

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

In re Application of)	
)	
CENTER FOR ECONOMIC JUSTICE)	FCC File No. 0000167868
)	
For a Construction Permit)	Facility ID No. 768974
for a New FM Station, Channel 210, at)	
Ramona, CA)	

To: Chief, Audio Division, Media Bureau

Informal Objection

Southern California Tribal Chairmen’s Association (“SCTCA”), by counsel, pursuant to FCC Rule 73.3587, hereby submits this informal objection requesting the dismissal of the application of Center for Economic Justice (CEJ), an applicant for the above-captioned application for Ramona, California. The application of SCTCA for Warner Springs, California, Facility ID 766985, LMS File No. 0000167741, for co-Channel 210 B1 is mutually exclusive with CEJ’s application.¹ An examination of CEJ’s application reveals that it is defective. As such, it must be dismissed and SCTCA’s application accepted for filing.

CEJ is Not an Eligible Nonprofit Entity under State Law

The initial problem with CEJ is its failure to meet basic eligibility criteria in FCC Rule 73.503 to be a nonprofit entity with a demonstrated educational purpose. CEJ does not exist. No

¹ See *Public Notice*, “Media Bureau Identifies Groups of Mutually Exclusive Applications Submitted in the November 2021, Filing Window for New Noncommercial Educational FM Stations: Opens Window to Accept Settlements and Technical Amendments,” DA 21-1476, November 29, 2021, Attachment A, MX Group 29.

entity named “Center for Economic Justice” is on file with the California Secretary of State’s office,² nor with the IRS associated with any of the applicant’s parties.³ A google search shows there is a Center for Economic Justice based in Austin, Texas, but not in California.⁴ The Commission requires that “NCE applicants must demonstrate their legal existence as an organization under pertinent state law at the time their applications are filed.”⁵ Having failed to supply any documents with its application demonstrating its legal existence under state law, CEJ does not meet basic eligibility requirements.

All parties to the application, however, are listed as “general partners” of the Foundation for Economic Justice (“FEJ”) totaling 116% ownership.⁶ The applicant uploaded articles of incorporation to the application from 1995 for Essential Economics with a name change to FEJ – but no name change to CEJ. Those uploaded files were deceptively titled “Center _for_ Econ _Justice_ Original_ Articles.pdf” and “Center for Economic Justice Name Change.pdf.”

It appears that CEJ may have belatedly realized it was not the intended applicant on its application and tried to put a patch on it using the FEJ website. FEJ recently posted a “local

² Go to Business search on <https://businesssearch.sos.ca.gov/> and search for Center For Economic Justice.

³ Go to <https://apps.irs.gov/app/eos/> and search on Center for Economic Justice. The search on the IRS Tax Exempt Organizations lists two organizations using the name of Center for Economic Justice – one in Austin, TX, and the other in Santa Fe, NM. See screen shot of search results in Attachment 1.

⁴ Go to <http://www.cej-online.org/whoware.php>, last visited Jan. 16, 2022. A further google search lists results for other organizations with the name of Center for Economic Justice, but none relate to a California non-profit organization with the address of the applicant.

⁵ *Wynnewood Community Radio Association*, 29 FCC Rcd 107, 110 n.19 (MB 2014), rev. denied, 29 FCC Rcd 6309., citing *Six Applications for New Low Power FM Stations*, Memorandum Opinion and Order, 28 FCC Rcd 13390, 13394 (2013).

⁶ See LMS File No. 0000167868, Parties to the Application.

notice” of filing on its website at <https://www.foundeconjust.org/> which is not required until after the application is actually accepted for filing. FEJ inserted “(Also doing business as Center for Economic Justice)” into the notice of filing.⁷ John Fox, who is the project manager for SCTCA’s application, has been researching and monitoring information on the Internet relating to CEJ and FEJ soon after learning CEJ filed a competing application. The insertion that CEJ is a “d/b/a” for FEJ was only recently added to FEJ’s website.⁸ Similarly, SCTCA’s technical consultant, Scott Fybush, researched FEJ’s website on or about November 10, 2021, and again on January 22, 2022, and saw that FEJ had changed its website between those dates by adding that it was doing business as CEJ.⁹ That so-called d/b/a did not exist at the time the application was filed. CEJ is not registered as an organization with the State of California, and FEJ is not the FCC applicant.

**The Site Availability Letter is Defective –
The Location Identified in the Letter
Does not Match the Coordinates in the Application**

A “Letter of assurance” was provided for FEJ, not CEJ. The letter specifies a location that conflicts with the coordinates in its application.¹⁰ As shown in the attached Declaration of Scott Fybush, that letter listed a street address of “32566 Camino San Ignacio.” Google Maps shows that location to be an empty lot in a residential neighborhood 1.37 miles east of the site in the application which is at a lower elevation than what is proposed in the application.¹¹

Consequently, that letter is for a site not used in the application. The application is therefore

⁷ See <https://www.foundeconjust.org/> (last visited Jan. 22, 2022).

⁸ See Attachment 2, p. 4 – Declaration of John Fox.

⁹ See Attachment 3 – Declaration of Scott Fybush.

¹⁰ See LMS File No. 0000167868, uploaded attachment for “Letter of assurance foundation for economic Justice.pdf.”

