

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the matter of)	
)	
K223CW Construction Permit)	0000159318
)	
K223CW STA Request)	BSTA-20210913AAO
)	
K223CW License Renewal)	0000142845
)	
)	Facility ID 148239
)	

INFORMAL OBJECTIONS

General Technical and Historical Discussion	2
Additional Matters Specific to the STA	6
Matters Specific to the Construction Permit	6
Living Way non-population Waiver	6
Flawed Data	7
Increased Interference	7
Matters Specific to the SDK Renewal	8
Inaccurate Statements	8
Copy of Exhibit 12 from BSTA-20210913AAO	10
Affirmation	12
Certificate of Service	12

IGLESIA CENTRO DE LIBERACION (ICL) licensee of KJJG-LP hereby objects to SDK Franco's (SDK) Request for Special Temporary Authority BSTA-20210913AAO (SDK STA); to SDK's contemporaneous construction permit application 0000159318 (9/13 CP); and to SDK's license renewal 0000142845 (SDK Renewal). Statements in SDK's contemporaneous Opposition (SDK Opposition) to a petition by Centro Cristiana de Vida Eterna against their license-renewal, provide support for the STA and 3/19 CP so ICL has consolidated this response.

ICL has standing by virtue of being in the same city on the same channel as K223CW. ICL is adversely affected by K223CW's interference, which diminishes our listenership and imperils our viability.

SDK Franco's pending 3/19 CP and STA essentially duplicate the facilities sought by BPFT-20170407AAY against which our unresolved interference objection exists. We respectfully request that decisions regarding SDK's 3/19 CP and STA proceed after the pleading and interference issues are resolved.

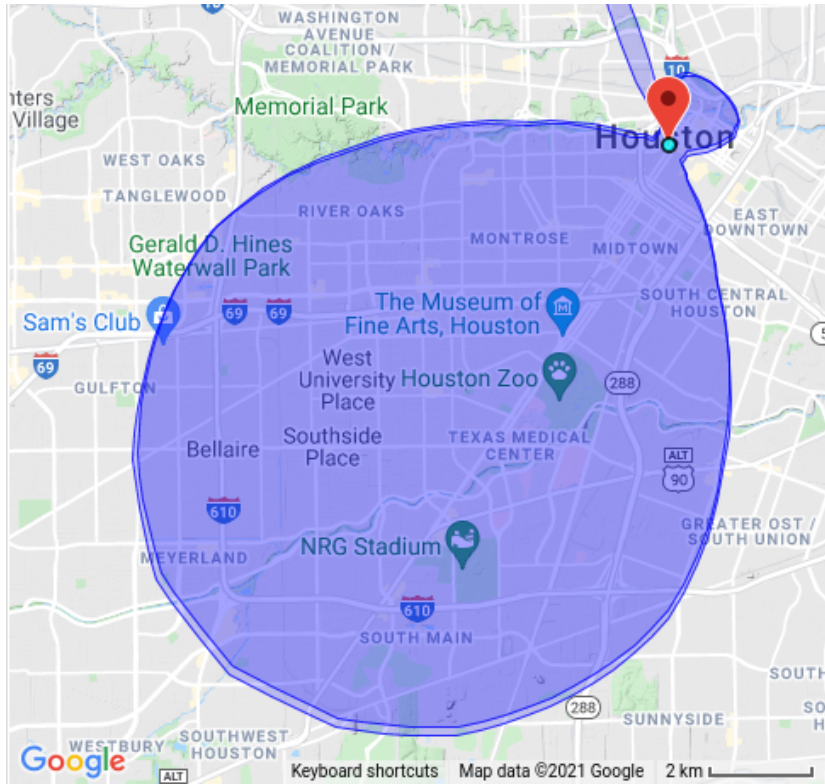
Troubling inaccuracies in SDK's STA exhibit 12 discussion¹, and the SDK Objection from which it is drawn, which is also a justification for the 3/19 CP, may affect the veracity of the arguments within, and we request that they be considered in the Commission's decisions regarding the SDK CP and STA.

