



Federal Communications Commission
Washington, D.C. 20554

March 30, 2016

In Reply Refer To:
1800B3-ATS

Mr. Reymundo Villa
Beaumont Iglesia Cristo Viene
1066 Isla Street
Beaumont, TX 77703

In re: Beaumont Iglesia Cristo Viene
New LPFM, Beaumont, Texas
Facility ID Number: 193973
File Number: BNPL-20131114ACS

Dear Applicant:

We have before us the application of Beaumont Iglesia Cristo Viene (BICV) for a construction permit for a new LPFM station at Beaumont, Texas (Application). For the reasons set forth below, we dismiss the Application.¹

Background. BICV filed the Application during the 2013 LPFM filing window and stated that it was located at 1066 Isla Street, Beaumont, Texas.² BICV further provided this same address for one of its directors, Reymundo Villa; an address of 1420 Calder Avenue, Beaumont Texas for its second director, Blanca Gomez; and an address of 1010 Interstate 10 E Beaumont, Texas for its third director, David Gomez.³ The Media Bureau (Bureau) determined that the Application was not mutually exclusive with any other application filed during the window and accepted it for filing as a singleton on December 5, 2013.⁴

Discussion. Section 73.853(b) of the FCC's rules (Rules) provides that "[o]nly local organizations will be permitted to submit applications and to hold authorizations in the LPFM service" and states that an applicant may demonstrate localism by satisfying the following criteria:

(1) The applicant, its local chapter or branch is physically headquartered or has a campus within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets;

(2) It has 75% of its board members residing within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets⁵

¹ We also have before us the Informal Objections filed by REC Networks on December 2, 2013, and January 12, 2015, and the Petition to Deny filed by Common Frequency on January 9, 2014. Because we are dismissing the Application, we need not consider these pleadings.

² Application at Section I, Question 1. BICV also provided this as its address in Section II, Question 3.a. (Parties to the Application), Section III, Question 3 (Main Studio), and in its Articles of Incorporation (Attach. 2).

³ *Id.* at Section II, Question 3.a.

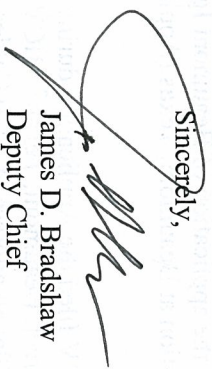
⁴ *See Broadcast Applications*, Public Notice, Report No. 28132 (MB Dec. 10, 2013).

⁵ 47 CFR §§ 73.853(b)(1); 73.853(b)(2). Sections 73.853(b)(3) and (4) provide for eligibility for public safety entities and Tribal Applicants, respectively.

A review of the public records for Jefferson County shows that the property at the Isla Street address BICV provided in the Application is a vacant lot.⁶ Accordingly, we will not credit the address BICV provided in the Application as its headquarters for the purpose of demonstrating eligibility under Section 73.853(b)(1).⁷ Additionally, although BICV certified that "No" to Section II, Question 4.b., we note that none of the addresses it provided for its directors would be credited as a residence for the purpose of demonstrating eligibility under Section 73.853(b)(2). As noted above, the address for Raymundo Villa does not contain a habitable structure; the address provided for Blanca Gomez is a church owned by Church of Philadelphia; and the address provided for David Gomez is a daycare owned by Westwood Missionary Baptist Church.⁸ Thus, BICV cannot meet the eligibility requirements of Section 73.853(b) because it has not demonstrated that it has a headquarters or 75 percent of its board members residing within 20 miles of its proposed transmitter site.⁹

Conclusion. Accordingly, IT IS ORDERED that the application of Beaumont Iglesia Cristo Viene (BNPL-20131114ACS) for a construction permit for new LPFM station at Beaumont, Texas, IS DISMISSED.

Sincerely,



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Deputy Chief
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Media Bureau

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⁶ The records for Jefferson County may be accessed at <http://propaccess.jcad.org/clientdb/?cid=1>. The Commission may take official notice of government documents that are accessible to the public. See *Citadel Broadcasting Company, Memorandum Opinion and Order*, 22 FCC Rcd 7083, 7094, para. 21 (2007) (taking official notice of public records from the New York Attorney General).

⁷ In the context of full service noncommercial educational stations, we have indicated that an applicant must demonstrate actual activity at their claimed headquarters and campuses to receive credit as an established local applicant. For example, the Commission has held that a "headquarters" requires actual activity on the part of the applicant at the site it identifies as its headquarters. See *Comparative Consideration of 33 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations*, 26 FCC Rcd 9058, 9089-9092, paras. 92-95 (2011) (finding an applicant ineligible for points as an established local applicant where virtually no activity took place at the office it claimed as its headquarters).

⁸ These records can all be accessed at the above-noted website for Jefferson County. See n.6 *supra*.

⁹ See, e.g., *Faith Music Ministries*, Letter Order, 22 FCC Rcd 7743 (MB 2007) (dismissing LPFM applicant that failed to demonstrate eligibility under Section 73.853(b)).

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