¹¹ See Attachment 3 – Declaration of Scott Fybush.

defective for failing to provide the name and contact for the owner or authorized agent for the site proposed in the application.¹²

CEJ is Not an Established Local Applicant

CEJ claims to be an “established local applicant” but did not demonstrate it was eligible for those points. To qualify for those points, the applicant must have been headquartered or have at least 75% of its board members reside within 25 miles of the reference coordinates of its proposed community of license *for at least 24 months immediately* before filing its application.¹³ The applicant must “submit substantiating documentation with its application to illustrate how it qualifies as local and established.[] Examples of acceptable documentation include corporate material from the secretary of state, lists of names, addresses, and length of residence of board members and copies of governing documents requiring a 75% local governing board. . . .”¹⁴ CEJ provided no such documentation.

Even with respect to FEJ, IRS Form 990-N for FEJ lists the mailing address as 3858 Front Street, San Diego, CA.¹⁵ The California Secretary of State’s Statement of Information FEJ filed June 25, 2021, lists the street address of its California “principal office” at 780 Bay Blvd., Suite 204, Chula Vista, CA 91910.¹⁶ Nothing indicates the FEJ California State filing relates to

¹² *Public Notice*, “Media Bureau Announces NCE FM New Station Filing Procedures and Requirements for November 2 – 9, 2021 Window,” DA 21-885, released July 23, 2021, p. 4.

¹³ 47 C.F.R. Sec. 73.7000.

¹⁴ *Public Notice*, “Media Bureau Announces NCE FM New Station Filing Procedures and Requirements for November 2 – 9, 2021 Window,” DA 21-885, released July 23, 2021.

¹⁵ See Attachment 4 – FEC’s IRS Form 990-N.

¹⁶ See Attachment 5 – FEJ filing with California Secretary of State.

applicant CEJ.¹⁷ Neither address is within 25 miles of the proposed community of license, Ramona, CA.¹⁸ In the event FEJ were deemed to be the “applicant,” FEJ failed to demonstrate it has a headquarters that it uses as listed in filings with the IRS and the State of California within 25 miles of the community of license.

Although it made no showing, CEJ listed 2295 McKnight Drive, Lemon Grove, California, as its contact address. That address is for its Vice Chair and the “legal representative” identified in its application, George Gastil. The Commission does not accept an attorney’s office as a local headquarters.¹⁹ The address appears to be a home in a residential neighborhood with no business signage.²⁰ CEJ, therefore, cannot pretend to be an “established local applicant” with a headquarters at that address.

CEJ submitted no information with its application to show that 75% of its board members have resided within a 25-mile radius of Ramona, California, for the prior two years. Having failed to supply the requisite documentation, no points for established local applicant can be awarded.

¹⁷ See Attachment 2 – Declaration of John Fox providing photographs of the 780 Bay Blvd. Chula Vista, CA address.

¹⁸ Using www.distancecalculator.net, the Front Street address is 25.8 miles and the Chula Vista, CA, address is 31.8 miles from Ramona.

¹⁹ “[A] local headquarters must be a primary place of business and not, for example, a post office box, vacation home, attorney's office, or branch office, which are more easily feigned and/or present less of an opportunity for meaningful contact with the community.[] Similarly, a headquarters must be operational and not merely an address used by a "paper" or "shell" organization.” *Comparative Consideration of 33 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations*, FCC 11-99, released June 21, 2011 (at para. 91).

²⁰ See Attachment 2 – Declaration of John Fox providing photographs of the 2295 McKnight Drive, Lemon Grove, California address, which is a single-family home in a residential neighborhood.

**CEJ’s Technical Representatives are Linked to a
Prior Cancelled NCE License for Ramona the Permittee of which had an
Unresolved Character Issue**

CEJ’s technical consultants were instrumental in obtaining a permit for Ramona on the same channel as proposed in CEJ’s application – namely, DKUMI, Facility ID 176023, previously licensed to Activist San Diego (“ASD”). One of CEJ’s Technical Representatives, Raghavan Jayakumar, is the same person who signed an allegedly fraudulent construction affidavit stating that ASD had constructed now-deleted DKUMI, Ramona, California, on Channel 210 as specified in its construction permit, resulting in the grant of a license to cover.²¹ In fact, that station apparently was never built and never went on the air. When contacted by the Commission by letter of June 24, 2021, and given 30 days to prove KUMI’s existence,²² on July 19, 2021, ASD responded by surrendering the license without addressing the requests for proof of construction and operation.²³ Another technical consultant for ASD and also listed on CEJ’s application, Todd Urick, counseled ASD to limit its response to the Commission’s inquiry rather than risk raising further questions.²⁴ The final portion of the technical exhibit in CEJ’s application still has ASD’s name on the distance separation study in the Consolidated

²¹ See BLED-20190715AAA, Exhibit 9C, with a copy provided in Attachment 6.

²² See Correspondence file for DKUMI, Facility ID 176023, FCC File No. BLED-20190715AAA, Letter dated June 24, 2021 from Albert Shuldiner, Chief, Audio Division, Media Bureau to ASD at http://licensing.fcc.gov/cgi-bin/prod/cdbs/forms/prod/getimportletter_exh.cgi?import_letter_id=98579 with a copy provided in Attachment 7.

