

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

21 February 2020

Applications of)
)
ROBERT L. HUNNICUTT) FRN 0019525682
For Translator Station Renewal) FCC File No. 0000083597
W279BY, Augusta-Richmond Cou, GA) Facility ID 151444
)
EDGEWATER BROADCASTING, INC.) FRN 0008622359
For Translator Station Renewal) FCC File No. 0000091894
W255AS, Augusta, GA) Facility ID 151894
)

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Attn: Media Bureau, Audio Division

INFORMAL OBJECTION

Triangle Access Broadcasting, Inc. (“Triangle”), pursuant to 47 C.F.R. §73.3587, objects to grants of both of the above-referenced applications. On October 2, 2019, Robert Hunnicutt dba Robert L. Hunnicutt (“Hunnicutt”) submitted an application for renewal of FM translator W279BY (Facility ID 151444) retransmitting WKZK(AM) (Facility ID 24696). This application was amended on October 7, 2019, to claim a nonprofit exemption. On November 29, 2019, Edgewater Broadcasting, Inc. (“Edgewater”) submitted an application for renewal of FM translator W255AS (Facility ID 151894) that is also retransmitting WKZK. Triangle objects because W255AS is a same-area translator to W279BY while a technical need has not been demonstrated.¹ Triangle further objects because the applications claim inapplicable nonprofit fee exemptions.

¹ 47 C.F.R. § 74.1232(b) (“Section 74.1232(b)”).

As shown in Exhibit A, essentially all of the W255AS service area is common with the area served by W279BY. As Hunnicutt (via alter ego Gospel Radio, Inc.) and Edgewater each operate translators, and as Edgewater has an established business relationship to Hunnicutt (Edgewater sold W279BY to Hunnicutt), Section 74.1232(b) requires showings of technical need to retransmit the same programming in the same area. The Bureau should not renew licenses for same-area translators without technical need showings.

In his application, Hunnicutt claims that he is exempt from both application fees and regulatory fees due to being nonprofit. Individuals cannot be nonprofit applicants, and primary station WKZK is a commercial station,² Neither of the applicable qualifications, nonprofit ownership and transmitting NCE programming, are met in order for Hunnicutt to claim fee exemptions.³ The Bureau should review the extent to which Hunnicutt has inappropriately availed himself of fee exemptions during the preceding license term. The Bureau should also withhold processing on the W279BY renewal application that was tendered without an application fee.

In W255AS renewal application, Edgewater claims that it is exempt from regulatory fees due to being a nonprofit organization. The unrelated business purpose of translating commercial WKZK falls outside the umbrella of Section 501(c)(3) exemptions.⁴ Section 501(c)(3) nonprofit entities are “organized and operated exclusively for religious, charitable, [...] or educational purposes” (emphasis added).⁵ While nonprofits may engage in limited unrelated business activities, a trade or business is related to exempt purposes “only when the conduct of the business activities has causal relationship to achieving exempt purposes (other than through the production of income). The causal relationship

² WKZK is owned by Robert Hunnicutt. Although the WKZK renewal application (file no, 0000078761) claims that “Gospel Radio Inc.” is a Not-for-Profit applicant, the underlying construction permit BPFT–20120815ABF was applied for as “individual,” and a search of Georgia Secretary of State records shows that Gospel Radio, Inc., a for-profit corporation, ceased to exist as of 12/31/2015 (Exhibit B). WKZK also airs commercials with calls to action, promotional descriptions, and inducements to buy.

³ 47 C.F.R. § 73.503.

⁴ 26 U.S.C. § 501(c)(3) (“Section 501(c)(3)”).

⁵ Id.

must be substantial.”⁶ Just as nonprofits must pay taxes on income from unrelated business operations,⁷ regulatory fees must apply for facilities that are not substantially related to a charitable, educational or other purpose that is the basis for an organization's nonprofit status. The public and competing broadcasters are harmed by Edgewater not rightfully paying regulatory fees for its commercial enterprises.

