules (Rules).³ Accordingly, Centro Cristiano is directed to submit, within thirty (30) days of the date of this letter, truthful and complete responses to the following inquiries, with a copy served on each person or entity listed as receiving a copy of this letter. We will dismiss the Application pursuant to Section 73.3568 of the Rules,⁴ unless we receive the following documents within 30 calendar days of the date of this letter.

Unless otherwise indicated, the period of time covered by these inquiries is November 1, 2013, to the present.

¹ REC filed the REC Objection on December 2, 2013, a supplement to the REC Objection on January 12, 2015, and a second supplement on October 3, 2016. WMRU filed the WMRU Objection on January 6, 2014, a pleading styled "Preliminary Reply" on March 12, 2014, and a pleading styled "Second Preliminary Reply" on June 12, 2014. Centro Cristiano filed an Opposition on September 14, 2016.

² See 47 CFR §§ 73.855 and 73.860.

³ 47 CFR §§ 1.17, 1.88.

⁴ 47 CFR § 73.3568.

Definitions

For purposes of this letter, in addition to the terms defined elsewhere in this letter, the following definitions apply:

The word “any” shall be construed to include the word “all,” and the word “all” shall be construed to include the word “any.” Additionally, the word “or” shall be construed to include the word “and,” and the word “and” shall be construed to include the word “or.” The word “each” shall be construed to include the word “every,” and the word “every” shall be construed to include the word “each.”

“Application” shall mean the referenced application of Centro Cristiano Mundial Fe Y Amor Inc. (FCC File No. BNPL-20131112ATY), including any amendments submitted to the FCC as of the date of this letter by or on behalf of Centro Cristiano.

“Centro Cristiano” shall mean Centro Cristiano Mundial Fe Y Amor Inc. and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals and receivers, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

“Document(s)” and “Documentation” 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, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any broadcast, radio or television program, advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, drives, disks and such codes or instructions as will transform such computer materials into easily understandable form).

Inquiries: Documents and Information To Be Provided

We direct you, pursuant to sections 4(i), 4(j), 308(b) and 403 of the Act, 47 U.S.C. §§ 154(i), 154(j), 308(b), and 403, to respond to the following inquiries, *within thirty (30) calendar days* from the date of this letter:

1) Applicant Location and Contact Information

- a) Provide the correct current mailing address for Centro Cristiano. If Centro Cristiano’s corporate headquarters address is different, provide that address as well.
- b) Provide the correct telephone number where Centro Cristiano can be contacted for each of the addresses provided in response to question 1) a).
- c) Provide a copy of representative Documents confirming **each** mailing address (and **each** headquarters address, if that is different from the mailing address) and telephone number for Centro Cristiano Mundial (*e.g.*, copies of leases, utility bills, telephone bills, and any other

Documents confirming that Centro Cristiano Mundial occupied **each** prior address provided, and currently occupies the **actual** mailing address (and headquarters address, if that is different) and can be reached at the telephone number provided). These documents must demonstrate that Centro Cristiano Mundial has been at **each** mailing address (and headquarters address, if that is different) it has identified in Section I of the Application, the time period it was at **each** address, and cover the entire period from **November 1, 2013, until the present**.

2) Applicant Board of Directors Information

- a) Provide a signed, dated, and **notarized** affidavit or declaration from **each board member** listed in the Application as **originally filed** and **each subsequent amendment** (1) affirming his or her membership and positional interest in Centro Cristiano in the time period specified in the Application, and (2) providing his or her identity and address, as shown in a copy of that board member's driver's license or other state-issued form of identification attached to such **notarized** affidavit or declaration, and his or her current residential address and telephone number.⁵ Accordingly, Centro Cristiano must provide these Documents with respect to: **Luis Acosta, Armando Juarez Guitron, and Adilia Rios**.
- 3) Provide a narrative explaining the relationship(s) between Centro Cristiano and Centro Cristiano de Vida Eterna (CCVE). Describe the relationship(s), if any, that any members of the Centro Cristiano board have with CCVE.
- 4) Explain the basis for Centro Cristiano identifying 8230 Antoine Dr., Houston, Texas, as its mailing address, and what person or entity owns this site. If Centro Cristiano is not the owner, state whether Centro Cristiano is compensating the owner for use of this site, and provide documents such as a lease, indicating so.
- 5) Provide a narrative explaining the relationship, if any, that Centro Cristiano has with Iglesia Mundial de Oracion Inc., Centro Cristiano de Amor y Alabanza, Centro Mundial de Fe Inc., and Centro de Fe Y Avivamiento del Santo Espiritu Inc., all of which have pending applications for new LPFM stations at Houston, Texas, and have identified the Antoine Street address as their mailing address and the location of their main studio (File Nos. BNPL-20131112ASX, BNPL-20131112AUM, and BNPL-20131114BXE, respectively).
- 6) Provide documentation, such as cancelled checks or credit card statements, demonstrating proof of payment by Centro Cristiano for all services rendered by its engineer, Antonio Cesar Guel.
- 7) Provide documentation, such as bank statements, showing all sources of funding for Centro Cristiano.
- 8) Provide copies of representative Documents that provide the basis for or otherwise support the responses to the above inquiries.

Submission Instructions

The Centro Cristiano response must be supported by a **notarized** affidavit or declaration of one or more persons with personal knowledge attesting that the response is complete and accurate. In

⁵ If a board member's address has changed from the address shown in the document attached to the affidavit or declaration, the affidavit or declaration should provide the board member's current address and the date of the board member's move to that address.

addition to the affidavits or declarations described in inquiry 2(a), we direct Centro Cristiano to support each of its responses to the remaining inquiries with a **notarized** affidavit or declaration under penalty of perjury, signed and dated by one of its directors, verifying the truth and accuracy of the information therein and that all of the information and Documentation specified by this letter which are in the possession, custody, control or knowledge of Centro Cristiano (including all parties to the Application) have been produced. If multiple board members or representatives contribute to the response to inquiries other than inquiry 2(a), in addition to such general affidavit or declaration of a Centro Cristiano director, Centro Cristiano must 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 shall be **notarized**. To knowingly and willfully make any false statement or conceal any material fact in reply to this letter is punishable by fine or imprisonment.⁶ Failure to respond appropriately to this letter may constitute a violation of the Act and the Rules.⁷

Centro Cristiano shall direct its letter response, if any, by messenger or hand delivery, to the attention of Alexander T. Sanjenis, Esq., Audio Division, Media Bureau, Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. If sent by mail, the response should be sent to the attention of Alexander T. Sanjenis, Esq., Audio Division, Media Bureau, 445 12th Street, S.W., Room 2-B115, Washington, DC 20554. An electronic courtesy copy may be sent to Alexander.Sanjenis@fcc.gov. Additionally, copies must be served by U.S. Mail on **REC Networks and counsel for William Marsh Rice University at the addresses provided below. Each of these parties will have an opportunity to submit comments within fifteen days of Centro Cristiano's filing of the response, with a copy to be served by U.S. Mail on Centro Cristiano and its counsel.**

If Centro Cristiano requests that any information or Documents, as defined herein, responsive to this letter be treated in a confidential manner, it shall submit, along with such information or Documents a request for confidential treatment which complies with the requirements of Section 0.459 of the Rules,⁸ including the standards of specificity set forth therein. Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Pursuant to Section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of Section 0.459.

If Centro Cristiano withholds any information or Documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item, the numbered inquiry to which each item responds and the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Each requested Document (including photographs), as defined herein, shall be submitted in its entirety, even if only a portion of that Document is responsive to an inquiry made herein, unless the Document is a recording or transcript, in which case it should be provided only for the period of time of the broadcast specified in the pertinent inquiry herein. The Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document

⁶ See 18 U.S.C. § 1001; *see also* 47 CFR § 1.17.

⁷ See *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589 (2002); *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, n.36 (2003); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Rcd 2718 (EB 2004); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (EB 2003).

⁸ 47 CFR § 0.459.

responsive to these inquiries must also be submitted.

If a Document responsive to any inquiry made herein existed but is no longer available, or if Permittee is unable for any reason to produce a Document responsive to any inquiry, Permittee shall identify each such Document by author, recipient, date, title, and specific subject matter, and explain fully why the Document is no longer available or why Permittee is otherwise unable to produce it.

With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, Centro Cristiano is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless Centro Cristiano is directed or informed by the Bureau in writing to retain such Documents for some shorter or longer period of time.

The specific inquiries made herein are continuing in nature. Centro Cristiano is required to produce in the future representative 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 Cristiano must supplement its responses (a) if Centro Cristiano 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 Centro Cristiano after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless Centro Cristiano is directed or informed by the Bureau in writing that Centro Cristiano's obligation to update the record will continue for some shorter or longer period of time.

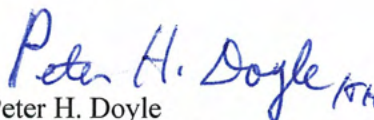
For each Document or statement submitted in response to the inquiries below, Centro Cristiano shall indicate, by number, to which inquiry it is responsive and identify the person(s) from whose files the Document was retrieved. If any Document is not dated, Centro Cristiano shall state the date on which it was prepared. If any Document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). Centro Cristiano must identify with reasonable specificity all Documents provided in response to these inquiries.

Any requests for an extension of time in which to response to this letter must be: 1) filed prior to the thirty-day deadline for filing a response and comply with Section 1.46 of the Rules;⁹ 2) supported by a notarized affidavit or declaration from a party to the Application; and 3) served on REC Networks and William Marsh Rice University at the addresses provided below.

Conclusion

Failure to respond within the time period specified shall result in dismissal of the subject application for failure to respond to official correspondence pursuant to Sections 73.801 and 73.3568 of the Rules.¹⁰

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" with a stylized monogram "PH" to the right.

Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Ms. Michie Bradley

⁹ 47 CFR § 1.46

¹⁰ 47 CFR §§ 73.801, 73.3568.

REC Networks
11541 Riverton Wharf Rd.
Mardela Springs, MD 21837

John Crigler, Esq. (counsel for William Marsh Rice University)
Garvey Schubert Barer
Fifth Floor
1000 Potomac Street, NW
Washington, DC 20007

Mr. Antonio Cesar Guel
2605 Hyacinth Dr.
Mesquite, TX 75181

Mr. Luis Acosta
Centro Cristiano Mundial Fe y Amor Inc.
3230 Antoine Dr
Houston, TX 77088

ATTACHMENT 9



Federal Communications Commission
Washington, D.C. 20554

October 5, 2017

In Reply Refer to:
1800B3-ATS

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Dan J. Alpert, Esq.
Law Office of Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22201

In re: Iglesia Mundial de Oracion Inc.
New LPFM, Houston, TX
Facility ID No. 193863
File No. BNPL-20131112ASX

Letter of Inquiry – Response Required

Dear Counsel:

We have before us the referenced application (Application) filed by Iglesia Mundial de Oracion Inc. (Iglesia). Also before us are the informal objections filed by REC Networks (REC) and William Marsh Rice University (WMRU) against the Application (REC Objection and WMRU Objection, respectively), and related pleadings.¹ In order properly to evaluate and process the Application, we require further information, as set forth below.

The Media Bureau (Bureau) is investigating potential statutory and rule violations and related instances of potential misrepresentation and/or lack of candor in connection with the Application. Specifically, the Bureau is investigating (a) the authenticity of Iglesia and the parties to the Application, (b) the validity of information provided in and certifications made in the Application, and (c) compliance with the ownership and application limits that apply to LPFM applicants.² We direct Iglesia, pursuant to sections 4(i), 4(j), 308(b) and 403 of the Communications Act of 1934, as amended (Act), 47 U.S.C. §§ 154(i), 154(j), 308(b), and 403, to provide responses to the following inquiries, within thirty (30) calendar days from the date of this letter. Iglesia may supplement its responses with additional relevant information pursuant to Sections 1.17 and 1.88 of the FCC's rules (Rules).³ Accordingly, Iglesia is directed to submit, within thirty (30) days of the date of this letter, truthful and complete responses to the following inquiries, with a copy served on each person or entity listed as receiving a copy of this letter. We will dismiss the Application pursuant to Section 73.3568 of the Rules,⁴ unless we receive the following documents within 30 calendar days of the date of this letter.

Unless otherwise indicated, the period of time covered by these inquiries is November 1, 2013, to the present.

¹ REC filed the REC Objection on December 2, 2013, a Supplement to the REC Objection on January 12, 2015, and a second supplement on October 3, 2016. WMRU filed the WMRU Objection on January 6, 2014, a pleading styled "Preliminary Reply" on March 12, 2014, and a pleading styled "Second Preliminary Reply" on June 12, 2014.

² See 47 CFR §§ 73.855 and 73.860.

³ 47 CFR §§ 1.17, 1.88.

⁴ 47 CFR § 73.3568.

Definitions

For purposes of this letter, in addition to the terms defined elsewhere in this letter, the following definitions apply:

The word “any” shall be construed to include the word “all,” and the word “all” shall be construed to include the word “any.” Additionally, the word “or” shall be construed to include the word “and,” and the word “and” shall be construed to include the word “or.” The word “each” shall be construed to include the word “every,” and the word “every” shall be construed to include the word “each.”

“Application” shall mean the referenced application of Iglesia Mundial de Oracion Inc. (FCC File No. BNPL-20131112ASX), including any amendments submitted to the FCC as of the date of this letter by or on behalf of Iglesia.

“Iglesia” shall mean Iglesia Mundial de Oracion Inc. and any predecessor-in-interest, affiliate, parent company, wholly or partially owned subsidiary, other affiliated company or business, and all owners, including but not limited to, partners or principals and receivers, and all directors, officers, employees, or agents, including consultants and any other persons working for or on behalf of the foregoing at any time during the period covered by this letter.

“Document(s)” and “Documentation” 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, or graphic matter of every type and description, however and by whomever prepared, produced, disseminated, or made, including but not limited to any broadcast, radio or television program, advertisement, book, pamphlet, periodical, contract, correspondence, letter, facsimile, e-mail, file, invoice, memorandum, note, telegram, report, record, handwritten note, working paper, routing slip, chart, graph, photograph, paper, index, map, tabulation, manual, guide, outline, script, abstract, history, calendar, diary, agenda, minutes, marketing plan, research paper, preliminary drafts, or versions of all of the above, and computer material (print-outs, drives, disks and such codes or instructions as will transform such computer materials into easily understandable form).

Inquiries: Documents and Information To Be Provided

We direct you, pursuant to sections 4(i), 4(j), 308(b) and 403 of the Act, 47 U.S.C. §§ 154(i), 154(j), 308(b), and 403, to respond to the following inquiries, *within thirty (30) calendar days* from the date of this letter:

1) Applicant Location and Contact Information

- a) Provide the correct current mailing address for Iglesia. If Iglesia’s corporate headquarters address is different, provide that address as well.
- b) Provide the correct telephone number where Iglesia can be contacted for each of the addresses provided in response to question 1) a).
- c) Provide a copy of representative Documents confirming **each** mailing address (and **each** headquarters address, if that is different from the mailing address) and telephone number for Iglesia (e.g., copies of leases, utility bills, telephone bills, and any other Documents confirming

that Iglesia occupied **each** prior address provided, and currently occupies the **actual** mailing address (and headquarters address, if that is different) and can be reached at the telephone number provided). These documents must demonstrate that Iglesia has been at **each** mailing address (and headquarters address, if that is different) it has identified in Section I of the Application, the time period it was at **each** address, and cover the entire period from **November 1, 2013, until the present**.

2) Applicant Board of Directors Information

- a) Provide a signed, dated, and **notarized** affidavit or declaration from **each board member** listed in the Application as **originally filed** and **each subsequent amendment** (1) affirming his or her membership and positional interest in Iglesia in the time period specified in the Application, and (2) providing his or her identity and address, as shown in a copy of that board member's driver's license or other state-issued form of identification attached to such **notarized** affidavit or declaration, and his or her current residential address and telephone number.⁵ Accordingly, Iglesia must provide these Documents with respect to: **Martin Mancilla, Sandra Dinora García, and Aurora Perez Smith**
- 3) Provide a narrative explaining the relationship(s) between Iglesia and Centro Cristiano de Vida Eterna (CCVE). Describe the relationship(s), if any, that any members of the Iglesia board have with CCVE.
- 4) Explain the basis for Iglesia identifying 8230 Antoine Dr., Houston, Texas, as its mailing address, and what person or entity owns this site. If Iglesia is not the owner, state whether Iglesia is compensating the owner for use of this site, and provide documents such as a lease, indicating so.
- 5) Provide a narrative explaining the relationship, if any, that Iglesia has with Iglesia de Amor y Alabanza, Centro Cristiano Mundial Fe Y Amor Inc., Centro Mundial de Fe Inc., and Centro de Fe Y Avivamiento del Santo Espiritu Inc., all of which have pending applications for new LPFM stations at Houston, Texas, and have identified the Antoine Street address as their mailing address and the location of their main studio (File Nos. BNPL-20131112 ATY, BNPL-20131112AUM, and BNPL-20131114BXE, respectively).
- 6) Provide documentation, such as cancelled checks or credit card statements, demonstrating proof of payment by Iglesia for all services rendered by its engineer, Antonio Cesar Guel.
- 7) Provide documentation, such as bank statements, showing all sources of funding for Iglesia.
- 8) Provide copies of representative Documents that provide the basis for or otherwise support the responses to the above inquiries.

Submission Instructions

The Iglesia response must be supported by a **notarized** affidavit or declaration of one or more persons with personal knowledge attesting that the response is complete and accurate. In addition to the affidavits or declarations described in inquiry 2(a), we direct Iglesia to support each of its responses to the remaining inquiries with a **notarized** affidavit or declaration under penalty of perjury, signed and dated

⁵ If a board member's address has changed from the address shown in the document attached to the affidavit or declaration, the affidavit or declaration should provide the board member's current address and the date of the board member's move to that address.

by one of its directors, verifying the truth and accuracy of the information therein and that all of the information and Documentation specified by this letter which are in the possession, custody, control or knowledge of Iglesia (including all parties to the Application) have been produced. If multiple board members or representatives contribute to the response to inquiries other than inquiry 2(a), in addition to such general affidavit or declaration of a Iglesia director, Iglesia must 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 shall be **notarized**. To knowingly and willfully make any false statement or conceal any material fact in reply to this letter is punishable by fine or imprisonment.⁶ Failure to respond appropriately to this letter may constitute a violation of the Act and the Rules.⁷

Iglesia shall direct its letter response, if any, by messenger or hand delivery, to the attention of Alexander T. Sanjenis, Esq., Audio Division, Media Bureau, Federal Communications Commission, Office of the Secretary, 445 12th Street, S.W., Room TW-A325, Washington, DC 20554. If sent by mail, the response should be sent to the attention of Alexander T. Sanjenis, Esq., Audio Division, Media Bureau, 445 12th Street, S.W., Room 2-B115, Washington, DC 20554. An electronic courtesy copy may be sent to Alexander.Sanjenis@fcc.gov. Additionally, copies must be served by U.S. Mail on **REC Networks and counsel for William Marsh Rice University at the addresses provided below. Each of these parties will have an opportunity to submit comments within fifteen days of Iglesia's filing of the response, with a copy to be served by U.S. Mail on Iglesia and its counsel.**

If Iglesia requests that any information or Documents, as defined herein, responsive to this letter be treated in a confidential manner, it shall submit, along with such information or Documents a request for confidential treatment which complies with the requirements of Section 0.459 of the Rules,⁸ including the standards of specificity set forth therein. Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Pursuant to Section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of Section 0.459.

If Iglesia withholds any information or Documents under claim of privilege, it shall submit, together with any claim of privilege, a schedule of the items withheld that states, individually as to each such item, the numbered inquiry to which each item responds and the type, title, specific subject matter, and date of the item; the names, addresses, positions, and organizations of all authors and recipients of the item; and the specific ground(s) for claiming that the item is privileged.

Each requested Document (including photographs), as defined herein, shall be submitted in its entirety, even if only a portion of that Document is responsive to an inquiry made herein, unless the Document is a recording or transcript, in which case it should be provided only for the period of time of the broadcast specified in the pertinent inquiry herein. The Document shall not be edited, cut, or expunged, and shall include all appendices, tables, or other attachments, and all other Documents referred to in the Document or attachments. All written materials necessary to understand any Document responsive to these inquiries must also be submitted.

⁶ See 18 U.S.C. § 1001; see also 47 CFR § 1.17.

⁷ See *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589 (2002); *Globcom, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 18 FCC Rcd 19893, n.36 (2003); *World Communications Satellite Systems, Inc.*, Forfeiture Order, 19 FCC Rcd 2718 (EB 2004); *Donald W. Kaminski, Jr.*, Forfeiture Order, 18 FCC Rcd 26065 (EB 2003).

