

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of

SDK FRANCO LLC

For Minor Modification

Station K287BQ, Houston, Texas

To: **Office of the Secretary**

Attn: **Chief, Audio Division, Media Bureau**

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LMS File No. 0000137405

Facility No. 148244

INFORMAL OBJECTION

Centro Cristiano de Vida Eterna (“CCVE”), by its attorney, hereby submits its Informal Objection against the application filed by SDK Franco LLC (“SDK Franco”) for modification of Station K287BQ¹. With respect thereto, the following is stated:

A grant of the application of SDK Franco for minor modification (the “Franco Application”) would be contrary to the Commission’s Rules and policies, and must be denied.

First of all, the facilities requested in the Franco Application are in direct violation of the FCC’s FM Translator FM broadcast protection rules. 47 C.F.R. § 74.1204. Except for protection *vis a vis* Class B or Class B1 stations, Section 74.1204 of the Commission’s Rules do not permit overlap between an FM Translator’s interfering (40 dBu) contour with a co-channel Class C3 FM station’s protected (60 dBu) contour. 47 C.F.R. § 74.1204(a)(3). As seen in the Engineering Report attached hereto in Attachment 1, the 40 dBu contour of the Franco Application clearly overlaps with the protected 60 dBu contour of co-channel Class C3 Station

¹ This is being refiled to correct the File Number shown for the application.

KTWL. For this reason alone, the Franco Application cannot be granted. Attachment 1, Figure EE1.

Section 74.1204(a)(3) of the Rules also requires FM Translators to provide protection to second adjacent channel stations. In this case, the Franco Application does not meet the contour protection requirements pertaining to second adjacent station KAMU-FM, Facility No. 65301, College Station, Texas, or Station KHCB-FM, Facility No. 27702, Houston, Texas, insofar as in each case, the 100 dBu contour of Station K287BQ impermissibly overlaps with the 60 dBu contour of both Station KAMU-FM and Station KHCB-FM. See Attachment 1, Figure EE2. For this reason, as well, the Franco Application cannot be granted.

In short, due to its utter failure in any comprehensible manner to comply with the Commission's interference restrictions, the Franco Application cannot be granted.

Moreover, the Franco Application cannot be granted due to the fact that it proposes operations with facilities that already have been prohibited by the Commission. In 2017, K287BQ was licensed at the Wells Fargo Bank Building, utilizing a Nicom NBG-77 directional antenna, at a height of 299 meters above ground level ("AGL") and a power of .099 kW, with the following parameters:

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Antenna Coordinates: North Latitude:      29 deg  45 min  30 sec
                    West Longitude:      95 deg  22 min  03 sec
Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules
Transmitter output power: 0.177 kW

Antenna type: (directional or non-directional): Directional
Description: NIC BKG-77

Major lobe directions      113      227
(degrees true):

                                     Horizontally Polarized
                                     Antenna:
Effective radiated power in the Horizontal Plane (kw):      0.099
Height of radiation center above ground (Meters):           299
Height of radiation center above mean sea level (Meters):   314

                                     Vertically Polarized
                                     Antenna:
Effective radiated power in the Horizontal Plane (kw):      0.099
Height of radiation center above ground (Meters):           299
Height of radiation center above mean sea level (Meters):   314

Antenna structure registration number: 1053112
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See Attachment 2. The 40 dBu contour of K287BQ at that time is shown in Attachment 1, Figure EE1. Based upon interference to Station KTWL caused by that interfering contour, interference complaints against Station K287BQ were filed by members of the public, and by Letter issued by James Bradshaw, Senior Deputy Chief, Audio Division, on September 13, 2018, Station K287BQ was forced to discontinue operations from **THAT SAME SITE** with essentially **THE SAME PARAMETERS** as that presently being proposed in the Franco Application. In issuing that directive for Station K287BQ to “CEASE OPERATION OF STATION K287BQ IMMEDIATELY,” the Commission stated:

We will, therefore, consider those listener complaints of interference caused by K287BQ's facilities as authorized in its *April 2017 License*, i.e., all listener complaints dated between April 26, 2017, when Centro filed the April 2017 License Application, and July 11, 2017, when Centro commenced operations with the facilities specified in its *July 2017 License Application*. Of these 18 listeners,' Centro has failed to resolve all but one, the Taylor Complaint, for which the complainant did not respond to Centro's contact efforts.' In particular, Centro has failed to submit reports for these 17 listeners or otherwise respond as twice directed by the Bureau in the June 28, 2017, *Bureau Letter*, and again in the February 15, 2018, *2018 Bureau Email*. Consequently, we conclude that Centro has failed to eliminate the interference and that Station K287BQ must suspend operations.

Conclusion. Based on the above, IT IS ORDERED, that the Interference Complaint filed by Roy E. Henderson on June 7, 2017, IS GRANTED.

IT IS FURTHER ORDERED that pursuant to Sections 74.1203 and 0.283 of the Rules,' based on the above, Centro Cristiano De Vida Eterna **IS HEREBY ORDERED TO CEASE OPERATION OF STATION K287BQ IMMEDIATELY**.