²³ See Letter dated July 19, 2021 from ASD to the FCC at http://licensing.fcc.gov/cgi-bin/prod/cdbs/forms/prod/getimportletter_exh.cgi?import_letter_id=98810 with a copy provided as Attachment 8.

²⁴ See Email from Todd Urick to Martin Eder and John Fox, dated July 19, 2021, provided in Attachment 9 in which he stated “The more you say, the more theyre [sic] going to ask questions what is going on in regards to anything illegal or circumventing FCC protocol/rules.”

Engineering Report.²⁵ The employment by CEJ of a person whose dubious affidavit of construction was submitted to the FCC and a second person warning of disclosing too much to the Commission ties CEJ to ASD which surrendered its license for this same channel and city of license without having addressed the alleged lack of candor. Failing to address the unresolved character issue should disqualify CEJ, which is either a thinly disguised shell for ASD or a copycat, from attempting to pick up where the previous licensee left off once the lack of candor was exposed.

Myriad Errors in CEJ's Application Demonstrate a Pattern of Ineptness, Carelessness, and Disregard for Commission Procedures

CEJ made several mistakes in its application. In addition to the lack of eligibility as an NCE applicant, a defective site letter, listing ownership in excess of 100%, and an unsubstantiated claim for local established applicant points, CEJ's technical exhibit violates the 2 dB/10 degree limit in 73.316 (b)(2). It proposed a field of 0.333 (-9.6 dB) at 150 degrees and 0.420 (-7.5 dB) at 160 degrees, a change of -2.1 dB.²⁶ The multiple errors in CEJ's application, taken together, point to a pattern of carelessness, ineptness or disregard for Commission requirements and cast doubt on the applicant's qualifications to be a licensee.²⁷

Failure of the applicant to exist as a nonprofit entity recognized by the State is sufficient to warrant dismissal of CEJ's application. Its defective site letter further shows lack of basic qualifications. Add to that the combined weight of other flaws in the application, including its

²⁵ See page 18 of the Consolidated Engineering Report uploaded to the application in LMS File No. 0000167868.

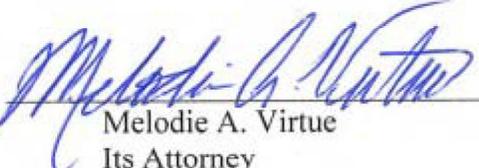
²⁶ See Attachment 3 – Declaration of Scott Fybush.

²⁷ See *Beamon Advertising, Inc.*, 45 FCC 1101 (1963).

unfounded claim as an established local applicant, sloppy inconsistencies, and connection to a previously discredited license holder for the same facilities show CEJ's flawed application is not acceptable for filing. SCTCA therefore respectfully requests that the Commission dismiss CEJ's application, and accept SCTCA's application for filing as a singleton.

Respectfully submitted,

**SOUTHERN CALIFORNIA TRIBAL
CHAIRMEN'S ASSOCIATION**



Melodie A. Virtue
Its Attorney

FOSTER GARVEY PC
1000 POTOMAC STREET, NW
SUITE 200
WASHINGTON, DC 20007
(202) 965-7880
melodie.virtue@foster.com

January 25, 2022

Attachment 1

Screen shot of search results on Tax Exempt Organizations on IRS.gov (last visited Jan 16, 2022):

The screenshot shows the IRS.gov website interface for searching Tax Exempt Organizations. The browser tabs at the top include 'Log In Licensing and Manag...', 'Application Search Results', 'Draft Copy - Licensing and M...', and 'Results for Tax Exempt Orga...'. The address bar shows 'apps.irs.gov/app/eos/allSearch'. The navigation menu includes 'File', 'Pay', 'Refunds', 'Credits & Deductions', and 'Forms & Instructions'. The breadcrumb trail is 'Home > Charities and Non-Profits > Search for Charities > Tax Exempt Organization Search'. The main heading is 'Results for Tax Exempt Organization Search'. The search filters are: 'Select Database' (Search All), 'Search By' (Organization Name), 'Search Term' (center for economic justice), 'City' (Enter City), 'State' (All States), and 'Country' (United States). There are 'Search' and 'Reset' buttons, and a 'Search Tips' link. The results section shows 'Showing 1-2 results of 2' and 'Sort by: Name A-Z'. The first result is 'Center For Economic Justice' with EIN: 74-2791395 | Austin, TX, United States, and links for 'Pub 78 Data' and 'Form 990-N'. The second result is also 'Center For Economic Justice' with EIN: 85-0464240 | Santa Fe, NM, United States, and a link for 'Auto-Revocation List'. An 'Additional information' section on the right lists links for 'Frequently asked questions - Exempt Organizations Select Check', 'Revocations of 501(c)(3) Determinations', 'Suspensions Pursuant to Code Section 501(a)', 'Exempt Organizations Business Master File Extract (EO BME): a list of organizations recognized as exempt by the IRS', and 'Tax Exempt Organization Search: Bulk Data Downloads'.