⁸ 47 CFR § 0.459.

If a Document responsive to any inquiry made herein existed but is no longer available, or if Permittee is unable for any reason to produce a Document responsive to any inquiry, Permittee shall identify each such Document by author, recipient, date, title, and specific subject matter, and explain fully why the Document is no longer available or why Permittee is otherwise unable to produce it.

With respect only to Documents responsive to the specific inquiries made herein and any other Documents relevant to those inquiries, Iglesia is directed to retain the originals of those Documents for twelve (12) months from the date of this letter unless Iglesia is directed or informed by the Bureau in writing to retain such Documents for some shorter or longer period of time.

The specific inquiries made herein are continuing in nature. Iglesia is required to produce in the future representative 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, Iglesia must supplement its responses (a) if Iglesia 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 Iglesia after the initial production. The requirement to update the record will continue for twelve (12) months from the date of this letter unless Iglesia is directed or informed by the Bureau in writing that Iglesia's obligation to update the record will continue for some shorter or longer period of time.

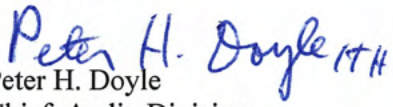
For each Document or statement submitted in response to the inquiries below, Iglesia shall indicate, by number, to which inquiry it is responsive and identify the person(s) from whose files the Document was retrieved. If any Document is not dated, Iglesia shall state the date on which it was prepared. If any Document does not identify its author(s) or recipient(s), state, if known, the name(s) of the author(s) or recipient(s). Iglesia must identify with reasonable specificity all Documents provided in response to these inquiries.

Any requests for an extension of time in which to response to this letter must be: 1) filed prior to the thirty-day deadline for filing a response and comply with Section 1.46 of the Rules;⁹ 2) supported by a notarized affidavit or declaration from a party to the Application; and 3) served on REC Networks and William Marsh Rice University at the addresses provided below.

Conclusion

Failure to respond within the time period specified shall result in dismissal of the subject Application for failure to respond to official correspondence pursuant to Sections 73.801 and 73.3568 of the Rules.¹⁰

Sincerely,


Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Ms. Michie Bradley
REC Networks
11541 Riverton Wharf Rd.
Mardela Springs, MD 21837

⁹ 47 CFR § 1.46

¹⁰ 47 CFR §§ 73.801, 73.3568.

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Washington, DC 20007

Mr. Antonio Cesar Guel
2605 Hyacinth Dr.
Mesquite, TX 75181

Mr. Martin Mancilla
Iglesia Mundial de Oracion Inc.
8230 Antoine Dr
Houston, TX 77088

ATTACHMENT 10



Federal Communications Commission
Washington, D.C. 20554

December 1, 2017

In Reply Refer to:
1800B3-ATS

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Mr. Sanjay Jolly
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Philadelphia, PA 19101

Mr. Jeff Shaw
Common Frequency, Inc.
P.O. Box 4301
Davis, CA 95616

Mr. James B. Davis
21227 Rosehill Church Road
Tomball, TX 77377

In re: Iglesia Mundial de Oracion Inc.
New LPFM, Houston, TX
Facility ID No. 193863
File No. BNPL-20131112ASX

Centro Cristiano Mundial Fe y Amor Inc.
New LPFM, Houston, TX
Facility ID No. 193943
File No. BNPL-20131112ATY

Centro Mundial de Fe Inc.
New LPFM, Houston, TX
Facility ID No. 193950
File No. BNPL-20131112AUM

Centro de Fe y Avivamineto del Santo Espiritu Inc.
New LPFM, Houston, TX
Facility ID No. 193958
File No. BNPL-20131114BXE

Informal Objections and Petition to Deny

Dear Counsel, Ms. Bradley, Mr. Jolly, Mr. Shaw, and Mr. Davis:

We have before us the applications filed by Iglesia Mundial de Oracion Inc. (Iglesia), Centro Cristiano Mundial Fe Y Amor Inc. (Centro Cristiano), Centro Mundial de Fe Inc. (Centro Mundial), and Centro de Fe y Avivamineto del Santo Espiritu Inc. (Centro de Fe) (collectively, Applicants) for construction permits for new LPFM stations at Houston, Texas (Iglesia Application, Centro Cristiano Application, Centro Mundial Application, and Centro de Fe Application, respectively; Applications, collectively).

Also before us are: 1) the Informal Objection (REC Objection) to the Applications filed by REC Network (REC); 2) the Informal Objection (WMRU Objection) to the Applications filed by William Marsh Rice University (WMRU); 3) the Informal Objection (Prometheus Objection) filed by Prometheus Radio Project (Prometheus) against the Centro de Fe Application; 4) the Petition to Deny (CF Petition) filed by Common Frequency (CF) against the Centro Mundial Application and Centro de Fe Application; 5) the Informal Objection (Davis Objection) filed by James B. Davis against the Centro de Fe Application; and 6) related responsive pleadings.¹ For the reasons set forth below, we deny the REC Objection, the WMRU Objection, the Prometheus Objection, the CF Petition, and the Davis Objection, and grant the Applications.

Background. Applications. The Applications were filed during the 2013 LPFM filing window and all four identified Antonio Cesar Guel (Guel) as the certifying engineer and provided an address of 8230 Antoine Dr., Houston, Texas, for the organization.² The Applications each identified a three-person board, as follows: for Iglesia, Martin Macilla, Sandra Dinora Garcia, and Aurora Perez Smith; for Centro Cristiano, Luis Acosta, Armando Juarez Guitron, and Adilla Rios; for Centro Mundial, Hugo Hernandez, Arturo Gomez-Ayala, and Estela Armilla; and for Centro de Fe, Daniel Hector Guevara, Dulce Maria Duarte Duarte, and Maria Schmelter Rodriguez.³

Pleadings. The REC Objection was filed against 245 applications filed during the window for which Guel served as the certifying engineer. REC argues that all 245 of these applications—including the Applications that are subject to this letter—were not filed by the applicants themselves but rather by Guel and Hispanic Christian Community Network, Inc. (HCCN), the licensee of several LPTV stations and of which Guel is the President.⁴ REC notes that the applications contain identical educational

¹ REC filed the Objection on December 2, 2013, a Supplement to the Objection against the Iglesia Application and the Centro Cristiano Application on January 15, 2015 (First REC Supplement), and another Supplement to the Objection against the Centro Cristiano Application on October 3, 2016 (Second REC Supplement). WMRU filed the WMRU Objection on January 6, 2014, a pleading styled “Preliminary Reply” on March 12, 2014, and a pleading styled “Second Preliminary Reply” on June 12, 2014. Prometheus filed the Prometheus Objection on January 9, 2014. CF filed the CF Petition on January 9, 2014. Davis filed the Davis Objection on February 8, 2017. Iglesia and Centro Mundial did not file an opposition. Centro Cristiano filed an Opposition on September 14, 2016, and Centro de Fe filed an Opposition on January 19, 2017.

² Applications at Section VI, Preparer’s Certification and Section I, Question 1.

³ *Id.* at Section II, Question 3.a.

⁴ REC Objection at 1. The Bureau has separately denied the REC Objection with regard to a number of these applications. *See, e.g., Little Rock Hispanic Education Family Foundation*, Letter Order, 1800B3-ATS (MB Aug. 23, 2016); *North San Antonio Community Radio*, Letter Order, 1800B3-ATS (MB Aug. 24, 2016); *North Tampa Community Radio*, Letter Order, 1800B3-ATS (MB Sep. 19, 2016). REC filed an Application for Review of these

statements that do not reference the local community.⁵ REC also notes that certain applications were filed sequentially in alphabetical order, that all the applications provided Guel's telephone number and e-mail address, and that all the applicants were incorporated in Texas within several days of each other, even though not all of the applicants are based in Texas.⁶

In the First REC Supplement, REC argues that Iglesia and Centro Cristiano are no longer eligible to hold a noncommercial license because their corporate statuses are listed as forfeited by the Texas Secretary of State (TSOS) and therefore they are no longer recognized as nonprofit entities.⁷ In the Second REC Supplement, REC notes that the Antoine Drive address was used by multiple applicants that filed applications during the 2013 filing window, including all the Applicants.⁸ REC argues that this raises the question of who is the real party in interest behind the Applications.⁹

The WRMU Objection was filed against the Applications subject to this letter and 11 other applications prepared by Guel. The objection raises a similar argument to the REC Objection: that the Applications and others filed by Guel all bear similarities to each other, thus raising the question of who is the real-party-in-interest.¹⁰ WMRU also notes that Daniel Guevara, president of Centro de Fe, provides the same address and phone number as Hector Guevara, the sole principal of Centro Cristiano de Vide Eterna (CCVE), the licensee of several noncommercial stations.¹¹ WRMU further notes that directors of Iglesia and Centro Cristiano reside at the same address as directors of other applicants.¹² Finally, WRMU notes that all the Applications provided the same address, specifically the Antoine Drive address, which is the address of CCVE.¹³ WRMU argues in its Preliminary Reply that the Commission should not grant any of the applications subject to its objection until the Commission has received and WMRU reviews responses to various Letters of Inquiry (discussed below) issued to several applicants whose applications were prepared by Guel.¹⁴ WRMU argues in its Second Preliminary Reply that the Commission should issue letters of inquiry to other Guel applicants, none subject to this letter.¹⁵

The Prometheus Objection was filed against the Centro de Fe Application and three other applications which have since been dismissed.¹⁶ Prometheus argues that the four applicants are controlled by the same party in violation of the Commission's multiple ownership rules, noting that all the

three decisions, which the Commission dismissed because REC did not have standing to file it. *See Little Rock Hispanic Education Family Foundation*, Memorandum Opinion and Order, 31 FCC Rcd 13762 (2016).

⁵ REC Objection at 2. The educational statements are included as Exhibit 2 in each application.

⁶ *Id.* at 3.

⁷ First REC Supplement at 4.

⁸ Second REC Supplement at 1-2.

⁹ *Id.* at 3.

¹⁰ WMRU Objection at 1-2.

¹¹ *Id.* at 5.

¹² *Id.* at 7-8.

¹³ *Id.* at 8.

¹⁴ Preliminary Reply at 2.

¹⁵ Second Preliminary Reply at 2.

¹⁶ *See* File Nos. BNPL-20131112AUP, BNPL-20131112ATF, and BNPL-20131112ATV.

applications provide the same address and identical educational narratives, and that all the applicants' articles of incorporation are identical.¹⁷

The CF Petition was filed against 63 applications that identified Guel as their engineer, including the subject Applications. It raises arguments similar to those raised in the REC Objection: that the applications "use[s] the boiler-plate forms, uniform descriptions of purpose and uniform purpose of entity throughout" and all identify Guel as their registered agent and provide his contact information.¹⁸ CF also argues that the non-profit status of the applicants—including the Applicants—"is sham" because their Articles allow "any director [to] be compensated for proselytizing or *for almost any other activity*."¹⁹ CF also opines that it is questionable whether any of the applicants have obtained reasonable assurance of site availability at the towers identified in their applications.²⁰

The Davis Objection argues that Guel and Hector Guevara are the real parties in interest behind the Centro de Fe Application.²¹ The objection further argues that grant of the Centro de Fe Application will cause interference to Station KTTF-LP, Tomball, Texas, licensed to City of Tomball.²²

Letters of Inquiry. On February 21, 2014, the Bureau issued a Letter of Inquiry to Centro Mundial and Centro de Fe requesting documentation regarding the organizations' relationship to CCVE and use of the Antoine Drive address, the ownership of the organizations, and also requested documentation showing that the applicants had obtained reasonable assurance of site availability at the towers sites identified in their respective applications.²³

Centro Mundial filed a response on April 3, 2014 (Centro Mundial Response).²⁴ The Centro Mundial Response states that CCVE's Antoine Drive building had extra space for their organization. The Centro Mundial Response provides: 1) signed declarations and copies of Texas drivers licenses for Estela Salinas Armilla, Arturo Gomez-Ayala, and Hugo Basurto Hernandez; 2) a declaration from Martin Guevara stating he spoke with an employee of Crown Castle regarding use of the tower identified in the Centro Mundial Application; and 3) a declaration from Edwin Vasquez stating that he resides at 143 Mill Stream Lane and has granted Centro Mundial permission to use the site for a main studio, as well as a copy of his Texas driver's license.

Centro de Fe filed a response on April 3, 2014. The Centro de Fe Response states that CCVE's Antoine Drive building had extra space for their organization. The Centro de Fe Response provides: 1) signed declarations and copies of Texas drivers licenses for Daniel Hector Guevara, Maria Rodriguez Schmelter, and Dulce Maria Duarte Duarte; and 2) a declaration from Martin Guevara stating that he

¹⁷ Prometheus Objection at 2-3.

¹⁸ CF Petition at 2-4.

¹⁹ *Id.* at 4 (emphasis in original).

²⁰ *Id.* at 5.

²¹ Davis Objection at 1.

²² *Id.* See also File No. BLL-20151227ADI.

²³ Letter of Inquiry from Peter H. Doyle, Chief, Audio Division, Media Bureau, FCC, to Mr. Antonio Cesar Guel (Feb. 21, 2014).

²⁴ Centro Mundial also submitted on April 3, 2014, an amendment to its application (First Centro Mundial Amendment) that revised the address for the organization to 143 Mill Stream Lane, Houston, Texas. First Centro Mundial Amendment at Section I, Question 1.a., Section II, Question 3.a.

spoke with an employee of Crown Castle regarding use of the tower identified in the Centro Mundial Application.

Based on these responses, the Bureau determined that Centro Mundial and Centro de Fe lacked reasonable assurance of site availability and on May 16, 2014, dismissed the Centro Mundial Application and the Centro de Fe Application.²⁵ Both applicants sought reconsideration, and provided letters from tower owners showing that they did in fact have assurance of site availability at the time their respective applications were filed.²⁶ According, the Bureau reinstated both of these applications.²⁷

On October 5, 2017, the Bureau issued Letters of Inquiry to Iglesia and Centro Cristiano, requesting that they provide: 1) documentation concerning their respective board of directors and the address they had identified as their headquarters; 2) information regarding their relationship with CCVE—and the other Applicants, which had all listed the Antoine Street address in their LPFM construction permit applications; and 3) information regarding the finances of their respective organizations.²⁸

Iglesia filed a response to the Iglesia LOI (Iglesia Response) on November 6, 2017.²⁹ Iglesia states that it rents space in the building at Antoine Drive from CCVE and that it pays that organization rent for its use of the building, supported by a copy of its lease.³⁰ Iglesia states that it originated as part of CCVE but became a separate organization in 2012.³¹ Regarding finances, Iglesia states that it has no bank account and all funding comes from offerings from its members, and also states that Guel offered his services for free.³² The Iglesia Response also provides affidavits from Martin Macilla, Sandra Dinora Garcia, and Aurora Perez Smith, and copies of Texas driver's licenses of Martin Macilla and Sandra Dinora Garcia. Aurora Perez Smith indicated that she was uncomfortable providing her driver's license, and provided a copy of an identity card issued by Iglesia and property records from Fort Bend County showing that she is the owner of the residence listed in the Iglesia Application.

²⁵ *Antonio Cesar Guel*, Letter Order, 29 FCC Rcd 5264 (MB 2014).

²⁶ Centro Mundial and Centro de Fe submitted these documents as attachments to amendments to their applications on June 16, 2014 (Second Centro Mundial Amendment and First Centro de Fe Amendment, respectively). Both amendments also amended the organizations' respective educational narratives. Second Centro Mundial Amendment at Exh. 2; First Centro de Fe Amendment at Exh. 2. On January 17, 2017, Centro de Fe filed another amendment (Second Centro de Fe Amendment) that provided a new address for Daniel Hector Guevara. Second Centro de Fe Amendment at Section II, Question 3.a.

²⁷ *Broadcast Applications*, Public Notice, Report No. 28970 (MB Apr. 24, 2017).

²⁸ Letter of Inquiry from Peter H. Doyle, Chief, Audio Division, Media Bureau, FCC, to Dan J. Alpert, Esq. (Oct. 5, 2017) (Iglesia LOI); Letter of Inquiry from Peter H. Doyle, Chief, Audio Division, Media Bureau, FCC, to Dan J. Alpert, Esq. (Oct. 5, 2017) (Centro Cristiano LOI).

²⁹ The Iglesia Response was provided as an amendment to the Iglesia Application (Second Iglesia Amendment). The amendment also provided a revised educational narrative. Second Iglesia Amendment at Exh. 2. Iglesia had previously filed an amendment on February 2, 2015, which revised its engineering proposal to resolve the application's mutual exclusivities and make it a singleton.

³⁰ Iglesia Response at 1-2.

³¹ *Id.* at 1.

³² *Id.* at 2.

Centro Cristiano filed a response to the LOI (Response) on November 6, 2017.³³ Centro Cristiano states that it rents space in the building at Antoine Drive from CCVE and that it pays that organization rent for its use of the building, supported by a copy of its lease.³⁴ Centro Cristiano states that some of its members were previous members of CCVE, and some attend services conducted by CCVE.³⁵ Regarding finances, Iglesia states that it has no bank account and all funding comes from offerings from its members, and also states that Guel offered his services for free.³⁶ The Centro Cristiano Response also provides affidavits from Luis Acosta, Armando Juarez Guitron, and Adilla Rios, and copies of their Texas drivers licenses.

Discussion. Pursuant to Section 309(d) of the Communications Act of 1934, as amended,³⁷ petitions to deny and informal objections must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest.³⁸

We reject the arguments that the Applications should be dismissed because of their similarities to each other or other applications filed by Guel as a consultant or that the Applicants are controlled by a common party. In a real-party-in-interest inquiry, the focus is whether a third person has an undisclosed ownership interest in an application or will be in a position to actually or potentially control the applicant.³⁹ In assessing the locus of control, the Commission examines who establishes an entity's basic operating policies with respect to programming, personnel, and finances.⁴⁰

The Objectors fails to show that either Guel, Hector Guevarra, or any other party exert such control over the Applicants.⁴¹ Similarities in applications do not demonstrate common control of the

³³ The Centro Cristiano Response was provided as amendment to the Centro Cristiano Application (Second Centro Cristiano Amendment). Centro Cristiani had previously filed an amendment on January 29, 2015, which revised its engineering proposal to resolve the application's mutual exclusivities and made it a singleton.

³⁴ Centro Cristiano Response at 1-2.

³⁵ *Id.* at 2.

³⁶ *Id.* at 2.

³⁷ 47 U.S.C. § 309(d).

³⁸ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff'd sub nom. Garden State Broad. L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864, para. 6 (1986) (petitions to deny and informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested).

³⁹ See *Georgia Public Telecomm. Comm.*, Memorandum Opinion and Order, 7 FCC Rcd 7996, 7998 (1992), *citing Astroline Commc'ns. Co. v. FCC*, 857 F.2d 1556, 1564 (D.C. Cir. 1998); *KOWL, Inc.*, Memorandum Opinion and Order, 49 FCC 2d 962 (1974) (same, *citing Creek County Broad. Co.*, 31 FCC 2d 462, 22 RR 2d 891 (1971) and *Sumiton Broad. Co.*, 15 FCC 2d 400, 14 RR 2d 1000 (1968)).

⁴⁰ See *Edwin L. Edwards, Sr.*, Memorandum Opinion and Order and Notice of Apparent Liability, 16 FCC Rcd 22236, 22248 (2001), *aff'd sub nom. Rainbow/PUSH Coalition v. FCC*, 330 F.3d 539 (D.C. Cir. 2003); *WGPR, Inc.*, Memorandum Opinion and Order, 10 FCC Rcd 8140, 8142-46 (1995), *vacated on other grounds sub nom. Serafyn v. FCC*, 149 F.3d 1213 (D.C. Cir. 1998); *Choctaw Broad. Corp.*, Memorandum Opinion and Order, 12 FCC Rcd 8534, 8538-39 (1997).

