

*Before the
Federal Communications Commission
Washington, DC 20554*

In re Application of)
)
KING BROADCASTING CORPORATION) **LMS File No. 0000141921**
) **Facility No. 141207**
For Renewal of License
Station K269GT, Houston, TX

Filed with: **Office of the Secretary**
Directed to: **Audio Division, Media Bureau**

OPPOSITION TO INFORMAL OBJECTION

King Broadcasting Corporation (“King Broadcasting”), by its attorney, hereby submits its Opposition to the Informal Objection filed by Siga Broadcasting Corporation (“Siga”) with respect to the pending application of King Broadcasting for renewal of license. With respect thereto, the following is stated¹:

Station K269GT commenced operations in 2016. File No. BLFT-20161130AAB. In 2019, King Broadcasting began operation of Station K269GT from a licensed site located adjacent to Seeds of Praise Ministries, at 9036 Humble Westfield Rd., Humble, Texas, on a tower located in between the Church building and the home of Pastor Lisa J. Roberts (the “Humble Westfield Road Site”). Attachments 1-2. Photographs of that the Humble Westfield Road Site tower are shown in Attachment 3. In 2020, K269GT applied for and was granted a construction permit to move to a new site owned by American Tower. LMS File No. 0000090633 (the “American Tower Site”). On April 15, 2020, Station K269GT temporarily went

¹ As noted, Siga filed an informal objection. King Broadcasting was not served with a copy of the objection. Moreover, under 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 are not be applicable with respect to any objections duly filed under that section. 47 C.F.R. § 73.3587.

silent (STA File No. BLSTA-20200706AAB), pending the move to the American Tower Site, as authorized in LMS File No. 000090633 (the “American Tower Site”). When delays occurred in obtaining the final approvals to commence operations at its new American Tower Site, on April 7, 2021, King Broadcasting resumed operations on the already-licensed tower location at the Humble Westfield Road Site. Attachments 1 and 2 and Attachments 4-6.

The Informal Objection includes photographs of two sites, and Siga states that “[n]either site had anything resembling the antenna specified the antenna specified in the respective license of CP on the respective structures.” Informal Objection at 1-2. That statement is easily explained.

At to the first site photographed by Siga’s representative, at no time has K269GT ever operated from that tower. The tower depicted in the first photograph in the Informal Objection is a registered cellphone tower located some distance away from the licensed Humble Westfield Road Site, as shown on Google Maps screenshot shown on Attachment 7.² King Broadcasting has never applied for that site, nor has it ever operated from that site.³ Therefore, no equipment existed on that tower for the simple reason that K269GT has never been authorized to use that tower, and on April 19, 2021 (the date of the photograph), K269GT was operating from a properly authorized tower located several hundred feet distant from the erroneously-photographed tower.

The second tower depicted in the Informal Objection is the site described and approved in LMS File No. 000090633, *i.e.*, the American Tower Site. After resuming operations from the Humble Westfield Road Site, King Broadcasting *eventually* commenced operation at the

² According to the FCC’s records, the first tower photographed by Siga’s representative is a registered tower, ASR 1202076, owned by “Eco-State LLC.” Attachment 8. According to information at the base of the tower, the nearby tower actually is owned by “verticalbridge.” Attachment 9 at 2 (photograph of tower and base of tower).

³ That Eco-State/verticalbridge cellphone tower can be seen in the distance from the authorized tower, as seen in Attachment 10.

American Tower Site, but not until June 22, 2021, over a month *after* the Siga photograph was taken. File No. 0000150750. See also, Attachment 1. Therefore, no equipment existed on the tower at the time that second photographed tower was taken for the simple reason that K269GT had *not yet commenced operations* at that tower on “April 19, 2021”.⁴

Neither of the two towers ostensibly investigated and photographed by Siga on “April 19, 2021” had any relationship to the operation of K269GT at the licensed Humble Westfield Road Site that resumed on April 7, 2021. Station K269GT properly and timely resumed operations at its licensed site (the Humble Westfield Road Site), as reported in the Resumption Notice filed with the FCC on April 8, 2021. The “visits” of Siga’s representative on April 19, 2021 occurred at incorrect locations, and therefore in no way refute King Broadcasting’s Resumption Notice.⁵

Station K269GT timely resumed operations, and is currently on the air and serving the public. No basis exists for denial of the application for renewal of license filed by King Broadcasting Corporation.