Attachment 3 (emphasis added) (footnotes omitted).

The facilities being applied for in the present Franco Application are for the **SAME** facilities (i.e., coordinates, height, power, etc.), but due to the proposed use of a non-directional antenna, with a significantly **LARGER** 40 dBu interfering contour.² Specifically, in the present application, K287BQ is again applying to operate from the Wells Fargo Bank Building, with an

² In contrast, the previous K287BQ permit which permitted operation from the Well Fargo Bank Building (CDBS File No. BPFT-20190221ABD) was carefully engineering to prevent excessive interference to the public.

identical power (0.099 kW) and the same height (299 meters AGL), but now with a non-directional antenna (an ERI FM100 2 bay antenna). The 40 dBu interfering contour that will be generated by that operation is shown in Attachment 1, Figure EE1.

A comparison of the 2017 K287BQ 40 dBu contour and the 2021 K287BQ 40 dBu contour is also shown in Attachment 1, Figure EE1. The additional area of interference will be significant.

No Showing of ANY sort has been made by SDK Franco demonstrating that the interference complaints from the public, which resulted in K287BQ being ordered off the air at the identical location/height/power parameters as that proposed in the Franco Application (but with a directional antenna), have been satisfied. Unless and until those interference complaints from the public have been satisfied, K287BQ remains prohibited from using that proposed location with those proposed parameters.

Finally, this application must be denied because SDK Franco has engaged in premature construction of the proposed facility. At the present time, K287BQ is licensed to operate from its present location with a Scala, CL-FM/HRM/50N, 0.5 antenna:

Transmitter Certified for compliance per 74.1250 or verified for compliance per 73.1660 of the Commission's Rules.	Transmitter Output Power 0.012 kW
Antenna Type Directional	Antenna Coordinates (NAD 83) Latitude 29-45-30.8 N Longitude 95-22-3.8 W
Antenna Description SCALA,CL-FM/HRM/50N,0.5	
Major Lobe Directions 115, 215	

Attachment 4. However, attached as Attachment 5 is a photograph of the antenna currently being used by SDK Franco/Station K287BQ, at the Wells Fargo Bank Building at a height of

299 meters above ground. The K287BQ antenna is the antenna at the *top* of the tower. The antenna currently being used is **NOT** the authorized Scala CL-FM antenna authorized in LMS File No. 0000112935. As seen by comparing the photograph to the picture of the ERI FM100 from the ERI website (shown in Attachment 6), it is clear that SDK Franco *already* has illegally installed and is *already* operating with an ERI FM100 2-bay antenna, which is the antenna proposed in this Franco Application, and **WHICH HAS NOT YET BEEN APPROVED FOR USE BY SDK FRANCO BY THE FCC.**

The FCC's rules are clear. Section 74.1251(b) of the Commission's Rules states in relevant part:

(b) Formal application on FCC Form 349 is required of all permittees and licensees for any of the following changes:

(1) Replacement of the transmitter as a whole, except replacement with a transmitter of identical power rating which has been certificated by the FCC for use by FM translator or FM booster stations, or any change which could result in the electrical characteristics or performance of the station. Upon the installation or modification of the transmitting equipment for which prior FCC authority is not required under the provisions of this paragraph, the licensee shall place in the station records a certification that the new installation complies in all respects with the technical requirements of this part and the terms of the station authorization.

(2) A change in the transmitting antenna system, including the direction of radiation or directive antenna pattern.

47 C.F.R. § 74.1251(b) (emphasis added). Thus, SDK Franco's unilateral use of its present antenna is contrary to the Commission's Rules that require approval prior to such use.

Moreover, Commission policies are clear: an applicant is not allowed to engage in premature construction. Section 319(a) of the Communication Act of 1934, as amended, states, in pertinent part, that "[n]o license shall be issued under the Authority of this Act for the operation of any station unless a permit for its construction has been granted by the Commission" (47 U.S.C. § 319(a)), and this has been interpreted as providing that pre-authorization installation of radio antennas is strictly prohibited. *Westinghouse Broadcasting*

Co., Inc., 49 F.C.C.2d 1171, 1173 ¶¶ 12-13 (1974), *Merrimack Valley Communications, Inc.*, 20 F.C.C.2d 161, 163 ¶¶ 8-9 (1969), *rehearing denied*, 21 F.C.C.2d 440 (1970); *Saver Media, Inc.*, 29 FCC Rcd 9345, 9346 ¶ 3 (MB 2014) (\$10,000 forfeiture imposed for premature construction).

In this case, SDK Franco is guilty of a violation of both rules and policies: it is operating with an antenna that has not been authorized, and from a location which previously has been prohibited by the FCC; and (ii) it has engaged in flagrant premature construction of its proposed facilities.

SDK Franco’s application for Minor Modification has not yet been granted. SDK Franco is operating K287BQ with unauthorized facilities that previously have been specifically disallowed by the Commission. SDK Franco therefore should be required to cease operation with its illegal “pirate” facilities immediately.

WHEREFORE, it is requested that the application of SDK Franco LLC be denied.