Log In Licensing and Manag... Application Search Results... Draft Copy - Licensing and M... Application Search Results... Draft Copy - Licensing and M... Results for Tax Exempt Orga...
apps.irs.gov/app/eos/allSearch
Apps Managed bookmarks CDBS Public Access CDBS Account Login LMS Google ULS FCC Calculate Date FG InfoCenter: Ho... GNET PIF Home PIF Login Other bookmarks Reading list
File Pay Refunds Credits & Deductions Forms & Instructions
Home > Charities and Non-Profits > Search for Charities > Tax Exempt Organization Search
Results for Tax Exempt Organization Search
Select Database Search By Search Term
Search All Organization Name center for economic justice
City State Country
Enter City All States United States
Search Reset Search Tips
Showing 1-2 results of 2 Sort by: Name A-Z
Center For Economic Justice
EIN: 74-2791395 | Austin, TX, United States
Pub 78 Data Form 990-N
Center For Economic Justice
EIN: 85-0464240 | Santa Fe, NM, United States
Auto-Revocation List
Additional information
Frequently asked questions - Exempt Organizations Select Check
Revocations of 501(c)(3) Determinations
Suspensions Pursuant to Code Section 501(a)
Exempt Organizations Business Master File Extract (EO BME): a list of organizations recognized as exempt by the IRS
Tax Exempt Organization Search: Bulk Data Downloads

Attachment 2

DECLARATION

I, John Fox, the Station Manager of KPRI, Facility ID 173244, Pala, CA, licensed to the Pala Band of Mission Indians, do hereby declare under penalty of perjury, as follows:

I am the project manager for the Southern California Tribal Chairmen's Association ("SCTCA") in connection with its application for a new FM noncommercial station to serve Warner Springs, California, Facility ID 766985, LMS File No. 0000167741, for Channel 210 B1. SCTCA's application is mutually exclusive with the application filed by Center for Economic Justice ("CEJ"), LMS File No. 0000167868, for Ramona, California. The Pala Band of Mission Indians' chair is a member of the SCTCA.

On January 21, 2022, I traveled to the "physical location" at 780 Bay Blvd., Suite 204, Chula Vista, California. That is the address listed by the Foundation for Economic Justice ("FEJ") in its filing with the California Secretary of State (Form SI-100) filed June 25, 2021, a copy of which is provided as an exhibit to the Informal Objection. The physical address does not provide any indication that it is for FEJ or for CEJ. The name listed on the outside of the address, on the door to the office suite, and on the building directory is for South County Economic Development Council. The door to the office suite was locked at 2:30 p.m. PT on Friday, January 21, 2022. Below are three photographs I took of the 780 Bay Blvd., Chula Vista, CA property, office door, and building directory on January 21, 2022.





The address listed as the CEJ applicant's mailing address is at 2295 McKnight Drive, Lemon Grove, CA. On January 21, 2022, I took photographs depicted below of that address. The McKnight Street address is a single-family home with no signage for a business of any kind located in a residential neighborhood.



Soon after the noncommercial educational filing window closed in November 2021, when SCTCA learned that CEJ filed an application, I began researching and monitoring information on the Internet relating to CEJ and FEJ. I first discovered FEJ's website on November 18, 2021, the same day I sent an email to our counsel and technical consultant about the results of my research into FEJ. I visited FEJ's website at <https://www.foundeconjust.org/> on multiple occasions beginning that day and through December. At no time did the site make any mention of FEJ doing business as CEJ, or that FEJ had applied for a new FM station. The first time I saw reference to CEJ and the FM application on FEJ's website was approximately January 20, 2022, when FEJ added a local notice of the application and that FEJ was "(Also doing business as Center for Economic Justice)". The page is a completely different design from the website FEJ hosted in November and December 2021.

The foregoing is true and correct based on my personal knowledge.

By  _____
John Fox

January 24, 2022

Attachment 3

DECLARATION

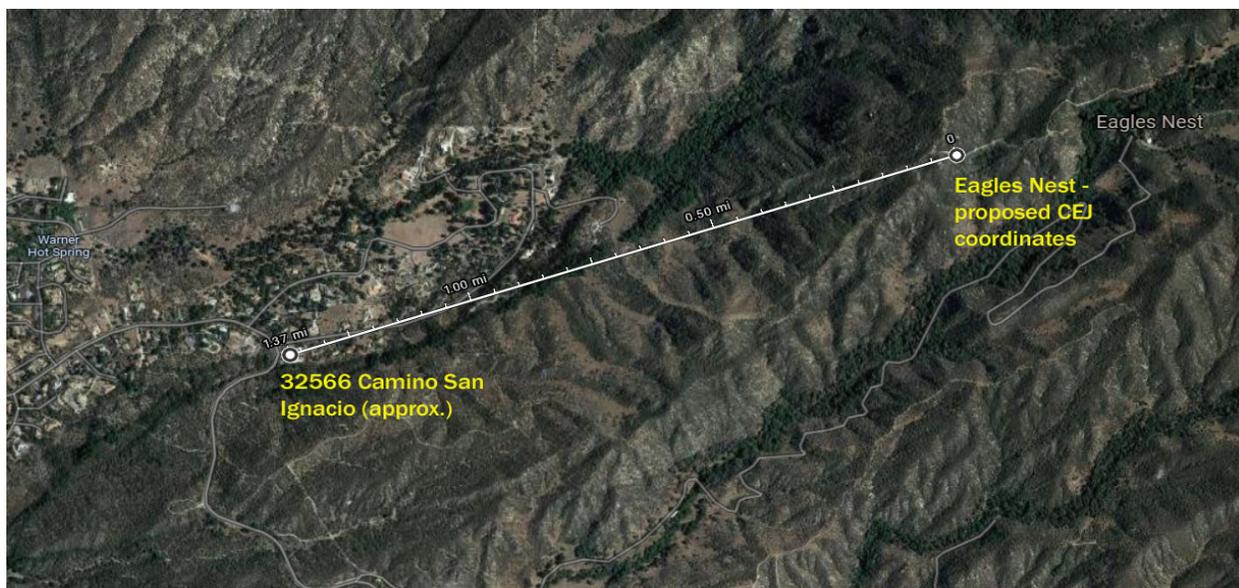
I, Scott Fybush, d/b/a Fybush Media, as technical consultant to the Southern California Tribal Chairmen’s Association (“SCTCA”), do hereby declare under penalty of perjury, as follows:

I was engaged to assist the Southern California Tribal Chairmen’s Association (“SCTCA”) in connection with its application for a new FM noncommercial station to serve Warner Springs, California, and personally prepared that application, Facility ID 766985, LMS File No. 0000167741, for Channel 210 B1. SCTCA’s application is mutually exclusive with the application filed by Center for Economic Justice (“CEJ”), LMS File No. 0000167868, for Ramona, California. My credentials are a matter of record with the Commission. I am a member of the Society of Broadcast Engineers and the Association of Public Radio Engineers, and hold general class amateur license K2SDF.

On November 9, 2021, when the FCC released the applications that had been filed in the noncommercial filing window, I immediately reviewed the list to determine whether any of the applications I had filed had conflicts, and immediately noted the CEJ application and began researching its validity.

By November 10, I had determined the CEJ application had the following technical flaws:

1. The CEJ technical exhibit proposes a field of 0.333 (-9.6 dB) at 150 degrees and 0.420 (-7.5 dB) at 160 degrees, a change of -2.1 dB, violating the 2 dB/10 degree limit in 73.316 (b)(2)
2. The CEJ application proposed a transmitter location at 33-17-12.5 N / 116-36-4.1 W, a location that maps to a site on a peak known as “Eagles Nest.” This location conflicted with the address specified in the site assurance letter filed with the CEJ application. That letter gave a street address of “32566 Camino San Ignacio,” which appears from Google Maps to be an empty lot in a residential neighborhood 1.37 miles east and considerably downhill from the actual proposed location. The site assurance letter was written to “Foundation for Economic Justice,” which I noted was not the actual name of the applicant.



I had previously been engaged by SCTCA to assist with a review of Activist San Diego's DKUMI, which had allegedly filed for a license to cover at a location on tribal land controlled by an SCTCA member tribe, at which it had no site assurance and had not constructed the station. As a result, I immediately noticed that the CEJ application used the same technical consultant as the DKUMI application, and that its consolidated engineering exhibit includes a distance separation study labeled with the client name "Activist San Diego," raising the question of the real party in interest.

Noting the discrepancy between the "CEJ" name under which the application was filed and the "Foundation for Economic Justice" name on the site availability letter and other materials in the filing, on or about Nov. 10, 2021, immediately after the CEJ application was made public in the LMS database, I visited the Foundation for Economic Justice website (foundeconjust.org). At that time, the website contained only the "Foundation" name and no mention of the "Center" name. I visited the website again on Jan. 22, 2022 as part of the preparation of this declaration and note that it now contains an announcement of the CEJ filing with the remarks "On November 9, 2021, the Foundation for Economic Justice (Also doing business as Center for Economic Justice)..." which was not present on the site at the time its application was filed.

The foregoing is true and correct based on my personal knowledge.

By



Scott Fybush

January 22, 2022

Attachment 4

Screen shot of search on IRS.gov (last visited January 16, 2022) for Foundation for Economic Justice listing a mailing address in San Diego, CA:

The screenshot shows a web browser window with the URL `apps.irs.gov/app/eos/detailsPage?ein=330690333&name=Foundation%20for%20Economic%20Justice&city=San%20Diego&state=CA&countryAbbr=US&dba=&type=CHARITIES,%20EPOSTCARD&org...`. The page features a navigation bar with tabs for **File**, **Pay**, **Refunds**, **Credits & Deductions**, and **Forms & Instructions**. Below the navigation bar, the breadcrumb trail reads: [Home](#) > [Tax Exempt Organization Search](#) > [Foundation For Economic Justice](#). A link for [Back to Search Results](#) is also present. The main heading is **Foundation For Economic Justice**, with the EIN: 33-0690333 | San Diego, CA, United States listed below it.

The **Publication 78 Data** section includes the following information:

- Organizations eligible to receive tax-deductible charitable contributions. Users may rely on this list in determining deductibility of their contributions.
- On Publication 78 Data List: Yes
- Deductibility Code: [P](#)[C](#)

The **Form 990-N (e-Postcard)** section includes the following information:

- Organizations who have filed a 990-N (e-Postcard) annual electronic notice. Most small organizations that receive less than \$50,000 fall into this category.