⁴ A license to cover the American Tower Site operation was granted on July 30, 2021. LMS File No. 0000150750. When operations commenced at the American Tower Site, the tower located at the Humble Westfield Road Site was dismantled and removed from the site. Attachments 2 and 4.

⁵ It should be noted that Siga also claims at the time of its representative’s visit, “[n]othing could be heard on 107.9 at either site when I visited on April 19.” Informal Objection at 2. Siga’s representative does not state what time of day he was at either site. Also, Mr. Elvir (the technician that programmed the King Broadcasting Equipment) notes that “every two or three days I had to go to the place to check and restore the internet [programming feed] since the programming was not stable...” Attachment 4 at 1.

WHEREFORE, it is requested that the Informal Objection filed by Siga Broadcasting Corporation on June 4, 2021 be denied, and the application of King Broadcasting Corporation for renewal of license be granted.⁶

Respectfully submitted,

**KING BROADCASTING
CORPORATION**

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*

August 27, 2021

⁶ It should also be noted that The Objection was not served on King Broadcasting or its counsel. As such, the Siga Objection was filed *ex parte*, and under Commission precedent the Petition must be dismissed. As the Commission stated recently:

Failure to serve in itself renders a pleading defective and subject to dismissal. See 47 CFR § 1.106(f) (requiring service of petitions for reconsideration); see also Petition for Limited Clarification of Frontline Wireless, LLC, WT Docket No. 17-153, Order, 24 FCC Rcd 14899, 14900, para. 3 (2009) (citing failure to serve petition for reconsideration as alternative ground for dismissal); *Thomas K. Kurian and AMTS Consortium, LLC*, File No. 0002196859, Second Order on Further Reconsideration, 22 FCC Rcd 20970, 20971, para. 3 (WTB MD 2007) (similar); *D&I Electronics, Inc.*, Order, 16 FCC Rcd 15243, 15249, para. 15 (WTB PSPWD 2001) (dismissing petition for reconsideration due to failure to serve); *Application of Sherry Rullman*, File No. 12903-CM-P-83, Memorandum Opinion and Order, 8 FCC Rcd 4012, 4012-13, para. 6 (1993) (explaining that service of process affords interested parties an opportunity to be heard and thus failure to provide service as required by Commission rules renders pleading procedurally defective); *AT&T & Associated Bell System Cos.*, Docket No. 19129, Memorandum Opinion and Order, 27 F.C.C.2d 914, 915, para. 6 (1971) (dismissing petition for stay in part on the ground that it was not properly served on other parties in a hearing as required under 47 CFR § 1.211).

William L. Zawila, Permittee of FM Station KNKS, Coalinga, California, 34 FCC Rcd 13049, 13051, n.12 (2019). Cf., *Bustos Media Holdings, LLC*, File No. BNPFT-20171212AAB (“[p]ursuant to section 1.1208 of the Rules, our consideration of [an] application is a restricted proceeding in which ex parte presentations are prohibited. Here, the informal objections filed in this proceeding appear to be impermissible ex parte presentations as none of the objections indicate they were served on [the applicant] or its counsel”). Therefore, on this basis, as well, the Informal Objection must be dismissed.

Attachment 1

Houston, TX August 9, 2021

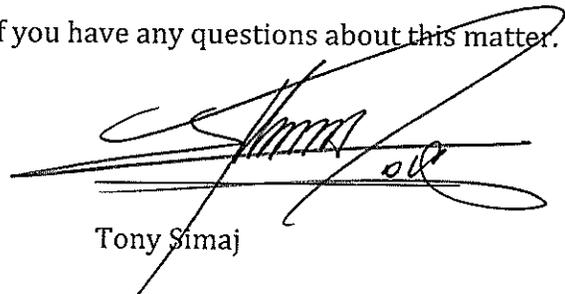
To whom it may concern

My name is Tony Simaj and I declare under penalty of perjury that I am telling the truth. I am one of the directors and the President of King Broadcasting Corporation.

I was the person who negotiated the rent with the Church Seeds of Praise located in 9036 Humble Westfield Rd., Humble, TX 77338, so we could install a tower for K269GT in 2019. The station went silent in 2020. Meanwhile, we were working with American Tower Corporation to rent the tower where the permit was currently located and where it was built and applied for the license. Unfortunately, due to the COVID-19 situation in our city we did not obtain the city permit on time and we had an STA which was due to expire. On April 7, 2021, I resumed operation with K269GT at the same site we operated previously.

