

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	
Application of QXZ MediaWorks LLC	)	Application File No. 0000221244
FM Station KQXZ, Facility ID 762373	)	
Richland Springs, Texas	)	
	)	
For License Covering Construction Permit	)	

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

**OPPOSITION OF QXZ MEDIAWORKS LLC**

On March 29, 2024, G&G Enterprises filed an informal objection, Pleading File No. 0000242618, to a grant of the above-captioned application. QXZ MediaWorks LLC, by its counsel, herewith submits its opposition to the informal objection, and on the basis of the following, respectfully requests that it be dismissed.

QXZ is a new entrant in the broadcasting industry. It was the successful bidder on the construction permit for new FM facilities at Richland Springs, Texas, MM-FM1150-A, in FM Broadcast Auction 109. The Commission granted the Richland Springs construction permit December 15, 2021.

Robert Lee, the sole member of QXZ, is a committed broadcaster who wishes to bring a new transmission service to the Texas Hill Country. It has been his lifelong career objective to enter into broadcast ownership. See Declaration of Robert Lee, attached. In pursuing the FM facilities authorized at Richland Springs, Mr. Lee reached the conclusion that the community would provide an insufficient economic base to support a commercial broadcast station. He determined that a relocation of the station to Adamsville would hold a greater likelihood of

financial success, by serving a substantially greater population than would a Richland Springs station.

Mr. Lee is personally familiar with this region of the state, which includes San Saba County, in which Richland Springs is located, and adjacent Lampasas County, in which Adamsville is located. He currently resides in the county seat of Lampasas.

At Mr. Lee's direction, QXZ's consulting engineer Donald Lynch prepared a comprehensive showing in support of the relocation of the Richland Springs facility to Adamsville. The application for modification of construction permit was filed August 31, 2022. The Commission accepted and proposed the change to Adamsville in November 2022.<sup>1</sup> No comments on the proposal were filed by the January 27, 2023, deadline, and the Commission granted the modification October 20, 2023.

While the Adamsville modification was pending, the Commission staff informally advised QXZ that before it could be granted, the Richland Springs facility would have to be built, and an application for license would have to be filed.

Mr. Lee set about construction of the Richland Springs facilities. He states:

The mayor of Richland Springs gave me reasonable assurance that the town water tower would be made available as a site for mounting an antenna at the time I filed the auction application. Later, the mayor changed his mind, due to concerns about potential damage to the tower. Mr. Lynch and I then had to find another antenna-siting location, which was difficult in the small community. We finally were able to make arrangements with a residential homeowner to rent space and place our antenna on a formerly-used, outdoor TV antenna tower/pole.

As Mr. Lynch states, the authorized facilities were constructed in accordance with the terms of the construction permit. See Engineering Statement of Donald Lynch, attached.

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<sup>1</sup> *Radio Broadcasting Services; AM or FM Proposals To Change the Community of License*, 87 Fed.Reg. 72992 (November 28, 2022).

Construction occurred on September 18th, 2023. The following equipment was installed and is located at the address of 405 Old San Saba Road in Richland Springs:

BW Broadcast TX-300 FM transmitter  
 50 ft. of foam coaxial cable  
 OMB MP one bay circular polarized FM antenna  
 Computer with programming  
 Mixer board  
 Optimod 8100A audio processor  
 Sage Digital Endec Model 3644 EAS Alerting System  
 Inovonics 638 Sitestream HD FM Receiver (tuned to EAS station KOXE 101.3 MHz, Brownwood, TX)

All equipment is mounted in two equipment racks. The transmitter was tested and found to be operating properly. The facilities were constructed in accordance with the underlying construction permit.

QXZ filed the Richland Springs license application on September 22, 2023. Upon the subsequent grant of the Adamsville modification application, QXZ began detailed and lengthy discussion and negotiation with American Tower for a lease of space on its tower. Mr. Lee states that they reached agreement within the past several weeks, so that the next steps toward construction of the Adamsville facilities can now be pursued. He states:

To this point I have invested around \$10,000 on FCC, engineering, and legal fees, along with other business and incidental costs to advance the development of this new FM station. The steps I have taken and the plans I have for the FM station have been open and above-board, with the knowledge and cooperation of the Commission staff.