⁴¹ Compare *Robert Lund*, Letter Order, 30 FCC Rcd 14367 (MB 2015) (Oregon Department of Justice investigation demonstrated that several LPFM applicants were all controlled by one individual).

applications.⁴² Additionally, the common contact representative identified in the applications—Guel—is an engineering consultant. We have previously noted that it is common for multiple applicants to have the same engineering consultant,⁴³ and many applicants will list their counsel or engineering consultants as their contact representatives. We also reject REC’s argument involving the sequential nature of the filing of the applications or the applicants’ incorporation in Texas. These matters are attributable to the applicants’ utilization of a common consultant and present no violation of any Commission rule or policy.⁴⁴ Finally, familial relationships among parties to the Applications and other persons holding broadcast interests are not, by themselves, grounds to dismiss the Applications.⁴⁵

We also reject REC’s argument that Iglesia and Centro Cristiano are no longer eligible to hold an LPFM license. We have previously found an applicant for a full-service noncommercial educational (NCE) construction permit that had allowed its corporate status to lapse was still eligible for an NCE license because it had been reinstated by the state where it was incorporated and that reinstatement was given retroactive recognition by the state to the time the applicant filed its application.⁴⁶ Here, Iglesia’s and Centro Cristiano’s corporate status has been reinstated by the TSOS and both have had their good standing restored.⁴⁷ Thus, any gap in Iglesia’s or Centro Cristiano’s legal corporate existence has been erased and both applicants have satisfied the eligibility requirements of the LPFM service.⁴⁸ We likewise reject CF’s argument that Centro Mundial’s non-profit status “is sham.” CF has made no showing that the Applicants was improperly incorporated or are otherwise not recognized by the State of Texas.⁴⁹

CF’s argument that Centro Mundial and Centro de Fe may have lacked site availability is entirely based on speculation. CF does not actually argue that either applicant lacked site availability, nor does CF provide documentation to support its argument.⁵⁰ Moreover, both applicants have provided documentation showing that they did obtain reasonable assurance of site availability.⁵¹ Thus, we reject this argument.

⁴² *Mt. Zion Educ. Assoc.*, Letter Order, 25 FCC Rcd 15088, 15091-92 (MB 2010) (similarities in applications prepared by a third-party—such as being filed the same day, using the same engineer, having similar exhibits—do not demonstrate common control of applicants).

⁴³ *Eternal Word Television Network, Inc.*, Letter Order, 24 FCC Rcd 4691, 4692 (MB 2009).

⁴⁴ We also note that Iglesia, Centro Cristiano, and Centro de Fe have submitted revised unique educational narrative statements.

⁴⁵ Applicants for new LPFM stations are only required to identify family members with an interest in other media if that family member would have a significant role in the operation of the proposed LPFM station. *See* Worksheet for FCC Form 318, Worksheet #1a – Family Relationships.

⁴⁶ *See New Bohemia Group, Inc.*, Letter Order, 24 FCC Rcd 1357 (MB 2009) (finding that corporate dissolution was without effect because status was reinstated *nunc pro tunc*).

⁴⁷ The records of the TSOS may be accessed at <https://direct.sos.state.tx.us/acct/acct-login.asp>.

⁴⁸ 47 CFR § 73.853(a). *See also Creation of Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2213, para. 18 (2000) (“having decided to establish LPFM as a noncommercial service, we will require that LPFM licensees comply with the eligibility requirements of [47 U.S.C. § 397(6)(A)].”).

⁴⁹ *Compare Malibu FM Emergency and Cmty. Broad., Inc.*, Memorandum Opinion and Order, 30 FCC Rcd 7705 (2015) (affirming dismissal of LPFM applicant that had not completed incorporation process with State of California at the time it filed its application); *Robert Lund*, Letter Order, 30 FCC Rcd 14367 (MB 2015) (affirming dismissal of LPFM applications where Oregon Department of Justice determined applicants were not properly incorporated).

⁵⁰ *See* 47 U.S.C. § 309(d).

⁵¹ *See* Second Centro Mundial Amendment at Attach. 1 and First Centro de Fe Amendment at Attach. 1.

Finally, we reject Davis' argument that the Centro de Fe Application should be dismissed because it could potentially cause interference to Station KTTF-LP. This argument is entirely unsupported.⁵² Moreover, the Centro de Application meets the spacing requirements of Section 73.807 of the FCC's Rules, and we have held that an application that complies with this rule will not be dismissed on the basis of potential interference.⁵³

Conclusion/Actions. Accordingly IT IS ORDERED that the Informal Objection filed on December 2, 2013, by REC Networks IS DENIED with respect to Iglesia Mundial de Oracion Inc., Centro Cristiano Mundial Fe y Amor Inc., Centro Mundial de Fe Inc., and Centro de Fe y Avivamineto del Santo Espiritu Inc.

IT IS FURTHER ORDERED that the Informal Objection filed on January 6, 2014, by William Marsh Rice University IS DENIED with respect to Iglesia Mundial de Oracion Inc., Centro Cristiano Mundial Fe y Amor Inc., Centro Mundial de Fe Inc., and Centro de Fe y Avivamineto del Santo Espiritu Inc.

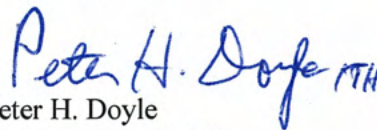
IT IS FURTHER ORDERED that the Petition to Deny filed by on January 9, 2014, by Prometheus Radio Project IS DENIED with respect to Centro de Fe y Avivamineto del Santo Espiritu Inc.

IT IS FURTHER ORDERED that the Petition to Deny filed on January 9, 2014, by Common Frequency IS DENIED with respect to Centro Mundial de Fe Inc. and Centro de Fe y Avivamineto del Santo Espiritu Inc.

IT IS FURTHER ORDERED that the Petition to Deny filed by on February 8, 2017, by James B. Davis IS DENIED with respect to Centro de Fe y Avivamineto del Santo Espiritu Inc.

IT IS FURTHER ORDERED that the applications of Iglesia Mundial de Oracion Inc., Centro Cristiano Mundial Fe y Amor Inc., Centro Mundial de Fe Inc., and Centro de Fe y Avivamineto del Santo Espiritu Inc. for construction permits for new LPFM stations at Houston, Texas (File Nos. BNPL-20131112ASX, BNPL-20131112ATY, BNPL-20131112AUM, and BNPL-20131114BXE, respectively) ARE GRANTED.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: Mr. Antonio Cesar Guel
2605 Hyacinth Drive
Mesquite, TX 75181

Mr. Martin Mancilla
Iglesia Mundial de Oracion Inc.
8230 Antoine Dr.
Houston TX 77088

⁵² See 47 U.S.C. § 309(d).

⁵³ *Calvary Chapel of Redlands*, Letter Order, 31 FCC Rcd 12694, 12696 (MB 2016)

Mr. Luis Acosta
Centro Cristiano Mundial Fe y Amor Inc.
8230 Antoine Dr.
Houston, TX 77088

Mr. Hugo Hernandez
Centro Mundial de Fe Inc.
143 Mill Stream Ln.
Houston, TX 77060

Mr. Daniel Hector Guevara
Centro de Fe y Avivamineto del Santo Espiritu Inc.
8230 Antoine Dr.
Houston, TX 77088

ATTACHMENT 11

*Centro de Fe y
Avivamiento del
Santo Espiritu Inc.*



To Whom It May Concern:

I, Daniel Hector Guevara declare under penalty of perjury that the foregoing statement is true and correct, and I am aware that if I present any material matter as true which I know to be false, I may be subjected to penalties.

I, Daniel Hector Guevara, being an adult of twenty-four years old, am director of Centro de Fe y Avivamiento Del Santo Espiritu Inc, with 70% voting rights, would like to state and declare the following.

With regard to Centro de Fe Avivamiento Del Santo Espiritu Inc. (hereafter "CFASE"), CFASE has been in my heart for a very long time. I was born and raise in a Christian family, my father who is Mr. Hector Guevara, Senior Pastor and President of Centro Cristiano de Vida Eterna (CCVE) has been involved in the works of God since can I remember, and is very passionate on their beliefs and on helping our community through their different organizations. This has taught me to also be passionate and to give myself, even at a very young age, a mission to work, to grow, to help and to love the Gospel of God and his mission towards our brothers and sisters.

CFASE has been an ongoing project for me from a very young age. Approximately six years ago we got together with a group of youth from my local Church and I shared with them my ideas and plans of CFASE and that's how at that time we started holding meetings in the same church where my father is the Senior Pastor. My Dad, Hector Guevara, has been in the Radio Ministry for approximately eighteen years. He first started leasing air time on different local stations. In the last number of years, he has become owner of KQVI-FM, Cedar Lake Texas; KNLY-FM New Waverly Texas; KQBI-FM Encinal Texas; KPAL-FM Palacios Texas. Those stations do not serve Houston or any portion of the area that will be served by CFASA's LPFM station.

Needless to say I also grow in the radio ministry. I am as passionate as my father and believe so much in media and broadcast to preach the Gospel, so much that in 2013, when the window for LPFM open I was not only quick to file for a LPFM station for CFASE, but also to get it incorporated as a nonprofit corporation in the State of Texas. Prior to this great opportunity we never had the need to do so that's why it was only incorporated in 2013. It was at this time that Mr. Cesar Guel came to play a very important role for us, as our advisor to file for the LPFM, Mr. Guel has not only been a great tool for us, but also I have known him for the last fifteen years, as he is also my father's advisor when it comes down to broadcast media. Since the transmitter site is nearby, my father will be letting me use studio space in his building, located at 8230

Antoine Dr., Houston, Texas, at no charge. This, I hope, will help the LPFM station survive.

In our application for LPFM, Rice University raised a question that my address and phone number are same as my dad's Hector Guevara and that is correct and true as I was at that time still school in at Lone Star College majoring in Audio and Video Production Media. I have since graduated. My updated address: 2350 Bagby St. Houston TX 77006. I am updating my address in the LPFM application. The other two directors of CFASE are Ms. Dulce Maria Duarte, and Mrs. Maria Schmeltzer Rodriguez, and both also have been of age and have 15% voting rights each. I have known them for last seven years.

CFASE from its beginnings has been supported by its members and directors, has been governed and all decisions are made by its directors and its directors only. At all times and points, Mr. Hector Guevara and or Mr. Cesar Guel have no voting rights or can dictate and or rule on any decisions making on behalf of CFASE.

With this declaration we hope that it is sufficient for the FCC to move forward with our application. We can only ask and hope for a speedy process on behalf of CFASE, we thank for your strenuous work and dedication on spreading the word of God with us, to make a better tomorrow, to give back to hundredth of thousands, that are going to have the opportunity to also hear and grow in a better community, city and nation. I can only thank you and pray that God will bless you and all your love ones.

A handwritten signature in black ink, appearing to read 'Daniel', with a stylized flourish at the end.

Sincerely

Daniel Hector Guevara

ATTACHMENT 12

*Before the
Federal Communications Commission
Washington, DC 20554*

<i>In re Application of</i>)	
)	
ROY E. HENDERSON)	File No. BALH-20200630AAI
)	Facility No. 21204
<i>Assignor</i>)	
)	
)	
SDK FRANCO LLC)	
)	
)	
<i>Proposed Assignee</i>)	
)	

*For Assignment of Station KTWL(AM)
Todd Mission, TX*

Filed with: **Office of the Secretary**
Directed to: **Audio Division, Media Bureau**

REPLY TO OPPOSITION TO PETITION TO DENY

Centro Cristiano de Vida Eterna (“Centro”), by its attorney, hereby submits a Reply to the “Opposition to Petition to Deny” (“Opposition”) filed on August 19, 2020, by Roy E. Henderson and SDK Franco, LLC (“SDK Franco”) with regard to the “Petition to Deny” (“Petition”) filed by Centro in this proceeding. With respect thereto, the following is stated:

The Petition dealt with precisely one matter – that the pending Assignment Application could not be granted because of its principals, Daniel Guevara owned an interest in LPFM station KCDE-LD and that grant of the Assignment Application would violate Section 73.860 of the Commission’s Rules, insofar as grant would have allowed an impermissible cross-ownership in an LPFM and a KTWL in violation of Section 73.860 of the Commission’s Rules.

Recognizing the absolute accuracy of Centro’s argument, SDK Franco responded, by (i) eliminating Daniel Guevara’s ownership interest in SDK Franco, and (ii) reporting that the

licensee of KCDE-LP was turning in the license for LPFM Station KCDE-LP. Opposition at 3-4.

Ordinarily, that would have ended that matter. But instead, SDK Franco and Henderson (i) raise a host a specious claims about a divorce between Hector Guevara and SDK Franco principal Sara Franco (Opposition at 2), and they also, (ii) provide a totally illogical and specious explanation concerning why the attempt to obtain for Daniel Guevara a cognizable ownership interests in Station KTWL (as well as FM translator stations K287BQ and K223CW) occurred.¹

The explanation:

Daniel Guevara had no idea that he was listed as the owner of Centro de Fe y Avivamineto del Santo Espiritu Inc., the licensee, until it was discovered after the divorce. Daniel, in an attempt to wrestle away that LPFM from his father (who still programs that station), attempted to assign that station to a new entity. That is the reason why he was not listed in the subject application.

Opposition at 3.

An examination of calendar dates shows the disingenuousness of that claim. The divorce of which SDK Franco speaks was finalized several months ago, on **January 29, 2020**. Petition, Attachment 2 (“Agreed Final Decree of Divorce”). Apparently, it was approximately at that time that allegedly “it was discovered” that the Daniel Guevara interest in KCDE-LP existed.

Thereafter, on **June 10, 2020**, the licensee of KCDE-LP attempted to assign its LPFM license to

¹ Henderson and SDK Franco also attempt to blame the confusion concerning the matter on Daniel Guevara’s father, Hector Guevara, claiming that “Hector Guevara used his son as a strawman (without informing him or his consent) to illegally operate and control” Station KCDE. Opposition at 3. Documents prepared and signed by Daniel Guevara have been filed with the FCC under penalty of perjury contradict SDK Franco’s claims. Attachment 18.

Station KCDE-LP operated on Church premises, and Daniel Guevara was provided support and guidance, as permitted under FCC policy, by his father and the Church. However, as is seen, at the end of the day, Daniel Guevara, maintained ultimate control of Station KCDE-LP, and when Daniel Guevara decided he wanted to assign the license (File No. BALED-20200610AAL), it was evidently Daniel Guevara’s decision, alone, to make. Hector Guevara neither was consulted, nor was Hector Guevara required, to “consent” to the decision under either the licensee’s Articles or By-Laws. And further, when Daniel Guevara decided he wanted to relinquish the license, it was his decision, apparently alone, to make. “Hector Guevara” had no “say” in that matter, and not even any “advice” was given with regard to that matter.

a new party. File No. BALED-20200610AAL. The original FCC Form 314 application for consent to the assignment of Station KCDE-LP was signed by **Daniel Guevara** as President of the licensee on **June 9, 2020**. Here again, Daniel Guevara was evidently “aware” of his interest in the licensee of KCDE-LP at that time (*i.e.*, **June 9, 2020**), as well. In fact, the very same FCC legal counsel as is representing SDK Franco in this assignment proceeding represented the assignor of KCDE-LP in that assignment application. Therefore, that FCC legal counsel for SDK Franco also was “aware” of Daniel Guevara’s cognizable ownership interest in the licensee of KCDE-LP at that time (as of at least as early as **June 9, 2020**), as well!

Therefore, it is beyond curious that when the present KMTL assignment application was filed 20 days later, on **June 30, 2020**, that the one broadcast ownership interest that would disqualify SDK Franco from owning Station KMTL – the interest of Daniel Guevara in KCDE-LP -- was conveniently omitted from the list of ownership interests. It should also be noted that SDK Franco even went so far as to misrepresent its status and qualifications to the Seller, Mr. Henderson, by stating as “Buyer Representations” in the Asset Purchase Agreement:

Buyer is legally, financially and otherwise qualified to be licensee of, acquire, own and operate the Station under the Communications Act and the rules, regulations and policies of the FCC. There are no facts that would, under existing law and existing rules, regulations, policies and procedures of the FCC, disqualify Buyer as an assignee of the FCC Licenses and as the owner an operator of the Station. No waiver of or exemption from any FCC rule or policy is necessary for the FCC Consent to be obtained. There are no matters which might reasonably be expected to result in the FCC’s denial or delay of approval of the FCC Application.

FCC Form 314, Attachment 8 (“APA”) at Section 3.5. The APA was signed effective on **June 22, 2020** (also, after SDK Franco and its counsel were already aware of the conflicting ownership interest). In light of the past ownership of KCDE-LP at the time, each and every sentence of the Buyer Representations were FALSE at the time they were made on **June 22, 2020**, *i.e.*, when the document was signed.

The depth of SDK Franco's attempts at deception to the FCC go even further. Although not strictly relevant to this proceeding, SDK Franco also makes false and misleading statements concerning the three FM translators awarded to SDK Franco in the divorce proceeding (Opposition at 2), and the subsequent FCC Form 345 filed for assignment of the FM translators, claiming that "Hector Guevara's counsel attempted to reverse an assignment for the sole purpose of shutting down the station, and improperly filed an STA for dark authority without the consent of SDK Franco." Opposition at 2. As seen below, both claims are totally inaccurate.

At each and every step, in what could have and should have been a routine FCC proceeding involving SDK Franco's acquisition of Stations K287BQ and K223CW (File No. BALFT-20200108AAX) and K218EJ (File No. BALED-20200430AAL), SDK Franco's aggressive actions involved illegal and questionable conduct on the part of SDK Franco.

This is illustrated as follows. As part of a divorce mediation and order, a Judge awarded three translators to Sara Franco on January 29, 2020. Petition, Attachment 2 ("Agreed Final Decree of Divorce").

- Rather than comply with the terms of the order for the three FM translator licenses to be assigned to "**Sara Franco**", a specifically named individual, instead an attempt first was made to assign the three licenses to a non-existent limited liability company "**Franco, LLC**." File No. BALFT-20200108AAX (as originally filed on January 8, 2020). Attachment 1 (assignment application excerpt).
- In the assignment application, no mention was made of Daniel Guevara's interest in LPFM Station KCDE-LP, despite the fact that ownership of that interest would disqualify the assignee from being approved as licensee of the three FM translators. 47 C.F.R. § 73.860.
- Then, after changing the name of the proposed assignee to "**SDK Franco, LLC**," SDK Franco immediately seized control of the three licenses without even filing an FCC Form 316 for temporary control pending the processing of the FCC Form

345. “Notification for Suspension of Operations” re K287BQ and “Notification of Suspension of Operations” re K223CW. Attachments 2 and 3.²

- Later, the FCC discovered an attempt was being made by SDK Franco to illegally transfer a non-commercial FM translator (K218EJ) to a commercial entity rather than a qualified NCE entity. A deficiency email was sent by the FCC requiring that the station (K218EJ) be removed from the application. Attachment 4.
- Then, SDK Franco moved the broadcast location of FM translator K287BQ to a new CP location without the permission of Centro (who was still FCC licensee of the station at the time) in LMS File No. 0000112935, implementing a different antenna than that approved by the FCC, in violation of Section 74.1251 of the Commission’s Rules. 47 C.F.R. § 74.1251(a) (prohibiting mechanical or electrical modifications in an authorized FM translator station “without the authority of the commission”) and (b)(2) (requiring “[a]n application on FCC form 349...when a permittee or licensee seeks a change in an FM translator station’s transmitting antenna system”).
- Then, SDK Franco ceased operating K287BQ as an FM translator, and began illegally **originating programming** on the FM translator station. Attachments 2 and 3.
- Then, SDK Franco also began operation of FM translator K223CW in an illegal manner by rebroadcasting Station **KJOZ** instead of Station **KCOH** on the station, in violation of that FM translator station’s license. Attachments 2 and 3.³ It

² Under Commission precedent, the Court’s assignment of the FM translators was subject to the prior approval of the FCC. Under Commission precedent, even when a Trustee is appointed by a Court on an emergency basis, a proposed assignee is not permitted to assume control under FCC consent is first obtained. *Dale J. Parsons, Jr.*, 10 FCC Rcd 2718, ¶ 14 (“we have emphasized that, pursuant to 47 USC 310(d), a receiver or trustee is generally required to await Commission grant of its application before assuming control”) (1995); *D.H. Overmyer Telecasting Co.*, 94 F.C.C.2d 117, 127 n.11 (1983). Moreover, a grant of an FCC Form 345 grants “consent” to the assignment of an FCC license. The grant of an FCC Form 324 or FCC Form 345 is “permissive” only (*Cumulus Licensing, LLC*, 21 FCC Rcd 29988, 30007 (MB 2006)), and does not in and of itself, ordinarily without a subsequent closing event, precipitate the actual license transfer, itself.

³ Under the terms of the construction permit issued for K223CW, SDK Franco is obligated to rebroadcast AM Station KCOH:

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.

(footnote continued on next page)

currently is rebroadcasting KFNC. Attachment 5 (radiodiscussions.com – Houston/Galveston message board excerpt).