Triangle has analyzed Edgewater's radio broadcast licenses and found that, as of February 17, 2020, 76% of its licenses are commercial. As shown in Exhibit C, out of 51 licensed stations, 39 are commercial FM translators.⁸ Edgewater should have properly declared its facilities used for an unrelated commercial purpose to the Managing Director.⁹ Edgewater should have also declared the general change of status in its organization when it became substantially commercial. Edgewater can clearly no longer faithfully claim that it is a nonprofit entity, and the Bureau should require updated verification of its nonprofit status.

For the above reasons, the subject FM translators are not eligible to be renewed. The Bureau should not renew same area translators, nor should it renew facilities where application and regulatory fees have been evaded.

Respectfully Submitted,



Steven L. White
Director; *Triangle Access Broadcasting, Inc.*

7813 Highlandview Cir
Raleigh, NC 27613-4109

⁶ Internal Revenue Service (2019). “Substantially related.” Retrieved from <https://www.irs.gov/charities-non-profits/substantially-related>. See 26 U.S.C. § 513(a).

⁷ U.S. Dept. of the Treasury, Internal Revenue Service. *Publication 598 (Rev. February 2019): Tax on Unrelated Business Income of Exempt Organizations*. Washington: GPO, 2019. Print, at Chapter 3.

⁸ 47 C.F.R. § 74.1201(b).

⁹ See 47 C.F.R. § 73.1162(c).

Exhibit A

47 CFR 74.1232(b) Evaluation of WKZK(AM) Translators

47 CFR 74.1232 evaluation of WKZK Translators

■ Procedural Overview:

1. From reference coordinates for each station, calculate HAAT using 50 evenly spaced points between 3 and 16 km along each of 360 radials.
Elevation data is from Wolfram Research curated database and is believed to be the best available at the time of the analysis. [Wolfram|Alpha Knowledgebase 2020]
2. Compute F(50,50) 60 dBu service contours using FCC Curves program.
3. Determine if contours overlap by more than 50%.

Setup FCC CURVES module access from Mathematica and Initialize

Location and other W279BY data (Loc1) and W255AS data (Loc2)

```
loc1 = {FromDMS["33.°30.'23.\"N\"], FromDMS["81.°57.'43.\"W\"]};  
(* From FCC Records, ASR *)  
agl1 = Quantity[76., "meters"]; (* From FCC records *)  
erp1 = Quantity[190., "Watts"]; (* From FCC records *)  
callsign1 = "W279BY"; channel1 = 279;  
directional1 = 0; (* 0 is non-directional antenna *)  
  
loc2 = {FromDMS["33.°28.'25.50\"N\"], FromDMS["82.°2.'4.70\"W\"]};  
(* From FCC Records, ASR *)  
agl2 = Quantity[39., "meters"]; (* From FCC records *)  
erp2 = Quantity[23., "Watts"]; (* From FCC records *)  
callsign2 = "W255AS"; channel2 = 255;  
directional2 = 0; (* 0 is non-directional antenna *)
```

HAAT, 360 Radials (Wolfram-Curated Data) with 50 points per radial

Out[449]= Elevations of W279BY: 147. meters, W255AS: 143. meters

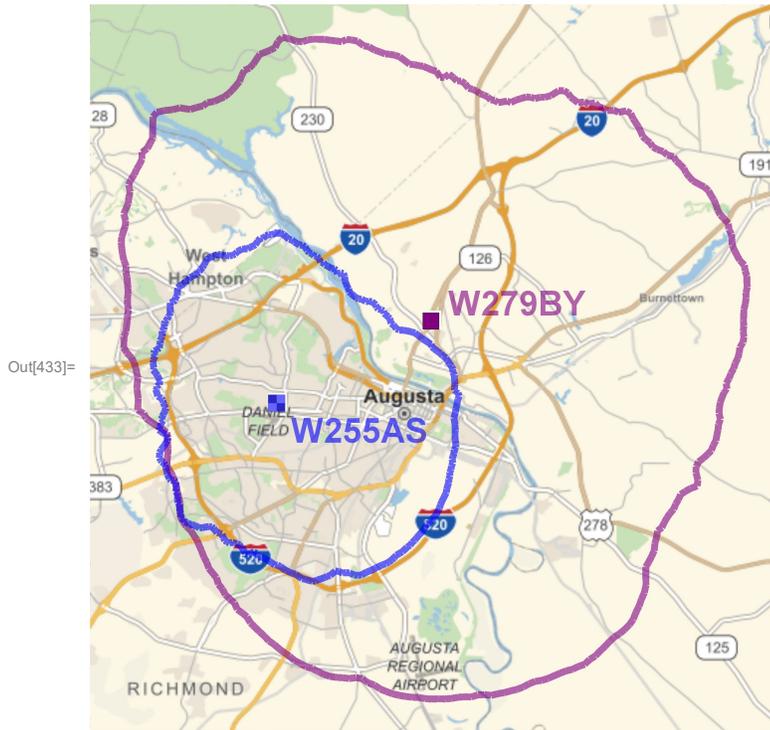
Out[450]= Mean HAATs of W279BY: 130.739 meters, W255AS: 92.002 meters

