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December 19, 2022

Ms. Marlene Dortch
Secretary
Federal Communications Commission
45 L St., N.E.
Washington, DC 20554

**Re: Station K223CW, Houston, Texas
Facility No. 148239**

**Station K287BQ, Houston, TX
Facility No. 148244**

Letter of Inquiry

Dear Ms. Dortch:

Transmitted herewith, on behalf of Centro Cristiano de Vida Eterna, is its "Response of Centro Cristiano de Vida to Inquiries" together with its "Attachments to Response of Centro Cristiano de Vida Eterna to Inquiries," with respect to the Commission's Letter of Inquiry dated October 7, 2022.

This Response is being filed with the Secretary's Office through the Commission's ECFS electronic filing system. Numbered and indexed copies of the Attachments will be provided upon further request.

If there are any questions, please contact this office.

Very truly yours,

/Dan J. Alpert/

Dan J. Alpert
Counsel for Centro Cristiano de Vida Eterna

Cc: Christopher Clark (via email)
Kim Varner (via email)
Mark B. Denbo, Esq.
Jose Zamora
Jonathan Andrew Guevara
Michael Richards, Esq.

RESPONSE OF CENTRO CRISTIANO DE VIDA ETERNA TO INQUIRIES

I, Martin Guevara, President of Centro Cristiano de Vida Eterna, hereby respond to the Commission's Letter dated October 7, 2022:

As directed by the Commission, unless otherwise indicated, the time covered by these inquiries is October 20, 2016, until April 17, 2020, or the actual consummation date of the assignment of the Station licenses from Centro Cristiano de Vida Eterna to SDK.

- 1. Describe the business structure of Centro (e.g., corporation, sole proprietorship, partnership, limited liability company, etc.). If it is a corporation, give the date and location of its incorporation and describe what type of corporation it is (e.g., public or privately held). If it is a privately held corporation, sole proprietorship, partnership, or limited liability company, identify each owner, partner, or member, as applicable. In addition, Identify all parent and affiliate companies of Centro and explain their relationship with Centro.**

Centro Cristiano de Vida Eterna was formed in the State of Texas on September 10, 1997. It is a domestic non-profit corporation. As such, it has no owners, partners, or members. There are no parent or affiliate companies.

- 2. Identify the corporate headquarters address of Centro and the states in which Centro is authorized to do business; indicate whether it is in good standing in each such state. Identify the Tax Identification Number of Centro. Provide a copy of Centro's certificate of incorporation and a current certificate of good standing in the state in which Centro is incorporated.**

The corporate headquarters of Centro Cristiano de Vida Eterna is located at 8230 Antoine Dr., Houston, TX 77088. It is authorized to do business in the State of Texas. Centro Cristiano de Vida Eterna's Tax Identification Number is 20-0782522. Centro Cristiano de Vida Eterna's certificate of incorporation and a current certificate of good standing in the state in which Centro Cristiano de Vida Eterna is incorporated are attached hereto as Attachments 1 and 2.

- 3. Identify the registered agent of Centro within the United States.**

The registered agent of Centro Cristiano de Vida Eterna is Roberto C. Guevara.

- 4. Identify the FCC Registration Number (FRN) or FRNs of Centro and any parent and affiliate companies of Centro.**

The FCC Registration Number of Centro Cristiano de Vida Eterna is 0017010596. There are no parent or affiliate companies of Centro Cristiano de Vida Eterna.

- 5. Identify any licenses, permits, certificates, or other authorizations issued by the Commission and held by Centro and/or any parent or affiliate companies of Centro.**

A listing of the stations, permits, and other authorizations issued with respect to the stations currently licensed to Centro Cristiano de Vida Eterna is attached hereto as Attachment 3. There are no parent or affiliate companies of Centro Cristiano de Vida Eterna. To my knowledge, there are no "certificates" issued by the Commission to Centro Cristiano de Vida Eterna.

6. Identify the current mailing address and email address for Centro.

The current mailing address of Centro Cristiano de Vida Eterna is 8230 Antoine Dr., Houston, TX 77088.

7. Identify all names under which Centro operates (e.g., all "doing business as," "also known as," trade names, etc.), and the states where Centro is authorized or otherwise uses those names. Also, Identify all web addresses used by Centro, including those web addresses involving fictitious names.

The only name under which Centro Cristiano de Vida Eterna operates is "Centro Cristiano de Vida Eterna." The format used by Centro Cristiano de Vida Eterna on its full-service stations is "La Nueva." Centro Cristiano de Vida Eterna does not have a web address.

8. Provide a description by category and location of all Documents and tangible things that Centro has in its possession, custody, or control that are responsive to the Inquiries herein.

All responsive documents that are in the possession, custody, or control of Centro Cristiano de Vida Eterna are being provided herewith.

9. State the date that Centro consummated the assignment of the licenses for K223CW and K287BQ.

It is assumed that the Inquiry should read "K287BQ and K223CW."

No traditional "consummation" ever occurred. The FCC approval for the assignment of the licenses for K223CW and K287BQ was issued on April 17, 2020. Under the Mediated Settlement Agreement, it was specified that "closing documents will be prepared by the attorney for the party that will benefit thereby" (Attachment 31 at 4), which in this case would be SDK Franco.