- Then, even when the application for consent to assignment for Stations K287BQ and K223CW was granted, even though closing papers were still in the process of being prepared on **April 30 and May 1, 2020** (Attachment 7), SDK Franco affirmatively lied to the FCC, claiming on **April 24, 2020**, that a consummation has already occurred (Attachment 8) and prematurely changed the FRN registrations associated with the stations. Attachment 9. See also Attachment 16 (email dated April 29, 2020 – “Where are we on the Closing Papers for K287BQ and K223CW? You did not formally respond to my email from yesterday, but I have been under the belief that you and your client have been anxious to close the matter. My client is as well, so I would appreciate an update”).
- SDK Franco accepted ownership of the licenses for K287BQ and K223CW, despite the fact that one of its principals owned an in interest in an LPFM station (KCDE-LP) and ownership of that interest would disqualify SDK Franco from being licensee of the three FM translators. 47 C.F.R. § 73.860.
- Then, when a Petition for Reconsideration of the assignment grant for K287BQ and K223CW was filed by an outside party, SDK Franco did not even oppose the Petition. Centro, however, defended the assignment grant in its own “Opposition to Petition for Reconsideration” filed on May 28, 2020.
- Now, an application for consent to the assignment of Station K218EJ remains pending. File No. BALED-20200430AAL. Notably, that application **ALSO** was for the assignment of an FM translator to an organization that included Daniel Guevara as a participant, and that application **ALSO** did not voluntarily disclose Daniel Guevara’s ownership interest in Station KCDE-LP. Attachment 10 (filing with the Texas Secretary of State). Needless to say, grant of that application, as originally filed, also would have been in violation of Section 73.860 of the Commission’s Rules.

Minor modifications of this authorization are permitted, provided that the translator will continue to rebroadcast the AM station for which the modification was granted.

File No. BPFT-20170407AAY. Attachment 6 at 2-3. This is clear from SDK Franco’s own filing. As according to the application for license to cover filed by SDK Franco on May 4, 2020, SDK Franco is illegally rebroadcasting Station KJOZ(AM). LMS File No. 0000112788.

Excerpt of application:

**Antenna
Technical Data**

Section	Question	Response
Antenna Type	Antenna Type	Directional
Primary Station	Call Sign	KJOZ
	Facility ID	20625

- The proposed assignee of K218EJ, Hope Franco Organization Incorporation was voluntarily dissolved in the State of Texas on **July 2, 2020**. Attachment 11 (copy of Texas Secretary of State filing). That voluntary dissolution has not been reported to the FCC as required under Section 1.65 of the Commission’s Rules. 47 C.F.R. § 1.65 (requiring an amendment within 30 days of changed information).
- An amendment to the pending K218EJ FCC Form 345 application was requested on **July 16, 2020**. Attachment 12. On **July 27, 2020**, the requested amendment was completed by Centro’s counsel, and sent to Franco’s attorney for approval. Attachment 13. Now, **after over four weeks**, the assignee of that application has not approved that amendment to be filed. Attachments 14 and 15. The original FCC Form 345 application was filed on April 30, 2020. Although Franco knew as early as March 10, 2020 that it needed to file that new application for consent to the assignment of K218EJ, Franco waited nearly 1 ½ months before completing and authorizing the filing of the K218EJ application on April 30, 2020. See Attachment 16. Aside from the fact that thereafter on **May 1, 2020**, the **proposed assignee** first **dismissed** the pending application and then fifteen days later requested **reinstatement** of the application (Attachment 17), thus delaying the processing of the application, the lack of a new amendment filing by Franco is the **predominant** reason why “[o]ne of the three translator assignments is still pending almost eight months after the divorce became final.” Opposition at 2. It is **Centro** that is trying to **expedite** the processing of the application. Attachment 14.

Notably, (i) insofar as SDK Franco seized control of the three FM translator stations on February 1, 2020, Centro did not and at no time had any ability to “shut[] down the station” (cf. Opposition at 2) after that date, and (ii) at no time did Centro “file an STA for dark authority without the consent of SDK Franco.” Cf. Opposition at 2. These are more alternative-reality, made-up facts by SDK Franco which appear to be designed solely to distract or mislead the FCC.

SDK Franco is dedicated and driven to blaming Centro for each and every one of its errors, delays, and misstatements to the FCC with regard to the FM translator assignment applications. Nearly each and every one of these actions on the part of SDK Franco or its principals with regard to the FM translators involved violations, or attempts to violate, the Commission’s rules and policies, and their duty of candor to the FCC.

For the reasons stated in the Supplement to Petition to Deny filed by Centro in this proceeding on August 19, 2020, the proposed assignment may not be granted at this time. It may be necessary for the Commission to deal with these other matters in other investigations or proceedings.

WHEREFORE, it is requested that the Petition to Deny, as supplemented, be granted.

Respectfully submitted,

**CENTRO CRISTIANO DE VIDA
ETERNA**

By: ____/Dan J. Alpert/_____
Dan J. Alpert

Its Attorney

*The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201
703-243-8690*

August 28, 2020

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that a copy of the foregoing “Reply to Opposition to Petition to Deny” is being provided by First Class Mail to the following:

Francisco Montero, Esq.
Fletcher Heald & Hildreth PLC
1300 N. 17th St.
Suite 1100
Arlington, VA 22209

John C. Trent, Esq.
Putbrese Hunsaker & Trent P.C.
200 South Church St.
Woodstock, VA 22664

_____/Dan J. Alpert_____
Dan J. Alpert

Attachment 1

Federal Communications Commission Washington, D.C. 20554 FCC 345	Approved by OMB 3060-0075 (April 2017) FOR FCC USE ONLY
APPLICATION FOR TRANSFER OF CONTROL OF A CORPORATE LICENSEE OR PERMITTEE, OR FOR ASSIGNMENT OF LICENSE OR PERMIT OF TV OR FM TRANSLATOR STATION OR LOW POWER TELEVISION STATION Read INSTRUCTIONS Before Filling Out Form	FOR COMMISSION USE ONLY FILE NO. BALFT - 20200108AAX

Section I - General Information

1. Legal Name of the Licensee/Permittee CENTRO CRISTIANO DE VIDA ETERNA			
Mailing Address 8230 ANTOINE DR.			
City HOUSTON	State or Country (if foreign address) TX	ZIP Code 77088 -	
Telephone Number (include area code) 7138758728		E-Mail Address (if available)	
FCC Registration Number: 0017010596	Call Sign K287BQ	Facility Identifier 148244	
2. Contact Representative (if other than Licensee/Permittee) DAN J. ALPERT		Firm or Company Name THE LAW OFFICE OF DAN J. ALPERT	
Mailing Address 2120 N. 21ST RD.			
City ARLINGTON	State or Country (if foreign address) VA	ZIP Code 22201 -	
Telephone Number (include area code) 7032438690		E-Mail Address (if available) DJA@COMMLAW.TV	
3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): <input type="checkbox"/> Governmental Entity <input type="checkbox"/> Noncommercial Educational Licensee/Permittee <input type="checkbox"/> Other <input checked="" type="radio"/> N/A (Fee Required)			
4. Were any of the authorizations that are the subject of this application obtained through the Commission's competitive bidding procedures (see 47 C.F.R. Sections 1.2111(a) and 73.5001)? <input type="checkbox"/> Yes <input checked="" type="radio"/> No If Yes, list pertinent authorizations in an Exhibit. [Exhibit 1]			

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section II - Assignor/Transferor

1. Certification. Licensee/permittee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Licensee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	<input checked="" type="radio"/> Yes <input type="checkbox"/> No
2. Application for (check only one box for A and B): A. <input type="checkbox"/> Consent to Assignment of Construction Permit <input type="checkbox"/> Consent to Transfer Control of Permittee <input checked="" type="radio"/> Consent to Assignment of License <input type="checkbox"/> Consent to Transfer Control of Licensee	

	<input type="checkbox"/>	Amendment to pending application	
		If an amendment, submit as an Exhibit a listing by Section and Question	[Exhibit 2]
		Number of the portions of the pending application that are being revised.	
B.	<input type="checkbox"/>	TV Translator	<input type="checkbox"/> Low Power TV Station <input checked="" type="radio"/> FM Translator <input type="checkbox"/> Digital Low Power TV <input type="checkbox"/> Digital TV Translator

3.	Legal Name of the Assignor/Transferor CENTRO CRISTIANO DE VIDA ETERNA <hr/> Mailing Address 8230 ANTOINE DR. <hr/> <table style="width: 100%;"> <tr> <td style="width: 33%;">City HOUSTON</td> <td style="width: 33%;">State or Country (if foreign address) TX</td> <td style="width: 34%;">Zip Code 77088 -</td> </tr> <tr> <td>Telephone Number (include area code) 7138758728</td> <td colspan="2">E-Mail Address (if available)</td> </tr> </table>	City HOUSTON	State or Country (if foreign address) TX	Zip Code 77088 -	Telephone Number (include area code) 7138758728	E-Mail Address (if available)	
City HOUSTON	State or Country (if foreign address) TX	Zip Code 77088 -					
Telephone Number (include area code) 7138758728	E-Mail Address (if available)						
	If more than one transferor, submit the information requested in question 1 for each transferor. [Exhibit 3]						

4.	Contact Representative (if other than assignee) DAN J. ALPERT <hr/> Mailing Address 2120 N. 21ST RD. <hr/> <table style="width: 100%;"> <tr> <td style="width: 33%;">City ARLINGTON</td> <td style="width: 33%;">State or Country (if foreign address) VA</td> <td style="width: 34%;">Zip Code 22201 -</td> </tr> <tr> <td>Telephone Number (include area code) 7032438690</td> <td colspan="2">E-Mail Address (if available) DJA@COMMLAW.TV</td> </tr> </table>	City ARLINGTON	State or Country (if foreign address) VA	Zip Code 22201 -	Telephone Number (include area code) 7032438690	E-Mail Address (if available) DJA@COMMLAW.TV		Firm or Company Name THE LAW OFFICE OF DAN J. ALPERT
City ARLINGTON	State or Country (if foreign address) VA	Zip Code 22201 -						
Telephone Number (include area code) 7032438690	E-Mail Address (if available) DJA@COMMLAW.TV							

5.	Authorizations to be Assigned/Transferred. List call signs, locations and facility identifiers of all authorizations to be assigned/transferred. Include construction permits and file numbers. List main station authorizations and any FM and/or TV translator stations, LPTV stations, SCA, FM and/or TV booster stations, and associated auxiliary service stations. [Enter Station Information]																														
	List the authorized stations and construction permits to be assigned/transferred. Provide the Facility Identification Number and the Call Sign, or the Facility Identification Number and the File Number of the Construction Permit, and the location, for each station to be assigned/transferred. Include main stations, FM and/or TV translator stations, LPTV stations, FM and/or TV booster stations.																														
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Facility ID Number</th> <th style="width: 15%;">Call Sign</th> <th style="width: 40%;">or Construction Permit File Number</th> <th style="width: 20%;">City</th> <th style="width: 10%;">State</th> </tr> <tr> <td>148244</td> <td>K287BQ</td> <td>-</td> <td>HOUSTON</td> <td>TX</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Facility ID Number</th> <th style="width: 15%;">Call Sign</th> <th style="width: 40%;">or Construction Permit File Number</th> <th style="width: 20%;">City</th> <th style="width: 10%;">State</th> </tr> <tr> <td>20799</td> <td>K218EJ</td> <td>-</td> <td>HOUSTON</td> <td>TX</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Facility ID Number</th> <th style="width: 15%;">Call Sign</th> <th style="width: 40%;">or Construction Permit File Number</th> <th style="width: 20%;">City</th> <th style="width: 10%;">State</th> </tr> <tr> <td>148239</td> <td>K223CW</td> <td>-</td> <td>HOUSTON</td> <td>TX</td> </tr> </table>	Facility ID Number	Call Sign	or Construction Permit File Number	City	State	148244	K287BQ	-	HOUSTON	TX	Facility ID Number	Call Sign	or Construction Permit File Number	City	State	20799	K218EJ	-	HOUSTON	TX	Facility ID Number	Call Sign	or Construction Permit File Number	City	State	148239	K223CW	-	HOUSTON	TX
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148239	K223CW	-	HOUSTON	TX																											

6.	Agreements for Sale/Transfer of Station. Licensee/permittee certifies that: a. it has placed in its station records and submitted to the Commission as an Exhibit to this application copies of all agreements for the sale/transfer of the station(s); b. these documents embody the complete and final understanding between licensee/permittee and assignee/transferee; and c. these agreements comply fully with the Commission's rules and policies.	<input type="checkbox"/> Yes <input checked="" type="radio"/> No See Explanation in [Exhibit 4]
----	---	---

7.	
----	--

<p>Character Issues. Licensee/permittee certifies that neither licensee/permittee nor any party to the application has or has had any interest in or connection with:</p> <p>a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the a application; or</p> <p>b. any pending broadcast application in which character issues have been raised.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 5]</p>
<p>8. Adverse Findings. Licensee/permittee certifies that, with respect to the licensee/permittee and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p>See Explanation in [Exhibit 6]</p>
<p>9. Local Public Notice. Licensee/permittee certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>10. Auction Authorization. Licensee/permittee certifies that more than five years have passed since the issuance of the construction permit for the station being assigned/transferred, where that permit was acquired in an auction through the use of a bidding credit or other special measure.</p>	<p><input type="radio"/> Yes <input type="radio"/> No</p> <p><input checked="" type="radio"/> N/A</p> <p>See Explanation in [Exhibit 7]</p>
<p>11. Anti-Drug Abuse Act Certification. Licensee/permittee certifies that neither licensee/permittee nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>12. Anti-Discrimination Certification. Licensee/permittee certifies that neither licensee/permittee nor any party to the application have violated the Commission's prohibition against discrimination on the basis of race, color, religion, national origin or sex in the sale of commercially operated FM translator, TV translator, or low power television stations.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p><input type="radio"/> N/A</p> <p>See Explanation in [Exhibit 8]</p>

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

<p>Typed or Printed Name of Person Signing MARTIN GUEVARRA</p>	<p>Typed or Printed Title of Person Signing PRESIDENT</p>
<p>Signature</p>	<p>Date 01/08/2019</p>

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

Section III - Assignee/Transferee

<p>1. Certification. Assignee/transferee certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Assignee/transferee further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>2. Legal Name of the Assignee/Transferee FRANCO LLC</p>	

Mailing Address 1420 HAWTHORNE ST #15		
City HOUSTON	State or Country (if foreign address) TX	Zip Code 77006 -
Telephone Number (include area code) 7135452651		E-Mail Address (if available) SARAGUEVARA44@YAHOO.COM
If more than one transferee, submit the information requested in question 1 for each transferor. [Exhibit 9]		
3. Contact Representative (if other than assignee) FRANCISCO R. MONTERO		Firm or Company Name FLETCHER, HEALD & HILDRETH, P.L.C.
Mailing Address 1300 N. 17TH STREET SUITE 1100		
City ARLINGTON	State or Country (if foreign address) VA	Zip Code 22209 -
Telephone Number (include area code) 7038120480		E-Mail Address (if available) MONTERO@FHHLAW.COM
4. Nature of Applicant. Assignee/transferee is: <input type="checkbox"/> an individual <input type="checkbox"/> a general partnership <input type="checkbox"/> a for-profit corporation <input type="checkbox"/> a limited partnership <input type="checkbox"/> a not-for-profit corporation <input checked="" type="radio"/> a limited liability company (LLC/LC) <input checked="" type="radio"/> other		
a. If "other", describe nature of applicant in an Exhibit. [Exhibit 10]		
5. Agreements for Sale/Transfer of Station. Assignee/Transferee certifies that: a. the written agreements in the licensee/permittee's station records embody the complete and final agreement for the sale of the station(s) which are to be assigned; and these b. agreements comply fully with the Commission's rules and policies.		
		<input type="radio"/> Yes <input checked="" type="radio"/> No See Explanation in [Exhibit 11]
6. Character Issues. Assignee/Transferee certifies that neither assignee/transferee nor any party to the application has or has had any interest in or connection with: a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or b. any pending broadcast application in which character issues have been raised.		
		<input checked="" type="radio"/> Yes <input type="checkbox"/> No See Explanation in [Exhibit 12]
7. Adverse Findings. Assignee/Transferee certifies that, with respect to the assignee/transferee and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another government unit; or discrimination.		
		<input checked="" type="radio"/> Yes <input type="checkbox"/> No See Explanation in [Exhibit 13]
8. Alien Ownership and Control. Assignee/Transferee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.		
		<input checked="" type="radio"/> Yes <input type="checkbox"/> No See Explanation in [Exhibit 14]
9. Financial Qualifications. Assignee/Transferee certifies that sufficient net liquid assets are on hand or are available from committed sources to consummate the transaction and operate the station(s) for three months.		
		<input checked="" type="radio"/> Yes <input type="checkbox"/> No See Explanation in [Exhibit 15]
10. Rebroadcast Certification. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted		
		<input checked="" type="radio"/> Yes <input type="checkbox"/> No <input type="radio"/> N/A

Attachment 2

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Notification of Suspension of Operations		FOR COMMISSION USE ONLY FILE NO.
Read Instructions/FAQ before filling out form		

Section I - General Information

1. Legal Name of the Applicant CENTRO CRISTIANO DE VIDA ETERNA		
Mailing Address 8230 ANTOINE DR.		
City HOUSTON	State or Country (if foreign address) TX	Zip Code 77088 -
Telephone Number (include area code) 7138758728		E-Mail Address (if available) APOSTOLGUEVARA@GMAIL.COM
Call Sign K287BQ	Facility ID Number 148244	
2. Contact Representative (if other than licensee/permittee) DAN J. ALPERT		Firm or Company Name THE LAW OFFICE OF DAN J. ALPERT
Mailing Address 2120 N. 21ST RD.		
City ARLINGTON	State or Country (if foreign address) VA	ZIP Code 22201 -
Telephone Number (include area code) 7032438690		E-Mail Address (if available) DJA@COMMLAW.TV
3. Purpose:		
<input checked="" type="radio"/> Notification of Suspension of Operations		
<input type="radio"/> Notification of Suspension of Operations and Request for Silent STA		
<input type="checkbox"/> Request for Silent STA		
<input type="checkbox"/> Request to Extend STA		
<input type="checkbox"/> Resumption of Operations		
4. Community of License: City: HOUSTON State: TX		
5. Reason for going silent:		
<input checked="" type="checkbox"/> Technical <input type="checkbox"/> Financing <input type="checkbox"/> Staffing		
<input type="checkbox"/> Program Source <input type="checkbox"/> Other		
6. Please provide a justification for the request		[Exhibit 4]
7. Date Station will go silent: 02/01/2020 (mm/dd/yyyy)		
8. Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.		<input checked="" type="radio"/> Yes <input type="checkbox"/> No

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
---	--

HECTOR GUEVARA	PRESIDENT
Signature	Date (mm/dd/yyyy) 04/29/2020

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Exhibits

Exhibit 4

Description: K287BQ SILENT NOTIFICATION NARRATIVE

PURSUANT TO 'MEDIATED SETTLEMENT AGREEMENT FOR TEMPORARY ORDERS' DATED DECEMBER 11, 2019, AND 'AGREED FINAL DECREE OF DIVORCE' DATED JANUARY 29, 2020, IT WAS AGREED BETWEEN SARA FRANCO (NEE GUEVARA) AND HECTOR GUEVARA THAT FOLLOWING RECEIPT OF FCC CONSENT SARA FRANCO WOULD OBTAIN OWNERSHIP OF STATIONS K287BQ, K223CW, AND K218EJ, CURRENTLY LICENSED TO CENTRO CRISTIANO DE VIDA ETERNA.

AN APPLICATION (FCC FORM 345) WAS FILED WITH THE FCC ON JANUARY 8, 2020, FOR ASSIGNMENT OF THE LICENSES FOR K287BQ AND K223CW FROM CENTRO CRISTIANO DE VIDA ETERNA AND SDK FRANCO LLC. FILE NO. BALFT-20200108AAX. THE APPLICATION WAS GRANTED ON APRIL 17, 2020.

HOWEVER, 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. SPECIFICALLY, A CONSTRUCTION PERMIT TO CHANGE THE TRANSMITTER SITE OF K287BQ (TO THE ROOFTOP OF THE WELLS FARGO PLAZA BUILDING) WAS GRANTED BY THE COMMISSION ON JANUARY 24, 2020. WITHOUT THE CONSENT OR INVOLVEMENT OF CENTRO CRISTIANO DE VIDA ETERNA, ON FEBRUARY 1, 2020, FRANCO OR HER REPRESENTATIVES TOOK IT UPON THEMSELVES TO CHANGE THE TRANSMITTER SITE OF K287BQ TO THE CP SITE AND BEGIN OPERATION OF K287BQ AT THE NEW SITE, AND WITHOUT PERMITTING CENTRO CRISTIANO DE VIDA ETERNA TO FILE AN APPLICATION FOR LICENSE TO COVER THE OUTSTANDING CONSTRUCTION PERMIT. IT SHOULD ALSO BE NOTED THAT STATION K287BQ IS NOT OPERATING WITH THE PROPER DIRECTIONAL ANTENNA (WHICH PROVIDES PROTECTION TO STATION KTWL IN RESPONSE TO INTERFERENCE COMPLAINTS FILED BY THE LICENSEE OF KTWL WITH RESPECT TO STATION K287BQ) AS WAS REQUESTED IN THE CP APPLICATION AND WHICH IS SPECIFIED IN THE CONSTRUCTION PERMIT ISSUED WITH REGARD TO THE FACILITY.