Tax Year 2020 Form 990-N (e-Postcard)		
Tax Period: 2020 (01/01/2020 - 12/31/2020)	Mailing Address: 3858 FRONT STREET SAN DIEGO, CA 92103 United States	Gross receipts not greater than: \$50,000
EIN: 33-0690333	Principal Officer's Name and Address: ALAN RIDLEY	Organization has terminated: No
Legal Name (Doing Business as): Foundation For Economic Justice	3858 FRONT STREET SAN DIEGO, CA 92103 United States	Website URL:

Attachment 5

21-022101



Secretary of State
Statement of Information
 (California Nonprofit, Credit Union and
 General Cooperative Corporations)

SI-100

40

FILED
Secretary of State
State of California

JUN 25 2021

20/20/cw

This Space For Office Use Only

IMPORTANT — Read instructions before completing this form.

Filing Fee — \$20.00;

Copy Fees — First page \$1.00; each attachment page \$0.50;
 Certification Fee — \$5.00 plus copy fees1. **Corporation Name** (Enter the exact name of the corporation as it is recorded with the California Secretary of State)

Foundation for Economic Justice

2. 7-Digit Secretary of State Entity Number

1922887

3. **Business Addresses**

a. Street Address of California Principal Office, if any - Do not enter a P.O. Box c/o SCEDC 780 Bay Blvd. Suite 204	City (no abbreviations) Chula Vista	State CA	Zip Code 91910
b. Mailing Address of Corporation, if different than item 3a 2295 McKnight Drive	City (no abbreviations) Lemon Grove	State CA	Zip Code 91945

4. **Officers**

The Corporation is required to enter the names and addresses of all three of the officers set forth below. An additional title for Chief Executive Officer or Chief Financial Officer may be added, however, the preprinted titles on this form must not be altered.

a. Chief Executive Officer/ Address Alan 1380 Montera Street	First Name Paul	Middle Name RIDLEY	Last Name Chula Vista	State CA	Zip Code 91913	Suff.
b. Secretary Address George 2295 McKnight Drive	First Name GASTIL	Middle Name	Last Name Lemon Grove	State CA	Zip Code 91945	Suff.
c. Chief Financial Officer/ Address John 2259 East Banyon Place	First Name Ted	Middle Name Gwartney	Last Name Anaheim	State CA	Zip Code 92806	Suff.

5. **Service of Process** (Must provide either Individual OR Corporation.)**INDIVIDUAL** — Complete Items 5a and 5b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is not a corporation) Alan	Middle Name Paul	Last Name RIDLEY	Suff.
b. Street Address (if agent is not a corporation) - Do not enter a P.O. Box 1380 Montera Street	City (no abbreviations) Chula Vista	State CA	Zip Code 91913

CORPORATION — Complete Item 5c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) — Do not complete items 5a or 5b

6. **Common Interest Developments**

Check here if the corporation is an association formed to manage a common interest development under the Davis-Stratton Common Interest Development Act (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). See Instructions.

7. The information contained herein, including in any attachments, is true and correct.

June 20, 2021
DateAlan Paul RIDLEY
Type or Print Name of Person Completing the FormPresident
Title

Signature

Attachment 6

KUMI-FM 89.9 Antenna Installation

Date of Installation: July 10th, 2019

I arrived at the KUMI-89.9 FM site on Hot Springs Mountain San Diego County, CA, (about 6km east of downtown Warner Springs, CA). The plan was to mount a Model PSIFMY-1A-DA ,1 bay, 4 element directional Yagi antenna according to FCC construction permit BNPED-20071022AEZ and documentation provided by PSI Antennas, the company that furnished the antenna proof of performance.

The construction permit prescribes a directional antenna pattern that is produced by the use of customized PSI yagi antennas. The proof demonstrates the measured antenna pattern, taking into account the individual mounting scenario as detailed by the permittee to PSI prior to testing on a range.

Within the setup, the antenna is to be mounted horizontally pointing 220 deg True on a 2" diameter mast.

I arrived on site together with the installers. The Surveyor Vincent Januszewski showed up on site and set up his transit. The installer Martin Eder worked with him to roughly align and then finely adjust the antenna orientation per the construction permit. Surveying on established a Geodetic Azimuth baseline using 2 positions obtained from 20 minute GPS static sessions process through the "online positioning user service" (OPUS) with an Epoch 50 GPS/GNSS unit from this baseline a true bearing was established to determine the Azimuth for the PSI Yagi antenna to be 220° from true North (+/-30 minutes).

In total:

-The 1 bay array was installed and an RF cable with N type connectors was connected between the transmitter and the antenna.

-The antennas were mounted on a 2" mast as modeled by PSI, a low level structure to stabilize the mast. 4 guy wires attached to the top of the mast. The guy wires were tied to ground stakes placed at about 30 ft from the mast. No other antennas were mounted on the mast, consistent with the proof of performance.

-The antenna was mounted with the center of radiation of 10 meters +/- 2 m above average ground level, as specified on the construction permit.