Respectfully submitted,

**CENTRO CRISTIANO DE
VIDA ETERNA**

By: ____/Dan J. Alpert/_____
Dan J. Alpert

Its Attorney

*The Law Office of Dan J. Alpert
2120 N. 21st Rd.
Arlington, VA 22201
703-243-8690*

March 11, 2021

Attachment 1

DELAWDER COMMUNICATIONS, INC.

P.O. Box 1095
Ashburn, Virginia 20146-1095
(703) 299-9222

ENGINEERING REPORT

Against K287BQ, Houston, TX, Channel 287D—Deficiency Showing

ENGINEERING STATEMENT

The proposed transmit facility of the K287BQ application 0000137405 is predicted to have 40 dBu F50,10 interference contour overlap with both the licensed and CP 60 dBu F50,50 service contours of KTWL 287C3 (FCC facility ID 21204). This is shown in the attached Figure EE1. Such contour overlap is prohibited by Section 74.1204 of the FCC Rules.

Also shown on Figure EE1 is the 40 dBu F50,10 contour of the previously-proposed K287BQ facility (of BPFT-20180314ADE). That 40 dBu F50,10 contour did not have any overlap with either the KTWL licensed or CP 60 dBu F50,50 contours.

The pending 0000137405 application of K287BQ is also deficient for having 100 dBu F50,10 interference contour overlap with the protected 60 dBu F50,50 service contour of both KAMA-FM, Deer Park, TX 285C2 and KHCB-FM, Houston, TX 289C. This is shown in Figure EE2, attached. Such contour overlap is also prohibited by Section 74.1204 of the FCC Rules.

The undersigned, whose qualifications are a matter of record before the Commission, hereby declares under penalty of perjury that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief.



Darryl K. DeLawder, President
DeLawder Communications, Inc.

Date: March 10, 2021

FIGURE EE1—Map Showing K287BQ LMS File 0000137405 Facility causing interference contour overlap with KTWL