EVEN WITH PROPER EQUIPMENT, PURSUANT TO SECTION 74.14 OF THE COMMISSION'S RULES, AN FM TRANSLATOR IS NOT PERMITTED TO BEGIN OPERATIONS PURSUANT TO PROGRAM TEST AUTHORITY WITHOUT FIRST FILING AN APPLICATION FOR LICENSE TO COVER (FCC FORM 350). THEREFORE, FRANCO UNILATERALLY HAS BEEN OPERATING K287BQ ILLEGALLY FROM THE WELLS FARGO PLAZA BUILDING SITE, WITHOUT A LICENSE AND WITHOUT PROGRAM TEST AUTHORITY, AND WITHOUT A PROPER ANTENNA, SINCE FEBRUARY 1, 2020.

THEREFORE, THE LAST DATE K287BQ OPERATED WITH LEGAL FACILITIES WAS FEBRUARY 1, 2020, THE DATE K287BQ CHANGED TRANSMITTER SITES, AND WHICH IS THE DATE REPORTED IN THIS APPLICATION.

THE STATION CEASED OPERATIONS ENTIRELY ON APRIL 25, 2020.

Attachment 4

Attachment 3

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Notification of Suspension of Operations Read Instructions/FAQ before filling out form		FOR COMMISSION USE ONLY FILE NO.

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Call Sign K223CW	Facility ID Number 148239	
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City ARLINGTON	State or Country (if foreign address) VA	ZIP Code 22201 -
Telephone Number (include area code) 7032438690		E-Mail Address (if available) DJA@COMMLAW.TV
3. Purpose: <input checked="" type="radio"/> Notification of Suspension of Operations <input type="radio"/> Notification of Suspension of Operations and Request for Silent STA <input type="checkbox"/> Request for Silent STA <input type="checkbox"/> Request to Extend STA <input type="checkbox"/> Resumption of Operations		
4. Community of License: City: HOUSTON State: TX		
5. Reason for going silent: <input type="checkbox"/> Technical <input type="checkbox"/> Financing <input type="checkbox"/> Staffing <input type="checkbox"/> Program Source <input checked="" type="radio"/> Other		
6. Please provide a justification for the request		[Exhibit 4]
7. Date Station will go silent: 02/01/2020 (mm/dd/yyyy)		
8. Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.		<input checked="" type="radio"/> Yes <input type="checkbox"/> No

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
---	--

MARTIN GUEVARA	PRESIDENT
Signature	Date (mm/dd/yyyy) 04/29/2020

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Exhibits

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AN APPLICATION (FCC FORM 345) WAS FILED WITH THE FCC ON JANUARY 8, 2020, FOR ASSIGNMENT OF THE LICENSES FOR K287BQ AND K223CW FROM CENTRO CRISTIANO DE VIDA ETERNA AND SDK FRANCO LLC. FILE NO. BALFT-20200108AAX. THE APPLICATION WAS GRANTED ON APRIL 17, 2020.

HOWEVER, 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.

SPECIFICALLY, IN THIS CASE, PURSUANT TO THE RESTRICTIONS OF 'REVITALIZATION OF THE AM RADIO SERVICE,' 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), K223CW MAY NOT CHANGE THE PRIMARY STATION BEING REBROADCAST, NOR MAY K223CW REBROADCAST ANOTHER STATION WHEN KJOZ IS SILENT. HOWEVER, ON FEBRUARY 1, 2020, FRANCO UNILATERALLY CHANGED THE PROGRAMMING OF K223CW, AND AS A RESULT, K223CW HAS NOT REBROADCAST KJOZ SINCE FEBRUARY 1, 2020. SINCE FEBRUARY 1, 2020, CONTINUES TO ASSERT CONTROL OVER K223CW, AND FRANCO IS ENGAGING AT THIS TIME IN WHAT IS BELIEVED TO BE ORIGINATION OF ORIGINAL PROGRAMMING ON K223CW.

THEREFORE, EVEN THOUGH THE STATION WAS TAKEN SILENT ON APRIL 25, 2020, THE LAST DATE K223CW OPERATED WITH LEGAL FACILITIES WAS FEBRUARY 1, 2020 (THE DATE K223CW CEASED REBROADCASTING KJOZ(AM)), AND WHICH IS THE DATE REPORTED IN THIS APPLICATION.

Attachment 4

Attachment 4

From: Rolanda Faye Smith <Rolanda-Faye.Smith@fcc.gov>
Sent: Tuesday, March 10, 2020 4:13 PM
To: Francisco Montero
Cc: Dan J. Alpert (dja@commlaw.tv)
Subject: RE: K287BQ, Fac. ID # 148244, Houston, TX, BALFT-20200108AA.X

Categories: Work

Mr. Montero,

I spoke with Mr. Alpert today. We are still awaiting the filing of an amendment to remove K283CH and K218EJ from the rebroadcast certification, Attachment 16; and remove K218EJ from the group since a FM translator station in the reserved band cannot be assigned to a commercial entity. Also, an amendment is needed to Exhibit 5 stating that there is no consideration for the sale of the stations.

Rolanda Faye Smith
Paralegal Specialist
Federal Communications Commission
Media Bureau, Audio Division
(202) 418-2054
Rolanda-Faye.Smith@fcc.gov

Attachment 5

06-26-2020, 07:04 AM

#3

Mrtejano

Join Date: Mar 2016

Posts: 979

Here's another radio observation, ESPN RADIO is on both 97.5 and 92.5.

Reply With Quote

06-26-2020, 01:24 PM

#4

Mediafrog

Join Date: Apr 2006

Posts: 3,635

Originally Posted by Mrtejano

Here's another radio observation, ESPN RADIO is on both 97.5 and 92.5.

Yes, straight simulcast of KFNH. Perhaps Gow is kicking the tires on K223CW to help with coverage in Houston's urban core. Or perhaps looking for a local outlet for its newly renamed SportsMap Radio Network, which currently lacks a local affiliate.

Reply With Quote

06-26-2020, 05:12 PM

#5

Ryan Williams

Join Date: May 2011

Posts: 427

Think 97.5 will ever get SportsMap branding?

Reply With Quote

Attachment 6



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER STATION
CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

SDK FRANCO LLC
1420 HAWTHORNE ST #15
HOUSTON TX 77006

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility Id: 148239

Call Sign: K223CW

Permit File Number: BPFT-20170317ABB

Grant Date: April 04, 2017

This permit expires 3:00 a.m.
local time, 36 months after the
grant date specified above.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Name of Permittee: 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

Antenna type: (directional or non-directional): Directional

Major lobe directions 290
 (degrees true):

Horizontally	Vertically
Polarized	Polarized
Antenna:	Antenna:

Effective radiated power in the Horizontal Plane (kw):	0.03
Height of radiation center above ground (Meters):	304
Height of radiation center above mean sea level (Meters):	319

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 Prior to commencing program test operations, FM Translator or FM Booster permittee must have on file at the Commission, FCC Form 350, Application for an FM Translator or FM Booster Station License, pursuant to 47 C.F.R. Section 74.14.

Special operating conditions or restrictions:

- 3 Pursuant to Revitalization of the AM Radio Service, First Report and Order, 30 FCC Rcd 12145, 12153 para. 16 (2015), the permittee 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 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 7

From: Elizabeth Craig <craig@fhhlaw.com>
Sent: Thursday, April 30, 2020 7:23 PM
To: Dan J. Alpert; Francisco Montero
Cc: shawn@houstondivorcesource.com; 'Samantha Cristina Rudisel'
Subject: Closing Documents

Hi Dan,

I apologize for any delay. I should have the drafts of the closing documents to you tomorrow.

Thank you,

Betsy Craig



Fletcher, Heald & Hildreth

Elizabeth E. Craig, Esq.

1300 N. 17th Street, Suite 1100 | Arlington, VA 22209

Tel: 703.812.0424 | Fax: 703.812.0486

✉ craig@fhhlaw.com | www.fhhlaw.com | www.commlawblog.com

From: Elizabeth Craig <craig@fhhlaw.com>
Sent: Friday, May 1, 2020 11:23 AM
To: Dan J. Alpert
Cc: Francisco Montero
Subject: Closing Documents -- K287BQ & K223CW
Attachments: Franco LLC - Assignment of FCC Licenses (01423426xB3D1E).doc; Franco LLC - Bill of Sale (01423424xB3D1E).doc; Franco LLC - Assignment of Contracts (01423425xB3D1E).doc

Good morning Dan,

Attached are the closing documents for K287BQ and K223CW.

Sincerely,
Betsy

 **Fletcher, Heald & Hildreth**

Elizabeth E. Craig, Esq.

1300 N. 17th Street, Suite 1100 | Arlington, VA 22209

Tel: 703.812.0424 | Fax: 703.812.0486

✉ craig@fhhlaw.com | www.fhhlaw.com | www.commlawblog.com

Attachment 8

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0031 (September 2004)	FOR FCC USE ONLY
Consummation Notice Read Instructions/FAQ before filling out form		FOR COMMISSION USE ONLY FILE NO.

Section I - General Information

1. Legal Name of the Applicant SDK FRANCO, LLC												
Mailing Address 1420 HAWTHORNE STREET #15												
<table border="1"> <tr> <td>City HOUSTON</td> <td>State or Country (if foreign address) TX</td> <td>Zip Code 77006 -</td> </tr> </table>	City HOUSTON	State or Country (if foreign address) TX	Zip Code 77006 -									
City HOUSTON	State or Country (if foreign address) TX	Zip Code 77006 -										
<table border="1"> <tr> <td>Telephone Number (include area code) 7135452651</td> <td>E-Mail Address (if available) SARAGUEVARA44@YAHOO.COM</td> </tr> </table>	Telephone Number (include area code) 7135452651	E-Mail Address (if available) SARAGUEVARA44@YAHOO.COM										
Telephone Number (include area code) 7135452651	E-Mail Address (if available) SARAGUEVARA44@YAHOO.COM											
<table border="1"> <tr> <td>FCC Registration Number: 0029490984</td> <td>Call Sign K287BQ</td> <td>Facility ID Number 148244</td> </tr> </table>	FCC Registration Number: 0029490984	Call Sign K287BQ	Facility ID Number 148244									
FCC Registration Number: 0029490984	Call Sign K287BQ	Facility ID Number 148244										
2. Contact Representative (if other than licensee/permittee) FRANCISCO R MONTERO												
Firm or Company Name												
Mailing Address 1300 N 17TH STREET												
<table border="1"> <tr> <td>City ARLINGTON</td> <td>State or Country (if foreign address) VA</td> <td>ZIP Code 22209 -</td> </tr> </table>	City ARLINGTON	State or Country (if foreign address) VA	ZIP Code 22209 -									
City ARLINGTON	State or Country (if foreign address) VA	ZIP Code 22209 -										
<table border="1"> <tr> <td>Telephone Number (include area code) 7038120400</td> <td>E-Mail Address (if available) MONTERO@FHHLAW.COM</td> </tr> </table>	Telephone Number (include area code) 7038120400	E-Mail Address (if available) MONTERO@FHHLAW.COM										
Telephone Number (include area code) 7038120400	E-Mail Address (if available) MONTERO@FHHLAW.COM											
3. Purpose: <input checked="" type="radio"/> Consummation Notice												
<input type="checkbox"/> Extension of Consummation												
<input type="checkbox"/> Notification of Non-consummation												
4. Consummation for: <input checked="" type="radio"/> Assignment of License and/or Permit												
<input type="checkbox"/> Transfer of Control												
5. Lead Station File Number: BALFT - 20200108AAX												
Lead Facility ID: 148244												
6.												
<table border="1"> <tr> <th>File Number</th> <th>Facility ID</th> <th>Call Sign</th> <th>Will not Consummate</th> </tr> <tr> <td>BALFT-20200108AAX</td> <td>148244</td> <td>K287BQ</td> <td><input type="checkbox"/></td> </tr> <tr> <td>BALFT-20200108AAZ</td> <td>148239</td> <td>K223CW</td> <td><input type="checkbox"/></td> </tr> </table>	File Number	Facility ID	Call Sign	Will not Consummate	BALFT-20200108AAX	148244	K287BQ	<input type="checkbox"/>	BALFT-20200108AAZ	148239	K223CW	<input type="checkbox"/>
File Number	Facility ID	Call Sign	Will not Consummate									
BALFT-20200108AAX	148244	K287BQ	<input type="checkbox"/>									
BALFT-20200108AAZ	148239	K223CW	<input type="checkbox"/>									
7. Date of consummation: 04/17/2020												
8. FRN of the Licensee (post-consummation): 0029490984												

I hereby certify that the referenced assignment of license/transfer of control was consummated within the required time period, on the date indicated in #7 above.

Typed or Printed Name of Person Signing SARA GUEVARA	Typed or Printed Title of Person Signing MEMBER
---	--

Signature	Date 04/24/2020
-----------	--------------------

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Attachment 9

From: Dan J. Alpert <dja@commlaw.tv>
Sent: Friday, May 1, 2020 5:08 PM
To: 'James Bradshaw'; 'Elizabeth Craig'
Cc: 'Rodolfo Bonacci'; 'Tom Hutton'
Subject: RE: Conflicting claims about Two FM translators K287BQ (FCC Facility ID No. 148244) and K223CW (FCC Facility ID No. 148239).

Categories: Work

Jim:

We haven't closed yet. Betsy sent me the proposed closing documents earlier today a little before noon. If all goes well, I will get to them tonight or Monday morning.

Until then, the licensee should be Centro Cristiano de Vida Eterna. We have not filed a consummation notice yet.

Dan

From: James Bradshaw [mailto:James.Bradshaw@fcc.gov]
Sent: Friday, May 01, 2020 4:43 PM
To: Dan J. Alpert (dja@commlaw.tv) <dja@commlaw.tv>; 'Elizabeth Craig' <craig@fhhlaw.com>
Cc: Rodolfo Bonacci <Rodolfo.Bonacci@fcc.gov>; Tom Hutton <Tom.Hutton@fcc.gov>
Subject: Conflicting claims about Two FM translators K287BQ (FCC Facility ID No. 148244) and K2 23CW (FCC Facility ID No. 148239).

Dan and Betsy,

Since we are receiving conflicting information from either side, we need to know who the licensee currently is before we take any additional action.

Please get together and provide us with written confirmation of the status of the recently approved assignment application and related consummation notification that was filed.

Thanks,
Jim

From: Dan J. Alpert <dja@commlaw.tv>
Sent: Tuesday, May 5, 2020 4:57 PM
To: 'Francisco Montero'; 'James Bradshaw'; 'Rodolfo Bonacci'; 'Tom Hutton'
Cc: 'Shawn Rudisel'; 'Elizabeth Craig'
Subject: RE: Conflicting claims about Two FM translators K287BQ (FCC Facility ID No. 148244) and K223CW (FCC Facility ID No. 148239).

Categories: Work

Jim, Tom, and Rudy:

I believe this now has been resolved. Even though SDK Franco still owes me drafts of closing documents and I never filed a consummation notice, I believe it is accurate that SDK Franco is properly recognized as the licensee of the two stations at this time, pursuant to the divorce Court mandate.

An e-mail message from:

Dan J. Alpert
The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

703-243-8690 (business)

703-539-5418 (fax)

(Please note: This is a message sent by an attorney. It is confidential. It may contain privileged attorney-client communication or work product intended only for the individual or entity named within the message. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, any review, dissemination, distribution, or copying of this message is prohibited. If this email message was received in error, it would be appreciated if you would notify me by reply e-mail and delete the original message from your system. Thank you for your cooperation.)

From: Dan J. Alpert <dja@commlaw.tv>
Sent: Thursday, April 30, 2020 2:43 PM
To: 'James Bradshaw'
Subject: K287BQ and K223CW

Categories: Work

Jim:

Thanks for your help the last couple of day.

Can you update/correct LMS for these two stations to reflect the FRN **0017010596**

The licensee is still supposed to be Centro Crstiano de Vida Eterna. We haven't closed yet, and the buyer's FRN somehow got in there.

K287BQ, Facility No. 148244

K223CW, Facility No. 148239

An e-mail message from:

Dan J. Alpert
The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

703-243-8690 (business)

703-539-5418 (fax)

(Please note: This is a message sent by an attorney. It is confidential. It may contain privileged attorney-client communication or work product intended only for the individual or entity named within the message. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, any review,

dissemination, distribution, or copying of this message is prohibited. If this email message was received in error, it would be appreciated if you would notify me by reply e-mail and delete the original message from your system. Thank you for your cooperation.)

Attachment 10

TEXAS SECRETARY of STATE
RUTH R. HUGHS**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

Filing Number: 803573310
Original Date of Filing: March 12, 2020
Formation Date: N/A
Tax ID: 32073746722
Duration: Perpetual
Name: HOPE FRANCO ORGANIZATION INC
Address: 6815 ASHLAND FOREST DR
HOUSTON, TX 77088-1418 USA

Entity Type: Domestic Nonprofit Corporation
Entity Status: Voluntarily terminated
Non-Profit Type: N/A
FEIN:

REGISTERED AGENT	FILING HISTORY	NAMES	MANAGEMENT	ASSUMED NAMES	ASSOCIATED ENTITIES
Last Update	Name	Title	Address		
March 12, 2020	SARA GUEVARA	Director	6815 ASHLAND FOREST DR HOUSTON, TX 77088-77088 USA		
March 12, 2020	DANIEL GUEVARA	Director	6815 ASHLAND FOREST DR HOUSTON, TX 77088-77088 USA		
March 12, 2020	KAREN SARA GUEVARA	Director	6815 ASHLAND FOREST DR HOUSTON, TX 77088-77088 USA		

[Order](#)[Return to Search](#)**Instructions:**

🔴 To place an order for additional information about a filing press the 'Order' button.

Attachment 11

Form 652

Secretary of State
P.O. Box 13697
Austin, TX 78711-3697
FAX: 512/463-5709

Filing Fee: \$5



**Certificate of Termination
of a
Nonprofit Corporation or
a Cooperative Association**

**Filed in the Office of the
Secretary of State of Texas
Filing #: 803573310 7/2/2020
Document #: 980773320007
Image Generated Electronically
for Web Filing**

Entity Information

The name of the domestic entity is :

HOPE FRANCO ORGANIZATION INC

The date of formation of the entity is: **March 12, 2020**

The file number issued to the entity by the secretary of state is: **803573310**

Governing Persons

4. The names and addresses of each of the filing entity's governing persons are:

NAME OF GOVERNING PERSON :

SARA GUEVARA

ADDRESS OF GOVERNING PERSON :

6815 ASHLAND FOREST DR HOUSTON TX, USA 77088

NAME OF GOVERNING PERSON :

KAREN SARA GUEVARA

ADDRESS OF GOVERNING PERSON :

4405 LAKE VILLA DR METAIRIE LA, USA 70002

NAME OF GOVERNING PERSON :

DANIEL GUEVARA

ADDRESS OF GOVERNING PERSON :

6815 ASHLAND FOREST DR HOUSTON TX, USA 77088

Event Requiring Winding Up

The nature of the event requiring winding up is:

**A voluntary decision to wind up the entity has been approved in the manner
required by the Texas Business Organizations Code and by the governing documents
of the entity.**

Completion of Winding Up

The filing entity has complied with the provisions of the Texas Business Organizations Code governing its winding up.

Supplemental Information Required For a NonProfit Corporation

The undersigned authorized person acting on behalf of the named nonprofit corporation certifies that:

1. Any property of the nonprofit corporation has been transferred, conveyed, applied, or distributed in accordance with

chapter 11 and chapter 22 of the Texas Business Organizations Code.

2. There is no suit pending against the nonprofit corporation or that adequate provision has been made for the satisfaction of any judgment, order or decree that may be entered against the nonprofit corporation in a pending suit.

3. If the nonprofit corporation received and held property permitted to be used only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but the nonprofit corporation did not hold the property on a condition requiring return, transfer, or conveyance because of the winding up and termination, that the distribution of that property has been effected in accordance with a plan of distribution adopted in compliance with the BOC for the distribution of that property.

Effectiveness of Filing

☒ A. This document becomes effective when the document is filed by the secretary of state.

