

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of)	
)	
SDK FRANCO LLC)	File No. 0000159318
)	Facility ID No. 148239
For Minor Modification of License)	
K223CW, Houston, Texas)	

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

OPPOSITION TO PETITION FOR RECONSIDERATION

On September 29, 2021, the Commission granted the above-referenced application for the minor modification (“Minor Mod Application”) of K223CW, Houston, Texas (“Station”), licensed to SDK Franco LLC (“SDK”). On October 5, 2021, Iglesia Centro de Liberacion (“ICL”), licensee of low power FM station KJJG-LP, South Houston, Texas (Facility No. 191681), filed a Petition for Reconsideration (“Petition”) of the Commission’s grant of the Minor Mod Application. The Petition does not set forth any coherent reason for why the Commission should disturb the grant of the Minor Mod Application.

The thrust of the Petition is that listeners of KJJG-LP will experience interference due to the operations of K223CW. ICL filed an interference complaint against the Station on May 15, 2019, which was revised, pursuant to a request from the Commission’s staff, on October 8, 2019. Despite the existence of ICL’s complaint, the Commission nevertheless granted the Minor Mod Application. The Commission likely took that action because none of the interference complaints set forth in ICL’s 2019 filings are in compliance with Section 74.1203 or Section 74.1204 of the Commission’s rules. In particular, none of the complaints include a telephone number for each complainant, so that the Commission (or SDK) may verify the veracity of the complaint. In

addition, none of the complaints contain a statement explicitly setting forth that such complainant **receives interference** when listening to the desired station at the complained-of locations at least twice per month. Accordingly, because none of the interference complaints on file are in compliance with Section 74.1201(k) of the Commission's rules, the Commission cannot ignore them altogether. Merely stating, as set forth in the Petition at 2, that "ICL listeners...continue to experience impermissible interference from K223CW" is not enough. The Commission recently established a clear and concise methodology for resolving allegations of interference. ICL has not followed that methodology, and the mere allegation of interference is not enough to stand in the way of continuing to permit SDK to operate the Station as set forth in the Minor Mod Application and in the associated pending license to cover application (File No. 0000164175, "License Application").

Even if listeners do experience interference from the Station, it should be noted that the ability of ICL, or its listeners, to file interference complaints in keeping with the Commission's rules, based on the facilities set forth in the Minor Mod Application and the License Application, is not foreclosed by leaving the grant of the Minor Mod Application undisturbed. That is, ICL and its listeners are free to file interference complaints at any time, provided such complaints are in compliance with Section 74.1203(a)(3) of the Commission's rules. To date, the ICL complaints on file are not in such compliance and therefore there is no reason to prevent the Station from operating pursuant to the terms of the Minor Mod Application and the License Application, so that it can deliver programming to listeners in Houston.

SDK understands its responsibilities as a Commission licensee. It did not file the Minor Mod Application to "sweep[] the unresolved interference issues under the rug," as suggested by ICL in its Petition at 3. In fact, SDK did just the opposite: it filed the Minor Mod Application, in

part, to seek to resolve the complaints of KJJG-LP's listeners.

ICL, in the Petition at 3, makes a vague argument regarding the "real party in interest" of the Minor Mod Application. However, the Minor Mod Application is quite clear: SDK is the real party in interest with respect to the Station. SDK and Centro Christiana de Vida Eterna ("CCVE") have no ongoing business relationship whatsoever, other than as adversaries. SDK cannot account for errors in LMS, of which the Commission can take official notice, as to entries from prior applications. Based on the pleadings filed in the proceeding involving the Station's pending license renewal application (File No. 0000142845, "Renewal Application"), it is obvious that CCVE is not the real party in interest of SDK. SDK acquired the Station from CCVE on April 17, 2020, and SDK recognizes that CCVE may have operated the Station well outside the parameters of its license during the period that CCVE was the licensee of the Station.

However, SDK is not charged with any responsibility associated with the period in which CCVE was the licensee of the Station. That is because, pursuant to the Commission's rules and policies, in evaluating any license renewal application, including the Renewal Application, if the subject station license was assigned during the subject license term pursuant to a "long-form" application, the renewal applicant's certifications are required to cover only the period during which the renewal applicant held the station's license.¹ Thus, SDK's certifications set forth in the Renewal Application are required to cover only the period since April 17, 2020, the date on which it acquired the Station. That means that no matter how CCVE may have operated the Station while it was the licensee, such violations do not flow to SDK as the subsequent licensee.

Finally, there are a handful of other statements in the Petition that warrant a response. The Petition at 4 states that the Commission has not yet granted the request for STA associated with

¹ See, e.g., Instructions to FCC Form 303-S.

the Station, asking: “[w]as the attendant reasoning conveyed to and considered by the CP reviewer prior to granting the CP?” Although SDK is not entirely sure what is meant by that statement, it should be noted that it is not unusual for requests for STA to be pending for periods longer than 30 days.

The Petition at 4 also states that there are allegations that SDK has not broadcast lawfully. These allegations are totally baseless, and have been fully addressed by SDK in its Opposition to Petition to Deny the License Renewal Application (Pleading File No. 0000159308), which is incorporated herein by reference.

The Petition at 4 further asks whether “the Commission has decided whether the proposed facilities are technically likely to increase interference by comparison with the licensed facilities?” The answer is that, pursuant to the Commission’s rules, the Commission staff reviews only whether an application for construction permit fits within the spacing limitations (including power and height restrictions) set forth in the Commission’s rules; if an application satisfies those criteria, the Commission will grant it, without inquiring as to whether the “real world” operations will cause interference to stations located outside of the relevant interfering signal contours. In this case, there is no question that the Minor Mod Application is grantable; that is why the Commission granted it. Section 74.1203 of the Commission’s rules provides a mechanism for the filing of interference complaints. Because ICL has not followed that mechanism, neither SDK nor the Commission are obligated to consider the “complaints” that ICL has filed.

Based on the foregoing, ICL has not submitted any reasoning whatsoever as to why the Commission should overturn the grant of the Minor Mod Application. There is no question that the Minor Mod Application is technically sufficient. The complaints submitted by ICL are invalid and need not be considered by SDK or the Commission. Accordingly, the Commission should

dismiss or deny the Petition.

Respectfully submitted,

SDK FRANCO LLC

By: _____/s/_____
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October 20, 2021

CERTIFICATE OF SERVICE

I, Mark B. Denbo, do hereby certify that a copy of the foregoing “Opposition to Petition for Reconsideration” was mailed by First Class U.S. Mail, postage prepaid, this 20th day of October, 2021 to the following:

Paul Bame
Consultant to Iglesia Centro de Liberacion
Prometheus Radio Project, Engineering Director
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_____/s/_____
Mark B. Denbo