However, prior to any consummation following that approval, SDK Franco, through counsel, took it upon itself to evidently change the FRN associated with Stations K287BQ and K223CW, and to file a fraudulent/premature consummation notice attached hereto as Attachment 4, all without notification to Centro Cristiano de Vida Eterna or its consent. Following that, insofar consummation has not yet occurred, on April 28-30, Centro Cristiano de Vida Eterna contacted the FCC to change the information in the FCC's database back, to once again reflect that Centro Cristiano de Vida Eterna remained the licensee of the K287BQ/K223CW stations. Attachments 5 and 6. As counsel for Centro Cristiano de Vida Eterna wrote to Mr. Jim Bradshaw of the FCC On April 30, 2020:

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

The licensee is still supposed to be Centro [Cristiano] 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

Attachment 7. The correction was made by the FCC Staff the same day. Attachment 8.

In the meantime, on April 28, 2020, counsel for Franco was reminded that no closing had yet occurred:

As to the closing on the other matters, I have received no proposed closing documents from you to date. The first court order specifically said that “closing documents will be prepared by the attorney for the party that will benefit thereby.” I believe that “attorney” in this case is you. The closing should be quite simple – an assignment of licenses, a Bill of Sale for any equipment being assigned between the parties, and a document similar to the one described above, signed by Ms. Franco and a representative of SDK Franco LLC, memorializing that Ms. Franco’s rights to obtain ownership of K287BQ and K223cW have been assigned from “Sara Franco” to “SDK Franco LLC.”

Attachment 9. The next day, on April 29, 2020, counsel for Franco was specifically informed by counsel for Centro Cristiano de Vida Eterna that an improper database change had occurred that indicated that Franco already was the licensee of the station:

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.

Attachment 10. At that time, counsel for SDK Franco did not admit that it was done by his office. It was not until May 4, 2020 that counsel for SDK Franco disclosed his office filed an early Notice of Consummation with the FCC (which could not have been done without the FRN associated with the stations having somehow been changed in the FCC CORES system).

Attachment 11.

With respect to the closing documents, counsel for SDK Franco was reminded about the need for closing documents again on April 29, 2020 (Attachment 12) and April 30, 2020 (Attachments 13, 14, 15, and 16). Counsel for SDK Franco finally responded on the evening of April 30, 2020 (Attachment 17), and was told by SDK Franco’s counsel’s Associate that she “should have drafts of the documents” the following day (May 1, 2020) (Attachment 18). First drafts of the closing documents were sent by counsel for SDK Franco on May 1, 2020. Attachment 19. The closing documents needed revisions. As Counsel for Centro Cristiano de Vida Eterna responded:

The documents generally look fine. However, the documents (Bill of Sale and Assignment of Contracts) do not have equipment lists, or contract lists. Especially considering the past history of this case, to avoid disputes in the future concerning who owns what, I need to have those lists prepared and attached to the documents.

Attachment 20. Counsel for Franco refused to make the change:

The mediation agreement states “All fixtures and equipment associated with the Radio Stations awarded to Wife... and Husband shall not remove items or otherwise tamper with the assets of whatever nature...” and the divorce decree states “The following Radio Station including equipment, rental income and contracts, operational apparatus and all other associated fixtures:”

We will reference that in the closing documents.

Attachment 21. As a result, the requested changes were not made. Attachment 22. That lack of detail was never agreed to, and the closing documents were not ever completed. Attachment 23.

On May 1, 2020, James Bradshaw of the FCC sent an email, stating:

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.

Attachment 24. Counsel for Centro Cristiano de Vida Eterna responded, stating accurately:

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.

Attachment 25. However, despite the fact that (i) the original Mediated Settlement Agreement accepted by both parties contemplated a closing, with "closing documents will be prepared by the attorney for the party that will benefit thereby" (Attachment 31 at 4); (ii) Centro Cristiano de Vida Eterna, the licensee of the stations, was not a part of the original "mediation" or court proceeding/order, (iii) under FCC policies all FCC approval to an assignment does is "permit" a license transfer to occur and (iv) closing documents in fact were in the process of being drafted, counsel for SDK Franco Elizabeth Craig took the following position in an email to the FCC:

The licensee should be SDK Franco LLC. We have a divorce decree/court order effectuating the transfer immediately and the assignment application has been granted and the consummation notice has been filed.

Attached is a copy of the Public Notice showing the Assignment Application was granted and a copy of the Consummation Notice. Please let me know if there is any additional information you need.

Attachment 26. Counsel for SDK Franco Francisco Montero similarly took the position:

To clarify Betsy's email, there is a divorce court order mandating the assignment of these stations subject to FCC approval. That court order was filed with the FCC assignment application. The assignment is self-effectuating once the FCC granted the assignment application.

Divorce counsel, copied here, points out that the "muniment of title" language acts as a bill of sale/assignment. The decree itself is the document that transfers awarded property.

The FCC gave its consent over a week ago and a consummation notice was filed last April (See copy attached).

As such, since Friday, April 24th these stations have been licensed to SDK Franco LLC with FCC approval. In fact, SDK Franco has filed licenses to cover both stations this week. The assignor had no authorization to change the passcodes and to lock SDK

Franco out of its ability to further file with the Commission, nor was he authorized to file these STA's on behalf of the current licensee.

I ask that you return the licenses back to the name of SDK Franco subject to the consummation noticed that was filed on April 24th and reassociate the station codes with SDK Franco LLC.