OR

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

EXECUTION

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: **July 2, 2020**

SARA GUEVARA

Signature and title of authorized person(s)

FILING OFFICE COPY

Attachment 12

From: Rolanda Faye Smith <Rolanda-Faye.Smith@fcc.gov>
Sent: Thursday, July 16, 2020 12:17 PM
To: Dan J. Alpert (dja@commlaw.tv); Francisco Montero
Subject: K218EJ, FID 20799, Houston, TX, BALED - 20200430AAL

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Work

Good afternoon,

I am writing this correspondence to request amendment to the application, File No. BALED-20200430AAL, to amend: 1) Section II, Item 6 and Section III, Item 5 to provide Exhibit 4 and Exhibit 11, Agreements for Sale/Transfer of Station; 2) Section II, Item 12. Anti-Discrimination Certification to provide an answer because none was provided; 3) Section III, Item 8. Alien Ownership and Control to provide Exhibit 14 since the answer "No" was provided; and 4) Section III, Item 10. Rebroadcast Certification to provide the primary rebroadcast station and answer the question.

We cannot proceed with the processing of the application until the requested amendment is filed.

Rolanda Faye Smith

Rolanda Faye Smith
Paralegal Specialist
Federal Communications Commission
Media Bureau, Audio Division
(202) 418-2054
Rolanda-Faye.Smith@fcc.gov



Attachment 13

From: dja@commlaw.tv
Sent: Monday, July 27, 2020 10:25 AM
To: 'Elizabeth Craig'
Cc: 'Francisco Montero'
Subject: RE: K218EJ - Amendment
Attachments: FCC Form 345.K218EJ,20200727.pdf

Betsy:

Thank you for the edits.

I have no problem, of course, with the edits to your section and they all have been implemented.

As to the edits you propose to my client's section, I have changed your proposed response to Section II, Question 12 to N/A, along with an explanation that this station is a non-commercial FM translator.

I also had to make changes also to your proposed exhibit for Section II, Question 2. It is my understanding that "Hope Franco Organization Inc." is a new organization that was formed on July 2, 2020. The former organization ("Hope Franco Organization Incorporated") was voluntarily dissolved on July 2, 2020. The Exhibit I have drafted and that will be provided to my client's portion of the application reflects that understanding, and is attached.

I have dated the signatures for both the assignor and assignee as of today. I will file this later this afternoon.

An e-mail message from:

Dan J. Alpert
The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

703-243-8690 (business)
703-539-5418 (fax)
Website: www.commlaw.tv

(Please note: This is a message sent by an attorney. It is confidential. It may contain privileged attorney-client communication or work product intended only for the individual or entity named within the message. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, any review, dissemination, distribution, or copying of this message is prohibited. If this email message was received in error, it would be appreciated if you would notify me by reply e-mail and delete the original message from your system. Thank you for your cooperation.)

From: Elizabeth Craig <craig@fhhlaw.com>
Sent: Tuesday, July 21, 2020 8:42 PM
To: dja@commlaw.tv
Cc: Francisco Montero <montero@fhhlaw.com>
Subject: K218EJ - Amendment

Hello Dan,

I have made corrections to the amendment.

- Section II – Question 2 requires an exhibit (Exhibit 2) explaining which questions have been revised. I’ve drafted this – Exhibit 2 is attached.
- Correct the spelling of Hope Franco Organization Incorporation
- Update the contact email in Section III – Question 2 to Maritzafrancoo@yahoo.com
- Section III – Question 5 – Note in Exhibit 11 that the Divorce Decree is supplied as Exhibit 4, and to refer to Section II, Item 6.
- The answer to Section III – Question 8 “Alien Ownership and Control” is “Yes” and the explanation should be removed.
- The name of the person signing on behalf of Hope Franco should be Maritza Maza and her title is Officer.

Please make only these and no other changes and send back another draft before we file.

Thank you,
Betsy

 **Fletcher, Heald & Hildreth**

Elizabeth E. Craig, Esq.
1300 N. 17th Street, Suite 1100 | Arlington, VA 22209
Tel: 703.812.0424 | Fax: 703.812.0486
✉ craig@fhhlaw.com | www.fhhlaw.com | www.commlawblog.com

Attachment 14

From: Elizabeth Craig <craig@fhhlaw.com>
Sent: Monday, July 27, 2020 10:56 AM
To: dja@commlaw.tv
Cc: Francisco Montero
Subject: RE: K218EJ - Amendment

Dan,

We will need to review this and have it all confirmed by our client. Please wait to file and we will let you know when we're ready to file.

Sincerely,
Betsy

 **Fletcher, Heald & Hildreth**

Elizabeth E. Craig, Esq.

1300 N. 17th Street, Suite 1100| Arlington, VA 22209

Tel: 703.812.0424 | Fax: 703.812.0486

✉ craig@fhhlaw.com | www.fhhlaw.com | www.commlawblog.com

Attachment 15

From: dja@commlaw.tv
Sent: Friday, August 14, 2020 3:16 PM
To: 'Elizabeth Craig'
Cc: 'Francisco Montero'
Subject: RE: K218EJ - Amendment

Betsy:

It's been almost three weeks. I have not heard back from you. May I get this on file?

An e-mail message from:

Dan J. Alpert
The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

703-243-8690 (business)
703-539-5418 (fax)
Website: www.commlaw.tv

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From: Elizabeth Craig <craig@fhhlaw.com>
Sent: Monday, July 27, 2020 10:56 AM
To: dja@commlaw.tv
Cc: Francisco Montero <montero@fhhlaw.com>
Subject: RE: K218EJ - Amendment

Dan,

We will need to review this and have it all confirmed by our client. Please wait to file and we will let you know when we're ready to file.

Sincerely,
Betsy

 **Fletcher, Heald & Hildreth**
Elizabeth E. Craig, Esq.

Attachment 16

From: Dan J. Alpert <dja@commlaw.tv>
Sent: Wednesday, April 29, 2020 6:37 PM
To: 'Francisco Montero'
Cc: 'shawn@houstondivorcesource.com'; 'Elizabeth Craig'
Subject: RE: K218EJ

Categories: Work

Frank:

Thank you for getting back to me. Again, as stated, all I asked for was permission was to correct the FAC for the Primary Station. Otherwise I receive an error message when I do a Test of the application. You provided the FAC for "K218EJ" rather than "KJIC". I am correcting this, and changing no other information in your portion of the application.

Three things:

- 1) I am ready to file the K218CJ application as soon as you can kindly provide me with the document I requested yesterday. As I said yesterday, right now, all I have is a court order from December directing K218EJ to be assigned to Ms. Sara Franco. As far as I know, no subsequent order has issued allowing or requiring the station to instead be assigned to "Hope Franco Organization Incorporation". While I am not objecting to Ms. Franco assigning her rights to Hope Franco Organization, nevertheless -- at the risk of your complaining -- in order to make certain my client properly complies with the order, and to make sure I'm not just simply "taking your word" for it, because K218EJ is going to be assigned to another entity other than that contained in the Court Order, kindly provide me with signed documentation signed by Ms. Franco, showing the assignment of Ms. Franco's rights to the other entity, so that I can have it for my files, and so that Centro can have written justification for the assignment and my client is protected from any claim from the Court that it did not properly respect its Order to assign K218EJ to "Sara Franco." It does not have to be a complicated document. A sentence or so will do just fine, as long as it is a legally binding signed document that my client can rely upon and have in its files.
- 2) As a point of clarification, am I missing something, but why did you claim (lie?) to Shawn yesterday that I had not set up the K218EJ application, when in fact you already were finishing up the application? Am I missing something? You have had account information since December 23, 2019 (which has always and continuously allowed you to "set up an application" on your own and fill out the assignee portion since that date), and as you apparently knew (because you were working in it) I even set up the application myself. The application was been set up and ready to go (except for your portion) since March 12, 2020 (just after Rolanda's March 10, 2020 email telling you that K218EJ could not be assigned as a part of the other application).
- 3) Where are we on the Closing Papers for K287BQ and K223CW? You did not formally respond to my email from yesterday, but I have been under the belief that you and your client have been anxious to close the matter. My client is as well, so I would appreciate an update.

An e-mail message from:

Dan J. Alpert
The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201

703-243-8690 (business)

703-539-5418 (fax)

(Please note: This is a message sent by an attorney. It is confidential. It may contain privileged attorney-client communication or work product intended only for the individual or entity named within the message. If you are not the intended recipient, or the agent responsible to deliver it to the intended recipient, any review, dissemination, distribution, or copying of this message is prohibited. If this email message was received in error, it would be appreciated if you would notify me by reply e-mail and delete the original message from your system. Thank you for your cooperation.)

Attachment 17



Public Notice Comment

[FCC](#) > [Media Bureau](#) > [MB-CDBS](#) > [CDBS Public Access](#) > [Application Search](#)

[Help](#) [site map](#)

Public Notice Comment

BALFT-20200430AAK

Voluntary Assignment of License

From: CENTRO CRISTIANO DE VIDA ETERNA

To: HOPE FRANCO ORGANIZATION INCORPORATION

Form 345

Dismissed 5/1/2020 at the request of the licensee, SDK Franco, LLC

Application reinstated 5/15/2020 via Public Notice - no letter sent

Petition to Deny filed 05/20/2020 by IGLESIA CENTRO DE LIBERACION, INC.

Application Dismissed 6/23/2020 per request of current licensee - no letter sent

Petition to Deny dismissed as moot - no letter sent

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| [For Consumers](#)

| [Find People](#)

Please send comments via standard mail to the Federal Communications Commission, Consumer and Governmental Affairs Bureau, 445 12th Street, S.W., Washington, D.C., 20554. Questions can also be answered by calling the FCC's National Call Center, toll free, at 1-888-Call FCC (1-888-225-5322).

Federal Communications Commission
445 12th Street SW
Washington, DC 20554
[More FCC Contact Information...](#)

Phone: 1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 1-866-418-0232
E-mail: fccinfo@fcc.gov

- [Privacy Policy](#)
- [Website Policies & Notices](#)
- [Required Browser Plug-ins](#)
- [Freedom of Information Act](#)

Attachment 18



To Whom It May Concern:

I, Daniel Hector Guevara declare under penalty of perjury that the foregoing statement is true and correct, and I am aware that if I present any material matter as true which I know to be false, I may be subjected to penalties.

I, Daniel Hector Guevara, being an adult of twenty-four years old, am director of Centro de Fe y Avivamiento Del Santo Espiritu Inc, with 70% voting rights, would like to state and declare the following.

With regard to Centro de Fe Avivamiento Del Santo Espiritu Inc. (hereafter "CFASE"), CFASE has been in my heart for a very long time. I was born and raise in a Christian family, my father who is Mr. Hector Guevara, Senior Pastor and President of Centro Cristiano de Vida Eterna (CCVE) has been involved in the works of God since can I remember, and is very passionate on their beliefs and on helping our community through their different organizations. This has taught me to also be passionate and to give myself, even at a very young age, a mission to work, to grow, to help and to love the Gospel of God and his mission towards our brothers and sisters.

CFASE has been an ongoing project for me from a very young age. Approximately six years ago we got together with a group of youth from my local Church and I shared with them my ideas and plans of CFASE and that's how at that time we started holding meetings in the same church where my father is the Senior Pastor. My Dad, Hector Guevara, has been in the Radio Ministry for approximately eighteen years. He first started leasing air time on different local stations. In the last number of years, he has become owner of KQVI-FM, Cedar Lake Texas; KNLY-FM New Waverly Texas; KQBI-FM Encinal Texas; KPAL-FM Palacios Texas. Those stations do not serve Houston or any portion of the area that will be served by CFASA's LPFM station.

Needless to say I also grow in the radio ministry. I am as passionate as my father and believe so much in media and broadcast to preach the Gospel, so much that in 2013, when the window for LPFM open I was not only quick to file for a LPFM station for CFASE, but also to get it incorporated as a nonprofit corporation in the State of Texas. Prior to this great opportunity we never had the need to do so that's why it was only incorporated in 2013. It was at this time that Mr. Cesar Guel came to play a very important role for us, as our advisor to file for the LPFM, Mr. Guel has not only been a great tool for us, but also I have known him for the last fifteen years, as he is also my father's advisor when it comes down to broadcast media. Since the transmitter site is nearby, my father will be letting me use studio space in his building, located at 8230

Antoine Dr., Houston, Texas, at no charge. This, I hope, will help the LPFM station survive.

In our application for LPFM, Rice University raised a question that my address and phone number are same as my dad's Hector Guevara and that is correct and true as I was at that time still school in at Lone Star College majoring in Audio and Video Production Media. I have since graduated. My updated address: 2350 Bagby St. Houston TX 77006. I am updating my address in the LPFM application. The other two directors of CFASE are Ms. Dulce Maria Duarte, and Mrs. Maria Schmeltzer Rodriguez, and both also have been of age and have 15% voting rights each. I have known them for last seven years.

CFASE from its beginnings has been supported by its members and directors, has been governed and all decisions are made by its directors and its directors only. At all times and points, Mr. Hector Guevara and or Mr. Cesar Guel have no voting rights or can dictate and or rule on any decisions making on behalf of CFASE.

With this declaration we hope that it is sufficient for the FCC to move forward with our application. We can only ask and hope for a speedy process on behalf of CFASE, we thank for your strenuous work and dedication on spreading the word of God with us, to make a better tomorrow, to give back to hundredth of thousands, that are going to have the opportunity to also hear and grow in a better community, city and nation. I can only thank you and pray that God will bless you and all your love ones.

A handwritten signature in black ink, appearing to read 'Daniel', with a stylized flourish at the end.

Sincerely

Daniel Hector Guevara

CENTRO DE FE AVIVAMINETO DEL SANTO ESPIRITU, INC.
File No. BNPL-20131114BXE

1) Applicant Location and Contact Information (Community Applications)

- a) **Provide the correct mailing address for each Applicant in the Community Applications. If the Applicant's headquarters address is different, provide that address as well.**

Not applicable.

- b) **Provide the correct telephone number where each Applicant in the Community Applications can be contacted at its mailing address or headquarters address.**

Not Applicable.

- c) **Provide the address of the location of each computer that was used to enter the information for each Community Application into the CDBS electronic filing system.**

Not Applicable.

- d) **Provide a copy of representative Documents confirming the mailing address (and headquarters address, if that is different from the mailing address) and telephone number for each Applicant in the Community Applications (*e.g.*, copies of leases, utility bills, telephone bills, and any other Documents confirming that each Applicant occupies the mailing address (and headquarters address, if that is different) and can be reached at the telephone number provided).**

Not Applicable.

2) Applicant Location and Contact Information (Centro Applications)

- a) **Explain why each of the Centro Applications lists the address and telephone number for CCVE as the address and telephone number for the Applicant and as the Applicant's proposed main studio address.**

CCVE has been the largest Hispanic church with radio station in the city of Houston and having the infrastructure to run radio and television from its building, also having plenty of space in their building to rent.

Sara Guevara is the wife of Hector Guevara

Daniel Hector Guevara is the oldest son of Hector Guevara

- b) **Provide the address of the location of each computer that was used to enter the information for each Centro Application into the CDBS electronic filing system.**

2605 HYACINTH DR., MESQUITE, TX 75181 (CESAR GUEL ADDRESS)

2120 N. 21ST RD., ARLINGTON, VA 22201 (DAN ALPERT ADDRESS)

42859 LINDSEY HEIGHTS PL., ASHBURN, VA 20148 (DARRYL DELAWDER ADDRESS)

- c) **Provide a copy of representative Documents confirming the mailing address and telephone number for each Applicant in the Centro Applications (e.g., copies of leases, utility bills, telephone bills, and any other Documents confirming that each Applicant occupies the mailing address and can be reached at the telephone number provided).**

See Attached Documents.

3) Applicant Corporate Information (All Applications)

- a) **State for each Application (1) who prepared the Articles of Incorporation for the Applicant, (2) who prepared and submitted the certificate of formation for the Applicant, (3) who paid the filing fee for the certificate of formation for the Applicant, (4) the name and address of the registered agent for the Applicant, and (5) if the Applicant applied for exemption from federal or state taxes, who prepared and submitted such Documentation.**

1. MARTIN GUEVARA prepared the Article of Incorporation.
2. MARTIN GUEVARA prepared and submitted the Certificate of Formation.
3. Each organization paid MARTIN GUEVARA not only to file the above document but also the filing fees.
4. N/A
5. MARTIN GUEVARA

- b) **Provide a copy of all Documents relating or referring to the formation of the Applicant and the preparation of the Articles of Incorporation, certificate of formation and any applications for exemption from taxes for the Applicant.**

COPIES OF DOCUMENTS PERTANING TO THE APPLICANT ARE ATTACHED.

4) Applicant Board of Directors Information (All Applications)

- a) Provide a signed and dated affidavit or sworn declaration from each board member listed in each Application (1) affirming his or her membership and positional interest in the Applicant, and (2) providing his or her identity and address, as shown in a copy of that board member's driver's license or other state-issued form of identification attached to such affidavit or declaration, and his or her current personal telephone number.

COPIES OF THE REQUESTED DECLARATIONS ARE ATTACHED

- b) **Describe in detail the formation of each Applicant, including who contacted each person who became a board member of the Applicant and who selected the name of the Applicant.**

Daniel Hector Guevara, contacted each of the board members and also name the organization.

- c) **Describe in detail the relationship between Antonio Cesar Guel and each board member in each Application, including periods prior to January 1, 2013. Provide a copy of all Documents referring or relating in any way to each board member's relationship with Antonio Cesar Guel.**

Centro de Fe y Avivamiento del Santo Espiritu Inc.

Daniel Hector Guevara, has known Mr. Guel from his childhood because Mr. Guel has been a longtime friend and also radio and tv advisor to his dad Mr. Hector Guevara. And now Mr. Guel is CFASE advisor.

Dulce Maria Duarte Duarte, has never had any type of relationship with Mr. Guel and the only one now is because of CFASE.

Maria Schmelter Rodriguez, has never had any type of relationship with Mr. Guel and the only one now is because of CFASE

- d) **Describe in detail any former, current, or future relationship each of the board members listed in the Centro Applications has had, has, or will have with CCVE, HCCN, and HFCN, including periods prior to January 1, 2013. Provide a copy of all Documents referring or relating in any way to each board member's relationship with CCVE, HCCN, and HFCN.**

Hector Guevara president and senior pastor of CCVE is the father of Daniel Hector Guevara, this been said Mr. Hector Guevara has no voting right and or power over CFASE, the only relationship beside that as family is that CCVE will be leasing space to CFASE in their building locate at 8230 Antoine Dr. Houston Tx. 77088.

Mr. Daniel Hector Guevara has known Cesar Guel since been a child because Mr. Guel has been Hector Guevara (the father) adviser on other radio matter. HCCN will also be advising CFASE present and future radio matter. HFCN has never had any relationship with CFASE.

Dulce Maria Duarte

- e) **Describe in detail the activities of Antonio Cesar Guel and each board member in the preparation and submission of each Application. Provide a copy of all Documents referring or relating in any way to each person's involvement in the preparation and submission of each Application.**

PLEASE SEE THE ATTACHED DECLARATION OF ANTONIO CESAR GUEL. ANTONIO CESAR GUEL IS A COMMUNICATIONS CONSULTANT AND MISSIONARY PASTOR WHO'S INTERESTED IN THE ADVANCED OF THE GOSPEL. HE CONTACTED THE MOST POSSIBLE PEOPLE TO TAKE THE OPPORTUNITY AND FOR THEM TO HAVE THEIR OWN RADIO STATION IN THEIR COMMUNITIES. IN SOME CASES HE KNOWS THE DIRECTORS AND OTHERS HE DOESN'T SINCE THEY WERE CONTACTED BY PASTORS, MINISTERS AND FRIENDS THAT KNEW ABOUT THE PROJECT THROUGH HIM.

- f) **Describe in detail the relationship between each board member in each Application and the proposed community of license specified in that Application, including any address(es) within 20 miles of the proposed transmitter site where the board member lives or has lived, and the dates the board member lived at such address(es), including periods prior to January 1, 2013.**

Centro Cristiano de Vida Eterna Att: Hector Guevara 713-875-8728

8230 Antoine Dr. Houston Tx. 77088, 281-448-6900

we have secure with Pastor Hector Guevara a leasing office for main studio and radio station offices if application is approve.

- g) **If the Application includes a "yes" certification to Section II, Question 4.a, state the basis for that certification.**
- h) **If the Application includes a "yes" certification to Section II, Question 4.b, state the basis for that certification.**

Not Applicable.