Measured Antenna Pattern

The Antenna Pattern has been measured by the Antenna manufacturer PSI with a 1/3 model and the certification of the pattern along with other details is in Attachment 9B. PSI assures the measured pattern fits within the envelope pattern. The envelope pattern was shown to comply with 50% coverage within the original construction permit application. The measured pattern was entered into RF Investigator software by engineering consultant Michael D. Brown and found to cover 56.6% of the community of license by land, and 62% of the population, conforming to 47 CFR Section 73.515 (see **Attachment**).

ERP Calculation Check

Cable: ABR 25400FNM-75 (75 feet of LMR400 equivalent coax)

23 m = 0.9 db total loss at 89.9 MHz

Antenna: 8.46 db gain

ERP: 300 watts = 24.771 dBW

$24.771 + 0.9 - 8.46 = 17.211$

$17.211 \text{ dBW} = 52.6 \text{ w}$

= 53 w TPO

Validation

I, Dr. Raghavan Jayakumar, certify that the report above, on behalf of the applicant, to be accurate and true to the best of my knowledge. My background is that I am an accomplished experimental physicist having worked on large Particle Accelerators and Detectors and Nuclear Fusion devices. In my work, I have had to work with many RF sources and antennas including microwave devices. I have been practicing Radio Engineering in the Western United States for more than 10 years in FM stations. This background is seen as qualified as the overseeing engineer for these purposes.



Dr. Raghavan Jayakumar

July 11th, 2019

Attachment 7



Federal Communications Commission
Washington, D.C. 20554

June 24, 2021

In reply refer to: 1800B3-VM

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Activist San Diego
P.O. Box 5631
San Diego CA 92165

Re: **KUMI(FM), Ramona, CA**
Facility ID No. 176023
Operational Status Inquiry

Dear Licensee:

It has come to our attention that FM Station KUMI, Ramona, California (Station), licensed to Activist San Diego (ASD) may have been silent or operating with unauthorized facilities for over a year. However, Commission records show that the Station is licensed and operating. Pursuant to section 73.1740 of the Commission's Rules, ASD is required to clarify this matter in writing within thirty days of the date of this letter.

On October 13, 2020, two complaints were filed against the Station, one by the Pala Band of Mission Indians and the Southern California Tribal Chairman's Association,¹ and the other by Ray Chuparossa, Chairman of the Los Coyotes Band of Cupeño and Cahuilla Indians (Los Coyotes).² Each complaint alleges that there is no station at the location specified in the Station's license; specifically, there is no transmitter, tower, or antenna at the coordinates specified in File No. BLED-20190715AAA.³ They further note that if such a station existed, it would have been constructed without the permission of the landowner, the Los Coyotes Band of Cupeño and Cahuilla Indians. Los Coyotes states that it was approached by ASD in the past with a proposal to construct a station on the reservation, and Los Coyotes rejected the proposal because they decided that ASD's efforts were not in the best interests of the tribe or the community. Los Coyotes states that they denied ASD access or permission to develop a station anywhere on the reservation.

Based on this information, it appears that the Station may have been silent (or failed to operate with authorized facilities) for more than one year. Pursuant to Section 312(g) of the Communications Act of 1934, as amended, **if a broadcast station fails to transmit broadcast signals with its authorized facilities for any consecutive 12-month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term, or condition of the license to the contrary, except that the Commission may extend or reinstate such station license to promote equity and fairness.**⁴

¹ *Complaint*, Pala Band of Mission Indians and the Southern California Tribal Chairman's Association (Oct. 13, 2020).

² *Complaint*, Ray Chuparossa, Chairman of the Los Coyotes Band of Cupeño and Cahuilla Indians (Oct. 13, 2020).

³ *See* File No. BLED-20190715AAA (granted on July 19, 2019).

⁴ 47 U.S.C. §312(g). The Commission has exercised its discretion under section 312(g) to extend or reinstate a

ASD must provide evidence documenting the Station's operational status since July 19, 2019. This evidence must indicate the location, effective radiated power and antenna height above ground level for **all periods of operation** from July 19, 2019, to the present. Also include copies of all leases, personnel records (including payroll records appropriately redacted to protect the privacy of individual employees), engineering records, and station records, including EAS logs, and all correspondence (including emails and text messages) relating to the Station for that period of time. In addition, you must provide copies of all invoices, bills, checks written or received, credit card charges, wire transfers or deposits of funds relating to the Station's operation.⁵ **ASD must also include pictures** of the Station's studio facilities and transmission facilities during this timeframe, and provide exact coordinates for the Station's transmitter site.

We also note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the Station's towers shall be maintained.⁶

All submissions must be addressed to Marlene S. Dortch, Secretary, FCC 45 L Street N.E., Washington, DC, 20554, and **sent via email ONLY**, to Victoria.McCauley@FCC.gov.

Failure to respond to this letter within the specified time will result in adverse actions jeopardizing both the Station's license and call letters. If you have any questions concerning the content of this letter, please contact Victoria McCauley, Attorney, by phone at (202) 418-2136 or via e-mail at the address above.

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

station's expired license "to promote equity and fairness" only in limited circumstances where a station's failure to transmit a broadcast signals for 12 consecutive months is due to compelling circumstances that were beyond the licensee's control. *See e.g., A-O Broad. Corp.*, Memorandum Opinion and Order, 23 FCC Rcd 603, 617, para. 27 (2008) ("This limited, discretionary provision is phrased as an exception to the general rule that most affected licenses will be forfeited").