General Technical and Historical Discussion

The facilities proposed by SDK's pending STA and construction permits are essentially identical² to those of BPFT-20170407AAY, as shown in the figure which superimposes the proposed STA 60dBu f(50,50) contour upon that of BPFT-20170407AAY.

¹ A convenient copy of STA exhibit 12 is included in this document.

² BPFT-20170407AAY proposes 30 watts ERP atop the Wells Fargo building utilizing a Scala CL-FM directional antenna with a 220-degree main lobe. The pending STA and CP propose 28 watts ERP atop the same building, with a minor height change, using the same antenna pointed in the same direction.



On May 4, 2020 ICL petitioned to deny SDK's 4/20/2020 application 0000112788 for a license to cover construction permit BPFT-20170407AAY, primarily citing concerns of increased interference. We simultaneously filed the same concerns as an Informal Objection to BPFT-20170407AAY.

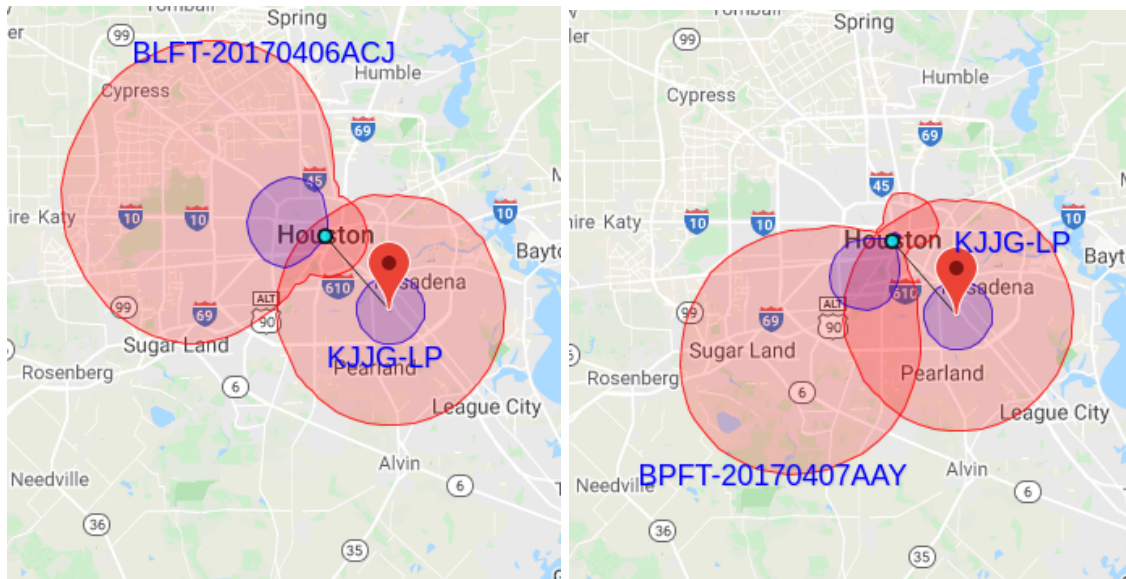
Increased interference is demonstrated by the next figure, which shows the interference and service contours of the licensed K223CW³ and proposed contours from BPFT-20170407AAY, and also shows the interference and service contours for KJJG-LP.

³ CDBS and LMS changed at some point, probably due to CDBS-to-LMS transition difficulties. They mistakenly show this wide lobe pointed toward 220 degrees rather than 290 degrees as originally specified. This may be verified by consulting the construction permit covered by the present license, BPFT-20170317ABB.

Interference contours are shown in light red, and service contours in darker blue.

K223CW as licensed.

K223CW as proposed.



We reiterate our March 2020 argument⁴ which applies also to these same facilities currently proposed in the SDK STA and 3/19 CP.

KJJG-LP is concerned that operation according to K223CW construction permit BPFT-20170407AAY will increase interference to listeners of KJJG-LP [...]

KJJG-LP listeners experience interference from K223CW as currently licensed. The construction permit utilizes the same location as the licensed location and rotates the main lobe toward, and increases contour overlap with KJJG-LP, so there is a risk that interference will get worse. We are concerned that the “directional antenna [...] proposed for the purpose of providing protection to another facility⁵”, namely KJJG-LP, may continue to cause, or even increase interference to KJJG-LP’s listeners.