K269GT began operation at the site owned by American Tower Corporation on June 22, 2021.

Please do not hesitate to contact me if you have any questions about this matter.



Tony Simaj

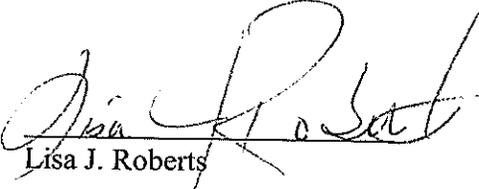
August 22, 2021

Attachment 2

DECLARATION

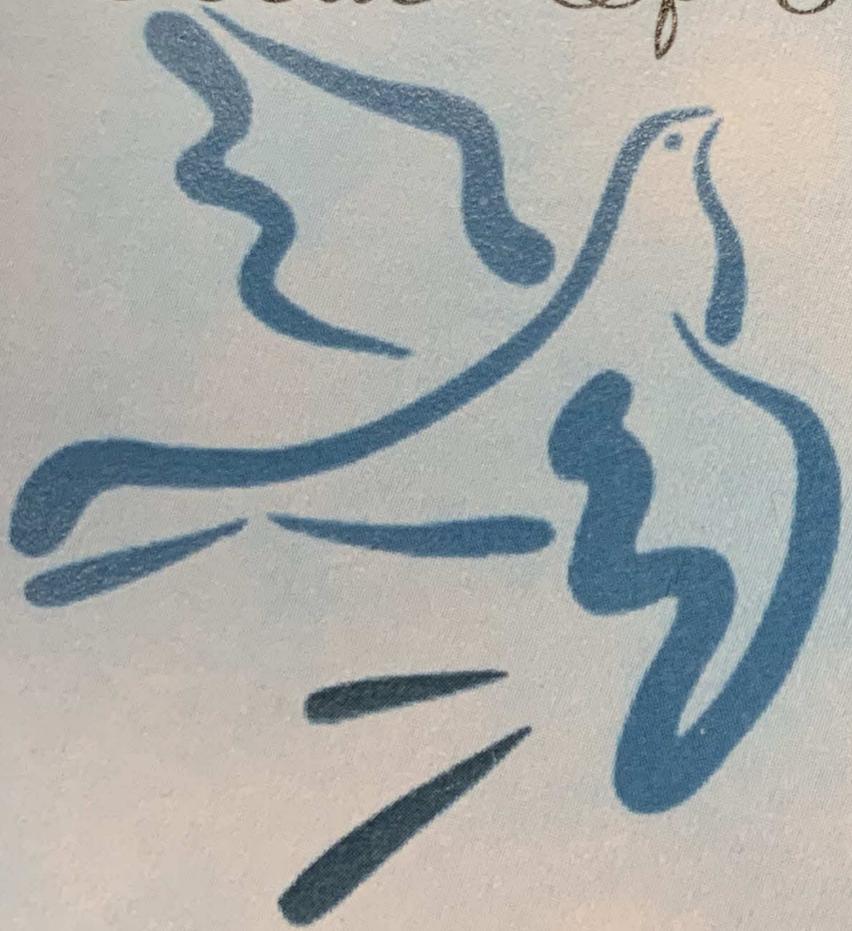
I, Lisa J. Roberts, hereby state under penalty of perjury as follows:

1. I am Pastor of the Seeds of Praise Ministries. Seeds of Praise Ministries is located at 9036 Humble Westfield Rd., Humble, Texas. Directly next to that address is ~~my residence~~ *A near by home.* *AL*
2. In 2019, I gave permission for the use of Church properties and facilities to Antonio Simaj for his FM broadcast tower. The tower was situated in the area between the Church and ~~my residence building~~ *a near by home.* *AL*
3. Although the Station went silent for a period of time and Mr. Simaj stopped using the tower, I hereby confirm that on April 7, 2021, the station resumed operations, and operated on Church land until mid-June 2021. At this time, the tower has been removed from Church land.


Lisa J. Roberts

August 22, 2021

Seeds Of Praise Ministries



Lisa J. Roberts
PASTOR

Phone: (281) 540-6659

Mobile: (832) 646-0729

9036 Humble Westfield Rd.

Humble, TX. 77338

seedsofpraise@hotmail.com

Attachment 3





BORDERVILLE

Attachment 4

Houston, TX August 3, 2021

My name is Cristian Elvir and declared under penalty of prejudice that I was in charge of programming of K269GT 101.7 FM.

