

FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

*Informal Objection file # 105222,
Stations KMTL(AM), K249FE, and K260DT*

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

REPLY TO OPPOSITION TO INFORMAL OBJECTIONS

We, Edward J Vega and Oscar Reyes, representing ourselves, hereby reply to the Opposition to the informal objections filed with the Commission, by ESTATE OF GEORGE V. DOMERESE, TIMOTHY DOMERESE, ADMINISTRATOR and their attorney. With respect to the pending application of Domerese for renewal of licenses for Stations KMTL(AM) and K249FE the following is stated:

First and foremost, my name is Edward Vega, and I am getting involved since I have been falsely accused in the previous reply filed by the parties mentioned above, I am aware of everything being alleged in the Informal Objection filed by my employee Oscar Reyes, since I helped him put it together because his English skills are not sufficient to write a formal letter. I have to emphasize that our initial intention was to get the licensees to comply with the FCC rules, to turn the power down since this was directly affecting our sales (We have a Full Power Station in the same area, and they were competing with our signal by knowingly turning up the power of a Translator, in order to sound as strong as our station, but with rates 80% cheaper than us) we'll do anything within our power to protect our 2M+ Investment from unethical business practices.

We made several attempts to communicate with the FCC between February and March without any success, on May after almost half a year of seeing all type of violations committed by the stations operators, and not having any response at all from the FCC, we decided to file the Informal Objection. **Not a Petition to Deny**, and Not because we wanted to hurt their business, but because it was our last alternative to the problem.

We decided to file the Informal Objection under Mr. Reyes's name, because he has the integrity and knowledge! He has been our Little Rock station Manager for 10 years and has been in the radio business for over 20, but mainly because he was able to physically video record the multiple violations since the beginning of the year, and could testify the time, date and location stamped on the video recording. As well as the stations either being off the air or broadcasting the wrong signal, by manually switching the radio channels while recording and saving it for proof if needed.

I have never (to my knowledge) met Mr. Dominguez, I don't know what his intentions would've been by filing another claim, the only thing I can say is that we received several emails from him since the beginning but didn't reply to any of them, and frankly if we would had wanted more people complaining, we could just have (without any trouble) used several other people who is also aware of the situation, our other employees for example! But by reading the letters sent by the stations operators, one thing is clear, Mr. Dominguez has been intimidated to the point he had to drop his case.

Reply to KMTL-AM, KTUV-AM, K260DT and K249FE Allegations

(1) The informal objections ever were served upon the licensee or its Contact Representative for KMTL. This also is a fatal defect. As the Commission stated recently:

Failure to serve in itself renders a pleading defective and subject to dismissal. *See* 47 CFR § 1.106(f) (requiring service of petitions for reconsideration); *see also* *Petition for Limited Clarification of Frontline Wireless, LLC*, WT Docket No. 17-153, Order, 24 FCC Rcd 14899, 14900, para. 3 (2009) (citing failure to serve petition for reconsideration as alternative ground for dismissal); *Thomas K. Kurian and AMTS Consortium, LLC*, File No. 0002196859, Second Order on Further Reconsideration, 22 FCC Rcd 20970, 20971, para. 3 (WTB MD 2007) (similar); *D&I Electronics, Inc.*, Order, 16 FCC Rcd 15243, 15249, para. 15 (WTB PSPWD 2001) (dismissing petition for reconsideration due to failure to serve); *Application of Sherry Rullman*, File No. 12903-CM-P-83, Memorandum Opinion and Order, 8 FCC Rcd 4012, 4012-13, para. 6 (1993) (explaining that service of process affords interested parties an opportunity to be heard and thus failure to provide service as required by Commission rules renders pleading procedurally defective); *AT&T & Associated Bell System Cos.*, Docket No. 19129, Memorandum Opinion and Order, 27 F.C.C.2d 914, 915, para. 6 (1971) (dismissing petition for stay in part on the ground that it was not properly served on other parties in a hearing as required under 47 CFR § 1.211). *William L. Zawila, Permittee of FM Station KNKS, Coalinga, California*, 34 FCC Rcd 13049, 13051, n.12 (2019).

All Parties involved were Served or Notified by email by FCC Attorney Tom Hudson on Tuesday May 19th @8:09 AM CST from his federal email) Tom.Hutton@fcc.gov

Cc: kwxt1490am@yahoo.com <kwxt1490am@yahoo.com>; dja@commlaw.tv <dja@commlaw.tv>; sima@provide.net <sima@provide.net>; John Trent <fccman3@shentel.net>

Subject: Informal Objections to License Renewal Applications for KMTL(AM) and K249FE, Sherwood, AR (File No. 0000105222) and KTUV(AM) and K260DT, Little Rock, AR (File No. 0000101513)

“I hereby direct the licensees to respond to the informal objections on or before June 10, 2020. In the event of a failure to respond by either licensee, its application will be dismissed pursuant to 47 C.F.R. § 73.3568(a)(1).”

