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In the matter of:

Des Moines Community Broadcasting

787928

0000233097

## SUPPLEMENT

Pursuant to §73.3587 of the Commission's Rules, REC Networks ("REC") supplements our previously filed *Informal Objection* in the above captioned proceeding with the following information based on the applicant's subsequent actions.<sup>1</sup>

On February 23, 2024, Des Moines Community Broadcasting ("DMCB") filed an amendment to the above captioned original construction permit application. In that amendment, they included a generic "Articles of Incorporation" document.

The document uploaded does not indicate in which state they are a corporation and the document does not bear any stamps from the Secretary of State of any state to even demonstrate that this "form" was even filed.

In the alternate, the applicant fails to demonstrate that DMCB is an unincorporated association by not including a letter signed by a local attorney licensed to practice in the state where the applicant proposes to operate, the citation and text of a state statute permitting unincorporated entities including some explanation of how and when the applicant, prior to filing the application, satisfied the requirement for an unincorporated association under state law.<sup>2</sup>

A search of the Iowa Secretary of State website indicates that DMCB has filed for incorporation on February 12, 2024. As the corporation was not recognized by the state until after the close of the filing window on December 15, 2023, the applicant is not qualified to be a noncommercial educational broadcast station at the time of filing thus not meeting the eligibility requirement of §73.853(a) of the Commission's Rules.<sup>3</sup>

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<sup>1</sup> 47 CFR §73.3587 ("The limitation on pleadings and time for filing pleadings provided in §1.45 of the rules shall not be applicable to objections duly filed under this section.")

<sup>2</sup> See also *Fondren Community Voices*, Letter, 30 F.C.C. Rcd. 3003 (MB, 2015) (additional citations omitted).

<sup>3</sup> 47 CFR §73.853(a); See *Malibu Emergency and Community Broadcasters, Inc.*, Memorandum Opinion and Order, 30 FCC Rcd. 7705 (2015) ("As the Bureau correctly concluded, the Secretary of State of California did not recognize MFM to be legally in existence as a nonprofit corporation until December 26, 2013, over a month after MFM filed its subject LPFM application. Accordingly, MFM was not legally in existence when it filed its application, thus failing to meet the eligibility requirement set forth in Section 73.853(a).") citing *Applications for Review of Decisions Regarding Six Applications for Low Power FM Stations*, Memorandum Opinion and Order, 28 FCC Rcd. 13390, 13396 (2013).

In light of the events that transpired since REC's filing of our *Informal Objection* in the above captioned proceeding, we sustain our original position that DMCB does not meet the eligibility requirements of §73.853(a) of the Commission's Rules.

Respectfully submitted,

/S/

Michelle Bradley, CBT  
REC Networks

February 28, 2024

*Pursuant to staff request, a copy of this pleading will be served via email to the applicant.*