⁴ Excerpted without footnotes from our March 4, 2020 Informal Objection.

⁵ 74.1235(i)

We respectfully request that the Commission address the concerns above before authorizing either a license or program-test authority for K223CW

The March 4, 2020 pleadings appear to have been effective. License-to-cover 0000112788 LMS status is “Pending, In-Active” and was never granted. BPFT-20170407AAY remains “Granted, Active” well past its expiration date.

Our primary objective is to end severe interference from K223CW. To this end, in January 2019 we filed a 74.1203 translator-interference complaint via an Informal Objection against the licensed facilities (BLFT-20170406ACJ). A colorful pleading history accumulated, but without resolution. Interference from K223CW continues, adversely affecting the viability of KJJG-LP.

Our May 4, 2020 Objection referred to our January 2019 interference complaint: “This interference is the subject of an unresolved complaint filed previously by KJJG-LP”⁶. We hope that suffices to transfer 74.1204(e) responsibility to SDK Franco⁷.

SDK Franco is responsible for resolving our pending May 4, 2020 Informal Objection, reproduced in part above, because they were the licensee at that time, and they claim ownership of BPFT-20170407AAY⁸. SDK appears to agree with this responsibility, since their STA and the SDK Objection both mention an interference complaint⁹, resolving interference¹⁰, and resolving an interference complaint¹¹.

⁶ March 4, 2020 Informal Objection footnote 6

⁷ If it is procedurally useful and not just a waste of paper, we are prepared to re-file our pleadings from the January 2019 interference complaint as a new Informal Objection to BLFT-20170406ACJ.

⁸ SDK STA paragraph 1, SDK Objection

⁹ “AN INFORMAL OBJECTION THAT WAS FILED BY THE LICENSEE OF A LOW POWER FM STATION, CLAIMING INTERFERENCE WITH RESPECT TO THE FACILITIES PROPOSED IN THE APRIL 2020 LTC APPLICATION.” from the STA and SDK Objection

¹⁰ “TO RESOLVE THE INTERFERENCE WITH THE LPFM STATION”, STA and SDK Objection

¹¹ “THE LOW POWER FM STATION DID NOT FILE ANY OBJECTION [...] SO IT STANDS TO REASON THAT THE FACILITIES SET FORTH IN THIS REQUEST [...] SHOULD BE ACCEPTABLE TO THE LPFM COMPLAINANT AND THE COMMISSION.”, STA and ADK Objection

Additional Matters Specific to the STA

GRANT OF THIS STA REQUEST WOULD SERVE THE PUBLIC INTEREST BECAUSE IT WILL ALLOW THE STATION TO CONTINUE SERVING THE LISTENING PUBLIC IN HOUSTON AND THE SURROUNDING AREAS WITHOUT INTERRUPTION.¹²

This vague allusion to an interruption does not justify why Special Authority is necessary. The requested facilities are at the same location and power and use the same antenna¹³ as the currently-licensed facilities, so there is no obvious hardship or necessity for the requested STA¹⁴

The Commission once took action on identical facilities and we reiterate our concern that the proposed facility will increase interference contrary to 74.1203. Our March 2020 interference Objection to these facilities is unresolved. For these reasons we respectfully request that the SDK STA application be denied.

Matters Specific to the Construction Permit

Living Way non-population Waiver

The 9/13 CP calculates the extent of the antenna's U/D rear lobe penetrating the building which addresses one of our prior concerns regarding BPFT-20170407AAY. It also notes the height of a floor above which the "public" is not permitted, whose height we agree would satisfy a non-population requirement for the waiver.

Non-population does not just apply to "the public" however. If the building maintenance manager, or someone else with access to the restricted areas, performs office work on a floor higher than the "public" floor, that higher floor's height must be considered.