Tom Hutton”

2.- The Naum Dominguez objection is apparently fraudulent and is being withdrawn by the objector. The actual person bearing the name “Mr. Naun Dominguez” at La Opinion News has been contacted, and in a statement made under penalty of perjury, he clearly states:

No Comments.

3.- Questions have been raised about the Reyes informal objection, as well. According to a phone call initiated by Mr. Carlos Moron (a principal of the proposed assignee of Station KMTL(AM) (File No. BAL-20180711AAO)), the Reyes informal objection was in actuality filed by Edward J. Vega, licensee of Station KOLL(FM). Mr. Moron states:

Mr. Reyes also mentioned that “I am not agree with these types of emails because it is not my business. I did not send or signed any email to the FCC. He told me that he (Edward J. Vega) will be sending an email under my name because I am his Radio Station General Manager and because he is paying me a check.” [Reyes] told me that Mr. Reyes stated emphatically that [had] not created, signed or sent any document or email.

* * *

After contacting both, Mr. Dominguez of Mr. Reyes, we found out that these requests of claims were created by one person using other people’s names without their consent. In other words, they are fictitious complaints that both people who are listed in the emails have expressed that they were not responsible for sending those emails. Attachment 2. Sufficient questions have been raised in this case concerning the legitimacy of the complaints so that unless and until the two objectors can prove their identities, the objections should be disregarded as clearly fraudulent in nature.

The Reyes’s Informal Objection is Legit and was submitted according to FCC Rules, with the consent and wiliness of Oscar Reyes as shown on the signed letter uploaded with the Objection. Even when it is fully understood that after an Objection is filed, the parties involved should not contact the other without properly including the FCC and all parties involved, Mr. Reyes was contacted by phone and confronted by Mr. Albino Gutierrez for filing the Objection, a clear violation to the rule, Furthermore: Mr. Reyes **NEVER** met with Mr. Carlos Moron to discuss his involvement with the complaint as Mr. Moron describes on his email dated May 24 2020 ***“Mr. Reyes accepted a meeting in person with us in which a piece of audio was collected”*** and directed to FCC Attorney Tom Hutton (which didn’t include Mr. Reyes either), said statement is completely false!

4.- Mr. Reyes first claims that “K260DT (97.7 FM) [was] assigned to station KMTL-AM (760AM).” Reyes Informal Objection, ¶ 1. That never was true. Station K260DT has *always* been associated with a different station (owned by a different licensee), KTUV(AM). See File No. BNPFT-20180130AAW. Mr. Reyes also notes that KTUV(AM) has been off the air “since the end of February,” yet also claims that “K249FE has been broadcasting the signal of the wrong primary station KTUV-AM for almost three months...” (Reyes Informal Objection, ¶ 4) which, of course, would be literally impossible because KTUV(AM) was silent during that period of time.² Reyes also claims that “K249FE was always over power.” Reyes Informal Objection at ¶ 3. Finally, Reyes accuses K249FE of “broadcasting as a stand alone station for the past couple of days.” Reyes Informal Objection,

These allegations are false. Attached is a Declaration under penalty of perjury of Mr. Albino Gutierrez which definitively refutes these claims. Mr. Gutierrez states:

I personally oversee the programming on Station KMTL(AM) and K249FE. It has been claimed that FM Translator K249FE has rebroadcasting the signal of KTUV(AM) “for almost three months.” Not only is that not true, it would be impossible. I am familiar with the programing and operations of KTUV(AM). Station KTUV(AM) suffered transmitter problems in February 2020, and has been totally off the air since March 6, 2020. There is no way that K249FE could, even if it wanted to, broadcast KTUV(AM)’s programming, since KTUV(AM) has been literally off the air. At no time has K249FE rebroadcast KTUV(AM). Moreover, at no time has K249FE broadcast in excess of its licensed TPO (400 watts) and ERP (250 watts). KMTL(AM) was off the air for a period of three days, from March 6, 2020 to March 8, 2020, due to transmitter problems. Due to a misunderstanding based on instructions from an engineer, K249FE continued to broadcast what would have been KMTL(AM)’s programming on those days. I have been instructed that such origination of programming when a parent AM station is silent was improper, and it will not occur again. Attachment 3.

Mr. Reyes never claimed that K260DT was on the 97.7 FM Channel, he knows that K260DT is on the 99.9 dial, and knows perfectly that the Translator is assigned to KTUV-AM, his claim is that KTUV-AM used translator K249FE to rebroadcast it's programming while KMTL was OFF THE AIR (**See Letter uploaded with Informal Objection**), as shown in the multiple videos taken by him, attached to this email reply, which would also be mailed to all parties via USB memory stick.

Mr. Reyes Nowhere in his letter claims that KTUV(AM) has been off the air since the end of February, on the other hand he noted that translator K260DT assigned to KTUV(AM) has been off the air since March, *(that was probably the reason why KTUV(AM) used K249FE to rebroadcast their programming)*; moreover, he has proof that KTUV(AM) was on the air, while Mr. Gutierrez "declared" the station has been silent since March 6, 2020.