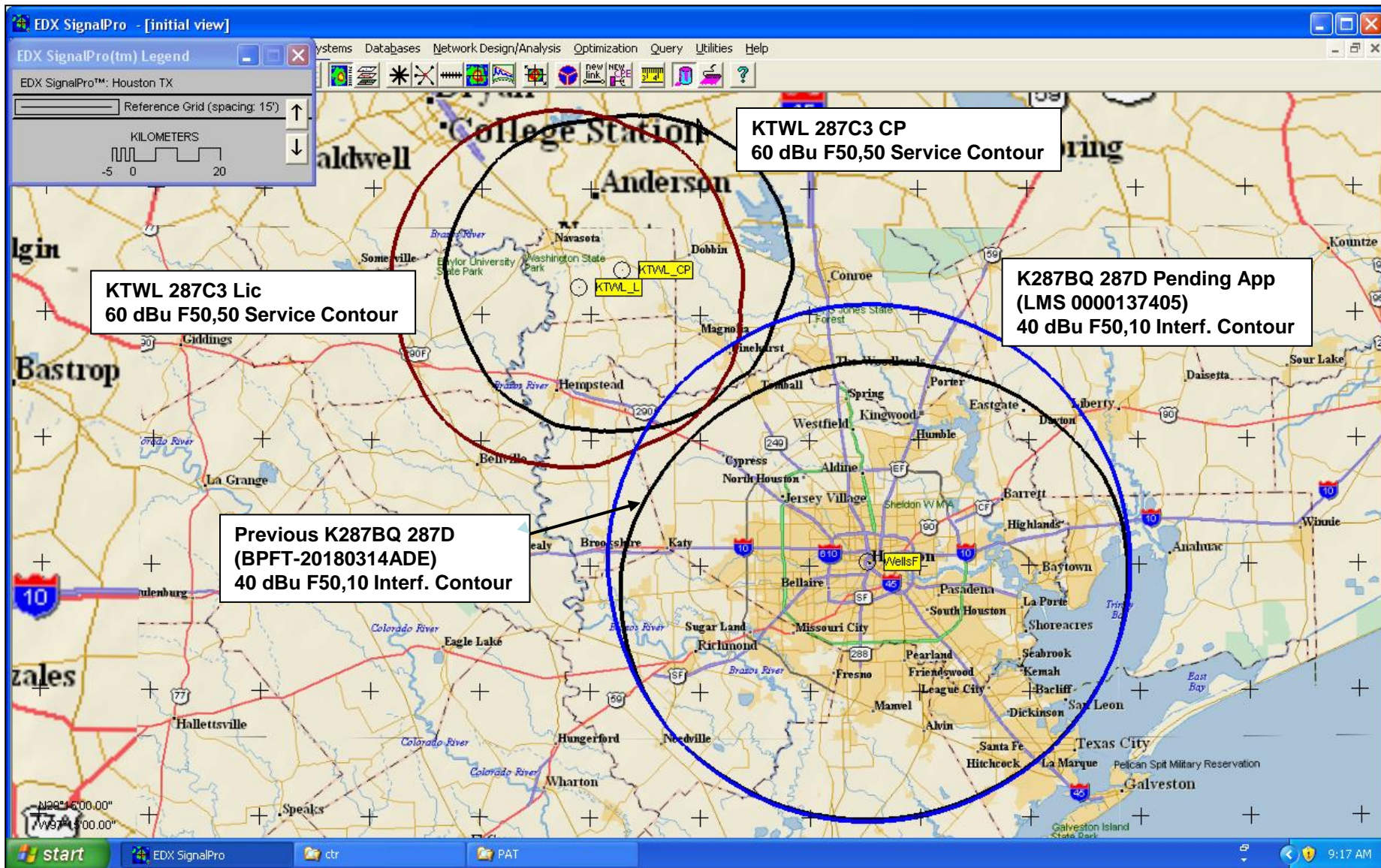
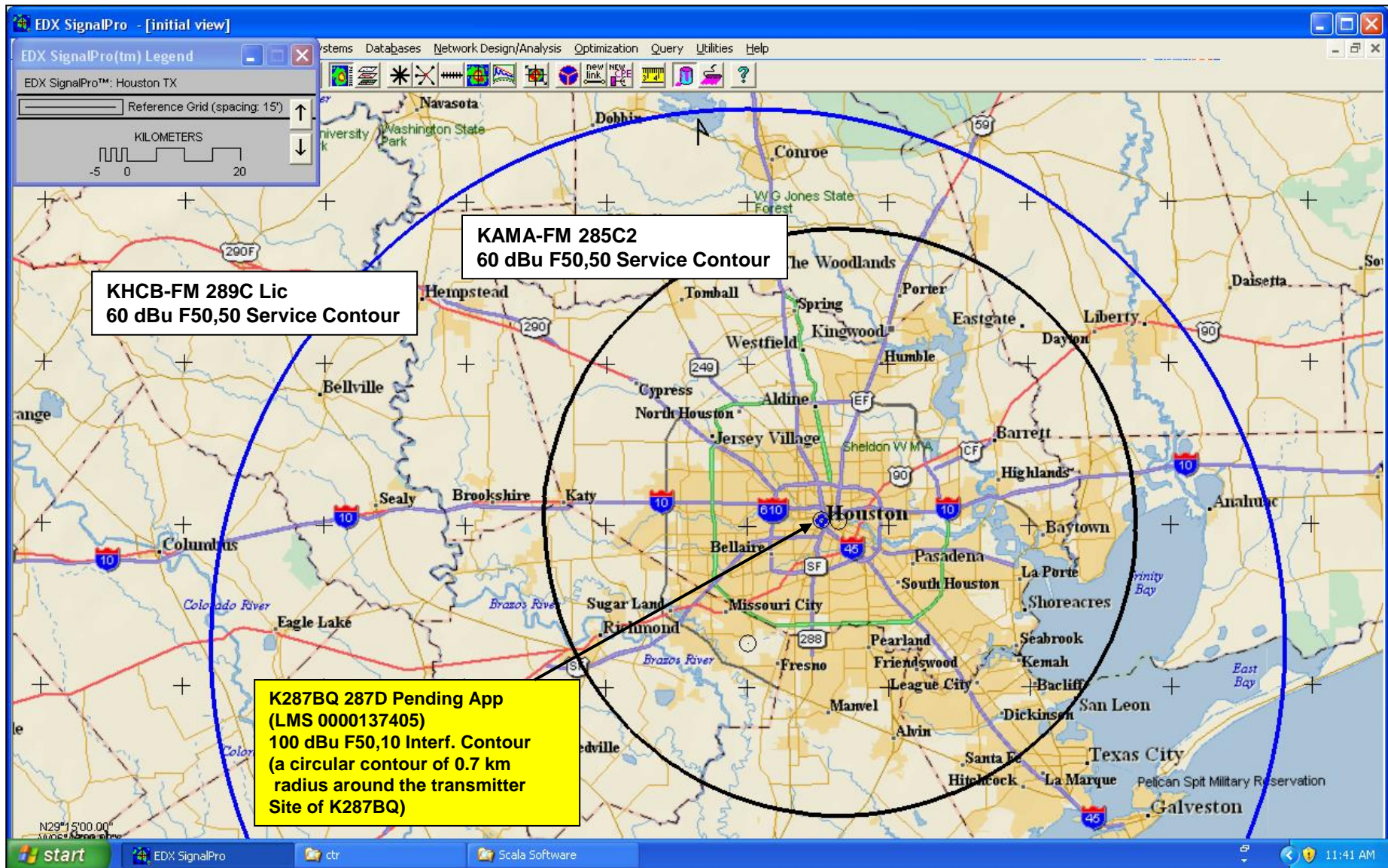
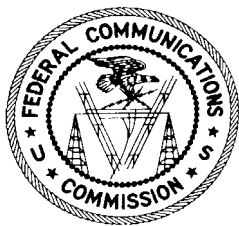


FIGURE EE2—Map Showing K287BQ LMS File 0000137405 Facility causing interference contour overlap with KAMA-FM and KHCB-FM



Attachment 2



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER
STATION LICENSE

Authorizing Official:

Official Mailing Address:

SDK FRANCO LLC
1420 HAWTHORNE ST #15
HOUSTON TX 77006

Nazifa_Sawez
Assistant Chief
Audio Division
Media Bureau

Facility Id: 148244

Call Sign: K287BQ

License File Number: BLFT-20170426ACI

Grant Date: May 11, 2017

This license expires 3:00 a.m.
local time, August 01, 2021.