5) Applicant Programming Information (All Applications)

- a) **State for each Application who prepared the statement of educational purpose in Exhibit 2 of the Application.**

I AM TOLD THAT OVER THE YEARS, ANTONIO CESAR GUEL SPOKE TO SOME PASTORS AND MINISTERS FROM DIFFERENTS PARTS OF THE COUNTRY AND THROUGH THOSE CONVERSATIONS FORMED A STATEMENT THAT WAS PRESENTED TO THE STATE. A SIMILAR EDUCATIONAL-PURPOSE STATEMENT I UNDERSTAND HAS BEEN APPROVED BY THE FCC IN THE PAST IN CONJUNCTION WITH FULL-POWER NCE STATIONS. THE STATEMENT WAS EDITED BY A LAWYER, DAN ALPERT, TO MAKE SURE THAT THE EDUCATIONAL PURPOSE OF THE CORPORATION WAS CLEAR, AND THAT IT WOULD BE CLEARLY SHOWN HOW THE PROGRAMMING WOULD FURTHER THAT EDUCATIONAL PURPOSE. THE STATEMENT WAS INCLUDED IN THE APPLICATION BY HCCN'S LAWYER DAN J. ALPERT, AND WAS PRESENTED TO THE FCC FOR THEIR APPROVAL.

- b) **Provide a copy of all Documents relating or referring to any programming planned or considered for each Applicant's proposed station.**

THE PROGRAM WILL BE BASED ON VALUES AND PRINCIPLES BASED ON THE BIBLE, WORD OF GOD, FAMILY, EDUCATIONAL CONTENT AND COMMUNITY.

6) Applicant Financial Information (All Applications)

- a) **State for each Application who has paid all legal fees, engineering fees, consulting fees or other fees or costs incurred in connection with the formation of the Applicant and the preparation and filing of its Application.**

Each members of every organization pay equal amount to cover all the expenses in connection with cost of the LPFM.

- b) **Describe in detail the means by which each Applicant plans to fund the construction of its proposed station in the event the Application is granted, including the identity, residence address (and mailing address, if different) and personal telephone number for each funder or donor that will provide ten percent or more of the funds for the construction of the station.**

Each member of the organization plan to pay equal amount to put the station on the air.

- c) **Provide a copy of all invoices and Documentation of payment for all fees or costs incurred and services rendered in connection with the formation of each Applicant and the preparation and filing of each Application.**

SEE ATTACHED DOCUMENTS

7) Proposed Transmitter Site Information (All Applications)

- a) For the transmitter site proposed in each Application, provide (1) the address, (2) the property owner's, tower owner's or tower manager's name and telephone number, and (3) a description of all actions taken by or on behalf of the Applicant to determine that the site would be available to the Applicant in the event the Application is granted.

SEE ATTACHED DECLARATION.

- b) Provide a copy of all Documents relating or referring to the availability of the transmitter site Proposed in each Application.

SEE ATTACHED DECLARATION.

8) Proposed Studio Site Information (Community Applications)

- a) For the studio site proposed in each Community Application, provide (1) the property owner's name and telephone number, and (2) a description of all actions taken by or on behalf of the Applicant to determine that the site would be available to effectuate the Applicant's pledge to maintain a publicly accessible main studio at that location in the event the Application is granted.

SEE ATTACHED DECLARATION.

- b) Provide a copy of all Documents relating or referring to the availability of the studio site proposed in each Community Application.

SEE ATTACHED DECLARATION.

9) Amendments (Amended Community Applications)

- a) State the reason(s) for each change in Section I of each of the Amended Community Applications.

Not Applicable.

- b) **State the reason(s) for each change in Section II of each of the Amended Community Applications.**

Not Applicable.

- c) **State the reason(s) for each change in Section III of each of the Amended Community Applications.**

Not Applicable.

- d) **State for each of the Amended Community Applications (1) who prepared and submitted the amendment, and (2) the address of the location of each computer that was used to enter the amendment into the CDBS electronic filing system.**

Not Applicable.

- 10) **Provide copies of all Documents that provide the basis for or otherwise support the responses to the above inquiries.**

I declare under penalty of perjury that based upon the information in my possession, and the information provided to me by other principals, my attorney, and my consultant, that the forgoing is complete and accurate

A handwritten signature in black ink, appearing to read "Dale", is written over a horizontal line.

Date: 3-31-2014

ATTACHMENT 13

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

<i>In re Application of</i>)	
)	
SDK FRANCO LLC)	LMS File No. 0000142847
)	Facility No. 148244
<i>For Renewal of License</i>)	
<i>Station K287BQ, Houston, Texas</i>)	
)	
To: Office of the Secretary)	
Attn: Chief, Audio Division, Media Bureau)	

REPLY TO OPPOSITION TO PETITION TO DENY

Centro Cristiano de Vida Eterna (“CCVE”), by its attorney, hereby submits its Reply to the “Opposition to Petition to Deny” (“Opposition”) filed by SDK Franco, LLC (“SDK Franco”) with regard to the application filed by SDK Franco for renewal of license of Station K287BQ. With respect thereto, the following is stated:

As stated previously, a grant of the application of SDK Franco for renewal of license would be contrary to the Commission’s Rules and policies, and must be denied. In the Petition, it was demonstrated that as detailed in an Informal Objection filed against LMS File No. 0000137405 (the “Modification Application”), SDK Franco had requested facilities that violated the FCC’s FM Translator FM broadcast protection rules (47 C.F.R. § 74.1204); and it proposed operation at a site with facilities already determined to cause interference to a full-service station (Station KTWL(FM)). SDK Franco did not ever respond to the Informal Objection. Rather than even attempt to refute the allegations raised therein, SDK Franco voluntarily dismissed that Modification Application on September 13, 2021.

However, despite the dismissal of that Modification Application, as demonstrated previously and as shown herein, there is absolutely no question that K287BQ **currently** is

operating illegally and is operating with an illegal antenna. As shown previously, and as SDK Franco concedes, at the present time, K287BQ is licensed to operate from its present location with a Scala CL-FM/HRM/50N, 0.5 antenna:

Transmitter Certified for compliance per 74.1250 or verified for compliance per 73.1660 of the Commission's Rules.	Transmitter Output Power 0.012 kW
Antenna Type Directional	Antenna Coordinates (NAD 83) Latitude 29-45-30.8 N Longitude 95-22-3.8 W
Antenna Description SCALA,CL-FM/HRM/50N,0.5	
Major Lobe Directions 115, 215	

Petition at 2. Attached to the Petition was a photograph of the antenna currently being used by SDK Franco/Station K287BQ, at the Wells Fargo Bank Building at a height of 299 meters above ground. As was shown in the Petition, based upon the photograph presented to the FCC, the antenna currently being used is NOT the authorized Scala CL-FM antenna authorized in LMS File No. 0000112935.

In response, SDK Franco incredibly attempts to contest the accuracy of this clear information, and in so doing appears to be engaging in clear misrepresentations to the FCC, which raises even further questions as to SDK Franco's qualifications to remain a Commission licensee. Specifically, SDK Franco states:

CCVE claims that the Station is operating pursuant to the terms of the 2021 Modification Application. As purported proof of this bizarre claim, the Petition states that the photograph attached as Attachment A to Attachment 4 of the Petition is of the ERI antenna allegedly in use by the Station. Such claim is completely and totally false. The photograph of the ERI antenna could have been taken anywhere in the work, including the top of the Wells Fargo Bank Building, where there are approximately 20 other antennas. Attached as Attachment 2 is a photograph, taken by Mr. Omar Romero, a consultant associated with SDK, of the Scale antenna that is in use by the Station. Attached as Attachment 3 is a

Declaration from Mr. Romero confirming such information. Simply stated, SDK presently is operating the Station with a Scala antenna as set forth in the Current Station License.

Opposition at 3-4. In Attachment 3, the aforementioned Omar Romero states: “in August 2021, I took a photo of the Scala antenna that is in use by SDK Franco associated with K287BQ, which is attached to this filing.” Opposition at Attachment 3.

SDK Franco is engaging in misrepresentations to the FCC. Station K287BQ was previously owned by CCVE. Moreover, CCVE continues to lease tower space upon the Wells Fargo Building. Earlier this week, an extensive survey was conducted of the antenna site rooftop. A wide array of photographs from that survey are attached hereto as a part of Attachment 1. From that survey and a review of the photo provided by SDK Franco, the following facts are undeniably true.

SDK’s Franco’s claim that CCVE’s photographs “could have been taken anywhere in the world” (Opposition at 3) is false. Attachment 1 now, even more conclusively, demonstrates that the photographs are taken from the top of the Wells Fargo Bank Building (and not “anywhere in the world”). Moreover, the photographs were taken on September 30, 2021. A photograph of “The Houston Chronicle” is included in the photographs in order to establish the date the photographs were taken.

On September 30, 2021, there was no sign of any “Scala Antenna” at the Wells Fargo Bank Building, and there is no indication that any such antenna is in operation. As noted above, SDK Franco claims use of a Scala Antenna in conjunction with its operation of K287BQ at the Wells Fargo Plaza. However, as demonstrated in Attachment 1, the Scala Antenna shown in SDK Franco’s Opposition quite simply *cannot be found to exist* at the Wells Fargo Bank Building, and therefore *does not, in fact, appear to be in operation* as the Wells Fargo Building Site. None of the “20 other antennas” in operation at the Wells Fargo Building

even remotely resemble either a Scala antenna in general or the particular Scala antenna shown in the SDK Franco photograph. Therefore, *SDK Franco’s ongoing claim that the “Scala” antenna exists in the manner shown in its photographs and in use constitutes a misrepresentation to the FCC.*

CCVE has determined that there is absolutely no question as to what antenna IS the antenna being used by SDK Franco in conjunction with K287BQ. On September 30, 2021, a closer examination was made of the antenna previously identified as the SDK Franco/K287BQ antenna currently in operation. As seen in Attachment 1, there is a label affixed to the antenna identifying the antenna as a “SWR FM 10/4.SW.S” Antennas **TUNED TO 105.3 MHz.**¹ “105.3”



¹ Based upon a previous photograph of the K287BQ Antenna, it was believed to be either an ERI FM-100 Antenna or else a Jampro Polarized 2 bay 25 KW antenna – both of which resemble the SWR Antenna. The label, however, now conclusively establishes the Make and Model of the Antenna being used by SDK Franco for K287BQ.

corresponds to Channel 287, the channel used for Station K287BQ. The cables leading from that antenna lead to the transmitter room being leased by SDK Franco. Attachment 1. *All of this evidence leads to the inescapable conclusion that contrary to its claims in the Opposition, SDK Franco's claim that it is using a "Scala Antenna" is a clear, intentional misrepresentation to the FCC, which also has a bearing on its fitness to remain an FCC licensee.*

Finally, even IF the antenna photographed by SDK Franco as presented in its Opposition was being used in conjunction with K287BQ were somehow in use, SDK Franco is operating illegally. As seen above, the only antenna K287BQ has been licensed to operate is a Scala CL-FM/HRM/50N, 0.5 antenna - a 2-bay antenna with 0.5 spacing (approximately 5 feet) spacing between section, and with the lobes of each section pointed at 115° and 215°. *The antenna SDK Franco claims in its own photograph to be utilizing is a 1-bay antenna, which itself also is not the antenna which has been approved by the FCC and which therefore would not even come close to generating the antenna pattern approved by the FCC.*

As stated previously, the FCC's rules are clear. Section 74.1251(b) of the Commission's Rules states in relevant part:

(b) Formal application on FCC Form 349 is required of all permittees and licensees for any of the following changes:

(1) Replacement of the transmitter as a whole, except replacement with a transmitter of identical power rating which has been certificated by the FCC for use by FM translator or FM booster stations, or any change which could result in the electrical characteristics or performance of the station. Upon the installation or modification of the transmitting equipment for which prior FCC authority is not required under the provisions of this paragraph, the licensee shall place in the station records a certification that the new installation complies in all respects with the technical requirements of this part and the terms of the station authorization.

(2) A change in the transmitting antenna system, including the direction of radiation or directive antenna pattern.

47 C.F.R. § 74.1251(b) (emphasis added). Thus, SDK Franco’s unilateral use of its present antenna is contrary to the Commission’s Rules that require approval prior to such use. Moreover, Commission policies are clear: an applicant is not allowed to engage in premature construction. Section 319(a) of the Communication Act of 1934, as amended, states, in pertinent part, that “[n]o license shall be issued under the Authority of this Act for the operation of any station unless a permit for its construction has been granted by the Commission” (47 U.S.C. § 319(a)), and this has been interpreted as providing that pre-authorization installation of radio antennas is strictly prohibited.²

In this case, SDK Franco is guilty of a violation of both rules and policies: it is operating with an antenna that has not been authorized; and (ii) it has engaged in flagrant premature construction of future facilities.

Moreover, as was established in the Petition, operation with a non-compliant antenna does not constitute valid operation. As the United States Court of Appeals affirmed in *Eagle Broadcasting Ltd., v. FCC*, 563 F.3d 543 (D.C. 2016), “the FCC reasonably concluded that an unauthorized transmission counts for nothing.” *Id.* at 553.

SDK Franco has been operating in this manner for well over a year. Under Section 312(g) of the Communications Act (47 U.S.C. § 312(g)), a station's license automatically expires if the station fails to transmit a broadcast signal for any consecutive twelve-month period. It is well established Commission precedent that unauthorized transmission of a broadcast signal does not constitute broadcasting for purposes of Section 312(g) of the Act.³ In *A-O Broadcasting*, the

² *Westinghouse Broadcasting Co., Inc.*, 49 F.C.C.2d 1171, 1173 ¶¶ 12-13 (1974), *Merrimack Valley Communications, Inc.*, 20 F.C.C.2d 161, 163 ¶¶ 8-9 (1969), *rehearing denied*, 21 F.C.C.2d 440 (1970); *Saver Media, Inc.*, 29 FCC Rcd 9345, 9346 ¶ 3 (MB 2014) (\$10,000 forfeiture imposed for premature construction).

³ *See, e.g., A-O Broadcasting Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 608, para. 10 (2008) (“*A-O Broadcasting*”); *Eagle Broadcasting Group, Ltd. v. FCC*, 563 F.3d 543, 545 (D.C. Cir. 2009) (affirming Commission's determination that station's broadcast license had expired pursuant to Section 312(g) of the Act, due to its failure to broadcast at its authorized facilities for one year).

Commission upheld a staff decision which concluded that crediting an unauthorized transmission as sufficient to prevent cancellation under Section 312(g) would be inconsistent with the purpose of the Act. Section 312(g) is meant to encourage the legal transmission of broadcast signals, not unauthorized or illegal operations in violation of Commission Rules⁴ and the Act.⁵ Therefore, since SDK Franco/K287BQ has been operating illegally for an excessive period of time, not only should its renewal be denied, its license for K287BQ should be cancelled pursuant to Section 312(g) of the Communications Act. *Cf.* Opposition at 4 (claiming that there has been “no violation of Section 312(g) of the Commission’s rules”).

Finally, SDK Franco’s repeated assertions that its aberrant operation should somehow be excused because “if the station were operating as CCVE...claims...it is a virtual guarantee that at least one other broadcaster would be lodging complaints of ongoing interference objections at the FCC, complaining of interference” (Opposition at 2) and also that “SDK has not received any complaints of interference from Henderson [the licensee of KTWL(FM)], or any other broadcaster, with respect to the Station’s operations pursuant to the Current Station License” (Opposition at 3), should be rejected. First of all, SDK Franco’s use of an unapproved antenna has now been established, and for the FCC to determine that violation of the rules is occurring is not dependent on whether or not “interference” is being caused as a result of the use of an improper antenna. Second, it should be noted that Roy Henderson (the owner of KTWL(FM)) and SDK Franco have been in negotiations for the sale of KTWL-FM to SDK Franco. CDBS

⁴ See, e.g., 47 C.F.R. § 73.1635 (requiring special temporary authority to operate, for a limited period, at variance from a station’s licensed parameters); 47 C.F.R. § 73.1745(a) (requiring licensees to operate their stations pursuant to the terms contained in their authorizations).

⁵ See 47 U.S.C. § 301 (providing that no person shall transmit radio signals except in accordance with authority granted by the Commission). These principles were affirmed by the United States Court of Appeals in *Eagle Broadcasting Ltd., v. FCC*, 563 F.3d 543 (D.C. 2016) and *Kingdom of God, Inc. v. FCC*, 719 Fed Appx. 19 (D.C. Cir. 2018).

File No. BALH-20200630AAI. Therefore, the fact that “Roy E. Henderson” in particular has not filed complaints against his would-be purchaser (Opposition at 3) is neither surprising, nor relevant.

In short, SDK Franco is engaging in an ongoing violation of the Commission’s rules, and now is engaging in ongoing misrepresentations to the FCC concerning the existence of those violations. Further investigation of the facts and circumstances surrounding that misrepresentation is warranted. Upon consideration of the totality of the facts and circumstances at this time, absolutely so basis exists for grant of the application for renewal of license at this time.

WHEREFORE, it is requested that the application of SDK Franco LLC for renewal of license be denied.

Respectfully submitted,

**CENTRO CRISTIANO DE
VIDA ETERNA**

By: ____/Dan J. Alpert/_____
Dan J. Alpert

Its Attorney

*The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201
703-243-8690*

October 1, 2021

Attachment 1

DECLARATION

I, Hector Guevara, hereby state as follows:

1. On September 13, 2021, SDK Franco, by their attorney Mark B. Denbo, filed an opposition to a Petition concerning the current operation of Station K287BQ. SDK Franco claimed that Station K287BQ is currently operating with a Scala Antenna from the Wells Fargo Plaza. The Opposition was supported by a Declaration was made by Omar Romero under penalty of perjury, which also made that claim. Therefore, on September 30, 2021 at 1 PM in the afternoon I personally went to Wells Fargo Plaza building located on 1000 Louisiana St., Houston, Texas. When I got to the rooftop, I inspected the antennas in use at that site, including in particular the antennas that currently are being used for operation of FM Translator Stations K287BQ and K223CW. Both translators operate from the rooftop of the Wells Fargo Building. I was able to gain access to the roof top of the Wells Fargo Plaza because Centro Cristiano de Vida Eterna has some translators there, and I am a representative for Centro. K287BQ is owned by SDK Franco.

2. On September 30, 2021, I inspected the building rooftop. After doing a survey of all antennas on the rooftop of the Wells Fargo Plaza, I can report under penalty of perjury that I could not find any antenna matching the description that Mr. Romero testified to. More specifically, as a matter of fact, I was not able to locate at all any antenna matching the picture Mr. Romero presented to the FCC. What I was able to find, was the following antennas that appear to be in operation for use with K287BQ and K223CW.

3. Exhibit 1 shows two sets of antennas, one of which has been labeled by me and identified as K223CW, and one which has been labelled by me and identified as K287BQ. As a reference to prove and show the date the pictures were taken, the picture includes a photo of "The Houston Chronicle," which shows on the picture the date of the publication to show and prove that these pictures were taken on September 30, 2021.

4. A close inspection of Exhibit 2 shows a label showing the Make and Model of the Antenna of the Antenna labelled on my pictures as "K287BQ." The Antenna is a two-bay SWR Antenna, Model No. FM10/4 4.9WS. Also, the same label shows that this two-bay antenna is tuned specifically to "105.3 MHz" – which is the frequency of Station K287BQ. To confirm that owner of the Antenna, I decided to follow the coax cable that is hooked up to this Antenna and follow it to see what part of the penthouse it was going into. Insofar as Centro is a tenant of the building, I am familiar with the layout of the rooms being leased out the tenants of the rooftop. In this case, the cables go to the area where SDK Franco has its transmitters for K287BQ and K223CW, which is on the second floor of the penthouse. From this, I conclude that this Antenna is actively in use for Station K287BQ.

5. In order to further establish the accuracy of the photos, Exhibits 3-7 also show the two sets of antenna for K287BQ and K223CW from different views. Exhibit 3 shows the upper portion of the 2-Bay SWR Antenna which I have determined is being used by K287BQ from one different view. Exhibit 4 shows both K287BQ and K223CW antennas facing the west side of the building from where I was standing. Exhibit 5 is a close-in look at the K287BQ antenna SWR

FM10/4 that is tuned to 105.3 MHz. It also again shows the newspaper in reference that this picture was taken on September 30, 2021. Exhibit 6 also shows both sets of antennas for the two translators SDK Franco is operating out of the Wells Fargo Plaza Building. On the far end of the picture you can see the two-bay BKG 77 Nicom antenna for K223CW. In the same Exhibit 6 you can also see the antenna that K287BQ is using is a much bigger antenna than the antenna used for K223CW. That is because it is a SWR Model No. FM10/4. I have attached on Exhibit 9 the Product Specifications for the SWR antenna that K287BQ is actually using. According to the manufacturer, the per-bay power rating for this antenna is 10 kW per bay.

