

*Before the*  
**Federal Communications Commission**  
*Washington, DC 20554*

*In re Application of*

**CENTRO CRISTIANO DE VIDA ETERNA**

*For Modification of License for FM Translator  
Station K258BZ, Sugar Land, Texas*

Filed with: **Office of the Secretary**

Directed to: **Audio Division, Media Bureau**

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) **File No. 0000124943**  
) **Facility No. 65769**  
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**OPPOSITION TO INFORMAL OBJECTION**

Centro Cristiano de Vida Eterna, (“Centro”), by its attorney, hereby submits its Opposition to the “Informal Objection” and filed by Gow Media, LLC (“Gow Media”) on December 23, 2020, and the “Supplement to Informal Objection” (“Supplement”) filed by Gow Media on April 27, 2021, with respect to the pending application for modification of Station K258BZ, Sugar Land, Texas for modification of facilities. With respect thereto, the following is stated<sup>1</sup>:

This application was filed and is being pursued by Centro in order to resolve interference with respect to two existing facilities. As stated in the original application filed by Centro, the application for displacement to a new channel was filed initially in order to eliminate interference from Station K259DC, Houston, Texas, which operates on adjacent Channel 259, a first-adjacent channel to Station K258BZ. More recently, Centro has received interference

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<sup>1</sup> Informal Objections are governed by Section 73.3587 of the Commission’s rules. “The limitation on pleadings and time for filing pleadings provided for in §1.45 of the rules shall not be applicable to any objections duly filed under this section.” Therefore, this Opposition is timely filed.

complaints from Station KOHV-LP, Houston, Texas, which operates on co-channel 258. Under the Commission's Rules:

we adopt the NPRM's proposal to allow FM translator stations to remediate interference either caused to or received from another broadcast station by changing channels to any available same-band frequency as a minor change.

\* \* \* \*

we modify section 74.1233(a)(1) of the Commission's rules (Rules) to define an FM translator's change to any available same-band FM channel as a minor change, upon a showing of actual or predicted interference to or from any other broadcast station.

*Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, 34

FCC Rcd 3457, 3460 ¶¶ 5,6 (2019) ("*FM Translator Order*") (emphasis added). Based upon the interference caused and received from Station K259DC and Station KOHV-LP, ample reasons exist for Station K258BZ to be permitted to change channels, and for such modification to occur on a non-mutually-exclusive same band channel to be approved, completely exists.<sup>2</sup>

In opposition to the channel change to Channel 247, Gow Media speculates that because another operation of former station K247CP by a different licensee from a difference transmitter location caused interference to Station KFNC, that this proposal should be rejected. In so doing, Gow Media invokes Section 74.1203 of the Commission's Rules, and insists that that "a substantial number" of KFNC listeners have been detrimentally affected by the interference "being suffered" (Supplement to Informal Objection at 3), and in a series of Declarations attached to the Supplement, declarants claim under "penalty of perjury" that in each case "I have found that my listening to KFNC has suffered interference at the following location(s)..."

Supplement at Attachment A at 8-43.

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<sup>2</sup> Under the Commission's current policies, "a simple engineering statement of mitigation of interference at the requested frequency" is sufficient as a threshold standard to permit the translator applicant to request a channel change as a minor modification." *FM Translator Order* at ¶ 7.

The main problem with these declarations under “penalty of perjury” is that they are false, misleading, and having absolutely nothing to do with the issue at hand – namely whether Station K258BZ may legitimately move to Channel 247. Specifically, Gow Media alleges that KFNC listeners have been detrimentally affected by interference apparently currently “being suffered,” and which is ostensibly supported by KFNC listeners stating as recently as March 2021 that their listening has “suffered interference.”

However, KFNC operates on Channel 248. Station K258BZ currently operates 10 channels away from Channel 248. Therefore, the “interference” those KFNC listeners apparently are suffering on an ongoing basis is **NOT** being caused by Centro, and is certainly **NOT** being caused by Station K258BZ/Facility No. 65769.

As noted above, Gow Media’s claim is filed pursuant to Section 74.1203(a) and (3) of the Commission’s Rules. 47 C.F.R. § 74.1203.<sup>3</sup> Section 74.1203 of the Commission’s Rules states in pertinent part:

(a) An authorized FM translator or booster station will not be permitted to continue to operate if it causes any actual interference to:

(1) The transmission of any authorized broadcast station; or

(2) The reception of the input signal of any TV translator, TV booster, FM translator or FM booster station; or

(3) The direct reception by the public of the off-the-air signals of any full-service station or previously authorized secondary station. Interference will be considered to occur whenever reception of a regularly used signal is impaired by the signals radiated by the FM translator or booster station, regardless of the channel on which the protected signal is transmitted; except that no listener complaint will be considered actionable if the alleged interference occurs outside the desired station's 45 dBu contour. Interference is demonstrated by:

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<sup>3</sup> Supplement to Informal Objection at 2 (“[w]hen it is evidenced...that an FM translator is interfering with a full-service radio station, the FM translator must shut down its operations...”) and 3 (“Listener Complaints meet the requirements contained in Section 74.1203(a)(3)”) (emphasis added).