Attachment 27. To not prolong that matter further, in response to an inquiry by the FCC counsel for Centro Cristiano de Vida Eterna wrote to the FCC:

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.

Attachment 28.

As a result of all this, no formal “consummation” of the K223CW and K287BQ transaction ever occurred.

10. **Attach copies of all executed documents effectuating the assignment of the licenses for K223CW and K287BQ (i.e. assignment of license agreement, bill of sale etc.).**

As noted above, there are no such executed documents that exist.

11. **State whether Centro remained in control of K223CW and K287BQ at all times. If the answer is no, answer the following:**
 - a. **State the date(s) on which Centro was not in control of K223CW and/or K287BQ.**
 - b. **Explain fully the circumstances under which Centro was not in control of K223CW and/or K287BQ.**
 - c. **Include any contemporaneous documents detailing the circumstances of the loss of control of K223CW and/or K287BQ, such as law enforcement reports.**

(a) Centro Cristiano de Vida Eterna was not in control of K287BQ and K223CW after February 1, 2020.

(b) As seen by the attached, Ms. Franco took the position on March 5, 2020, when Centro Cristiano de Vida Eterna was still supposed to be in full control of the K287BQ and K223CW licenses:

The agreed final of divorce was sing on January 22nd 2020. You and your FCC lawyer have been procrastinating and dragging your feet on this entire process! Nothing at the tower site belongs to you! Transmitters,coax,computers,audio processors, connectors,filters, DON'T belong to you! K2128EJ 91.5 FM, K223CW 92.5FM & K287BQ do NOT longer belong to you or Centro Cristiano De Vida Eterna.

Attachment 29 (emphasis added). This attitude is nearly identical to the position taken by legal counsel for SDK Franco at various times, namely that all equipment already transferred to SDK Franco as of February 1, 2020. In fact, Centro Cristiano de Vida Eterna was instructed, via a conversation between Hector Guevara and SDK Franco's divorce attorney, that following February 1, 2020 Station K287BQ and K223CW should be treated as owned by SDK Franco, and that Centro Cristiano de Vida Eterna would be subject to sanctions from the Texas court in the event Centro Cristiano de Vida Eterna even attempted to interfere with the operation of the Stations after February 1, 2020. Subsequently, building security at Well Fargo Plaza was instructed, presumably by SDK Franco, not to allow Centro Cristiano de Vida Eterna access to any of the equipment located at the site without the presence of a building security guard.

This led to the sending of the attached email to Bill Cordell, the building site manager for Wells Fargo, on March 12, 2020, which stated:

1. Centro is the tenant that is paying for the lease on this two stations K223CW and K287BQ as we are still the owner of such license.
2. This other group moved K287BQ from Stanford the license site to the CP site that is Wells Fargo building with out nitrifying us, this makes the station illegal as it is operation from a non license site putting Centro at risk form fines and more from the FCC.
3. We would like to know how is it that a group that is NOT paying any rent to you guys can so easily have access to the building and operate and illegal station from there.
4. we respectfully ask to not grant access to this other group until they have been lawfully granted the assignment of the station by the FCC and are on lease with the building on there own. Is not until the FCC grants the assignment into their names that Centro stops been responsible un the mean time because of this lack of cantor Centro is been expose to any fine and legal fees impose by the FCC.

Please let me know that management will do about this terrible lack of judgment.

Attachment 30.

Therefore, as of February 1, 2020, Centro Cristiano de Vida Eterna no longer had any ownership of or the ability to legally access equipment with which to operate Station K287BQ and K223CW, insofar as Ms. Franco, SDK Franco's divorce attorney, and the court all took the position that ownership of all such equipment immediately transferred over to SDK Franco as of February 1, 2020.

In accordance with that position, beginning on February 1, 2020, SDK Franco used that equipment it now "owned" to change the programming broadcast on Station K223CW from Station KJOZ to a programming source or format called "La Rumba". This change was performed by SDK Franco without any prior consent or consultation with Centro Cristiano de Vida Eterna (which was still nominally the "licensee" of Station K223CW according to FCC records).

In accordance with that position, it is believed that SDK Franco broadcast on K287BQ the format called "La Caliente" in February, March, April 2020 as originated programming, without it being broadcast first on a primary station. This change was performed by SDK Franco without any prior consent or consultation with Centro Cristiano de Vida Eterna (which was still

nominally the “licensee” of Station K287Q according to FCC records).

Finally, in accordance with that position, on February 1, 2020, a construction permit to change the transmitter site of K287BQ (to the rooftop of the Wells Fargo Plaza Building which was granted by the commission on January 24, 2020), SDK Franco representatives took it upon themselves to implement the CP and to change the transmitter site of K287BQ from its previous site (at Missouri City) to the CP site (at Wells Fargo Plaza) and begin operation of K287BQ at the new site, all without coordinating with Centro Cristiano de Vida Eterna; all without the consent of Centro Cristiano de Vida Eterna; and without simultaneously filing an application for license to cover the outstanding construction permit as required by the FCC’s Rules. It also should be noted that SDK Franco implemented and constructed the K287BQ CP incorrectly. Following relocation of Station K287BQ by SDK Franco, Station K287BQ was operating illegally, insofar as K287BQ was not operating with the proper directional antenna (which was designed to provide 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. This was brought to the Commission’s attention in the “Petition to Deny” filed by Centro Cristiano de Vida Eterna on July 1, 2021.