This license covers permit no.: BPFT-20170303ABF

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: K287BQ

License No.: BLFT-20170426ACI

Name of Licensee: SDK FRANCO LLC

Principal community to be served: TX-HOUSTON

Primary Station: KTBZ-FM (FM) , Channel 233, HOUSTON, TX

Via: Other

Frequency (MHz): 105.3

Channel: 287

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 29 deg 45 min 30 sec

West Longitude: 95 deg 22 min 03 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules.

Transmitter output power: 0.177 kW

Antenna type: (directional or non-directional): Directional
Description: NIC BKG-77

Major lobe directions 113 227
(degrees true):

	Horizontally Polarized Antenna:	Vertically Polarized Antenna:
Effective radiated power in the Horizontal Plane (kw):	0.099	0.099
Height of radiation center above ground (Meters):	299	299
Height of radiation center above mean sea level (Meters):	314	314

Antenna structure registration number: 1053112

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***

Attachment 3



**Federal Communications Commission
Washington, D.C. 20554**

September 13, 2018

In Reply Refer to: 1800B3-KV

Dan J. Alpert, Esq.
The Law Office of Dan J. Alpert
2120 N. 21st Road
Arlington, VA 22201

John Trent, Esq.
Law Offices of Putbrese Hunsaker & Trent, P.C.
200 S. Church Street
Woodstock, VA 22664

In re: K287BQ, Houston, TX
File No. BLFT-20170426ACI
Facility ID No. 148244

Interference Complaint

Dear Counsel:

This letter refers to the June 7, 2017, "Request for Revocation of License and Immediate Suspension of Operation" (Complaint) filed by Roy E. Henderson (Henderson), licensee of Station KTWL(FM), Todd Mission, Texas, alleging interference from FM Translator Station K287BQ (K287BQ or Station) licensed to Centro Cristiano De Vida Eterna (Centro or Licensee).¹ For the reasons set forth below, we grant the Complaint and require Centro to immediately cease operation of FM Translator Station K287BQ.

¹ The parties also submitted the following: (1) Informal Objection (dated Jul. 10, 2017) filed by Henderson on July 12, 2017 (Objection); (2) Letter from Dan J. Alpert, Esq. (dated Jul. 27, 2017) (Centro Letter); (3) Supplement to the Complaint (dated Aug. 19, 2017) (August 2017 Supplement); (4) Supplement to the Complaint (dated Sep. 30, 2017) (September 2017 Supplement); (5) Response to Complaint (dated Nov. 1, 2017) (November 2017 Response); (6) Supplement to the Complaint (dated Nov. 20, 2017) (November 2017 Supplement); (7) Letter from Dan J. Alpert, Esq. (dated Dec. 5, 2017) (Centro Dismissal Letter); (8) Letter from Dan J. Alpert, Esq. (dated Mar. 14, 2018) (Extension Request); (9) Letter from John Trent, Esq. (dated Mar. 16, 2018) (Henderson Withdrawal Request); and (10) Letter from John Trent, Esq. (dated May 7, 2018) (Henderson Rescission Letter).

Background. *April 2017 License.* On April 26, 2017, Centro filed the referenced license application, covering a granted construction permit² to operate on Channel 256 at Houston, Texas.³ On May 11, 2017, Commission staff granted the April 2017 License.⁴

On June 7, 2017, Henderson filed the Complaint, alleging that K287BQ is interfering with the reception of Station KTWL(FM).⁵ In support, Henderson, submitted 34 listener declarations (Listener Declarations): 17 dated April 28 – May 26, 2017;⁶ 16 dated March 10 – March 30, 2017;⁷ and 1 undated.⁸ Henderson requests that the Centro be ordered to cease Station operations and/or revoke its license.⁹

On June 28, 2017, the Bureau sent Centro a letter directing it to resolve the complaints of interference within 30 days or suspend K287BQ's operations.¹⁰ The *Bureau Letter* required Centro to submit a detailed report for each complainant which included: "(1) the name and address of each complainant; (2) specific devices receiving the interference (*i.e.* type of device, manufacturer's name, model number, and serial number); and (3) any assistance provided by K287BQ for each device allegedly receiving the interference and whether such interference persists."¹¹

On May 12, 2017, the day after the staff granted the *April 2017 License*, Centro applied to modify the Station's facilities to resolve interference issues from the prior complaint.¹² The staff granted that

² See File No. BPFT-20170303ABF, granted on April 26, 2017.

³ The Station is a translator for the primary station KTBZ-FM, Houston, Texas, licensed to AMFM Texas Licenses, LLC as Debtor-In-Possession.