⁵ In addition, if the Station uses accounting software to maintain financial records, provide printouts of the data recorded for this period.

⁶ *See* 47 CFR §§ 17.6 and 73.1740(a)(4).

Attachment 8

KUMI / ASD
4246 Wightman Avenue
San Diego, CA 92105

July 19, 2021

RE: Relinquishing FCC broadcast license for 89.9 FM Ramona, CA

Federal Communications Commission - FM License Division
45 L Street NE
Washington, DC 20554

We received a letter from the FCC on June 30, 2021. We learned that last October 13, 2020, the Tribal Chairmen's Association and the Chairman of Los Coyotes filed complaints with the FCC related to KUMI 89.9 FM. This was the first time that we were aware of these complaints, so for that reason had not replied earlier.

We understand from their complaint that Tribal Chairmen's Association, a 501c3, similar to ASD/KUMI, is interested in obtaining this frequency to cover adjacent locations.

Activist San Diego as the license holder to KUMI 89.9 FM Ramona, CA offered to transfer the license to the non-profit Tribal Chairmen's Association. Having heard nothing in return from the Association and wanting to avoid any perceived dispute, we have decided to relinquish our ownership of the frequency and the FCC license.

With this letter Activist San Diego as the license holder to KUMI 89.9 FM voluntarily relinquishes our FCC broadcast license for 89.9 FM, Ramona, CA hoping to serve the greater good.

If you have any questions, please do not hesitate to call 619-871-9354.

Respectfully,

Martin Eder

Martin Eder – Acting General Manager and Board member
619-871-9354 info@KNSJ.org
CC: John Fox / Rez Radio , Tribal Chairmen's Association

Attachment 9

Melodie Virtue

From: Todd Urick <todd@commonfrequency.org>
Sent: Monday, July 19, 2021 9:22 PM
To: John Fox; Martin Eder
Subject: Re: To the Tribal Chairmen's Association: RE: Relinquishing FCC broadcast license for 89.9 FM Ramona

Follow Up Flag: Follow up
Flag Status: Flagged

I dont even think you need to say anything much. The more you say, the more theyre going to ask questions what is going on in regards to anything illegal or circumventing FCC protocol/rules. A simple 2 sentences of:

Activist San Diego, nonprofit licensee KUMI 89.9 FM, Facility ID XXXX, Ramona, CA, by this letter to the FCC Secretary, hereby relinquishes the NCE license of KUMI (FM) upon the date of this letter. The facility has ceased broadcast and will not be returning to the airwaves.

XXXX

cc: (people you're supposed to respond to regarding the letter)
On Monday, July 19, 2021, 06:01:14 PM PDT, Martin Eder <activistsd@gmail.com> wrote:

KUMI / ASD
4246 Wightman Avenue
San Diego, CA 92105

July 19, 2021

RE: Relinquishing FCC broadcast license for 89.9 FM Ramona, CA

Federal Communications Commission - FM License Division
45 L Street NE
Washington, DC 20554

We received a letter from the FCC on June 30, 2021. We learned that last October 13, 2020, the Tribal Chairmen's Association and the Chairman of Los Coyotes filed complaints with the FCC related to KUMI 89.9 FM. This was the first time that we were aware of these complaints, so for that reason had not replied earlier.

We understand from their complaint that Tribal Chairmen's Association, a 501c3, similar to ASD/KUMI, is interested in obtaining this frequency to cover adjacent locations.

Activist San Diego as the license holder to KUMI 89.9 FM Ramona, CA offered to transfer the license to the non-profit Tribal Chairmen's Association. Having heard nothing in return from the Association

and wanting to avoid any perceived dispute, we have decided to relinquish our ownership of the frequency and the FCC license.

With this letter Activist San Diego as the license holder to KUMI 89.9 FM voluntarily relinquishes our FCC broadcast license for 89.9 FM, Ramona hoping to serve the greater good.

If you have any questions, please do not hesitate to call 619-871-9354.

Respectfully,

Martin Eder

Martin Eder – Acting General Manager and Board member

619-871-9354 info@KNSJ.org

CC: John Fox / Rez Radio , Tribal Chairmen's Association

Certificate of Service

I, Melodie A. Virtue, an attorney with Foster Garvey PC, hereby certifies that a copy of the foregoing “Informal Objection” was served this date by via email to the following:

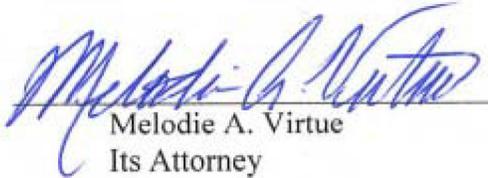
Albert Shuldiner, Chief
Audio Division, Media Bureau
Albert.Shuldiner@FCC.gov

James Bradshaw, Senior Deputy Chief
Audio Division, Media Bureau
James.Bradshaw@FCC.gov

George Gastil, Center for Economic Justice
georgegastil@gmail.com

Raghavan Jayakumar
Board member, Foundation for Economic Justice
say_cheese74@yahoo.com

Todd Urick
Independent Technical Consultant
todd@commonfrequency.org


Melodie A. Virtue
Its Attorney

January 25, 2022