An application for license to cover the K287BQ construction permit was not filed until April 30, 2020.

(c) A copy of the original “Mediated Settlement Agreement for Temporary Orders” between Sara Franco and Hector Guevara is attached hereto as Attachment 31. A copy of the Court’s “Agreed Final Decree of Divorce” with respect to Sara Franco and Hector Guevara is attached hereto as Attachment 32. A copy of a letter from Sara Franco dated March 5, 2020 (provided “formal notice” that she commenced pressing charges), and Police Report filed by Sara Franco on February 12, 2020, is attached hereto on Attachment 33. A copy of two police incidents where by the Stafford Police Department was called are attached hereto as Attachments 34 and 35. In the first instance, Hector Guevara was detained and placed in a Police cruiser as a result of the incident. Attached as Attachment 36 is a copy of the “Notification of Suspension of Operations” filed by Centro Cristiano de Vida Eterna with the FCC on April 29, 2020 with regard to Station K223CW. That document stated:

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 36. Attached as Attachment 37 is a copy of the “Notification of Suspension of Operations” filed by Centro Cristiano de Vida Eterna with the FCC on April 29, 2020 with regard to Station K287BQ. That document stated:

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 37.

- 12. Identify all primary stations that K223CW retransmitted from October 20, 2016, until the consummation date identified in response to Inquiry 9.**

Centro Cristiano de Vida Eterna retransmitted Station KCOH on K223CW from October 20, 2016 until approximately September 4, 2017.

Centro Cristiano de Vida Eterna retransmitted Station KJOZ on K223CW commencing approximately September 4, 2017, and continued to do so throughout the remainder of time Centro Cristiano de Vida Eterna remained in control of Station K223CW.

Following February 1, 2020 (when SDK Franco took control of the station), it believed K223CW originated programming without utilizing a Primary Station. Beginning February 2020, for approximately three months, Station K223CW broadcast a format called "La Rumba." It is not believed that a Primary Station was associated with that programming.

Following April 17, 2020, around May-June 2020, Station K223CW briefly rebroadcast Station KLVV 1480 AM. Around middle or end of June 2020, after the KLVV rebroadcast, Station K223CW began broadcasting Station KFNC.

The ostensible "consummation date" was April 17, 2020. Attachment 4 at 2. To this date, Station K223CW is still rebroadcasting KFNC.

- 13. Identify and provide a copy of all Documents that provide the legal authority for K223CW to rebroadcast the primary stations identified in the response to Inquiry 12.**

Attachment 38.

- 14. Identify the dates on which K223CW transmitted each primary station identified in the response to Inquiry 12.**

KCOH was the primary station rebroadcast on K223CW from October 20, 2016 until approximately September 4, 2017 (when an email was sent to Robert Gates notifying the FCC that Station K223CW was beginning to rebroadcast Station KJOZ, Attachment 39).

KJOZ was the primary station rebroadcast on K223CW for K223CW from that time until February 1, 2020 when SDK Franco took control of Station K223CW.

Beginning February 2020, for approximately three months, based upon my personal monitoring of Station K223CW, it is my recollection and belief that Station K223CW broadcast a format called "La Rumba." I believe this format was broadcast without a primary station.

Around May-June 2020, based upon my personal monitoring of Station K223CW, it is my recollection and belief that Station K223CW briefly rebroadcast Station KLVV 1480 AM. This

rebroadcast was confirmed in a complaint filed with the FCC. Attachment 40.

Based upon my monitoring of Station K223CW, it is believed that around middle or end of June 2020, after the KLVVL rebroadcast, Station K223CW began broadcasting Station KFNC. To this date, it is still rebroadcasting Station KFNC.

- 15. Did Centro notify the Commission that K223CW was rebroadcasting each of the primary stations identified in the response to Inquiry 12? If so, indicate when such notification(s) occurred, and provide documentary proof of each such notification and include all responses, if any, from the Commission and Commission staff.**

Centro notified the Commission that it was rebroadcasting KCOH and KJOZ. The notification occurred on October 20, 2016, File No. BLFT-20161020ABY (KCOH); and September 4, 2017, Attachment 39 (KJOZ). Centro was not involved in any notifications subsequent to those two notifications. In neither case was there a response from Commission staff objecting to the changes.

- 16. Did Centro discontinue operations of K223CW at any time? If yes, answer the following:**
- a. Specify the dates for each instance during which K223CW discontinued operations, and, if applicable, when K223CW recommenced operations and the primary station rebroadcast when K223CW resumed operations.**
 - b. Did Centro notify the Commission on each occasion of discontinued operations? If so, provide documentary proof of such filings and also any Commission response thereto. If not, explain why not.**

Yes.

(a) Centro Cristiano de Vida Eterna no longer had the ability to operate Station K223CW beginning on February 1, 2020. Station K223CW, continued to operate at that time under the control of SDK Franco.

Centro Cristiano de Vida Eterna caused K223CW to cease operations from March 3-5, 2020.

(b) The first period of silence was for only three days, and did not have to be reported to the FCC.