⁴ See *Broadcast Actions*, Public Notice, Report No. 48986 (May 16, 2017).

⁵ Prior to filing the Complaint, Henderson submitted information to the FCC's Enforcement Bureau (EB) and the Consumer and Governmental Affairs Bureau (CGB) alleging interference from K287BQ and another Translator Station K231CN, Houston, Texas, also owned by Centro; CGB then forwarded this information to the Media Bureau (Bureau). On April 20, 2017, Bureau staff informed Henderson that it had received this information, but it did not constitute an investigable Interference Complaint. See *Email from Parul Desai to Roy E. Henderson* (dated Apr. 20, 2017) (*Bureau Email*). In the *Bureau Email* Bureau staff instructed Henderson that an Interference Complaint must be from listeners without familial and/or economic ties to KTWL(FM) and include: contact information; interference location and when interference began; device used to receive station when interference occurs; and must be submitted to the Office of the Secretary. *Id.* In the Complaint, notwithstanding the Bureau's instructions, Henderson resubmitted information previously submitted to EB and CGB along with emails to Bureau staff alleging interference and anonymous postings on a "RadioDiscussions.com" forum. See Complaint, Exhibit 1. Accordingly, we will not further consider this information.

⁶ Specifically, the following listeners: Renee Oehl; Donald Oehl; Patricia Sanderlin; David McKee; Chris Campbell; Gary Grissom; Garret Bollon; Shanna L. Coulson; Elain Barrett, Jr.; Dana Herrington; Paula Barrett; John Herrington; John H. Morgan; Martha Morgan; Timothy Burke; Michael Wanja; and Elbert Harrison III. See Complaint, Exh. 1.

⁷ Specifically, the following listeners: Jason Jones; Edward Roder; Larry W. Cobb; Theodore E. Bashinski, Jr.; Ryan Quigley; Stephen Jones; Marvin L. Seifeik; Darrell Waak; Matt Ashley; David Newton; Jon Berleth; David R. Herzel; Mac Womack; Jeff Fox; Matt Maddox; and Jacqueline Langhard. *Id.*

⁸ Specifically, from listener Charles Leach (Leach). *Id.*

⁹ On June 23, 2017, Henderson emailed Bureau staff engineering showings dated December 10, 2016, March 10, 2017, and March 23, 2017; various emails to and from the CGB, Station KXXF, Winnie, TX personnel; and five new listener declarations dated June 2 – 13, 2017. Because Henderson failed to submit this information to the Office of the Secretary as instructed in the April 20, 2017, *Bureau Email*, it is not part of the record and we will not further consider it.

¹⁰ Letter from James D. Bradshaw, Deputy Chief, Audio Division, FCC Media Bureau, to Centro Cristiano De Vida Eterna (June 28, 2017) (*Bureau Letter*).

¹¹ *Id.* at 1.

¹² See File No. BPFT-20170512AAG, granted by the staff on May 31, 2017. The requested facilities were "approximately 11 kilometers from the location for which the Complaint was filed, with a lower height above

application on May 31, 2017, and shortly thereafter, on July 3, 2017, Centro filed a covering license application for the modified facilities.¹³ On July 12, 2017, Henderson filed an Objection to the *July 2017 License Application*, arguing that the Station was causing interference to KTWL(FM).¹⁴ On December 5, 2017, Centro requested that the *July 2017 License Application* be dismissed and stated that it was resuming operations at the Station's facilities authorized in the *April 2017 License*.¹⁵ On February 6, 2018, the Bureau dismissed the *July 2017 License Application* and Henderson's Objection.¹⁶

Resumption of April 2017 License Facilities. On February 15, 2018, the Bureau notified Centro that because the Station had resumed operations at the *April 2017 License* site it needed to resolve the listener complaints submitted with the June 7, 2017, Complaint within 30 days.¹⁷ On March 14, 2018, Centro requested an extension of time to until March 21, 2018, to respond the Bureau's directive and stated that "believed" it had resolved all complaints and that "documentation" would be filed no later than March 21, 2018.¹⁸

On March 16, 2018, Henderson requested withdrawal of "all interference complaints [because] . . . all . . . have been resolved . . . Station K287BQ does not cause objectionable interference to Station KTWL(FM) with its present parameters . . ." ¹⁹ On May 7, 2018, however, Henderson rescinded his withdrawal request "due to the continued and unabated interference from K287BQ . . . [and requested that] the Commission reopen its interference investigation of K287BQ . . ." ²⁰

Discussion. Section 74.1203(a) provides, in pertinent part, that an FM translator station "will not be permitted to continue to operate if it causes any actual interference to . . . the direct reception by the public of off-the-air signals of any authorized broadcast station . . ." ²¹ The rule places no geographic or temporal limitation on complaints, and we have long held that mobile receivers, such as automobile radios, should not be subject to interference resulting from the operation of an FM translator or booster station.²² The FM translator rules strictly prohibit interference by these secondary service stations, and an interfering FM translator station must remedy the interference or suspend operation.²³

ground level (199 meters vs. 299 meters) and lower effective radiated power (0.06kW v. 0.099kW)." Centro Letter at 1.