(v) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds –20 dB for co-channel situations, –6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the methodology set out in §74.1204(b).

47 C.F.R. § 73.1203 (a) (emphasis added). It should be noted those at the present time, Station K258BZ is not a “co-channel”, or “first – or third-adjacent channel” operation that “is causing” interference to Station KFNC (which operates on Channel 248). Since Station K258BZ cannot even conceivably be causing interference to Station KFNC at the present time, “Section 74.1203” of the Commission’s Rules is totally inapplicable to this case, and the standards of Section 74.1203(a)(3)(v) also are totally inapplicable to Centro’s operations as they exist at this present time.

Moreover, it must be emphasized that even when Station K258BZ is permitted to change channel and begins operations on Channel 247, the fact that another station (*i.e.*, K247CP) not owned or affiliated with Centro previously operated on Channel 247 should have absolutely no bearing on the processing of this application. Other than “channel number,” the proposal contained in LMS File No. 0000124943 for Centro has no similarity to the previous operation of K247CP – the proposed operation is for a different transmitter site, a different ERP, a different HAAT, a different antenna pattern, and will operate with a different TPO. More specifically, while the proposed K258BZ channel 247 transmitter site is only 4 kilometers south-southeast of the previous K247CP transmitter site, since the K258BZ proposed ERP is only 100 watts (omni) and the K247CP ERP was 250 watts (omni), any predicted interference levels of the former K247CP operation to KFNC would be greater than that predicted to be caused by that of K258BZ's Channel 247 proposal.

It is a far stretch for Gow Media to blithely “assume” that it will receive (*i.e.*, in the future) interference from a Centro operation on Channel 247. Moreover, since (as seen above)

according to its listeners KFNC *already*, i.e., at the present time, is receiving interference from some *other* source, it seems clear that Gow Media already is poised already to improperly attribute “Centro” as being the source of any future interference in a totally unfair manner.

In short, Gow Media’s entire pleading is based on a series of fictions – a *fiction* that that Section 74.1203 is applicable to this case; a *fiction* that Centro could even conceivably be causing interference to KFNC at the present time when it continues to operation on Channel 258, 10 channels away from KFNC; a *fiction* that Centro’s proposed future operations of the station on Channel 247 are sufficiently identical to those of former station K247CP to be predictive of possible future interference; and a *fiction* that its listeners’ reports of current interference being received have some bearing on an operation by Centro on Channel 247 that has not yet even begun.

Just as it will be obligated *once it begins operations* on Channel 247 to protect Station KFNC from interference, Centro *currently* is permitted under Section 74.1203 to eliminate interference to first-adjacent channel Station K259DC, Houston, Texas, and is *obligated* to resolve interference to co-channel station KOHV-LP. Centro has determined that its best strategy for mitigation of such interference is to move to vacant Channel 247, and it fully expects that it will be able to fully protect and avoid interference to Station KFNC, as required under the Commission’s Rules. Conversely, the Bureau should recognize that Gow Media already is attempting to “stack the deck” against Centro by prematurely assembling interference claims where no such “interference” (as least from Centro) yet exists, and Gow Media seems already poised to use those pre-existing claims of interference against Centro at such time in the future when Centro in fact *begins* operations on Channel 247.<sup>4</sup>

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<sup>4</sup> Moreover, the ability for Centro to attack the veracity of those claims will be hampered by the Commission’s new policy when states that there will be a “presumption of validity” of listener complaints (*FM*

**WHEREFORE**, it is requested that the Informal Objection filed by Gow Media, Inc., on December 23, 2020, and the “Supplement to Informal Objection” filed by Gow Media, Inc. on April 27, 2021, be denied.

Respectfully submitted,

**CENTRO CRISTIANO DE VIDA  
ETERNA**

By: \_\_\_\_/Dan J. Alpert/\_\_\_\_\_  
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June 29, 2021

**CERTIFICATE OF SERVICE**

I, Dan J. Alpert, hereby certify that a copy of the foregoing “Opposition to Informal Objection” is being provided by First Class Mail to the following:

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\_\_\_\_\_/Dan J. Alpert\_\_\_\_\_  
Dan J. Alpert

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*Translator Order* at ¶ 21) and eliminated the requirement that listener complainants cooperate with the translator operator to resolve interference. *FM Translator Order* at ¶ 28.