

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In Application of)	
)	
)	
Park Public Radio, Inc.)	File no. 0000142335
)	Fac. no. 19613
For Minor Change to)	
LPFM Station)	
KPPS-LP, St. Louis Park, MN)	
)	

To: Office of the Secretary
Attn: Audio Division, Media Bureau

June 18, 2021

OPPOSITION TO SUPPLEMENT TO PETITION TO DENY

Park Public Radio, Inc (PPR) hereby responds to the Supplement to Petition to Deny (“CTS Supplement”) filed June 8, 2021 by Central Baptist Theological Seminary of Minneapolis (CTS) with respect to the above-referenced application for minor change in the facility of LPFM station KPPS-LP (the “PPR Application”).

The CTS Supplement should be stricken as untimely and containing false and deceitful information. CTS does not present any facts that were not public record as of the filing of its Petition to Deny on April 12, 2021, and therefore the material contained in the supplement is untimely.

CTS now claims in the Supplement it “discovered new evidence relevant to PPR’s pending application” yet nothing has changed since CTS filed its Petition to Deny. PPR has broadcast from the same location since 2016 and PPR’s president has owned the property since 2011. CTS could have and should have known in April about every single thing it argues against, had it timely conducted its

research. To argue that it only now learned of these facts more than a month later is unconvincing and at best shows laziness on the part of CTS and its counsel. CTS should not be rewarded with an extra bite of the apple.

I. CTS's arguments are irrelevant

CTS largely makes three pointless allegations that add nothing of value to the record based merely on CTS's interpretation of a single sentence in the PPR application. The first is that the property that KPPS-LP transmits from is not up for sale. Until the FCC grants the application for KPPS-LP, it is required that KPPS-LP continue to broadcast from its licensed site. PPR has not filed an STA for KPPS-LP to be silent, or an STA to temporarily relocate its antenna while it waits for grant of its Application. KPPS-LP is in fact operating from its licensed site and is required to do so until its Application has been granted and construction completed at the new site, or an STA has been filed for temporary facilities at a different site. It would not be possible to sell a single-family residential property with a radio station attached to it, no such buyer would exist or would be willing to take on such a liability. It is strange that CTS would suggest that the property should be for sale when the application to move the station remains pending. Relocation must happen before a sale, they cannot be simultaneous¹. As such CTS's arguments on this matter are pointless.

Secondly, CTS speculates that there are no circumstances that would force PPR to abandon its present site. CTS fails to recognize that it is a liability for any non-profit organization to be dependent on a single member for its continued existence. PPR needs a permanent site that is not reliant upon its President. PPR has been attempting to find a different site for years². Such a permanent site has been

1 Whether or not PPR's president is indeed wanting to sell the property is irrelevant to the FCC's ultimate decision to grant or not grant the PPR Application.

2 See BPL-20161212ACI and BPL-20180319BNY which sought to move KPPS-LP to channel 205 and relocate to a new site. Ultimately the move proved impossible and PPR had to abandon that frequency. CTS agrees on page 9 and 12 of the Supplement that implementation on channel 205 would not be practical. The proposed Channel 249 operation would easily be implementable.

found, and PPR submitted its application for KPPS-LP to make a move to that site. If granted PPR intends to complete its construction at that site promptly. Should its president ever decide to tender his resignation or relocate away from the community, the continued viability of KPPS-LP would be severely threatened since it would no longer have a transmit site. It is vital that KPPS-LP be allowed to be moved to the new site that it has applied for.

Finally, CTS for the third time³ again alleges there are other sites that PPR could have chosen instead of the site it applied for. CTS's statements should be disregarded as untimely. As PPR stated in the PPR Opposition⁴, the choice of one site over another is not relevant to this proceeding. The FCC does not require applicants to consider every possible site and list reasons why it chose one over the other. Just as CTS desires to relocate its transmission facilities to a different site, PPR also desires to relocate its transmission facilities to a different site. CTS cannot take a moral high ground by repeatedly stating that PPR should have to consider other sites when it itself is unwilling to consider different options that could meaningfully resolve this dispute in both parties favor⁵.

II. The Transmitter site coordinates are correct

There is one glaring error in the Supplement that must be pointed out. CTS alleges in two places⁶ that the licensed transmitter coordinates for KPPS-LP are incorrect, and that is the reason it did not timely file the information contained in this supplement. The transmitter coordinates are approximately 10 meters from the actual coordinates, due entirely to a combination of rounding coordinates to the nearest second as per typical FCC practice, and the FCC's conversion from NAD27 to NAD83 coordinates. Attached as Exhibit A is a map showing the NAD83 location of the licensed

3 CTS Petition, CTS Reply, and this supplement.

4 See Opposition to Petition to Deny ("PPR Opposition") filed in this proceeding by Park Public Radio

5 PPR previously suggested in the PPR Opposition that CTS could substantially improve its licensed coverage area by utilizing channel 285 from either its licensed site, or from an alternative site that meets contour protection towards WGVX. CTS has thus far rejected this option.