- 17. Has K223CW originated its own programming or otherwise broadcast programming other than the simultaneous retransmission of the primary stations identified in the response to Inquiry 12? If yes, answer the following:**
- a. Identify any such programming.**
 - b. Specify the dates and times on which K223CW broadcast any such programming.**
 - c. Indicate the duration of each instance noted in your response to Inquiries 17.a-b.**

d. Explain fully the circumstances under which K223CW originated programming or broadcast programming other than the simultaneous retransmission of any primary station identified in response to Inquiry 13, and identify whether any such programming complied with the exceptions set forth in section 74.1231 of the Commission's rules, 47 CFR § 74.1231.

(a) It is believed that K223CW originated the following programming:

La Rumba Radio

(b) The dates and times K223CW broadcast such programming were as follows:

La Rumba Radio -- February, March, April 2020

(c) The duration of such programming was as follows:

La Rumba Radio -- 3 months

(d) As detailed above, Centro Cristiano de Vida Eterna was not in control of K287BQ and K223CW after February 1, 2020. As seen in Attachment 32, Ms. Franco took the position:

The agreed final of divorce was signed on January 22nd 2020. You and your FCC lawyer have been procrastinating and dragging your feet on this entire process! Nothing at the tower site belongs to you! Transmitters,coax,computers,audio processors, connectors,filters, DON'T belong to you! K2128EJ 91.5 FM, K223CW 92.5FM & K287BQ do NOT longer belong to you or Centro Cristiano De Vida Eterna.

Attachment 33. This is nearly identical to the position taken by legal counsel for SDK Franco at various times that all equipment transferred to SDK Franco as of February 1, 2020. In fact, Centro Cristiano de Vida Eterna was instructed, via a conversation between Hector Guevara and SDK Franco's divorce attorney, that following February 1, 2020 Station K287BQ and K223CW should be treated as owned by SDK Franco, and that Centro Cristiano de Vida Eterna would be subject to sanctions from the Texas court in the event Centro Cristiano de Vida Eterna even attempted to interfere with their operation of the Station. Subsequently, building security at Well Fargo Plaza was instructed, presumably by SDK Franco, not to allow Centro Cristiano de Vida Eterna access to any of the equipment located at the site without the presence of a building security guard.

Therefore, beginning on February 1, 2020, Centro Cristiano de Vida Eterna was not in control of K287BQ and K223CW, and Centro Cristiano de Vida Eterna no longer had ownership of or the legal ability to access any of the existing equipment with which to operate Station K287BQ and K223CW following February 1, 2020, insofar as Ms. Franco, its attorney, and the court all took the position that ownership of all such equipment immediately transferred over to SDK Franco as of February 1, 2020.

In accordance with that position, beginning on February 1, 2020, SDK Franco used that equipment it now "owned" to change the programming broadcast on Station K223CW from Station KJOZ to a programming source or format called "La Rumba". This change was performed by SDK Franco without any prior consent or consultation with Centro Cristiano de Vida Eterna (who was still nominally the "licensee" of Station K223CW according to FCC

records.

So far as I know, the programming does not comply with the exceptions set forth in section 74.1231 of the Commission's rules, 47 CFR § 74.1231.

18. **Has K223CW ever failed to provide station identification as required by section 74.1283 of the Commission's rules, 47 CFR § 74.1283? If yes, answer the following:**
- a. **Identify each such incident along with the dates and times on which 1(223CW failed to provide the required station identification.**
 - b. **Explain fully the circumstances under which K223CW failed to provide the required station identification.**

During the times Station K223CW was under the control of Centro Cristiano de Vida Eterna, Station K2223CW did not at any time fail to provide the station identification required by 74.1283 of the Commission's Rules.

As noted above, following February 1, 2020, Centro Cristiano de Vida Eterna lost legal access to station equipment and lost control over the content broadcast over Station K223CW. At the times Station K223CW has been monitored following February 2020, there has been no indication that Station K223CW has at any time provided the station identification required by 74.1283 of the Commission's Rules.

19. **Identify the make and model of the antenna(e) installed at the K223CW transmitter site on or until the consummation date identified in response to Inquiry 9. If the antenna installed differed from the one authorized by the K223CW license granted on April 19, 2017 (File No. BLFT-20170406ACJ), state the date the antenna was installed and explain the circumstances that lead to the installation of the specified antenna.**

When Station K223CW was under the control of Centro Cristiano de Vida Eterna, Station K223CW was operated with a Scala CL-FM. That is the antenna authorized by the K223CW license granted on April 19, 2017 (File No. BLFT-20170406ACJ).

After Station K223CW was under the control of SDK Franco beginning in February 2020, the antenna with which Station K223CW was operating was changed to a 2-Bay Nicom BKG 77. It is not known who changed the antennas.

Despite the fact that SDK Franco filed a license to cover on October 21, 2021 (File No. 0000164175) claiming that it is using a "Scala CL-FM-H-1DA," that claim is false. Attached as Attachment 41 is a photograph taken on September 30, 2021 of the antenna actually used by K223CW as of that date. The antenna that has been used and is being used for K223CW has been a two-bay Nicom Antenna. Centro Cristiano de Vida Eterna is a tenant on the Wells Fargo Building, and its principals and engineers have full access to the rooftop of the Wells Fargo Building rooftop, although all such visits are with a security escort. Attached hereto as Attachment 55 is a photograph taken on December 16, 2022. The same antenna is still being used for K223CW as of this last week.