In April 2019, I received a call from Mr. Tony Simaj to assist him in restoring programming to his radio station. He has worked directly with the Church Cristiana Amor y Restauración that is located at 1619 Campbell Road, Houston Texas 77055, and I personally programmed the CPU that would be in the church tower at the transmitter site on Humble Westfield Rd.

I contacted Simaj's engineer, Mr. Armando Quintero, to make the necessary arrangements for the programming to go on the air at the site. Mr. Armando told me that I had to have internet in place and immediately I took on the task of contacting a company and making the necessary arrangements to obtain a hot spot in the place. That same day Mr. Armando told me that they would be arriving soon to Houston to install the equipment for the radio, so I got everything ready and prepared for the day of the installation.

The next day, Mr. Armando Quintero informed me that they were already in the place where I myself went to see the installation. It was a simple installation that at most took about four hours and the radio was already on the air, the engineers left me in charge of the place and I personally supervised that the station was on the air.

Normally everything was fine but every two or three days I had to go to the place to check and restore the internet since the programming was not stable, there were no full days off the air since I was always aware that the radio was transmitting. From time to time I received a call from Mr. Tony Simaj asking if the radio was on air to which I confirmed that

everything it was ok this is part of what I remember happening based on the best of my ability.

Thank you very much.

I declare under penalty of perjury that the forgoing is true and correct.

A handwritten signature in black ink, appearing to read 'Cristian Elvier'. The signature is stylized with a large initial 'C' and a series of vertical strokes in the middle.

Cristian Elvier

Attachment 5

Dallas, August 2, 2021

I, Armando Quintero, declare under penalty of perjury the following:

This is to confirm that in April 2021 I was at the Church where Seeds of Praise Ministries is located, which is at 9036 FM1960 RD W. (also known as Humble Westfield Rd.), Humble, TX 77338 where we installed the K269GT - 101.7 FM station. Moreover, on this tower, the antennas with their respective Jumpers and Power Divider were installed, a 150 Watt RVR transmitter and 1/2 "cable (ANLDF4-50A) was used as well.

Thanks,

A handwritten signature in black ink, appearing to be 'A. Quintero', written over a horizontal line.

Armando Quintero

Attachment 6

I, Homero Lozano, declare under penalty of perjury the following.

In April 2021, I travelled to Humble TX to install station K269GT at 9036 Humble Westfield Rd, Humble TX. This station was installed in the previous direction, this installation was done with antennas at a height of approximately 90 feet from the ground and a 150 Watt RVR brand transmitter.

