

*Before the
Federal Communications Commission
Washington, DC 20554*

SDK FRANCO LLC

*For Modification of License
Station K223CW, Houston, Texas*

)
) **LMS File No. 0000159318**
) **Facility No. 148239**

Filed with: **Office of the Secretary**
Directed to: **Audio Division, Media Bureau**

PETITION FOR RECONSIDERATION

Centro Cristiana de Vida Eterna (“CCVE”), by its attorney, hereby files this Petition for Reconsideration with regard to the above-referenced application for Modification of Facilities (Form 2100, Schedule 349), filed by SDK Franco, LLC (SDK Franco”) on September 13, 2021 and granted on September 29, 2021. With respect thereto, the following is stated:

The application filed by SDK Franco was for modification of facilities and sought modification of SDK Franco antenna system. However, as a part of its application, it specified that as a part of its operation it would rebroadcast Station “KFNC, Mont Belvieu, Texas.” The permit issued for K223CW also reflects that Primary Station.

To the extent Station KFNC is reflected as the Primary Station in the above-referenced application for permit, the Commission’s issuance of the CP was in error, and should be rescinded.

Franco currently has pending an application for renewal of license (File No. 0000142845) as well as for Modification of License (File No. 0000137403). CCVE is a party to those proceedings. Pleadings have been filed in those cases concerning the proper Primary Station for Station K223CW, which have not been resolved by the Commission.

As among the issues in those proceedings, Station K223CW is not permitted to broadcast with Station KFNC at this time. Pursuant to the terms of *Revitalization of the AM Radio Service*,

30 FCC Rcd 12145 (2015) (“*AM Revitalization Order*”)¹, existing FM Translators were allowed to move and be paired with AM stations, provided that the existing FM Translator was initially situated within 250 miles of the location to which it desired to move. During those Modification Windows, AM Station licensees were permitted to acquire and move any currently authorized FM Translator (*i.e.*, FM Translator licenses or permits) on non-reserved commercial channels (*i.e.*, Channels 221-300, 92.1 MHz to 107.9 MHz) up to 250 miles and, to the extent necessary, change the FM translator’s channel/frequency to any non-reserved FM channel that satisfies the rules. Under the new rules, any FM Translator paired with an AM Station as a result of these Modification Windows are required to rebroadcast the AM Station specified in the Modification Window Application for a minimum of four years (exclusive of silent periods) from the date it commences service at its modified location. That period of time has not passed with respect to K223CW.

This history and timing of the 4-year restriction in this case is as follows. In this case, Station K224EI, George West, Texas, filed a modification application pursuant to the terms of the *AM Revitalization Order*, to modify its facility to Channel 223, and to serve Houston, Texas. File No. BMPFT-20160912ADA. The application proposed rebroadcasting Station KCOH(AM), Houston, Texas. The permit was granted on September 26, 2016. Attachment 1. The permit included a condition which stated:

Pursuant to Revitalization of the AM Radio Service, First Report and Order, 30 FCC Rcd 12145, 12153 para. 16 (2015), the permittee and any successor in interest (licensee) shall be subject to the following restrictions. From the grant of the construction permit and continuing until the facility has achieved four years of on-air operations rebroadcasting the primary AM station identified on this authorization, the licensee may NOT change such primary station being rebroadcast by this translator, nor may it rebroadcast another station when the primary station identified on this authorization is silent. Periods of

¹ *Revitalization of AM Radio Service*, FCC 15-142 (First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry), 30 FCC Rcd 12145 (2015); *Media Bureau Announces Filing Dates and Procedures for AM Station Filing Window for FM Translator Modifications and Availability of FM Translator Technical Tools*, DA 15-1491, 30 FCC Rcd 14690 (Dec. 23, 2015).

station silence shall not count toward the fulfillment of this four-year requirement. During this same four-year period the licensee may not assign or transfer the construction permit to another party, unless it is to the licensee of the AM station identified on this authorization or unless such assignment or transfer provides for the continuing right of the primary station to rebroadcast on the translator. Minor modifications of this authorization are permitted, provided that the translator will continue to rebroadcast the AM station for which the modification was granted.

Attachment 1 at 2 (emphasis added). An application for license to cover the facility was filed on October 20, 2016. File No. BLFT-20161020ABY.