While another antenna (an eight-element beam antenna) for 92.5/K223CW currently is installed at the site (Attachment 56), I have been in touch with the site manager for the site, Mr. Bill Cordell. Mr. Cordell has described the antenna as an "8 element beam [that] is a test

antenna for 92.5, but is to be removed soon.” [Attachment 57](#). The Model Number of the antenna is Scala YA7-FML-URM Yagi Antenna. [Attachment 58](#).

20. Identify the primary stations that K287BQ was retransmitting on the consummation date identified in response to Inquiry 9.

It is not believed that K287BQ was retransmitting a Primary Station on April 17, 2020. It is my belief that K287BQ began originating programming on K287BQ on or about February 1, 2020.

Moreover, although SDK Franco has stated to the FCC in a notification of that primary stations was filed with the FCC on December 7, 2022 (File No. 0000204886), that it is broadcasting the HD3 signal of KKBQ(FM), it is believed that Station K287BQ is continuing to originate programming. I have personally checked, and KKBQ(FM) is not currently broadcasting any programming on its HD3 frequency. K287BQ has continued to broadcast original programming under the trade name “Power FM 105.3”. Videos and recordings of the K87BQ broadcasts, and the lack of an identical broadcast on ‘KKBQ-HD3’ is available upon request.

21. Identify and provide a copy of all Documents that provide the legal authority for K287BQ to rebroadcast the primary station identified in the response to Inquiry 20.

No such documents are believed to exist.

22. Identify the dates on which K287BQ transmitted the primary station identified in the response to Inquiry 20.

As noted in the response to Inquiry 20, It is not believed that K287BQ was broadcasting a Primary Station as of April 17, 2020.

23. Did Centro notify the Commission that K287BQ was rebroadcasting each of the primary stations identified in the response to Inquiry 20? If so, indicate when such notification(s) occurred, and provide documentary proof of each such notification and include all responses, if any, from the Commission and Commission staff.

As noted above, it is not believed that K287BQ any longer was rebroadcasting a Primary Station on the “consummation date identified in response to Inquiry 9” (April 17, 2020).

24. Did Centro discontinue operations of K287BQ at any time? If yes, answer the following:

- a. **Specify the dates for each instance during which K287BQ discontinued operations, and, if applicable, when K287BQ recommenced operations and the primary station rebroadcast when K287BQ resumed operations.**
- b. **Did Centro notify the Commission on each occasion of discontinued operations? If so, provide documentary proof of such filings and also any Commission response thereto. If not, explain why not.**

Yes, Centro Cristiano de Vida Eterna discontinued operation of K287BQ on two occasions.

(a) On September 13, 2018, the Bureau ordered Station K287BQ to cease operations due to unresolved interference caused to certain listeners of Station KTWL(FM), Todd Mission, Texas. [Attachment 42](#). Station K287BQ resumed operations on February 19, 2019.

In addition, Centro Cristiano de Vida Eterna caused K287BQ to discontinue operations from March 3-5, 2020.

(b) The Commission was aware of the first discontinuation of operations by virtue of the issuance of its own order.

The second period of silence was for only three days, and did not have to be reported to the FCC.

25. Has K287BQ originated its own programming or otherwise broadcast programming other than the simultaneous retransmission of the primary stations identified in the response to Inquiry 20? If yes, answer the following:

- a. Identify any such programming.**
- b. Specify the dates and times on which K287BQ broadcast any such programming.**
- c. Indicate the duration of each instance noted in your response to Inquiries 25.a-b.**
- d. Explain fully the circumstances under which K287BQ originated programming or broadcast programming other than the simultaneous retransmission of any primary station identified in response to Inquiry 20, and identify whether any such programming complied with the exceptions set forth in section 74.1231 of the Commission's rules, 47 CFR § 74.1231.**

Yes, it is believed that K287BQ originated programming.

(a) Station K287BQ originated programming with a format called “La Caliente.” Although at one point the format was through an HD3, that HD3 stopped, and then K287BQ broadcast La Caliente directly as originated programming.

Station K287BQ has also originated programming with a format called “La Power FM.”

(b) It is believed that K287BQ broadcast the format called “La Caliente” as original programming in February, March, April 2020.

It is believed that K287BQ broadcast the format called “La Power FM” beginning in May 2020 until now.

(c) La Caliente was broadcast as original programming for three months.

La Power FM was broadcast beginning in May 2020 until NOW -- 32 months

(d) Centro Cristiano de Vida Eterna was not in control of K287BQ and K223CW at all times after February 1, 2020. As seen in Attachment 33, in an email dated March 5, 2020 (prior to FCC approval of the transaction) Sara Franco of SDK Franco took the position:

The agreed final of divorce was signed on January 22nd 2020. You and your FCC lawyer have been procrastinating and dragging your feet on this entire process! Nothing at the tower site belongs to you!

Transmitters,coax,computers,audio processors, connectors,filters, DON'T belong to you! K2128EJ 91.5 FM, K223CW 92.5FM & K287BQ do NOT longer belong to you or Centro Cristiano De Vida Eterna.