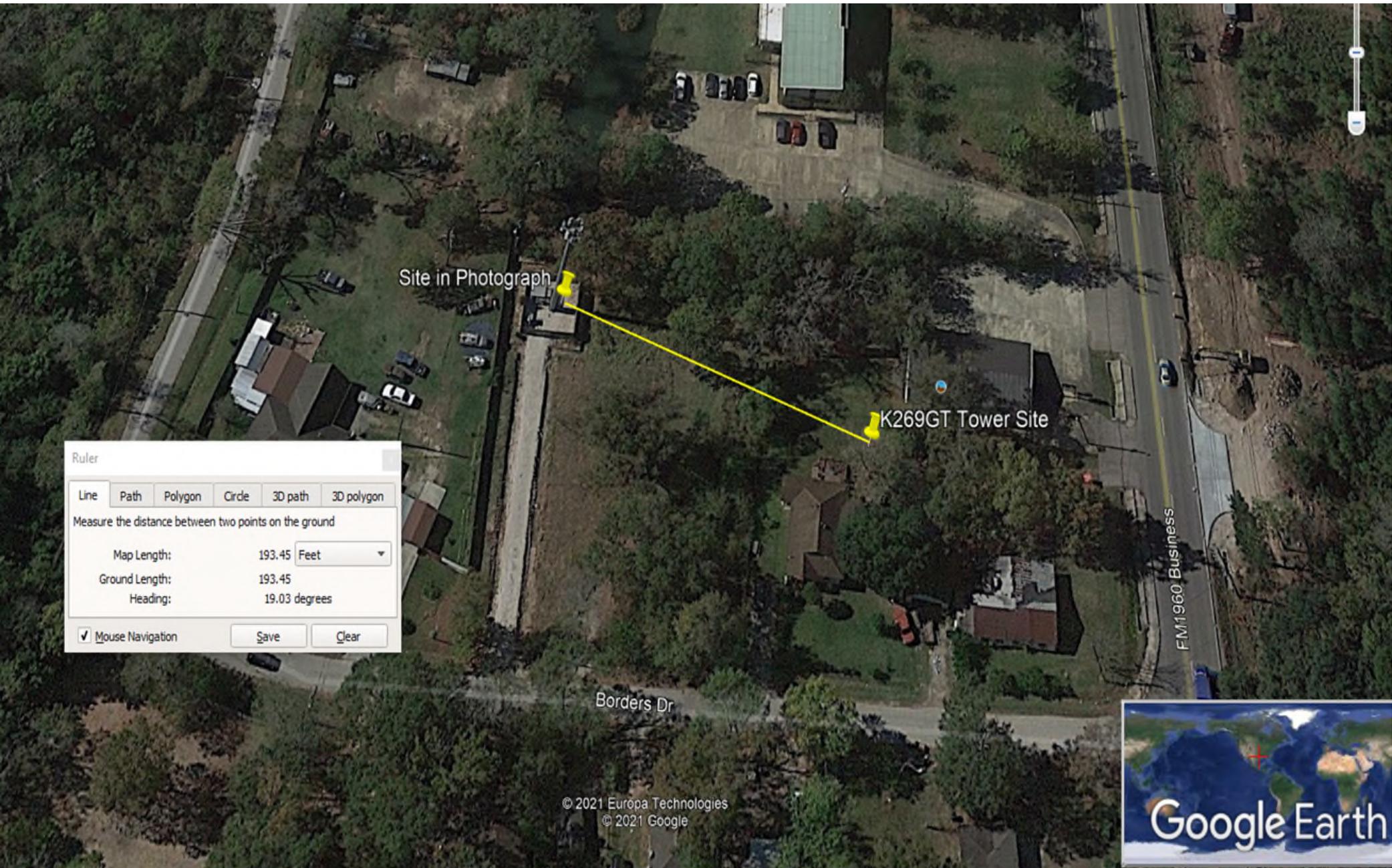
In July 2021, I also was involved in moving the station's operations to the tower owned by American Towers. At that time, I was involved in dismantling the tower at the Church.

Sincerely

A handwritten signature in black ink, appearing to be 'H. Lozano', written over a horizontal line.

Homero Lozano

Attachment 7



Site in Photograph

K269GT Tower Site

Ruler

Line Path Polygon Circle 3D path 3D polygon

Measure the distance between two points on the ground

Map Length: 193.45 Feet

Ground Length: 193.45

Heading: 19.03 degrees

Mouse Navigation

Save Clear

Borders Dr

FM1960 Business

© 2021 Europa Technologies
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Attachment 8



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Displayed Results

Matches 1-1 (of 1)
1

= Pending Application(s)

Specified Search

Registration Number like **1302076**

Display:

	Registration Number	Status	File Number	Owner Name	Latitude/Longitude	Structure City/State	Overall Height Above Ground (AGL)
1	1302076	Constructed	A1190261	Eco-Site LLC	30-00-01.7N 095-17-15.1W	Humble, TX	35.1

Matches 1-1 (of 1)
1

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Federal Communications Commission
45 L Street NE
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
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Attachment 9



The logo for Vertical Bridge, featuring the word "vertical" in a dark grey sans-serif font and "bridge" in a green sans-serif font. A thin green arc is positioned above the "i" in "bridge".

verticalbridge

SITE NAME: Bayou Ridge

SITE NUMBER: US-TX-5695

FCC TOWER ID: 1302076

Owned by: VERTICAL BRIDGE

Telephone: 877-589-6411

www.verticalbridge.com

sales@verticalbridge.com

operations@verticalbridge.com

NO TRESPASSING

•• T •• Mobile ••

FOR INFORMATION OR CONCERNS
REGARDING THIS FACILITY,
PLEASE CALL 1-877-611-5868

SITE NO. **A3B0375B**

NETWORK MANAGEMENT

Attachment 10



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:

Gabriel Arango
Siga Broadcasting Corporation
1302 N Shepherd Drive.
Houston, TX 77008

_____/Dan J. Alpert_____
Dan J. Alpert