The present application filed by SDK Franco proposed rebroadcast of Station KFNC(FM), which is a station other than Station KCOH(AM). The four-year requirement for the broadcast of AM Station KCOH(AM) has not yet been fulfilled. As seen in Attachment 1, from September 2017 to February 2020, Station K223CW rebroadcast Station KJOZ(AM). As stated in the Informal Objection filed against K223CW previously on December 18, 2020:

From September 17 to February 2020, Station K223CW rebroadcast Station KJOZ(AM). I personally monitored the station on a periodic basis during that time. The station on the FM translator clearly identified itself as “KJOZ.” The fact that KJOZ(AM) was broadcast previously is consistent with the filing made by the former licensee, where the former licensee said that station was required to rebroadcast KJOZ(AM). Attachment 2. It also should be noted that in the CP that the current licensee is trying to get granted, the current licensee ADMITS that a station other than [KCOH] is being broadcast, and claims that “KJOZ” is being rebroadcast, which is the WRONG PROGRAMMING.

From February 1, 2020, I believe Station K223CW originated programming. The type of programming it was broadcasting was RB music original programming, with no call sign from any primary station, local or otherwise. What I heard in the way of origination of programming is consistent with what the former licensee accused the current licensee of in Attachment 2.

It also should be noted that in the current license application where SDK Franco claims that KJOZ is being rebroadcast, that also is a lie. I have listened to the FM translator as recently as last week. The station being rebroadcast identified itself as KFNC, a station owned by Gow Communications in Mont Belview, Texas. That is the call letters it uses on the FM translator. I also confirmed that is the station being rebroadcast by listening to both stations, and confirming that the programming is identical.

Attachment 2. See also, Attachment 3 “Notification of Suspension of Operations” dated April 29, 2020, which also reflects that Station K223CW previously rebroadcast Station KJOZ, and that SDK Franco subsequently and prematurely changed the Primarily Station of K223CW.

Since the mandatory 4-year period for the broadcast of KCOH(AM) specified in the permit issued for K223CW on September 26, 2016 was never satisfied, to the extent this Modification of License application specified an improper Primary Station, the Commission should not permit the rebroadcast of Station KFNC at this time. SDK Franco took over control of Station K223CW in February 2020, and formally assumed ownership of the Station in April 2020, both of which were before the end of the 4-year period. By its own admission, at no time did it ever broadcast Station KCOH before the expiration of the 4-year period. This issue is still being actively litigated in the context of two other two other FCC applications, each of which were filed were filed prior to the grant of the present application. Therefore, the Bureau should not pre-decide the issue in a back-door fashion by continuing to allow Station KFNC to be specified in the Permit as the Primary Station for Station K223CW prior to a decision with respect to this very issue being reached in those two other pre-existing cases.

WHEREFORE, grant of the Modification of Facilities (Form 2100, Schedule 349) filed by SDK Franco, should be modified and/or rescinded to specify a requirement to rebroadcast a proper Primary Station.

Respectfully submitted,

**CENTRO CRISTIANO DE VIDA
ETERNA**

By: _____/Dan J. Alpert/_____
Dan J. Alpert

*The Law Office of Dan J. Alpert
2120 21st Rd., N
Arlington, VA 22201
703-243-8690*

October 31, 2021

Attachment 1



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER STATION
CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

CENTRO CRISTIANO DE VIDA ETERNA
8230 ANTOINE DR.
HOUSTON TX 77088

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility Id: 148239

Call Sign: K223CW

Permit File Number: BMPFT-20160727ACD

Grant Date: September 06, 2016

The authority granted herein has no effect on the expiration date of the underlying construction permit.

This permit modifies permit no.: BNPFT-20130826ADD

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Name of Permittee: CENTRO CRISTIANO DE VIDA ETERNA

Principal community to be served: TX-HOUSTON

Primary Station: KCOH (AM) , Frequency 1230 kHz, HOUSTON, TX

Via: Other

Frequency (MHz): 92.5

Channel: 223

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 29 deg 47 min 51 sec
 West Longitude: 95 deg 22 min 05 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules

Antenna type: (directional or non-directional): Directional

Major lobe directions 270
 (degrees true):

Horizontally	Vertically
Polarized	Polarized
Antenna:	Antenna:

Effective radiated power in the Horizontal Plane (kw):	0.01
Height of radiation center above ground (Meters):	152
Height of radiation center above mean sea level (Meters):	167