Attachment 33 (emphasis added). This is nearly identical to the position taken by legal counsel for SDK Franco at various times that all equipment transferred to SDK Franco as of February 1, 2020. In fact, Centro Cristiano de Vida Eterna was instructed, via a conversation between Hector Guevara and SDK Franco's divorce attorney, that following February 1, 2020 Station K287BQ and K223CW should be treated as owned by SDK Franco, and that Centro Cristiano de Vida Eterna would be subject to sanctions from the Texas court in the event Centro Cristiano de Vida Eterna even attempted to interfere with their operation of the Stations. Subsequently, building security at Well Fargo Plaza was instructed, presumably by SDK Franco, not to allow Centro Cristiano de Vida Eterna access to any of the equipment located at the site without the presence of a building security guard.

Therefore, Centro Cristiano de Vida Eterna no longer had any ownership of or the legal ability to access the existing equipment with which to operate Station K287BQ and K223CW, insofar as Ms. Franco, its attorney, and the court all took the position that ownership of all such equipment immediately transferred over to SDK Franco as of February 1, 2020.

In accordance with that position, it is believed that SDK Franco broadcast on K287BQ the format called "La Caliente" as original programming in February, March, April 2020, and SDK Franco broadcast on K287BQ the format called "La Power FM" beginning in May 2020 until now. These changes all were performed by SDK Franco without any prior consent or consultation with Centro Cristiano de Vida Eterna (who was still nominally the "licensee" of Station K287Q at that time according to FCC records).

26. Has K287BQ ever failed to provide station identification as required by section 74.1283 of the Commission's rules, 47 CFR § 74.1283? If yes, answer the following:

a. Identify each such incident along with the dates and times on which K287BQ failed to provide the required station identification.

b. Explain fully the circumstances under which K287BQ failed to provide the required station identification.

(a) During the times Station K287BQ was under the control of Centro Cristiano de Vida Eterna, Station K287BQ did not at any time fail to provide the station identification required by 74.1283 of the Commission's Rules.

As noted above, beginning on February 1, 2020, Centro Cristiano de Vida Eterna was not in control of K287BQ and K223CW, and lost access to station equipment and lost control over the content broadcast over Station K287BQ. At the times Station K287BQ has been monitored following February 2020, there has been no indication that Station K287BQ has at any time provided the station identification required by 74.1283 of the Commission's Rules.

(b) See above.

As noted above, beginning on February 1, 2020, Centro Cristiano de Vida Eterna was not in control of K287BQ and K223CW, and Centro Cristiano de Vida Eterna lost access to station equipment and lost control over the content broadcast over Station K287BQ. Centro

Cristiano de Vida Eterna does not have any information concerning the circumstances under which K287BQ failed to provide the required station identification following that date.

- 27. Identify the make and model of every antenna installed at the K287BQ transmitter site. If the antenna installed differed from the K287BQ license granted on February 27, 2019 (File No. BLFT-20190219ACC), state the date the antenna was installed and explain the circumstances that lead to the installation of the specified antenna.**

The license BLFT-20190219ACC authorized use of a Nicom BKG-77. A Nicom BKG 77 antenna was installed at the K287BQ at the K287BQ transmitter site in Missouri City during the period of operation by Centro Cristiano de Vida Eterna. This specific antenna was required at that time because of interference complaints filed by KTWL FM. K287BQ was allowed to be back on the air from this site at 20 watts.

Subsequent to February 1, 2020, SDK Franco moved the K287BQ site of operation to the Wells Fargo Building. It is supposed to be using a Scala CL-FM/HRM/50N antenna. File No. 0000112935, mounted on the southeast side of the building. Instead, SDK Franco is utilizing a SWR Model FM 10/4 .9w.s antenna in its operation of K287BQ that is (i) not directional, and (ii) mounted on the west side of the building, which is wrong side of the building necessary to provide protection to KTWL. Attachment 59. As a result, K287BQ is not currently providing requisite protection to KTWL.

On December 1, 2022, because Centro Cristiano de Vida Eterna is still a tenant at the Well Fargo Plaza transmitter site, site manager Bill Cordell emailed me asking about a new set of antennas located on the southeast side of the building rooftop (that is, antennas that are situated to provide the proper protection to KTWL) asking if we had installed those antennas. Bill Cordell did not initially know who installed those antennas. Attachment 60. We responded that we did not install the antennas. Attachment 61.

Centro Cristiano de Vida Eterna is a tenant on the Wells Fargo Building, and its principals and engineers have full access to the rooftop of the Wells Fargo Building rooftop, although all such visits are with a security escort. On December 18, 2022, Centro Cristiano de Vida Eterna sent an engineer back to walk the rooftop of the Wells Fargo Building to document the new antenna. The two antennas are two-bay Scala FM antennas (Attachments 62 and 63), but upon closer examination, just like the email sent from Bill Cordell states, the two antennas are not connected. See Attachment 64. The feed line is just inside the pipe and the power divider between the two antennas has a 90-degree connector without a feed line going to it. While if these two antennas were connected and pointed to the correct direction, these antennas would somewhat work for K287BQ to provide a correct directional pattern and protection to KTWL. However, they are clearly not being used by K287BQ at the present time.

- 28. Identify any other instance in which Centro, or any parent and/or affiliate companies of Centro received or were issued a Letter of Inquiry, Citation, Warning Letter, Notice of Apparent Liability, Forfeiture Order, or Admonishment from the Commission, or entered into a Consent Decree with the Commission.**

In re Matter of Online Public Inspection Files of Centro Cristiano de Vida Eterna with regard to Station KPMB(FM) and KVFM(FM), DA 22-428.