¹³ See File No. BLFT-20170703AAK (*July 2017 License Application*).

¹⁴ Included in the various responsive pleadings involving the *July 2017 License Application* was a listener complaint dated July 10, 2017 from Richard Taylor (Taylor Complaint), which will be considered below. See August 2017 Supplement.

¹⁵ See Centro Dismissal Letter.

¹⁶ See Broadcast Actions, Public Notice, Report No.49170 (dated Feb. 9, 2018).

¹⁷ See *Email from Parul Desai to Dan J. Alpert, Esq.* (dated Feb. 15, 2018) (*2018 Bureau Email*).

¹⁸ See Extension Request.

¹⁹ *Id.*

²⁰ Henderson Rescission Letter.

²¹ 47 CFR § 74.1203(a).

²² See, e.g., *Forus FM Broad. of New York, Inc.*, 7 FCC Rcd 7880, 7882, para. 16 (MB 1992) (because of the secondary nature of FM booster stations, and the resulting requirement that they provide interference-free service, such stations will not be permitted to cause interference to mobile receivers).

²³ 47 CFR § 74.1203(b).

The Commission has interpreted “direct reception by the public” to limit actionable complaints to those that are made by *bona fide* listeners.²⁴ Thus, it has declined to credit claims of interference²⁵ or lack of interference²⁶ from station personnel involved in an interference dispute. More generally, the Commission requires that a complainant “be ‘disinterested,’ e.g., a person or entity without a legal stake in the outcome of the translator station licensing proceeding.”²⁷ The staff has routinely required a complainant to provide his or her name, address, location(s) at which FM translator interference occurs, and a statement that the complainant is, in fact, a listener of the affected station. Moreover, as is the case with other types of interference complaints,²⁸ the staff has considered only those complaints of FM translator interference where the complainant cooperates in efforts to identify the source of interference and accepts reasonable corrective measures.²⁹ Accordingly, when the Commission concludes that a *bona fide* listener has made an actionable complaint³⁰ of uncorrected interference from an FM translator, it will notify the station that “interference is being caused” and direct the station to discontinue operations.³¹

The issue before us is whether Centro has eliminated the actual interference caused by the Station to the listeners who filed complaints. As an initial matter we note that Henderson’s Withdrawal Request and subsequent recession of said request were never acted on by the Bureau.

We will, therefore, consider those listener complaints of interference caused by K287BQ’s facilities as authorized in its *April 2017 License*, i.e., all listener complaints dated between April 26, 2017, when Centro filed the April 2017 License Application, and July 11, 2017,³² when Centro commenced operations with the facilities specified in its *July 2017 License Application*.³³ Of these 18 listeners,³⁴ Centro has failed to resolve all but one, the Taylor Complaint, for which the complainant did not respond to Centro’s contact efforts.³⁵ In particular, Centro has failed to submit reports for these 17 listeners or otherwise respond as twice directed by the Bureau in the June 28, 2017, *Bureau Letter*, and again in the February 15, 2018, *2018 Bureau Email*. Consequently, we conclude that Centro has failed to eliminate the interference and that Station K287BQ must suspend operations.

²⁴ See *Ass’n for Cmty. Educ., Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 12682, 12688, para. 16 (2004) (*Ass’n for Cmty. Educ.*).

²⁵ See *id.*

²⁶ See *Living Way Ministries, Inc.*, Memorandum Opinion and Order, 23 FCC Rcd 15070, 15077, n.46 (2008).

²⁷ *Ass’n for Cmty. Educ.*, 19 FCC Rcd at 12688 n.37.

²⁸ See, e.g., *Jay Ayer and Dan J. Alpert*, Letter, 23 FCC Rcd 1879, 1883 (MB 2008) (requiring complainants to cooperate fully with the station’s efforts to resolve interference and cautioning that the failure to do so could lead to a finding that the station has fulfilled its interference remediation obligations).

²⁹ See *Radio Power, Inc.*, Letter, 26 FCC Rcd 14385, 14385-86 (MB 2011) (listing grounds that translator licensee claimed are sufficient to conclude that complainant has failed to reasonably cooperate and finding that a listener may reasonably reject a non-broadcast technology to resolve interference claim).

³⁰ Only a complaint from a *bona fide* listener of the desired station can force a translator station to suspend operation.

³¹ See 47 CFR § 74.1203(e); see also *Amendment of Part 74 of the Commission’s Rules Concerning FM Translator Stations*, Report and Order, 5 FCC Rcd 7212, 7230, para. 131 (1990), *modified*, 6 FCC Rcd 2334 (1991), *recon. denied*, 8 FCC Rcd 5093 (1993); *Ass’n for Cmty. Educ.*, 19 FCC Rcd at 12688, para. 15.

³² On July 11, 2017, K287BQ began operations, pursuant to program test authority, as proposed in its July 2017 License Application. See Centro Letter at 1.