FCC Curves Field Strength Calculations

Out[494]= Range of distance to W279BY contour: {9.91,
16.5998} km. All FCC Curves calls returned normal status.

Out[495]= Range of distance to W255AS contour: {4.89052,
8.51131} km. All FCC Curves calls returned normal status.

Plot Contours



Same Area Evaluation

Out[419]= W255AS overlaps W279BY 24.5892%

Out[420]= W279BY overlaps W255AS 99.6913%

Exhibit B

Gospel Radio, Inc. Record (GA Secretary of State)



GEORGIA
CORPORATIONS
DIVISION

GEORGIA SECRETARY OF STATE
**BRAD
RAFFENSPERGER**

[HOME \(/\)](#)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name:	GOSPEL RADIO, INC.	Control Number:	J303703
Business Type:	Domestic Profit Corporation	Business Status:	Admin. Dissolved
Business Purpose:	NONE		
Principal Office Address:	2 MILLEDGE RD, AUGUSTA, GA, 30904-3063	Date of Formation / Registration Date:	3/28/1983
State of Formation:	Georgia	Last Annual Registration Year:	2012
Dissolved Date:	12/31/2015		

REGISTERED AGENT INFORMATION

Registered Agent Name: **ROBERT HUNNICUTT 111**
 Physical Address: **2 MILLEDGE RD., AUGUSTA, GA, 30904, USA**
 County: **Richmond**

OFFICER INFORMATION

Name	Title	Business Address
GARFIELD TURNER	Secretary	2536 SHERATON DR., AUGUSTA, GA, 30906, USA
GARFIELD TURNER	CFO	2536 SHERATON DR., AUGUSTA, GA, 30906, USA
HUNNICUTT, ROBERT L., III	CEO	2 MILLEDGE RD, AUGUSTA, GA, 30904, USA