Consent Decree re W252AW, DA 22-340.

- 29. Identify any efforts by Centro to resolve or correct any noncompliance with the Rules, as identified herein, prior to this LOI. Identify any efforts by Centro to disclose to the Commission any noncompliance with the Act or the Commission's rules prior to this LOI.**

During its period of ownership or control of K223CW and K287BQ, Centro did not engage in any noncompliance with the Act or the Commission's rules.

Centro Cristiano de Vida Eterna has engaged in efforts to disclose to the Commission all acts of non-compliance engaged in by SDK Franco LLC as they have been discovered through the filing of petitions and informal objections.

- 30. To the extent not otherwise provided in response to the preceding Inquiries, provide any additional information that Centro believes may be helpful in our consideration and resolution of this matter.**

Failure to Disclose Member's Alien Ownership

At the time of Commission approval of the K287BQ/K223CW transaction, SDK Franco was not qualified under the FCC's rules for such approval due to its failure to disclose information concerning its principal's alien citizenship and its failure to disclose one of its principal's other broadcast interest in an LPFM station.

Among the disagreements between counsel for SDK Franco and counsel for Centro Cristiano de Vida Eterna was for SDK Franco to be candid with the Commission about the ownership of SDK Franco. I was aware of the fact that my former sister-in-law, Sara Franco was not a United States Citizen, and therefore could not herself become an FCC licensee. I was also aware that according to the ownership on file initially with the State of Texas, she held an interest in SDK Franco. I also was aware that my nephew, Daniel Guevara held an interest in SDK Franco.

As of the time of the filing of the SDK Franco assignment application, the ownership of SDK Franco was as follows:

Member 1: Sara Guevara
Member 2: Karen Sara Guevara
Member 3: Daniel Guevara

Attachment 43. According to the Texas Secretary of State, the management of SDK Franco as of this date, remains:

Sara Guevara	Member
Karen Sara Guevara	Member
Daniel Guevara	Member

Attachment 44.

Because Sara Franco (formerly "Sara Guevara") was not a US Citizen, counsel for Centro Cristiano de Vida Eterna took the position that her non-US Citizenship needed to be disclosed to the FCC in an exhibit pertaining to alien ownership (an "Exhibit 14 Exhibit"). Attachment

45. Counsel for SDK Franco first refused to disclose the alien ownership in an exhibit unless “the Commission asks for one.” Attachment 46. When counsel for Centro Cristiano de Vida Eterna disagreed, and pointed out to counsel for SDK Franco Sara Guevara” (now, Sara Franco) is not a United States citizen and that an FCC waiver was required (Attachment 47), counsel for SDK Franco first tried to claim that it was “Sara’s daughter” who was a member of the LLC going by the name “Sarah Karen Guevara.” Attachment 48. When that was shown not to be accurate (Attachment 49), counsel for SDK Franco then tried to claim that “Sara Guevara is not a member.” Attachment 50. When that was shown not to be true, he insisted the amendment nevertheless be filed, and counsel for Centro Cristiano de Vida Eterna initially refused to do so until the application was corrected. Attachment 51. It was only after counsel for SDK Franco threatened court action (Attachment 52) that the amendment was filed.

Failure to Disclose Member’s Interest in LPFM Station

Although the Assignment Application was granted on April 17, 2020, it should also be noted that until August 18, 2020, Daniel Guevara was a Member of Centro De Fe Y Avivamineto Del Santo Espiritu Inc., licensee of former LPFM station KCDE-LP. A copy of the surrender of license (dated August 18, 2020) is attached hereto as Attachment 53.

Section 73.860 of the Commission’s Rules state:

(a) Except as provided in paragraphs (b), (c) and (d) of this section, no [LPFM] license shall be granted to any party if the grant of such authorization will result in the same party holding an attributable interest in any other non-LPFM broadcast station, including any FM translator or low power television station, or any other media subject to our broadcast ownership restrictions.

47 C.F.R. § 73.860. Under Section 73.858, Daniel Guevara had an “attributable interest” in the licensee of Station KCDE-LP, and under Section 73.3555 of the Commission’s rules, he also had an attributable interest in SDK Franco. 47 C.F.R. § 73.858 and 47 C.F.R. § 73.3555. That ownership interest was never disclosed to the FCC in the application for assignment of Station K287BQ/K223CW, nor was a waiver of Section 73.860 requested.

Therefore, SDK Franco wrongfully failed to disclose that interest in its application, and due to Section 73.860 of the Commission’s Rules, SDK Franco was not eligible for grant of the K287BQ/K223CW assignment application on April 17, 2020.

SDK Franco is Not Currently an Active Corporation

The limited liability company “SDK Franco LLC” is not currently active with the State of Texas. Its existence was “forfeited” with the State of Texas on June 24, 2022. Attachment 54.

I hereby declare and affirm, under penalty of perjury, that the statements of fact set forth in this Response to the Letter of Inquiry of which I have personal knowledge, are true and correct to the best of my knowledge and belief. All of the information requested by the Letter of Inquiry that is in the possession, custody, control, or knowledge of Centro Cristiano de Vida Eterna has been produced, and any and all Documents are true and correct copies of the original Documents.



Martín Guevara
President
Centro Cristiano de Vida Eterna

December 19, 2022