

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

In re Application of)	
)	
HOPE CHRISTIAN CHURCH OF MARLTON, INC.)	FRN 008003261
For Translator Station Renewals)	FCC File No. 0000073651
Lead Call Sign W241AO)	
)	
)	
)	

To: Marlene H. Dortch, Secretary
Federal Communications Commission

Attn: Media Bureau, Audio Division
(Filed Electronically)

OPPOSITION TO INFORMAL OBJECTION

Hope Christian Church of Marlton, Inc. (“Hope”) hereby submits its Opposition to the Informal Objection that Triangle Access Broadcasting, Inc. (“Triangle”) filed September 25, 2019 with respect to the grant of the above-referenced application (“Application”) for renewal of licenses of nine of Hope’s FM translators. Triangle objected to the grant of the Application, incorrectly alleging that Hope’s translators are not exempt from FCC application fees. Triangle also alleged that Hope should not be exempt from regulatory fees despite Hope’s status as a nonprofit entity.

Triangle argued that Hope’s translators should have to pay a license renewal application fee because the Hope translators in question retransmit commercial primary stations. However, Section 1.1116(c) of the FCC’s rules makes clear that application fees shall not be required for “Applicants,

permittees or licensees of noncommercial educational (NCE) broadcast stations.”¹ Hope is a noncommercial educational licensee² and therefore it is irrelevant that its translators retransmit commercial stations. Further, Hope has always filed its license and license renewal applications as a noncommercial educational licensee and indicated that it is therefore exempt from paying applications fees. The Commission has never rejected any of Hope’s applications because of this nor charged Hope application fees based on the primary stations its translators carry. Should the Commission have felt that Section 1.1116(c) of the rules only exempted translators that rebroadcast noncommercial stations, it easily could have addressed the issue or could have rejected Hope’s past applications. It did not do so, thereby indicating that it also understands the rules to exempt from application fees all translators licensed to NCE entities, regardless of the primary stations their translators carry.

Triangle also argues that Hope should not be exempt from regulatory fees because its translators are rebroadcasting commercial stations. But Section 1.1162(c) of the FCC’s rules specifically states that no regulatory fees shall be required for “Applicants and permittees who qualify as nonprofit entities”³. The rule goes on to define nonprofit entities as those entities which are tax exempt under section 501 of the Internal Revenue Code, 26 U.S.C. 501. As a church, Hope is so exempt. Triangle’s argument that Hope’s translators should have to pay regulatory fees

¹ 47 C.F.R. § 1.1116(c).

² WRSM, Facility ID No. 173256, Rising Sun, Maryland; WVBV, Facility ID No. 122809, Medford Lakes, New Jersey; WWFP, Facility ID No. 122933, Brigantine, New Jersey; WZBL, Facility ID No. 176010, Barnegat, New Jersey; and WZWG, Facility ID No. 173248, West Grove, Pennsylvania.

³ 47 C.F.R. § 1.1162(c)

because they rebroadcast commercial stations is inaccurate. The rule exempts nonprofit entities from regulatory fees regardless of whether they are operating commercial stations or not.

Hope's license renewal applications comply with the FCC's rules and are consistent with the regular practice of the Commission exempting non-profit educational entities from paying application and regulatory fees. Triangle has stated no rule or practice to the contrary, and Hope asks the Commission to DENY Triangle's Informal Objection and GRANT Hope's above-referenced license renewal applications.

HOPE CHRISTIAN CHURCH OF MARLTON, INC.

By: /s/ Matthew H. McCormick
Matthew H. McCormick
Its Counsel

Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street, 11th Floor
Arlington, Virginia 22209
703-812-0400

October 15, 2019

CERTIFICATE OF SERVICE

I, Joan P. George, an assistant in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that a true copy of the *Opposition to Informal Objection* was mailed via USPS this 15th day of October, 2019 to the following:

Steven L. White
Director
Triangle Access Broadcasting, Inc.
7813 Highlandview Cir.
Raleigh, NC 27613-4109

/s/ Joan P. George

Joan P. George