

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

25 June 2021

Applications of)	
)	
GAB LLC)	FRN 0015929763
)	
For FM Translator Renewal of License)	FCC File No. 0000141057
Facility ID 154842)	
Call Sign K254AZ, Alice, TX)	
)	
)	
CLARO COMMUNICATIONS LTD.)	FRN 0015929763
)	
For FM Translator License To Cover)	FCC File No. 0000150122
Facility ID 202667)	
Call Sign K269HD, Alice, TX)	

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 a grant of both of the above-referenced applications. On March 25, 2021, GAB LLC (“GAB”) submitted an application (the “GAB application”) to renew the license for FM translator K254AZ. On June 14, 2021, Claro Communications Ltd. (“Claro”) submitted an application (the “Claro application”) to license FM translator K269HD. Triangle objects on the grounds that a grant of both applications would license unnecessary same-area translators.¹ Triangle further objects because Claro earlier certified that it did not propose same-area translators.²

¹ See 47 C.F.R. § 73.1232(b) (“Section 73.1232(b)”).

² See 47 C.F.R. § 1.17.

The GAB application and the Claro application each specify Claro's KOPY(AM) (Facility ID 983) as the primary station for the respective translators. Because both FM translator facilities are authorized at identical site coordinates with non-directional antennas, it is trivial to conclude that the service area of K254AZ (operating with 100 Watts at 94 meters RCAGL) is completely overlapped by that of K269HD (operating with 250 Watts at 90 meters RCAGL). The applicants have not demonstrated a technical need, and it is evident that there cannot be a technical need for the co-located translators to both copy KOPY's programming.³

As of June 24, 2021, the GAB application continues to certify that K254AZ is on the air.⁴ Likewise, GAB has not filed a Request for Silent STA for this already-licensed translator that covers the time period since K269HD has been declared to be operating pursuant to automatic test authority. The record indicates that K254AZ and K269HD are currently being operated as same-area translators.

GAB and Claro are under common control. Gerald Benavides signed both of the subject applications which were submitted under the same FRN.⁵ He also signed both the March 30, 2013, K254AZ license renewal application⁶ and the application, as amended on May 17, 2018, for the underlying K269HD construction permit.⁷ Thus, a question is raised as to why Claro certified that it had no interest in an application or an authorization for an FM translator station that serves substantially the same area and rebroadcasts the same signal as the proposed FM translator station.⁸ Had the permit application been accurate and transparent, a special condition that would have been

3 Section 73.1232(b). See also *FM Translator and Booster Stations, Report and Order*, 20 RR 2d 1538, ¶ 5 (1970), interpreting the rule to require a technical need showing when either the same programming would be provided to substantially the same area or when a *prima facie* lack of need is demonstrated.

4 GAB application, at FM Translator Certifications, Call Sign K254AZ, Operational Status (as of June 18, 2021).

5 FRNs 0015929763 and 0003781341 have been interchangeably used for both Claro and for GAB. See the subject applications, ASR registration 1058887, and file no. BPFT-20130412AAA.

6 File no. BRFT-20130401ADA.

7 File no. BNPFT-20180508AAL.

8 *Id.*, at Section III, Question 14.

included on Claro's permit requiring K254AZ's primary be changed before the commencement of program tests on K269HD.⁹

Because of a lack of reliable public information regarding FM translator primaries, especially during a transition of broadcast station data from CDBS to LMS, because of the flexibility to informally change primary stations or take a translator silent when required, because of a presumption that applicants and licensees are familiar with the rules, and finally because ownership reports do not apply to FM translators, extra reliance is placed on several application certifications whose purposes appear to include calling attention to certain rules. Because reliable information is now presented via pending renewal and licensing applications that must be kept updated with accurate information, it has become apparent that same-area translators are being operated; the Bureau cannot grant both applications. Triangle requests K269HD to be considered as “not ready for operation” until the primary station for K254AZ is changed, and that the Bureau DENY the Claro application. Alternatively, Triangle requests that the Claro application be dismissed as an inconsistent or conflicting application.¹⁰ Triangle also requests that the GAB application not be processed until the Bureau can determine that the application is both accurate and no longer conflicts with another pending application.

Respectfully Submitted,



Steven L. White

Director; *Triangle Access Broadcasting, Inc.*

7813 Highlandview Cir
Raleigh, NC 27613-4109

⁹ See, e.g., Special Operating Condition #2 in the authorization for file no. BNPFT-20180129AAB.

¹⁰ See 47 C.F.R. § 73.3518.

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: June 25, 2021

Certificate of Service

I, Steven L. White, certify that a true and correct copy of the foregoing Informal Objection was sent, this 25th day of June, 2021, by first-class, postage paid mail to the following:

Gerald Benavides (Common Applicant)
GAB LLC / Claro Communications Ltd.
11737 Nelon St
Corpus Christi, TX 78410-3028

Christopher D. Imlay, Esq. (Common Counsel)
Booth, Freret & Imlay, LLC
14356 Cape May Rd
Silver Spring, MD 20904-6011

By: 
Steven L. White