

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

In re: Application of	)	
	)	
Park Public Radio, Inc.	)	
	)	
For Construction Permit for a Minor	)	FCC File No. 0000142335
Modification of License for	)	Facility ID No. 196131
Low Power FM Station KPPS-LP	)	
	)	
	)	
In re: Application of	)	
	)	
Central Baptist Theological Seminary of	)	
Minneapolis	)	FCC File No. 0000142489
	)	Facility ID No. 202408
For Minor Change to FM Translator Station	)	
K250BY, Plymouth, MN	)	
	)	
	)	

To: Chief, Mass Media Bureau

**REPLY TO SECOND REQUEST FOR EXPEDITED DECISION**

Central Baptist Theological Seminary of Minneapolis (“Central Baptist”), by its attorneys, and pursuant to Section 1.41 of the Commission’s Rules, hereby files this Reply to Second Request for Expedited Decision in the above captioned files.<sup>1</sup> Central Baptist filed a Second Request for Expedited Decision on February 4, 2022, requesting that the Commission issue a decision regarding the above captioned applications. Park Public Radio (“PPR”) filed an Opposition to Second Request for Expedited Treatment (“Opposition”) on February 14, 2022. Central Baptist now briefly responds to some of PPR’s allegations in its Opposition.

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<sup>1</sup> 47 C.F.R. § 1.41.

## **I. The Claims in PPR's Opposition are Irrelevant and Unsupported**

PPR makes several irrelevant and unsupported claims in its Opposition. First, none of PPR's arguments suggest a reason why the Commission should continue to further delay in issuing an order deciding these applications. Both applications have been pending for nearly a year now, and continued delay is not in the public interest. The record has been substantially complete for over nine months, and additional time is not warranted.

Second, PPR alleges that Central Baptist will not suffer financial hardship because it can continue to operate from its current location. The ability to continue to broadcast from its current location, which is less favorable than the requested location, does not mean that paying rent for a location that Central Baptist is unable to occupy is not a hardship. Being forced to expend unnecessary funds for a location that cannot be used, and therefore does not advance its mission, is a hardship for a small 501(c)(3) such as Central Baptist.

Third, PPR again alleges that there are other transmitter sites that Central Baptist can occupy. In preparation for its application, Central Baptist conducted several extensive and costly engineering studies. None of the other proposed locations listed in PPR's Opposition would suffice for Central Baptist's purposes, a fact previously communicated to PPR. Further, even if they were useful, there is no guarantee that the cost of any of the other locations would be within Central Baptist's budget should it be forced to negotiate a new lease. Fundamentally, however, whether other locations exist in downtown Minneapolis is not a relevant factor to this proceeding.

Fourth, PPR's allegation that the parties can file petitions for review and appeals is further evidence that these applications should be swiftly decided, not, as PPR seems to argue, a motive for further delay. Further delay in deciding these petitions only means further delay in reaching final determination of the issues in this case.

Fifth, PPR alleges that Central Baptist is not a small 501(c)(3) because it reviewed the annual IRS 990 submission's for its parent organization. The numbers cited in PPR's Opposition are for the entire Seminary, which serves a global initiative, training future religious leaders across the United States and the globe through five different degree programs.<sup>2</sup> The radio station itself, however, is only a small part of its budget and the station, as well as the Seminary as a whole, frequently is operated at a loss.<sup>3</sup> A closer look at the Central Baptist 990s over several years would have revealed that only a small portion of the income is attributable to the radio. While PPR states that the most recent 990 shows a "profit", just a little more diligence would have revealed a recent loss, suggesting that one year's small "profit", balances another's loss, inappropriate as those terms may be for a non-profit organization. Thus, the numbers cited by PPR are irrelevant to the instant applications.

Finally, PPR reiterates its argument that dismissal of the application will likely mean KPPS-LP would have to shut down, again without any support for the claim. PPR has admitted that KPPS-LP's transmitter is located on the president's real property. PPR has provided no evidence to suggest that this fact in and of itself will result in the station going off air. Even if PPR decides to sell the station, PPR has proffered no reason why the future PPR licensee could not come to an agreement with its current president to continue to have the station remain at its current location. Nothing about KPPS-LP's current location inherently means that the station will be forced to go off air should PPR be unable to relocate as proposed in the instant application.

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<sup>2</sup> See *About Central*, Central Baptist Theological Seminary, <https://centralseminary.edu/about-central/> (last accessed 2/17/2022); *Programs*, Central Baptist Theological Seminary, <https://centralseminary.edu/programs/> (last accessed 2/17/2022).

<sup>3</sup> Central Baptist also notes that as a non-profit organization, none of the funds cited by PPR are "profits." They are all used in furtherance of Central Baptist's mission, training future religious leaders.

## **II. Settlement is Unlikely**

As both Central Baptist and PPR have indicated, settlement in this case is unlikely. Central Baptist acknowledges that PPR has made more than one settlement offer, however, in each instance, the offer was vastly in excess of the amounts permitted under the Commission's rules.<sup>4</sup> Attempts to reach an agreement that would comply with the Commission's rules were unsuccessful, resulting in another request for expedited treatment.

In addition, Central Baptist has provided PPR with studies suggesting proposed alternatives to PPR's current application; PPR has rejected the proposals. Thus, while there have been many attempts at resolving this dispute, none has succeeded in a mutually agreeable solution.

## **III. PPR's Proposed Solutions are Not Viable**

In its Opposition, PPR also reiterated several alternatives that it alleges can resolve this dispute. As has been stated several times, Central Baptist extensively explored those suggestions with its engineers and determined that they would not work. As PPR has not provided its studies or analysis to Central Baptist, it cannot compare methodologies to determine what PPR is using to come to these conclusions, but as Central Baptist has explained to PPR multiple times, Central Baptist's consulting engineer has run several different studies, including considering the current location, alternate locations, arrangements and equipment alternatives at these various locations, but no scenario yielded a viable option. Thus, despite PPR's fervent statements to the contrary, Central Baptist cannot change the laws of physics to make one of these locations a true alternate option to resolve this dispute.

Central Baptist notes that it will continue to explore alternative options in the hopes that a new solution will appear. At this time, however, no such alternative is available.


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<sup>4</sup> See 47 C.F.R. § 73.3525.

Accordingly, Central Baptist respectfully requests that this matter be designated a priority and promptly proceed to decision.

Respectfully submitted,

CENTRAL BAPTIST THEOLOGICAL SEMINARY  
OF MINNEAPOLIS

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Dated: February 22, 2022

## **CERTIFICATE OF SERVICE**

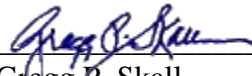
I, Gregg P. Skall, with the law firm of Telecommunications Law Professionals PLLC, do hereby certify that a true and correct copy of the foregoing "Reply to Second Request for Expedited Consideration" was served by U.S. mail, first class, postage-prepaid on the 22nd day of February, 2022, on the following individuals:

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Gregg P. Skall