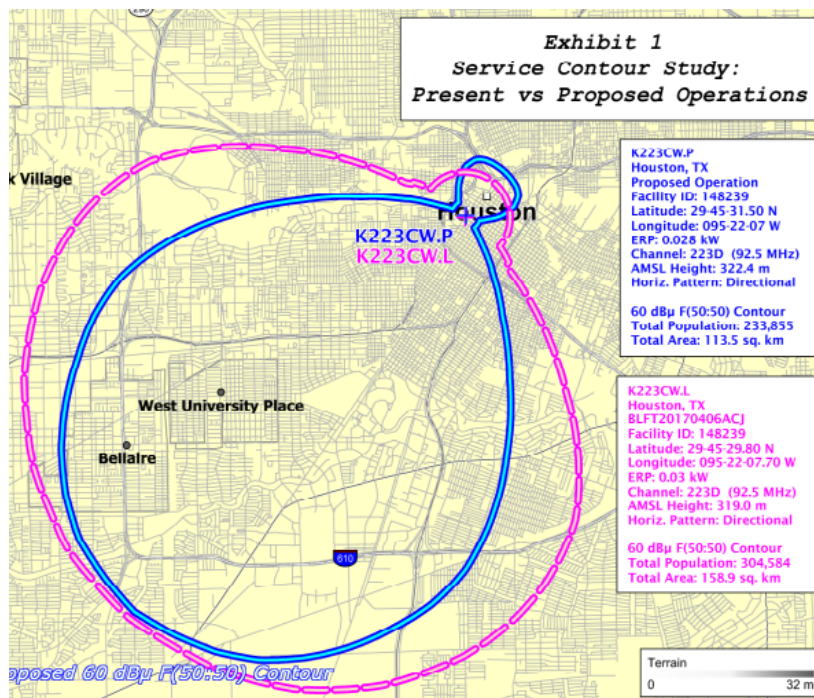
¹² SDK STA of 3/19/2021

¹³ To be precise, the licensed facilities require 2 Scala CL-FM antennas, whereas the proposed facilities only require a single Scala CL-FM antenna.

¹⁴ 73.1635(a)(1)

Flawed Data

The 9/13 CP shows in exhibit 1 (reproduced in part below) the inaccurate licensed service contour consistent with current, flawed LMS data. From the figure, one could erroneously surmise that the proposal might reduce interference to KJJG-LP by switching from the broad pattern to the narrower one. However the correct direction of that broad lobe is 290 degrees, roughly Northwest, as shown in an earlier figure, and does not support a conclusion of reducing interference to KJJG-LP.



Increased Interference

Our March 4th, 2020 interference concerns remain undimmed with respect to these facilities first proposed by BPFT-20170407AAY and we refer the reader to our summary earlier in this document. It is apparent to us from accurate depictions of the contours that this proposal brings K223CW's interference contour much closer to KJJG-LP than the licensed facility. Since KJJG-LP is already experiencing prohibited interference from the safer contour, and continues to experience interference, the admitted technical correctness of the proposed contour does not allay our concern that interference will increase.

The Commission once took action on identical facilities and we've reiterated our concern that the proposed facility will increase interference contrary to 74.1203. We respectfully request that the SDK 3/19 construction permit application be denied or decision delayed until interference objections are resolved.

Matters Specific to the SDK Renewal

Our May 2020 Petition to Reconsider the decision to grant BALFT-20200108AAX questions the legality of the transfer and raises character issues¹⁵ (in more than one pleading). Since the matter isn't resolved, SDK's renewal should not have certified a lack of character issues¹⁶.

Our May 4, 2020 Informal Objection to BPFT-20170407AAY alleges violations of 74.1203. Since this isn't resolved, SDK's renewal should not have certified a lack of FCC violations.

We therefore respectfully request that the Commission deny SDK's renewal application.

Inaccurate Statements

We note several statements from the SDK STA and SDK Objection, some of which refer to ICL, or characterize ICL, or don't match the facts; and some troubling omissions. We hope this may be useful in evaluating those documents.

All upper-case indented text below is shared in common and identical between the STA, and the SDK Objection prepared by counsel.

