

190414

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C. 20554

| | | |
|---|---|---------------------------|
| In re Application of: |) | |
| |) | |
| SAVER MEDIA, INC. |) | |
| |) | File No. BMPH-20130725ADU |
| For Application for Minor Modification to |) | |
| Construction Permit for |) | |
| KQTC (FM) |) | |
| Eldorado, TX (Facility ID#190414) |) | |
| TO: Chief, Media Bureau: |) | |

2013 SEP 24 A 9:03

INFORMAL OBJECTION

Danny Ray Boyer, ("Petitioner") hereby files this Informal Objection ("Objection") to the above captioned application by Saver Media, Inc. ("Saver") for minor modification to an original construction permit for KQTC (FM) at Eldorado, TX (the "Modification Application") which seeks to modify the technical parameters of the original construction permit granted to the current permittee's principal (and prior permittee) Tony Cuellar ("Cuellar") by, inter alia, changing the coordinates of the transmitter site.

Standing

Petitioner has standing pursuant to Section 73.3587 to file informal objections to the Saver application, which is an application for an instrument of authorization.

Background

KQTC was originally permitted by BNPH-20120529ALB, granted February 20, 2013, at which time FCC staff dismissed this Petitioner's Petition to Deny that application, finding that

Cuellar was qualified to be a Commission licensee, despite irregularities in the original construction permit application regarding Cuellar's prior criminal convictions. Subsequent to the February 20, 2013 grant of the original construction permit, Cuellar filed an application to assign the now granted construction permit on February 28, 2013 to Saver Media, Inc., a Texas corporation (BAPH-20130228AKP, amended March 4, 2013) which was granted on April 10, 2013 and consummated on April 12, 2013 according to the Commission's records, to Saver Media, Inc. Thereafter the instant application to modify the technical parameters of the original construction permit was filed by the current permittee, Saver Media, Inc.

Objections

Petitioner's objections to the instant application are as follows:

1. Saver, by and through its principal, Cuellar, has misrepresented facts to the Commission in its prior applications. For example, in the Form 316 referenced above, filed on February 28, 2013 and amended on March 4, 2013, Cuellar represented that he was assigning the original construction permit to "Saver Media, Inc.", a Texas corporation owned by Cuellar and his wife (see, e.g. Exhibit 12 to the Assignment Application). However, a search of the Texas Department of State records reveal that there is no such entity organized in Texas as a corporation with that name (see attached Exhibit "1"), and that the only similar entity is a "Saver Media, LLC" which appears to be a limited liability company organized by Mr. Cuellar on **August 12, 2013** (and filed on August 14, 2013)(Exhibit "2) a full 4 months AFTER Cuellar consummated the assignment of the construction permit to the non-entity known as Saver Media, Inc.

2. Cuellar, in the original construction permit application for KQTC, specified a transmitter site and 135.8 meter AGL tower at 31 degrees 1 minute 5 seconds North, 100 degrees

35 minutes 43 seconds West (NAD 27) with ASR Registration #1286554. Cuellar made those representations presumably upon the “reasonable assurance” of site availability required by the Commission’s Rules. However, as evidenced by the attached Declaration of Barbara West Clark (Exhibit “3”) the owner of the real property at those coordinates, no such assurance was ever granted to any party nor was permission ever given to even go onto the property for the purpose of ascertaining its availability for a tower site or to apply for permission to construct a facility on her property.

Despite the foregoing, Cuellar, both individually and on behalf of Saver Media, Inc., (which does not exist) has repeatedly certified to the Commission in his applications 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”

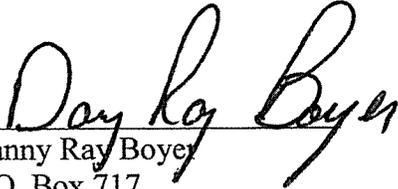
It would seem to be readily apparent, given the foregoing circumstances, (together with Cuellar’s failure to disclose his prior felony conviction to the FCC before the issue was raised by this Petitioner in the original construction permit application), that at a bare minimum the fitness of Cuellar/Saver Media, Inc. to be an FCC permittee should be examined in the context of the FCC’s Character Qualifications, 102 FCC 2nd 1179 (1985) reconsideration denied, 1 FCC Rcd 421 (1986), as modified 5 FCC Rcd 3252 (1990) and 7 FCC Rcd 6564 (1992).

Conclusion

For the foregoing reasons demonstrating a propensity to misrepresent material facts to the Commission, and because the purported applicant entity does not even legally exist, Petitioner states that it would not serve the public interest, convenience and necessity to grant the instant application for modification of the KQTC construction permit at Eldorado, TX and requests that the Commission designate the aforementioned application for public hearing for further inquiry

regarding the issues raised herein.