We have video recordings showing that K249FE was the only station (of the 4 mentioned here) on the air, the day the Informal Objection was filed, actually it continued operating as a stand alone for several days more.

According to your reply, you are relying on your information and the expertise of Mr. Albino Gutierrez to deny Mr. Reyes's statement, but Mr. Gutierrez, under penalty of perjury accepts and was aware that:

1.- "KTUV-AM started having transmitter problems at the **end of February**, was completely **Off the air from March 6th to date**", *(He later on his statement declares that KMTL was also Off the air on the same date of March 6th, around the time that Mr. Reyes declares that KTUV-AM could be heard on both translator while KMTL-AM was off the air, BIG coincidence! Since this 2 transmitters are in completely different locations)* then Birach Broadcasting Corporation claims on their opposition letter that, a STA was filed until **May 22, 2020**, just two days after Mr. Reyes's filing, and 80 days after the KTUV-AM "supposedly" became silent! *(Same time when "by coincidence" Mr. Reyes also claims K249FE was broadcasting as a stand alone station)*. Obviously Mr. Gutierrez is not a knowledgeable or reliable person to trust on operating a radio station.

On May 22, 2020 KTUV-AM files Silent STA - **BLSTA-20200522AAO**

Narrative says "ON MARCH 6, 2020 THE LICENSEE EXPERIENCED A CATASTROPHIC FAILURE OF ITS TRANSMITTER. THE LICENSEE IS PRESENTLY DETERMINING WHETHER THE TRANSMITTER CAN BE REPAIRED OR IF IT MUST BE REPLACED. UNDER THE CIRCUMSTANCES, THE LICENSEE RESPECTFULLY REQUEST 180 DAYS IN WHICH TO REMAIN SILENT."

Same applies to Translator K260DT

ESTATE OF GEORGE V. DOMERESSE, TIMOTHY DOMERESSE, ADMINISTRATOR, claims at all times that KMTL-AM has always been on air with the exception of March 6-8 (Videos Show that KMTL-AM has been off the air for long periods of time and station KTUV-AM was being used as the Primary station for translator K249FE, also their STA filings show that KMTL-AM has been running at 10% of their capacity since 07/12/2018 because of transmitter problems (one year before translator K249FE was assigned to the station) see BLSTA-20180712AAD, BSTA-20190225ABA, BESTA-20200522AAA, yet they had time and money to invest on the translator instead of investing on the Primary station first, making it obvious that their intentions are to use the translator in the city of Little Rock instead of covering the city of license located in Sherwood Arkansas several miles north; furthermore, translators were issued by the FCC as an effort to revitalize the AM broadcasting service, not to replace the AM station.

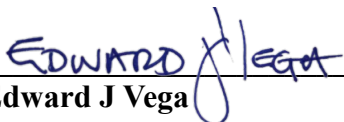
Pursuant to Revitalization of the AM Radio Service, Notice of Proposed Rule Making, 28 FCC Rcd 15221, 15227, para. 14 (2013), and First Report and Order, 30 FCC Rcd 12145, 12154, para. 17 and n. 43 (2015), the permittee and any successor in interest (licensee, transferee, or assignee) shall be subject to the following restrictions:

- (1) this facility may only, in perpetuity, be used to rebroadcast the authorized facilities of the AM primary station set forth in this construction permit, except that it may also originate nighttime programming if the AM primary station set forth in this construction permit is not authorized regular nighttime service, and then only during periods of the broadcast day when the primary AM station is not regularly authorized to operate;
- (2) if the AM primary station is operating with reduced facilities, this cross-service FM translator facility may only operate if its coverage contour conforms to the limits set forth in 47 CFR Section 74.1201(g) as applied to the reduced facilities of the AM primary station

As I mentioned in my opening statement, all we wanted was for the accused stations to comply with FCC regulations, They brought my name up falsely accusing me, when they were the ones to be accused of violations and unethical business practices. Since their license renewal hasn't yet been granted, please accept this as my **Informal Objection** to the license renewals mentioned at the top of this letter, I hope the FCC would make the right decision.

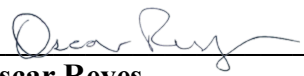
I declare, under penalty of perjury, that all statements made by me on this letter are true and correct.

Respectfully submitted,



Edward J Vega

2323 S. Old Missouri Rd
Springdale, AR 72764
479-756-8686
June 20, 2020



Oscar Reyes

9500 Interstate 30
Little Rock, AR 72209
501-224-1063
June 20, 2020

CERTIFICATE OF SERVICE

I, Edward J Vega, do hereby certify that a true copy of the foregoing “Informal Objection” and USB Memory card containing evidence videos, was send via first class U.S. Mail, postage prepaid, this day June 26th 2020 to the following:

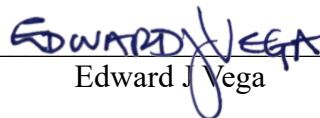
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