KQXZ will serve an area currently underserved, an area with which I am personally familiar. I am totally committed to this FM radio station project and look forward to becoming a first-time owner-operator. I believe my efforts demonstrate my earnestness in seeing this dream to a successful conclusion.

G&G Enterprises claims the Richland Springs facilities have not been constructed in accordance with the underlying construction permit. This is not true, as related by Messrs. Lee and Lynch.

G&G Enterprises claims the antenna height is not correct and would violate RF radiation standards. This is not true. As Mr. Lynch explained:

After equipment tests were completed, the transmitter was turned off and the mast the antenna was attached to was lowered a few feet. The equipment has remained in place since that day. If required to operate, the antenna would be extended upward to a height between seven and 10 meters above ground level, where the maximum RFR level would be less than 200  $\mu\text{W}/\text{cm}^2$  as required by the Commission's OET Bulletin Number 65.

G&G Enterprises charges QXZ with misrepresentation and makes the reckless claim that QXZ's course in bringing new FM facilities on the air "smacks of an abuse of process and a fraud."<sup>2</sup> This is absurd. QXZ has proceeded competently, earnestly, genuinely, and in good faith, with the knowledge and cooperation of the Commission staff, to deliver a new FM broadcast service to an underserved area.

On the basis of the foregoing, the Informal Objection should be dismissed.

Respectfully submitted,

**QXZ MEDIAWORKS LLC**



By: John Wells King  
Its Counsel

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April 25, 2024

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<sup>2</sup> Informal Objection, at 7.

## DECLARATION OF ROBERT LEE

The undersigned, Robert Lee, does hereby declare and state the following:

I am the sole member of QXZ MediaWorks, LLC. I formed QXZ to advance my journey in radio broadcasting, by participation in FCC Auction 109. I was the successful bidder for the Richland Springs construction permit, MM-FM1150-A.

It has been my lifelong career objective to enter into broadcast ownership. I received my B.A. degree in Radio-Television from the University of Houston in 1995. After starting out on the air at a station in Galveston, I eventually switched to the business side of operations as an Account Executive, in advertising sales.

In pursuing the Richland Springs facility, I reached the conclusion that the community would provide an insufficient economic base to support a commercial broadcast station. I determined that a relocation of the station to Adamsville would hold a greater likelihood of financial success, by serving a substantially greater population than would a Richland Springs station.

I am familiar with the region known as the Texas Hill Country, which includes San Saba County, in which Richland Springs is located, and adjacent Lampasas County, in which Adamsville is located. I currently reside in the county seat of Lampasas.

My consulting engineer, Don Lynch, prepared a comprehensive showing in support of the relocation of the Richland Springs facility to Adamsville. The Commission accepted and proposed the change to Adamsville in November 2022. Then the Commission staff informally advised us that before the Adamsville proposal could be granted, the Richland Springs facility would have to be built, and an application for license would have to be filed.

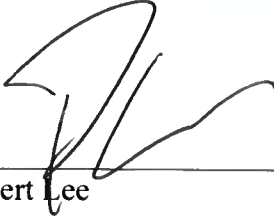
So I began to pursue construction at Richland Springs. The mayor of Richland Springs gave me reasonable assurance that the town water tower would be made available as a site for mounting an antenna at the time I filed the auction application. Later, the mayor changed his mind, due to concerns about potential damage to the tower. Mr. Lynch and I then had to find another antenna-siting location, which was difficult in the small community. We finally were able to make arrangements with a residential homeowner to rent space and place our antenna on a formerly-used, outdoor TV antenna tower/pole.

The KQXZ facilities at Richland Springs are a functional radio station. They were built and successfully tested, and, as the Commission staff had advised us, have been covered with a license application.