Respectfully Submitted,

By: 
Danny Ray Boyer
P.O. Box 717
Eldorado, TX 76936
Tel: 325-853-1049

September 18, 2013

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CERTIFICATE OF SERVICE

I, Danny Ray Boyer, hereby certify that a copy of the foregoing "Informal Objection" was served this 18 day of September, 2013 by first class United States Mail, postage prepaid, upon the following:

Tony Cuellar
408 East 12th Street
San Angelo, TX 76903

Lee J. Peltzman, Esq.
Shainis & Peltzman
1850 M Street, Suite 240
Washington, DC 20036

Audio Division
Media Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554



Danny Ray Boyer

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TEXAS SECRETARY of STATE
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FIND ENTITY NAME SEARCH

This search was performed on with the following search parameter:

ENTITY NAME : Saver Media

| <u>Mark</u> | <u>Filing Number</u> | <u>Name</u> | <u>Entity Type</u> | <u>Entity Status</u> | <u>Name Type</u> | <u>Name Status</u> |
|-----------------------|---------------------------|-------------------------------------|--|-------------------------|------------------|--------------------|
| <input type="radio"/> | 801833923 | Saver Media, LLC | Domestic Limited Liability Company (LLC) | In existence | Legal | In use |
| <input type="radio"/> | 800756928 | Savage Media Group, LLC | Domestic Limited Liability Company (LLC) | In existence | Legal | In use |
| <input type="radio"/> | 801125287 | SAVy Media Advisors Inc. | Domestic For-Profit Corporation | Forfeited existence | Legal | Inactive |
| <input type="radio"/> | 800760011 | Save MD PA | Professional Association | In existence | Legal | In use |
| <input type="radio"/> | 801366741 | SAVIOR MEDICAL CENTER INC | Domestic For-Profit Corporation | Forfeited existence | Legal | Inactive |
| <input type="radio"/> | 801705232 | Savings Squared Medical Inc. | Foreign For-Profit Corporation | In existence | Fictitious | In use |
| <input type="radio"/> | 801705232 | Savings Squared Medical | Foreign For-Profit Corporation | In existence | Legal | In use |
| <input type="radio"/> | 14989901 | SAVOY MEMORIAL MEDICAL CENTER, INC. | Domestic Nonprofit Corporation | Involuntarily dissolved | Legal | Inactive |
| <input type="radio"/> | 801487931 | Savera Meadows, LLC | Domestic Limited Liability Company (LLC) | In existence | Legal | In use |
| <input type="radio"/> | 801544062 | Savannah's Meadow, LLC | Application for Name Reservation | Expired | Legal | Expired |

Records 1 to 10 of 330 scroll [Next >>](#) OR proceed to page of 33 pages [GO](#)

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- To view additional information pertaining to a particular filing select the number associated with the name.
- To place an order for additional information about a filing select the radial button listed under 'Mark' that is associated with the entity and press the 'Order' button.

EXHIBIT 1

CERTIFICATE OF FORMATION

OF

Saver Media, LLC

FILED
In the Office of the
Secretary of State of Texas

AUG 14 2013

Corporations Section

Dal Pair, adopts the following Certificate of Formation for a limited liability company under the Texas Business Organizations Code.

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ARTICLE I

SEP 20 2013

The name of the limited liability company, referred to in this Certificate as the "Company", is Saver Media, LLC.

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ARTICLE II

The period of duration of the Company is perpetual.

ARTICLE III

The purpose for which the Company is organized is to transact any or all lawful business for which limited liability companies may be organized under the Texas Business Organizations Code.

ARTICLE IV

The address of the Company's initial registered office is 408 E. 12th St., San Angelo, Texas 76903. The Company's initial registered agent at that address is Tony E. Cuellar.

ARTICLE V

The company will not have managers. The name and address of the initial members are:

TONY E. CUELLAR, whose address is 408 E. 12th St., San Angelo, Texas 76903.

GLORIA A. CUELLAR, whose address is 408 E. 12th St., San Angelo, Texas 76903.

EXH2B2T "2"

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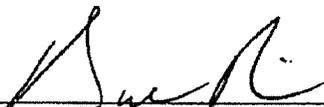
ARTICLE VI

The Company's organizer is Dal Pair, whose address is P.O. Box 2251, Keller, Texas 76244-2251.

ARTICLE VII

The undersigned Organizer hereby disclaims any past or future interests in or control of the Company and resigns as Organizer effective upon the formation of the Company.

This Certificate of Formation is executed on behalf of the Company on August 12, 2013.

By: 
DAL PAIR

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**DECLARATION OF
BARBARA WEST CLARK**

The undersigned hereby declares, under penalty of perjury, as follows:

1. My name is Barbara West Clark.
2. I own the real property located at 10.8 NM North of the Runway Center at Eldorado, Texas, which includes the parcel of land located at NAD 27 Coordinates 31 degrees, 01 minutes, 5.6 seconds North, 100 degrees, 35 minutes, 44.4 seconds West. Those coordinates are the registered coordinates for FCC Antenna Registration Number 1286554, a copy of which is attached to this Declaration.
3. There is no existing 135.8 meter tower located at these coordinates, nor at any other location on my property, and ~~I have no intention of constructing such a tower nor do I have any intention of leasing or selling any portion of my property for the construction of such a tower.~~ *as of this date - August 15, 2013.*
4. In the past, I have never given permission for anyone to construct such a structure on my property, ~~or to apply with the Federal Communications Commission, the Federal Aviation Administration, or to any other governmental entity; for the right for anyone to apply for licensing to construct any tower or radio station facility on my property.~~ *on trespass on my property for the purpose of inspection of my*

Dated this 16 day of August 2013

Barbara West Clark
BARBARA WEST CLARK

land without my express consent in writing or by personal appointment. I have received no compensation for the sale or lease of my surface land or air rights as of this date from anyone. Sincerely,

Barbara West Clark
P.O. Box 536
BOERM, TEXAS
78006

Area. 830-537-4518