6. Exhibits 7-8 are pictures taken by me while standing in the middle of the penthouse rooftop, facing North and South. These photos were taken to show to the FCC that nowhere on this rooftop there is any antenna similar to the one Mr. Romero is claiming that SDK Franco is using for K287BQ.

7. In conclusion, I can say on September 30, 2021, on the rooftop of the Wells Fargo building, I was not able to find at all any Scala antenna. The antenna actually being used is an SWR Antenna, which has not been approved by the FCC for use by K287BQ. Also, it appears quite clear that contrary to the claims by SDK Franco and Omar Romar, the picture shown by Mr. Romero was not taken on this rooftop with any Scala antenna currently in operation on the rooftop.

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


Hector Guevara

October 1, 2021

Exhibit 1

K223CW

K287BQ

SPORTS
Rays shut out Astros, delay celebration at Minute Maid.
PAGE C1

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NATION
After 13 years, Britney Spears' father ousted as conservator.
PAGE A4

HOUSTON CHRONICLE

THURSDAY, SEPTEMBER 30, 2021 • [HOUSTONCHRONICLE.COM](https://www.houstonchronicle.com) • VOL. 120, NO. 352 • \$2.00 ★★

Congress at odds before 2 crucial votes

Fate of infrastructure bill, social policy plan could define success of Biden's presidency

By Emily Cochrane
and Jim Tankersley
NEW YORK TIMES

WASHINGTON — As Democrats prepared legislation Wednesday to avert a government shutdown this week, they were desperately trying to salvage President Joe Biden's domestic agenda as conser-

vative-leaning holdouts dug in against an ambitious \$3.5 trillion social safety net and climate bill that carries many of the party's top priorities.

Congressional leaders moved to address the most immediate threat, working to complete a bill to prevent a government funding lapse at midnight Thursday. Yet

after days of intensive negotiations to bridge bitter differences in their party over Biden's two biggest legislative priorities, the president and top Democrats appeared as far as ever from an agreement on their marquee social policy package, which the White House calls the Build Back Better plan.

That, in turn, was imperiling a \$1 trillion bipartisan infrastructure bill that was scheduled for a House vote Thursday.

The fate of the two measures could define the success of Biden's presidency, and the intense negotiations surrounding them have posed a test of his skills as a deal maker, which he highlighted during his campaign for the White House. But after days of personal meetings with lawmakers in the Oval Office and phone calls to key players, Biden remained far short of a deal.

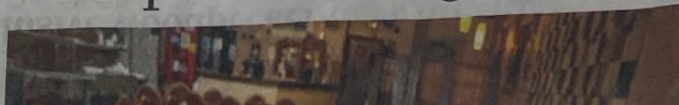
Dramatizing the challenge, Sen. Joe Manchin of West Virgin-

ia, a leading holdout on the social policy bill, issued a statement Wednesday evening reiterating his opposition to the proposal as now constituted, saying it amounted to "fiscal insanity."

"While I am hopeful that common ground can be found that would result in another historic investment in our nation, I cannot — and will not — support trillions in spending or an all-or-nothing approach that ignores the brutal

Congress continues on A9

For Afghans left behind, desperation is growing



Flood insurance likely to be pricier

FEMA's calculations of risk driving increase

By R.A. Schuetz



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Systems With Reliability
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P/N:

INTERBAY #2

MODEL:

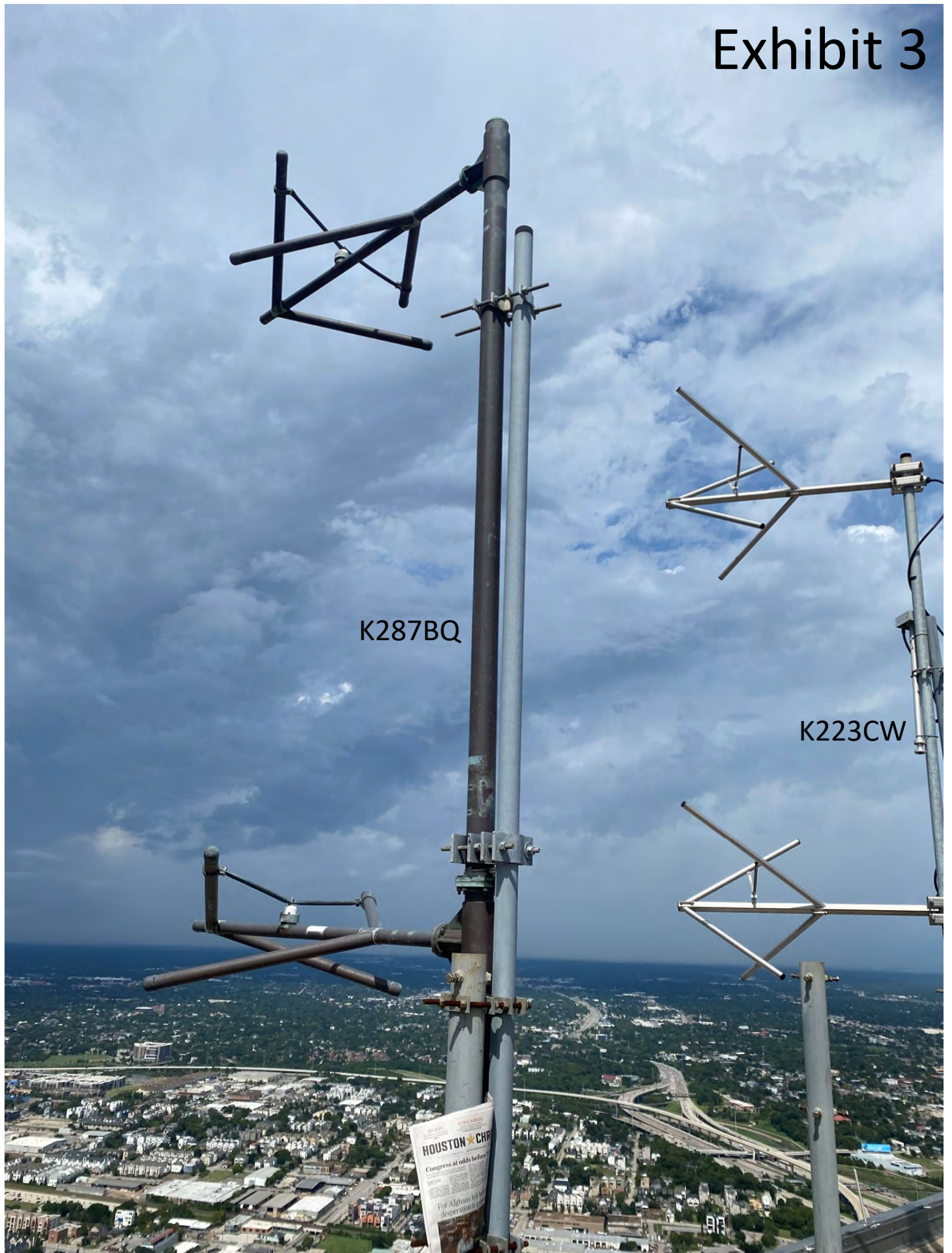
FM10/4 .9W.S.

105.3 MHz

K287BQ

Exhibit 2

Exhibit 3



K287BQ

K223CW

HOUSTON CHRONICLE
Congress at odds before
The Afghans let the
desperation in

Exhibit 4



Exhibit 5

K287BQ



Exhibit 6

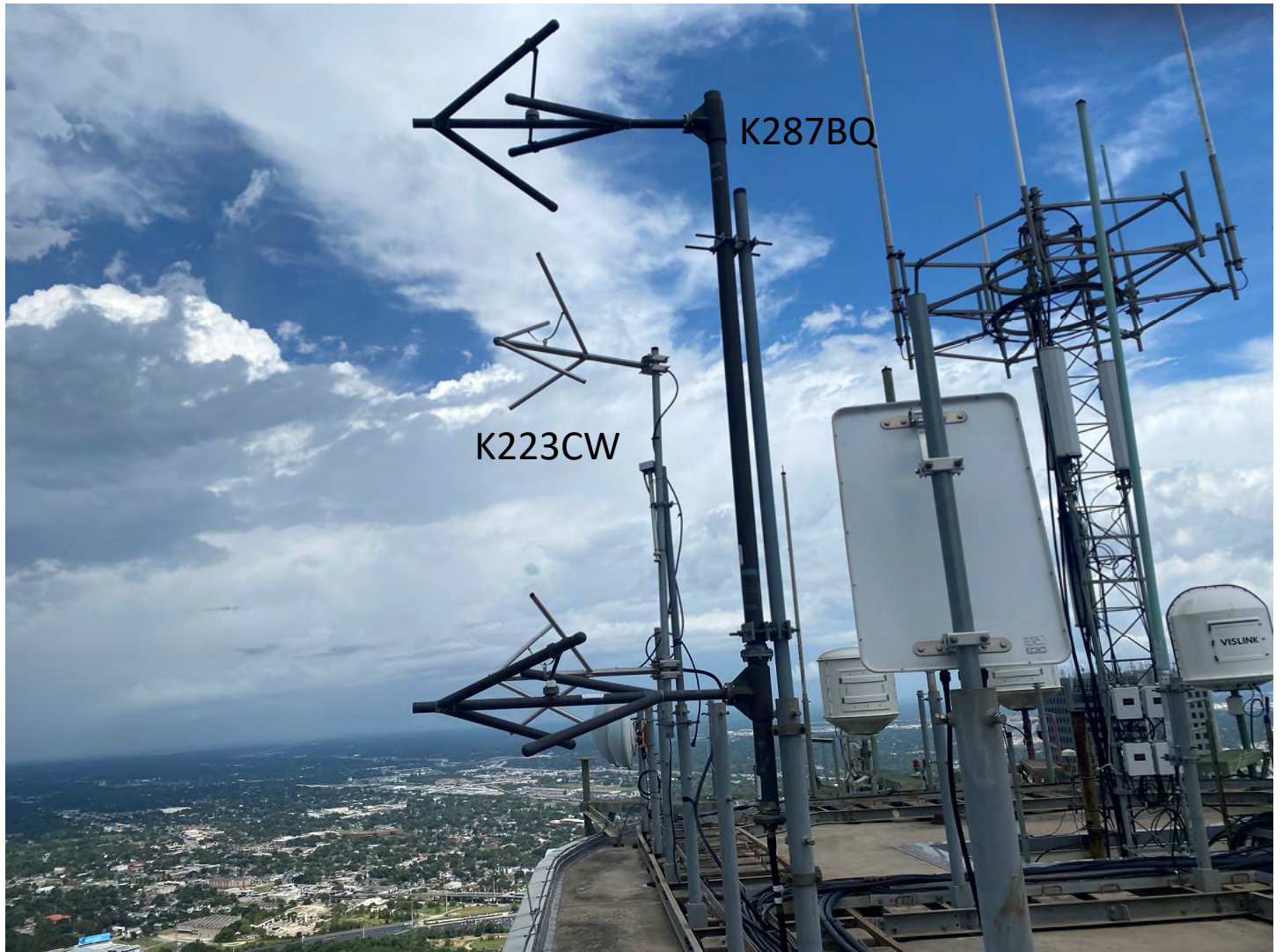


Exhibit 7

Roof top view facing North



Exhibit 8

Roof top view facing South



FM10 SERIES

HIGH POWER FM ANTENNAS

Product Specifications:

Frequency Range	88 – 108 MHz
Polarization	Circular
Power Rating	10 kW per bay
System Input	3 1/8" or 4 1/16" EIA
Circularity	± 2 dB Free Space
VSWR	1.1:1 ± 200 kHz
Bay Dimensions	H 51" / W 38.5" / D 19"

Features:

•**FULL POWER RATING.** Rated at 10 kW per bay with a maximum of 40 kW for four bays or more.

•**EXCELLENT CHOICE FOR MOST CLASS "C" stations.** Provides superior performance for stereo and SCA operations due to its high VSWR rating.

•**RUGGED CONSTRUCTION.** The antenna system is fabricated from rugged, heavy wall copper and naval brass. All joints are tig-welded.

•**PRESSURIZED AND GROUNDED.** The antenna system is pressurized to the feed point of each bay and each bay is DC grounded.

•**BEAM TILT AND/OR NULL FILL OPTIONAL.** Custom vertical patterns are available with center-fed arrays that have an even number of bays.

•**CUSTOM DIRECTIONAL PATTERNS.** FM directional antennas based on the customer's mounting structure, with FCC filing documentation, are available.

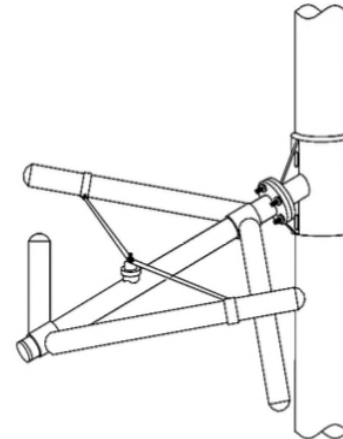
•**WEATHERIZATION (OPTIONAL).** Radomes or electrical deicers available for areas that experience periods of heavy icing and/or snow conditions.

•**STANDARD MOUNTING BRACKETS.** Fits up to 4" tower leg or pipe. Supplied with antenna.

•**WARRANTY.** 2-year limited warranty on defects and workmanship to the original purchaser.

Notes:

1. Power gain figure is for each polarization.
2. Power rating is based on 40 degrees C ambient. Degeneration occurs above 2000 ft.
3. Antenna weight, windload, aperture and dimensions are based on mid-band operation (98.1 MHz).
4. Antennas with 2 or more bays come with input fine-matcher.
5. SWR, Inc. maintains a continuous program of product improvement and therefore reserves the right to change specifications without notice.



Full Wave Spaced Electrical and Mechanical Specifications

Bays	Power Rating (kW)	Power Gain	dB Gain	Net. Weight (lbs)	Windload (lbs)
1	10	0.441	-3.556	25	50
2	20	0.959	-0.182	125	197
3	30	1.495	1.746	200	320
4	40	2.044	3.105	275	445
5	40	2.590	4.133	350	570
6	40	3.160	4.997	425	730
8	40	4.311	6.346	533	855
10	40	5.456	7.369	610	980

Half Wave Spaced Electrical and Mechanical Specifications

Bays	Power Rating (kW)	Power Gain	dB Gain	Net. Weight (lbs)	Windload (lbs)
1	10	0.441	-3.556	25	50
2	20	0.695	-1.580	112	187
3	30	1.012	0.052	173	302
4	40	1.313	1.183	235	398
5	40	1.623	2.103	296	495
6	40	1.924	2.842	358	592
8	40	2.528	4.028	452	688
10	40	3.129	4.954	516	785

3/4 Wave Spaced Electrical and Mechanical Specifications

Bays	Power Rating (kW)	Power Gain	dB Gain	Net. Weight (lbs)	Windload (lbs)
1	10	0.441	-3.556	25	50
2	20	0.935	-0.292	95	167
3	30	1.396	1.449	143	280
4	40	1.845	2.660	200	368
5	40	2.301	3.619	256	475
6	40	2.756	4.403	338	572
8	40	3.664	5.640	422	668
10	40	4.590	6.618	480	760

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that the forgoing “Opposition to Petition to Deny” is being served by First Class Mail to the following:

Mark B. Denbo, Esq.
Smithwick & Belendiuk, P.C.
5028 Wisconsin Ave., N.W.
Suite 301
Washington, DC 20016

_____/Dan J. Alpert/_____
Dan J. Alpert

ATTACHMENT 14

NCA

NO. 2020-19224

SARA (GUEVARA) FRANCO,
Plaintiff

V.

HECTOR GUEVARA,
Defendant

§
§
§
§
§
§
§

IN THE DISTRICT COURT

312TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

P-3
8A

FINAL ORDER OF ENFORCEMENT

Sara Franco's First Amended Petition for Enforcement of Property Division and Clarification, came on for trial on August 30, 2021 and concluded on September 8, 2021, together with the intervention of SDK Franco, LLC and the defensive filings of Hector Guevara and Centro Cristiano De Vida Eterna.

All issues were submitted to the Court, without a jury.

A record of the proceeding was taken by the official court reporter, Karen Bauer.

After considering all the evidence and arguments of counsel, the Court FINDS AND ORDERS as follows:

1. On motion, the following causes of action are denied: tortious interference with existing contract and wrongful interference with an existing contract and actual damages associated with loss of earning capacity sustained in the past and loss of earning capacity that in reasonable probability will be sustained in the future.
2. The Court finds third-party defendant Centro Cristiano De Vida Eterna is the alter ego of Defendant Hector Guevara.
3. The Court finds in favor of SDK Franco, LLC, in the amount of \$565,510, jointly and severally against Centro and Hector Guevara.
4. The Court finds in favor of Sara Franco, against Hector Guevara in the amount of \$6000.
5. Therefore, the Court GRANTS a money judgment jointly and severally against Centro Cristiano De Vida Eterna and Hector and in favor of SDK Franco, LLC for \$565,510,

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

together with post judgment interest at 5%, compounded annually from September 10, 2021 until paid, for which let execution issue.

6. The Court also GRANTS Sara Franco, a money judgment against Hector Guevara for \$6,000, together with interest at the rate of 5% as of September 8, 2021, compounded annually until paid, for which let execution issue.

7. All costs of court are ordered paid by Centro Cristiano De Vida Eterna and Hector Guevara, including those incurred by Plaintiff, Sara Franco and Intervenor SDK Franco, LLC in the total amount of \$388.50, also granted as follows:

a. In favor of Sara Franco, \$296.50 jointly and severally against Centro Cristiano De Vida Eterna and Hector Guevara, jointly and severally, with post judgment interest at 5%, compounded annually as of September 8, 2021, for which, let execution; and

b. In favor of SDK Franco, LLC, \$92 jointly and severally against Centro Cristiano De Vida Eterna and Hector Guevara, jointly and severally, with post judgment interest at 5%, compounded annually as of September 8, 2021, for which, let execution.

8. Nothing in this judgment is intended to invade the jurisdiction of the Federal Communications Commission to the extent administrative actions are pending regarding the licensing of the radio stations conveyed in the divorce decree, the subject of this suit.

9. All other relief requested by any part and not granted herein, is DENIED. This is intended as a final order disposing of all parties and all issues.

Signed *Oct. 1, 2021*.

10/1/2021


Judge Presiding

Agreed as to form:

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Attorney for Intervenor

Attachment 15

SARA FRANCO	NO. <u>2020-19224</u>	
Plaintiff,	§	IN THE DISTRICT COURT
	§	
V.	§	
	§	312TH JUDICIAL DISTRICT
HECTOR GUEVARA AND	§	
CENTRO CRISTIANO DE VIDA ETERNA	§	
	§	
Defendants.	§	OF HARRIS COUNTY, TEXAS

NOTICE OF APPEAL

This Notice of Appeal is filed by HECTOR GUEVARA, Defendant, a party to this proceeding who seeks to alter the trial court's judgment or other appealable order.

1. The trial court, cause number, and style of this case are as shown in the caption above.
2. The judgment or order appealed from was signed on October 1, 2021.
2. HECTOR GUEVARA filed a motion for New Trial on October 11, 2021, and it is currently set to be heard on November 23, 2021. HECTOR GUEVARA also filed a request of Findings of Fact and Conclusions of Law on September 20, 2021. No Findings of Fact or Conclusions of Law have been issued by the trial Court as of the time of the filing of this Notice of Appeal.
3. HECTOR GUEVARA desires to appeal from all portions of the judgment.
4. This appeal is being taken to either the First or Fourteenth Court of Appeals.
5. This is not an accelerated appeal. This is not a parental termination case or a child protection case.

Respectfully submitted,

THE FARIAS LAW FIRM
641 Heights Blvd.
Houston, Texas 77007
Tel: (713) 226-7999
Fax: (713) 337-6050

By: /s/ Karleana L. Farias

KARLEANA L. FARIAS

State Bar No. 24074565

karleana@fariaslaw.com

Attorney for **HECTOR GUEVARA**

Certificate of Service

I certify that a true copy of this Notice of Appeal was served in accordance with rule 21a of the Texas Rules of Civil Procedure on the following on November 11, 2021:

Electronically through the Electronic Filing Manager

DANIEL LEMKUIL; Attorney for SARA FRANCO

Rob Clarke; Attorney for SDK FRANCO LLC

Matthew Mahoney; Attorney for Centro Cristiano de Vida Eterna

/s/ Karleana L. Farias

KARLEANA L. FARIAS

Attorney for **HECTOR GUEVARA**

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Leonel Farias II on behalf of Karleana Lahens
Bar No. 24074565
leo@fariaslaw.com
Envelope ID: 59070616
Status as of 11/11/2021 4:24 PM CST

Case Contacts

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