

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC

IN RE:
STA LPFM APPLICATION OF
NEW BEGINNINGS FELLOWSHIP CHURCH
HOUSTON, TEXAS

**APPLICATION FOR SPECIAL TEMPORARY AUTHORITY (STA) TO CONSTRUCT AND
OPERATE AN LPFM RADIO STATION**

TO THE CHIEF OF THE MEDIA BUREAU, AUDIO DIVISION:

NOW COMES NEW BEGINNINGS FELLOWSHIP CHURCH OF HOUSTON, TEXAS, INC (hereinafter "NBFC"), and pursuant to the Local Community Radio Act and other provisions of law submits this application for special temporary authority (STA) to construct and operate an LPFM radio station. In support of this application, NBFC will respectfully show the following::

Congress passed a law known as the **Local Community Radio Act** to allow small community groups such as NBFC to obtain LPFM licenses. In September 2013, NBFC prepared and uploaded into the FCC's CDBS system an application for such a license to operate on 106.1 MHz in the Houston area.

Don Werlinger was a licensed broadcaster who, almost two decades ago, the FCC determined lacked the moral character to hold a broadcast license. (See file for radio station DKFCC}. Despite this determination, Werlinger has continued to own numerous radio stations using the names of friends and employees. At the time of the LPFM filing window, he was LMAing a translator (with a contract to buy the station) on 106.7 MHz in Simonton, Texas. He wanted to substantially increase the value of this translator and serve more population by changing its frequency to 106.1 and "hopping" it to Houston area, but couldn't do so until after the LPFM window (and only if nobody got the frequency for an LPFM).

Werlinger has a friend named Roy Henderson -- a Texas broadcaster who also has been previously found by the FCC to have filed deceptive and false applications. At the time, among the many stations held by Henderson were two long dark (but still licensed) analog LPTV stations in Houston. (KJIB-LP and KVDO-LP) Henderson's lawyer, Ben Perez, agreed to a deal allowing NBFC, at the ministry's own cost, to build and operate the LPTV stations until the FCC finally ends all analog TV broadcasting. Ben Perez also promised to file all the necessary

paperwork to operate the stations from a tower on our church property. This, NBFC did not file its LPFM application.

After the close of the LPFM window, Werlinger discovered another group had also applied to operate an LPFM on 106.1. He advised a representative of NBFC that he had to pay them a lot of money to get them to modify their application to another frequency. After this was done, he applied for and received a permit to move the translator from Simonton to Rosenberg and to change to 106.1. Shortly thereafter, he again moved it to Missouri City (right outside Houston). He proceeded to originate programming on the translator in violation of FCC rules, for which a Notice of Violation was issued. See NOV# V201432540015 After receiving complaints from NBFC, the actual licensee of this translator -- a church in Dallas -- cancelled the LMA and sale of the station to Werlinger. It has since been leased to another group.

To operate Mr. Henderson's LPTV stations, NBFC purchased transmitters, antennas, coax, along with computers and video equipment. A 249 foot radio tower just north of downtown Houston was also donated to NBFC. Shortly after the LPTV stations resumed operations, NBFC learned that Ben Perez was not filing paperwork as promised. Rather, he started denying ever having spoken to spoken with NBFC representatives, and said that Roy Henderson wanted the stations turned off. When an NBFC went to Washington and attempted to file the appropriate paperwork, Roy Henderson suddenly, without explanation, had his lawyer surrender the LPTV licenses.

NBFC maintains the position that Roy Henderson's surrender of the licenses does not in any way shape form or fashion alter his legal contractual obligation that grants the church use of the licenses until the end of analog TV broadcasting. His surrender of said licenses after having promised NBFC use of same only means that he is the direct cause and is legally responsible for any broadcasts made in reliance on cancelled licenses. In a subsequent trip to Washington, an attorney advised that there was no legal way to reinstate the surrendered LPTV licenses and/or have them transferred to NBFC. He advised that the only legal recourse was to sue Roy Henderson. However, this is not any remedy, as there are already numerous judgments, liens, and tax collection lawsuits against Mr. Henderson. The only solid assets this man has are radio and TV licenses which, by law, cannot be garnished to satisfy debts. Moreover, filing a lawsuit would violate the tenants of the church's religious beliefs.

From in depth investigations, NBFC now knows that Don Werlinger and Roy Henderson are dishonest. They are undoubtedly two of the most disreputable people in the broadcast industry. Their dishonesty has left NBFC with a large radio tower, a studio, and thousands of dollars worth of analog TV broadcasting equipment -- items that we can neither legally use, nor sell because it is mostly obsolete.

What has happened here is very wrong. But what's even more wrong is that Roy Henderson and Don Werlinger continue to have radio licenses, file false documents, and just carry on with their dishonesty without the FCC doing anything to check these unscrupulous

broadcasters. Further compounding the situation is that an attorney with the FCC's Audio Division says NBFC's LPFM application cannot be revived. NBFC must wait unto the next LPFM window, which nobody knows for sure will ever happen again. In any event, because of this year's window allowing AM stations to apply for FM translators, there are no longer any usable frequencies available. A frequency search reveals that even with an adjacent channel waver there are no usable regular FM frequencies left open at NBFC's tower site

However, with a waiver of an old obsolete FCC rule that allowed only displaced Class D 10-watt FM stations (which no longer exist) to operate on 87.9, NBFC could operate an LPFM on a channel that is currently unused and won't create interference to any licensed broadcaster. Thus, in view of the fact that dishonest broadcasters manipulated and fraudulently deprived NBFC of its opportunity, privilege, and right under the Local Community Radio Act to apply for and operate an LPFM station, at this time NBFC respectfully applies for Special Temporary Authority (STA) to operate a 100 watt LPFM radio station on 87.9 MHz until such time as another LPFM window is opened and a regular frequency becomes available.

Respectfully submitted,

/electronic signed/ Mike Grega
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