TO RESOLVE THE INTERFERENCE WITH THE LPFM STATION, ON MARCH 1, 2021,
SDK FILED A LICENSE MODIFICATION APPLICATION TO REMOVE THE

¹⁵ “[...] look more deeply at a pattern and practice of character policy and other regulatory violations that could lead to serious consequences for both Centro Cristiano and its proposed assignee, SDK Franco. These include misrepresentation and lack of candor, among other things”, REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION (OR IN THE ALTERNATIVE, INFORMAL OBJECTION), BALFT-20200108AAX, 6/8/2020, paragraph 8

¹⁶ By counsel, under oath.

DIRECTIONAL ANTENNA SYSTEM (FILE NO. 0000137403, THE MARCH 2021 MODIFICATION APPLICATION).

For the record, ICL's station KJJG-LP is "the LPFM station".

This statement is plainly inconsistent with the record. 0000137403 (3/1 MOD) does not "remove the directional antenna" -- it specifies a Scala CL-FM directional antenna just like BPFT-20170407AAY. Responsive pleading no. 0000138201 filed 3/9/2021 by Centro Cristiana de Vida Eterna also shows the directional antenna pattern as part of their argument that using a modification-of-license application was improper.

SDK undermines their "remove the directional antenna" statement by later saying that the 3/1 MOD is similar to both their pending STA and pending construction permit which both clearly specify directional antennas.

SDK's engineer probably produced directional-antenna engineering for the pending SDK 9/13 CP, and provided technical certification for the STA, and one can reasonably assume is familiar with the ill-fated 3/1 MOD. That person would know that the "remove the directional antenna" statement in the STA is false.

It is misleading to suggest that the 3/1 MOD was filed "to resolve interference with" KJJG-LP¹⁷. It sought approval for facilities virtually identical to BPFT-20170407AAY which we charged in March 2020 would increase interference. This statement about resolving interference is inconsistent with the record.

It is lax enough that it strains credulity, that a licensee, represented by experienced professionals, intending to resolve outstanding interference, would omit a technical showing to that effect in either the SDK 9/13 CP or as a supplement to the BPFT-20170407AAY record. Nor did they propose a settlement which would be consistent with resolving interference.

¹⁷ Based on erroneous LMS data as of this writing, as shown in the 9/13 CP Exhibit 1, it *appears* that the proposed directional pattern would reduce interference in KJJG-LP's direction by comparison to the erroneous licensed pattern, however it would be a stretch to claim that proposal resolves interference compared to the erroneous licensed pattern..

IMPORTANTLY, THE LOW POWER FM STATION DID NOT FILE ANY OBJECTION AGAINST THE MARCH 2021 MODIFICATION APPLICATION, SO IT STANDS TO REASON THAT THE FACILITIES SET FORTH IN THIS REQUEST (AND THE MARCH 2021 MODIFICATION APPLICATION AND NOW THE SEPTEMBER 2021 MODIFICATION APPLICATION) SHOULD BE ACCEPTABLE TO THE LPFM COMPLAINANT AND THE COMMISSION¹⁸.

A lack of filed objection, especially during a pandemic, does not signal assent, as is implied above. It is insulting for counsel to (mis)characterize our intent based on such flimsy logic. Our objection to these facilities has long been on the record.

It is difficult for a modest, nonprofessional LPFM station to keep track of the voluminous paperwork concerning K223CW, including redundant for disputed facilities¹⁹. The claim about our lack of objection leans toward Marie-Antoinette's insensitive advice to "let them eat cake".

ICL's identity, our specific complaints, their statuses, and the corresponding citations are troublingly and conspicuously absent from SDK's 3/19 submissions.

Copy of Exhibit 12 from BSTA-20210913AAO

AS OF APRIL 17, 2020, THE DATE ON WHICH SDK FRANCO LLC ('SDK') ACQUIRED K223CW ('STATION'), SDK ALSO ACQUIRED AN OUTSTANDING CONSTRUCTION PERMIT THAT THE PRIOR LICENSEE HAD PREPARED AND FILED ASSOCIATED WITH THE STATION (FILE NO. BPFT-20170407AAY). ON APRIL 27, 2020, SDK FILED AN APPLICATION FOR A LICENSE TO COVER THAT CONSTRUCTION PERMIT (FILE NO. 0000112788, THE APRIL 2020 LTC APPLICATION).