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Exhibit C

Showing of Edgewater Broadcasting, Inc. Commercial Status

Edgewater Broadcasting Licenses as of February 17, 2020

Line	Facility ID	Call Sign	Service	Community of License	Primary Call Sign	Primary Service	Primary Facility ID	Primary Licensee	Commercial Designation	HD Primary	Note
1	138494	K253CA	FX	EAGLE RIVER AK	KOAN	AM	12961	FALCON BROADCASTING LLC	Commercial		
2	140015	W276CZ	FX	SAGINAW MI	WOAP	AM	41682	CANO'S BROADCASTING, LLC	Commercial		
3	141051	W227CI	FX	CATLETTSBURG KY	WCMI	AM	21588	FIFTH AVENUE BROADCASTING CO., INC	Commercial		
4	141979	K284CV	FX	WHITEFISH MT	KKMT	FM	2205	ANDERSON RADIO BROADCASTING, INC.	Commercial	HD	
5	143449	K221FW	FX	LEWISTON ID	KZBG	FM	83397	NELLY BROADCASTING, LLC	Commercial		
6	144580	K222BM	FX	MOAPA NV	KONY	FM	18140	CANYON MEDIA CORPORATION	Commercial		
7	145323	W244BQ	FX	PARK RIDGE IL	WLEY-FM	FM	71282	WLEY LICENSING, INC.	Commercial		
8	145364	W227AX	FX	MOREHEAD KY	WPYK	FM	54813	EDUCATIONAL MEDIA FOUNDATION	Noncommercial		Assignment granted
9	146259	K232CI	FX	MISSOULA MT	KDXT	FM	166089	WESTERN ROCKIES RADIO, INC.	Commercial	HD	
10	147206	K296GT	FX	MT LEMMON AZ	KLTV	FM	79359	EDUCATIONAL MEDIA FOUNDATION	Noncommercial	HD	
11	147546	W276DD	FX	CINCINNATI OH	WGRI	AM	25525	CHRISTIAN BROADCASTING SYSTEM, LTD.	Commercial		
12	147617	K237DZ	FX	MISSOULA MT	KDXT	FM	166089	WESTERN ROCKIES RADIO, INC.	Commercial	HD	Silent 12/31/2019
13	148016	W277CW	FX	NEW RICHMOND WI	WIXK	AM	60643	HMONG RADIO BROADCAST, LLC	Commercial		
14	148047	K242CI	FX	CASPER WY	KLWC	FM	90985	EDUCATIONAL MEDIA FOUNDATION	Noncommercial		
15	148497	K268CO	FX	LAKE LOS ANGELES CA	KPWR	FM	35498	KWHY-22 BROADCASTING, LLC	Commercial	HD	
16	148547	W247CJ	FX	MANCHESTER GA	WFDR	AM	53678	PLOENER RADIO GROUP, LLC	Commercial		
17	148589	K271BV	FX	ORCUTT CA	KVSM	AM	161424	CRISTIAN MARTINEZ	Commercial		
18	148870	K244FJ	FX	FORT SMITH AR	KFPW	AM	23868	PHARIS BROADCASTING, INC.	Commercial		
19	148978	K218EZ	FX	POCATELLO ID	KLRI	FM	91942	EDUCATIONAL MEDIA FOUNDATION	Noncommercial		
20	149153	W261CE	FX	SOUTHAVEN MS	WKVF	FM	859	EDUCATIONAL MEDIA FOUNDATION	Noncommercial	HD	
21	149287	K250BP	FX	EVERGREEN MT	KQDE	AM	160700	ANDERSON RADIO BROADCASTING, INC.	Commercial		
22	149342	W274BT	FX	WILLISTON FL	WUFT-FM	FM	66604	BOARD OF TRUSTEES, UNIVERSITY OF FLORIDA	Noncommercial	HD	Assignment Pending
23	149353	K279CV	FX	BURLEY ID	KLRI	FM	91942	EDUCATIONAL MEDIA FOUNDATION	Noncommercial		
24	150660	W273CT	FX	CANTON GA	WYYZ	AM	46480	KRMA MEDIA GROUP, LLC	Commercial		
25	150667	W270CE	FX	ROME GA	WZOT	AM	7041	HEIRBORN BROADCASTING, LLC	Commercial		
26	150818	W261BX	FX	BIRMINGHAM AL	WBHJ	FM	730	SM-WBHJ, LLC	Commercial	HD	Primary is actually WAGG(AM)
27	150858	W280EJ	FX	MONTGOMERY AL	WQKS-FM	FM	43628	BLUEWATER BROADCASTING COMPANY LLC	Commercial	HD	HD4 Classic Country
28	150864	W248BO	FX	TUSCALOOSA AL	WTUG-FM	FM	54796	TOWNSQUARE MEDIA TUSCALOOSA LICENSE, LLC	Commercial	HD	HD3 Nick FM Classic Hits