³³ Therefore, we will not consider the 16 listener declarations prior to April 26, 2017, filing of the 2017 License Application, who appear to address the potential for interference if the 2017 License Application was granted; and the undated Leach declaration. See *supra* notes 7-8.

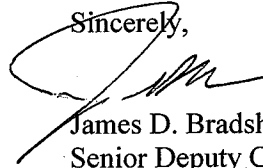
³⁴ See *supra* notes 6 and 14.

³⁵ See November 2017 Response at 1 and Attachment 1.

Conclusion. Based on the above, IT IS ORDERED, that the Interference Complaint filed by Roy E. Henderson on June 7, 2017, IS GRANTED.

IT IS FURTHER ORDERED that pursuant to Sections 74.1203 and 0.283 of the Rules,³⁶ based on the above, Centro Cristiano De Vida Eterna IS HEREBY ORDERED TO CEASE OPERATION OF STATION K287BQ IMMEDIATELY.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bradshaw', is written over the word 'Sincerely,'.

James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

³⁶ 47 CFR §§ 74.1203 and 0.283.

Attachment 4

Federal Communications Commission

FM TRANSLATOR STATION LICENSE

Permittee

SDK FRANCO LLC
1420 HAWTHORNE ST
#15
HOUSTON, TX, 77006

Call Sign

K287BQ

Facility ID

148244

File Number 0000112935	This License Covers Construction Permit No. BPFT-20190221ABD	
Filing Date 04/30/2020	Grant Date 05/01/2020	Expiration Date 08/01/2021

Community of License City: HOUSTON State: TX	Frequency (MHz) 105.3	Station Channel 287	Station Class D
Primary Station KTBZ-FM HOUSTON TX		Via Direct-off-air	
Hours of Operation: Unlimited			

Transmitter Certified for compliance per 74.1250 or verified for compliance per 73.1660 of the Commission's Rules.	Transmitter Output Power 0.012 kW
Antenna Type Directional	Antenna Coordinates (NAD 83) Latitude 29-45-30.8 N Longitude 95-22-3.8 W
Antenna Description SCALA,CL-FM/HRM/50N,0.5	
Major Lobe Directions 115, 215	

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective Radiated Power in the Horizontal Plane (kW)	0.099	
Height of Radiation Center Above Ground (meters)	299	
Height of Radiation Center Above Mean Sea Level (meters)	314.0	0
Height of Radiation Center Above Average Terrain (meters)		

Antenna Structure Registration Number Not Required	Overall Height of Antenna Structure Above Ground (meters) 300
Obstruction Marking and Lighting Specifications for Antenna Structure It is expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303 (q) of the Communications Act of 1934, as amended.	
Special Operating Conditions or Restrictions The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.	

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Attachment 5

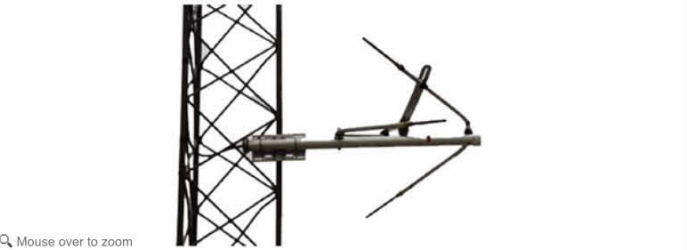


K287BQ

Attachment 6

Low Power Circularly Polarized FM Antenna - 2 Bay - 2 kW

BSW PART: 100A-2F



Description

Reviews

The ERI 100A Series antenna is the latest development in ERI's acclaimed ROTOTILLER style FM antenna. 100A Series antennas are specially designed for non-pressurized, translator and low power FM applications.

This antenna, the 100A-2F, offers two bays, 0.90 power gain, -0.458 dB gain, full (one wave length) bay to bay spacing and a 2kW power rating. Click [here to get a quote](#).

Mounting brackets and attachment hardware suitable for round members up to a 4-inch diameter are included. Optional stand-off pole mounting brackets and antenna input jumper cables are also available.

100A Series antennas are also available in half wave length bay to bay configurations (HW) that will limit RFI problems by reducing downward and upward radiation.

ERI 100A Series Features:

- FM Translator and low power FM applications
- Circular polarization
- Light weight and low wind load design
- Economically priced

ERI 100A-2F Features:

- 0.90 power gain
- -0.458 dB gain
- Input: 7-16 DIN Female
- Input feed configuration: Branch
- 2kW power rating
- Weight: 45 lbs.
- Weight with half-inch of ice: 100 lbs.

Product Line:	100A Series
Frequency Range:	88 - 108 MHz
Multiplexed Versions Available:	No
Broadband Applications:	No
Polarization:	Circular
Azimuth:	± 2 dB in free space,; Horizontal
VSWR at Input:	1.5:1 or less ± 1.2 MHz typical
Maximum Power Rating:	2 kW

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that the forgoing “Informal Objection” is being served by First Class Mail to the following:

Francisco R. Montero, Esq.
Fletcher Heald & Hildreth, PLLC
1300 N 17th St.
Suite 1100
Arlington, VA 22209

_____/Dan J. Alpert/_____
Dan J. Alpert