6 Footnote 5 and Page 21

KPPS-LP antenna and the as-built location⁷. The licensed coordinates are not on a different property as CTS alleges. CTS's suggestion in footnote 5 that it could not file for this reason is laughable, and CTS could have very easily confirmed the licensed antenna location with a simple visual observation. Besides, the licensed coordinates for K250BY are 100 meters from the as-built location, it is hypocritical for CTS to try to shame PPR for a perfectly acceptable 10 meter (0.3 second) difference, when K250BY has a much larger 100 meter (3.4 second⁸) difference.

III. The Supplement is an attempt to deceive the Commission

As a final matter, CTS is deliberately attempting to deceive the Commission with this filing. CTS includes an 'LPFM Improvement Report' from Skywaves Technologies as 'Attachment A'. This report is dated June 1, 2021. Curiously, however, this is nearly identical to the report that CTS previously sent to PPR dated April 19, 2021⁹. It is peculiar that CTS would send over an essentially identical report with essentially identical information but change the date to be 42 days later. The only reason anyone would deliberately change the date on a report is if they are trying to deceive another party. Is CTS attempting to hide that it is untimely filing this supplement 42 days after it apparently finished its study, when it had a chance to file much earlier? Is CTS attempting to pass off an old report as being brand new? Regardless of the motivations for CTS to change the date on the report, the Commission should never tolerate such deceitful behavior as this. This is not the first time CTS has engaged in such behavior, other examples are noted in the PPR Reply¹⁰ which is being filed

7 The KPPS-LP transmitter location marker uses the Cavell, Mertz, and Associates FCCinfo.com Google Earth plug-in. This is the same plug-in mentioned the April 19, 2021 report from Skywaves (Exhibit B) on page 11.

8 The As-built coordinates for K250BY are 44°59'18.8" N, 93°25'35.5" and the licensed coordinates are 44°59'15.8"N, 93°25'37.8". This is a difference of 3.0 seconds Latitude and 2.3 seconds Longitude.

9 The only discernible difference is the omission of the "Recommendations" and the "Full-Band FM Channel Study" section in the June 1 report, the change in date of the report from April 19, 2021 to June 1, 2021, and the change in date of a map on page 5 from April 12 to May 28 (no change to the data is noted). The Recommendations section is located on the very last page of the April 19, 2021 report.

10 See Application of Central Baptist Theological Seminary for minor change to FM Translator K250BY, Facility 202408, LMS File 0000142489, Reply to Opposition to Informal Objection by Park Public Radio, Inc. ("PPR Reply")

simultaneously to this pleading. Such behavior once again calls into serious question the motivations behind CTS's filings at this time in this proceeding and what CTS is attempting to accomplish through this filing and its other filings in this matter. CTS had an opportunity to bring up this information in its previous filings, but chose not to do so. A copy of the April 19, 2021 report is attached as Exhibit B.¹¹

IV. Conclusion

The Supplement contains largely irrelevant and factually incorrect information, as well as an attempt to deceive the commission by deliberately changing the date of a report it submitted as part of the Supplement in apparent attempt to pass it off as new information. CTS has once again engaged in deceitful shenanigans. The Commission expects truthful written communications from licenses, the record of lies and deceit continue to call into question the true purpose of why CTS has continued to advance this charade. We hope the Commission sees through this game and chooses not to reward such despicable behavior.

¹¹ An additional channel study included in the April 19 report totaling about 100 pages is omitted due to its size

Certification and Service

I, Jeffrey Sibert, hereby certify under penalty of perjury that the statements made in this document are accurate to the best of my knowledge and I comply with the requirements outlined in Section 1.52.

I certify that simultaneously with the filing of this petition through LMS I will send a copy of this petition to the Attorney for Central Baptist Theological Seminary of Minneapolis, Mr. Gregg Skall, via first class mail. An electronic copy is also being sent to Mr. Skall via email.

Respectfully submitted,

/s/

Jeffrey Sibert
President
Park Public Radio, Inc.
3340 Utah Ave S.
St. Louis Park, MN 55426
612-791-2806
jeff@parkpublicradio.org

Exhibit A

Location of the licensed KPPS-LP antenna. Licensed coordinates and as-built coordinates are less than 10 meters different, solely due to rounding (0.3 seconds) and NAD27 to NAD83 conversion. It is clear the licensed coordinates are on the same property. This is in contradiction to CTS's assertion that the licensed coordinates are on a neighboring property.