THE APRIL 2020 LTC APPLICATION REMAINS PENDING, IN PART BECAUSE OF AN INFORMAL OBJECTION THAT WAS FILED BY THE LICENSEE OF A LOW POWER FM

¹⁸ SDK STA, SDK Objection

¹⁹ And ironic that the instant filing(s) add to the burden.

STATION, CLAIMING INTERFERENCE WITH RESPECT TO THE FACILITIES PROPOSED IN THE APRIL 2020 LTC APPLICATION.

TO RESOLVE THE INTERFERENCE WITH THE LPFM STATION, ON MARCH 1, 2021, SDK FILED A LICENSE MODIFICATION APPLICATION TO REMOVE THE DIRECTIONAL ANTENNA SYSTEM (FILE NO. 0000137403, THE MARCH 2021 MODIFICATION APPLICATION). UNFORTUNATELY, THE MARCH 2021 MODIFICATION APPLICATION WAS FILED ON THE IMPROPER FORM IN LMS. INSTEAD OF SELECTING MINOR MODIFICATION OF LICENSED FACILITY (FM TRANSLATOR) IN LMS, SDK SELECTED MODIFICATION OF LICENSE (FM TRANSLATOR), A SIMPLE MISTAKE, OWING TO THE SIMILARITIES OF HOW THE FORMS ARE LABELED IN LMS.

SDK NOW HAS CORRECTED THE INNOCENT MISTAKE (FILE NO. 0000____, THE SEPTEMBER 2021 MODIFICATION APPLICATION), AND, BY THIS REQUEST, IS SEEKING SPECIAL TEMPORARY AUTHORITY TO ALLOW THE STATION TO OPERATE WITH THE FACILITIES SET FORTH HEREIN (WHICH SUBSTANTIALLY MIRROR THE FACILITIES SET FORTH IN THE MARCH 2021 MODIFICATION APPLICATION AND THE SEPTEMBER 2021 MODIFICATION APPLICATION) UNTIL THERE IS COMMISSION APPROVAL OF THE SEPTEMBER 2021 MODIFICATION APPLICATION AND AN APPLICATION FOR A LICENSE TO COVER THEREOF.

IMPORTANTLY, THE LOW POWER FM STATION DID NOT FILE ANY OBJECTION AGAINST THE MARCH 2021 MODIFICATION APPLICATION, SO IT STANDS TO REASON THAT THE FACILITIES SET FORTH IN THIS REQUEST (AND THE MARCH 2021 MODIFICATION APPLICATION AND NOW THE SEPTEMBER 2021 MODIFICATION APPLICATION) SHOULD BE ACCEPTABLE TO THE LPFM COMPLAINANT AND THE COMMISSION.

GRANT OF THIS STA REQUEST WOULD SERVE THE PUBLIC INTEREST BECAUSE IT WILL ALLOW THE STATION TO CONTINUE SERVING THE LISTENING PUBLIC IN HOUSTON AND THE SURROUNDING AREAS WITHOUT INTERRUPTION.

Affirmation

I, Paul Bame, affirm that the information presented here is true and accurate to the best of my knowledge.



Paul Bame

Consultant to Iglesia Centro de Liberación
Prometheus Radio Project, Engineering Director
POB 42158, Philadelphia, PA 19101
bame@prometheusradio.org

Certificate of Service

I, Paul Bame, affirm that I dispatched accurate copies of this document on September 29, 2021 to the parties below:

Michael Richards michael@michaelrichards.us
James Bradshaw James.Bradshaw@fcc.gov
Maribel Gutierrez marig2515@gmail.com

By first-class mail to:

SDK FRANCO LLC
1420 HAWTHORNE ST #15
HOUSTON, TX 77006

Justin Asher
579 Babcock Road
Bronson, MI 49028-9347



Mark Denbo, Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W.
Suite 301
Washington, DC 20016