I am pursuing construction of the Adamsville facilities. I have been working with American Tower to secure antenna space on the Adamsville tower. In the past couple of weeks American Tower and I reached agreement for a lease. With that approval, the other tasks needed to get the station built should proceed relatively quickly, with an eye toward the December 15, 2024, expiration date of the construction permit.

To this point I have invested around \$10,000 on FCC, engineering, and legal fees, along with other business and incidental costs to advance the development of this new FM station. The steps I have taken and the plans I have for the FM station have been open and above-board, with the knowledge and cooperation of the Commission staff.

KQXZ will serve an area currently underserved, an area with which I am personally familiar. I am totally committed to this FM radio station project and look forward to becoming a first-time owner-operator. I believe my efforts demonstrate my earnestness in seeing this dream to a successful conclusion.



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Robert Lee

Date: April 24, 2024



### **Engineering Statement**

This engineering statement was prepared by Horizon Broadcast Solutions, LLC on behalf of QXZ MediaWorks LLC ("QXZ"). QXZ was the winning bidder for MM-FM1150-A, Channel 235A, Richland Springs, Texas in FCC FM Broadcast Auction 109 which was completed on August 12, 2021. QXZ amended its long form construction permit application 0000158484 to specify Channel 285A. The construction permit was granted on December 15, 2021.

On August 31, 2022, QXZ filed an application to modify the construction permit, to change the community of license to Adamsville. After informal consultation with the Commission staff, QXZ determined to build out its facilities at Richland Springs and to apply for license covering construction permit, as a prerequisite to approval of the community of license change.

The original proposed antenna location was on a water tower owned by the City of Richland Springs. When QXZ approached the city about building the construction permit and placing the antenna on the water tower, they declined. QXZ was forced to seek a different transmit location for the construction permit. After considerable searching another location was identified and a rental agreement was made with a local resident. A CP modification application was filed on June 8, 2023, to move KQXZ to the new location and the CP was granted on August 11, 2023. The equipment required for construction was acquired. Construction occurred on September 18<sup>th</sup>, 2023. The following equipment was installed and is located at the address of 405 Old San Saba Road in Richland Springs:



BW Broadcast TX-300 FM transmitter  
50 ft. of foam coaxial cable  
OMB MP one bay circular polarized FM antenna  
Computer with programming  
Mixer board  
Optimod 8100A audio processor  
Sage Digital Endec Model 3644 EAS Alerting System  
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All equipment is mounted in two equipment racks. The transmitter was tested and found to be operating properly. The facilities were constructed in accordance with the underlying construction permit. After equipment tests were completed, the transmitter was turned off and the mast the antenna was attached to was lowered a few feet. The equipment has remained in place since that day. If required to operate, the antenna would be extended upward to a height between seven and 10 meters above ground level, where the maximum RFR level would be less than  $200 \mu\text{W}/\text{cm}^2$  as required by the Commission's OET Bulletin Number 65.

The covering license application was filed on September 22, 2023, to satisfy the requirements as informally advised by the Commission staff, to enable the community of license modification to be granted.

The KQXZ CP modification at Adamsville, TX, was granted on October 20, 2023. Since that date QXZ has been involved in a lengthy technical process to mount the antenna on a tower near Adamsville. This has delayed construction of the Adamsville construction permit by several months. QXZ and American Tower recently reached an agreement for a satisfactory location on the Adamsville tower and construction should be completed in due course.

The Commission has routinely accepted city of license change applications, including new stations acquired in the auction process. There was no attempt by QXZ to mislead the Commission or anyone about their planned changes to the facility.



Donald Lynch  
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(830) 377-9358  
don@horizonbroadcastsolutions.com

April 23, 2024

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 25th day of April 2024, a copy of the foregoing pleading titled "Opposition of QXZ MediaWorks LLC " has been served by first class U.S. mail, postage prepaid, or \*by email delivery, to the following:

Anne Goodwin Crump  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17th Street – Eleventh Floor  
Arlington VA 22209

\*Albert Shuldiner  
Chief, Audio Division  
Media Bureau  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554

A handwritten signature in blue ink that reads "John Wells King". The signature is written in a cursive, flowing style.