29	151155	K291CM	FX	VICTORVILLE CA	KVTR	AM	29226	RUDEX BROADCASTING LIMITED CORPORATION	Commercial		
30	151393	W281AM	FX	MACCLENNY FL	WJKV	FM	31936	EDUCATIONAL MEDIA FOUNDATION	Noncommercial	HD	
31	151843	W280EG	FX	PERU IL	KKNI-FM	FM	72677	KSRM, INC.	Commercial		
32	151852	W251AU	FX	OCILLA GA	WTTY	FM	190401	VICTOR M. VICKERS	Commercial		lovemyfm.com
33	151894	W255AS	FX	AUGUSTA GA	WKZK	AM	23696	GOSPEL RADIO, INC.	Commercial		
34	151900	W238CG	FX	WARNER ROBINS GA	WRWR	FM	26626	PRAISE 107.5 FM RADIO LLC	Commercial	HD	
35	152140	K294CR	FX	TUCSON AZ	KLPX	FM	2745	ARIZONA LOTUS CORP.	Commercial	HD	Reach Radio 690 KCEE AM
36	152237	W257DF	FX	ATLANTA GA	WCLK	FM	11675	CLARK ATLANTA UNIVERSITY	Noncommercial	HD	Silent 4/10/19
37	152253	W260BU	FX	DOUGLAS GA	WVHY	FM	191568	VICKERS, VICTOR M	Commercial		
38	152366	W258AP	FX	MACON GA	WBML	AM	67210	WRWR-AM RADIO LLC	Commercial		
39	152576	K245CH	FX	GRANGEVILLE ID	KORT	AM	138	NELLY BROADCASTING IDAHO, LLC	Commercial		
40	152811	W256CL	FX	PARK FOREST IL	WTMX	FM	6377	CHICAGO FCC LICENSE SUB, LLC	Commercial	HD	
41	152832	K284DA	FX	CLOVIS NM	KVRQ	FM	198802	ESTRELLA BROADCASTING LLC	Commercial		Out of area
42	152867	K283BC	FX	HOBBS NM	KFRI	FM	85633	EDUCATIONAL MEDIA FOUNDATION	Noncommercial		
43	153153	W256CC	FX	BIG RAPIDS MI	WBRN	AM	70506	MENTOR PARTNERS, INC.	Commercial		
44	153386	W234CQ	FX	MACON GA	WFXM	FM	25387	WFXM-FM RADIO, LLC	Commercial	HD	
45	154008	W282CA	FX	RICHMOND VA	WKHK	FM	319	SM-WKHK, LLC	Commercial	HD	HD2 Classic Hip Hop
46	154476	W262CM	FX	BUFFALO NY	WECK	AM	1914	RADIO ONE BUFFALO, LLC	Commercial		
47	154792	K260BT	FX	RAPID CITY SD	KASD	FM	88804	COMMUNITY BROADCASTING, INC	Noncommercial		
48	155031	K289CF	FX	KALISPELL MT	KKMT	FM	2205	ANDERSON RADIO BROADCASTING, INC.	Commercial		
49	155285	K262CI	FX	TACOMA WA	KYFQ	FM	62470	BIBLE BROADCASTING NETWORK, INC.	Noncommercial		Out of area
50	155800	W291CL	FX	RICHMOND VA	WURV	FM	37230	SM-WURV, LLC	Commercial	HD	HD2 Sports
51	165953	WSIZ-FM	FM	JACKSONVILLE GA					Commercial		My FM lease to Victor Vickers

Commercial
Noncommercial

39 76.47%
12 23.53%

Certification of Steven L. White

I, Steven L. White, declare under penalty of perjury that I have reviewed the foregoing Informal Objection and, to the best of my knowledge, the facts set forth therein are true and correct.

By: [Electronically Signed]____
Steven L. White

Dated: February 21, 2020

Certificate of Service

I, Steven L. White, certify that a true and correct copy of the foregoing Informal Objection was sent, this 21st day of February, 2020, by first-class, postage paid mail to the following:

Robert Hunnicutt (Licensee, W279BY)
3243 Ware Rd
Augusta, GA 30909-4237

David G. O'Neil, Esq. (Counsel, W279BY)
1140 19th St NW Ste 600
Washington, DC 20036-6608

Tom Golding (Licensee, W225AS)
Edgewater Broadcasting, Inc.
PO Box J
Twin Falls, ID 83303-0049

John C. Trent, Esq. (Counsel, W225AS)
Putbrese Hunsaker & Trent, P.C.
200 S. Church St.
Woodstock, VA 22664-1721

By:



Steven L. White