Antenna structure registration number: 1060608

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 Pursuant to Revitalization of the AM Radio Service, First Report and Order, 30 FCC Rcd 12145, 12153 para. 16 (2015), the permittee/licensee and any successor in interest (licensee) shall be subject to the following restrictions. From the grant of the construction permit and continuing until the facility has achieved four years of on-air operations rebroadcasting the primary AM station identified on this authorization, the licensee may NOT change such primary station being rebroadcast by this translator, nor may it rebroadcast another station when the primary station identified on this authorization is silent. Periods of station silence shall not count toward the fulfillment of this four-year requirement. During this same four-year period the licensee may not assign or transfer the construction permit/license to another party, unless it is to the licensee of the AM station identified on this authorization or unless such assignment or transfer provides for the continuing right of the primary station to rebroadcast on the translator. Minor modifications of this authorization are permitted, provided that the translator will continue to rebroadcast the AM station for which the modification was granted.

- 2 Prior to commencing program test operations, FM Translator or FM Booster permittee must have on file at the Commission, FCC Form 350, Application for an FM Translator or FM Booster Station License, pursuant to 47 C.F.R. Section 74.14.

Special operating conditions or restrictions:

- 3 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***

Attachment 2

Before the
Federal Communications Commission
Washington, DC 20554

SDK FRANCO LLC

)
) **File No. 0000112788**
) **Facility No. 148239**

For License to Cover Construction Permit for K223CW

Filed with: **Office of the Secretary**
Directed to: **Audio Division, Media Bureau**

INFORMAL OBJECTION

Jose Zamora hereby files this Informal Objection against this Station and this application for license for construction permit.

I am a resident of the Houston area. This station has been operating illegally for quite some time. According to the history of this station, this station originally was licensed to George West, Texas. Its 2016, in construction permit file number BMPFT-20160912ADA, it was allowed to change locations as long as it would rebroadcast KCOH(AM) for four years. "Period of silence shall not count toward fulfillment of this requirement." Attachment A.

As far as I have seen, this station has never complied with this requirement.

From September 2017 to February 2020, Station K223CW rebroadcast Station KJOZ(AM). I personally monitored the station on a periodic basis during that time. The station on the FM translator clearly identified itself as "KJOZ." The fact that KJOZ(AM) was broadcast previously is consistent with the filing made by the former licensee, where the former licensee said that station was required to rebroadcast KJOZ(AM). Attachment 2. It also should be noted that in the CP that the current licensee is trying to get granted, the current licensee ADMITS that a station other than KHOU is being broadcast, and claims that "KJOZ" is being rebroadcast, which is the WRONG PROGRAMMING.

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also confirmed that is the station being rebroadcast by listening to both stations, and confirming that the programming is identical. It also should be noted that K223CW is licensed as a fill-in translator. Even if the restriction existing on the FM translator for primary station did not exist, KFNC would not qualify as a "fill-in" since the translator is outside the FM translator's 60 dBu contour. See the REC maps in Attachment 3.

Since the pending application specifies an improper Primary Station and is operating at an improper power with that primary station, the license to cover should be denied.

This information is this is made under penalty of perjury.

Respectfully submitted,

Jose Zamora

13310 Indianapolis St.
Houston, TX 77015
832-264-0250

December 18, 2020

This is being served on:

Francisco T. Montero
Fletcher Heald & Hildreth PLLC
1300 N 17th St.
Suite 1100
Arlington, VA 22209

A handwritten signature in black ink, appearing to read 'Jose Zamora', with a large, stylized initial 'J'.

Barry Friedman
Thompson Hine
1919 M St., NW
Suite 700
Washington, DC 20036

Gow Media
Suite 415
53535 West Alabama
Houston, TX 77056

Attachment A



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FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER STATION
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Special operating conditions or restrictions:

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*** END OF AUTHORIZATION ***

Attachment 2

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Notification of Suspension of Operations Read Instructions/FAQ before filling out form		FOR COMMISSION USE ONLY FILE NO.

Section I - General Information

1.	Legal Name of the Applicant CENTRO CRISTIANO DE VIDA ETERNA		
	Mailing Address 8230 ANTOINE DR.		
	City HOUSTON	State or Country (if foreign address) TX	Zip Code 77088 -
	Telephone Number (include area code) 7138758728		E-Mail Address (if available) APOSTOLGUEVARA@GMAIL.COM
	Call Sign K223CW	Facility ID Number 148239	
2.	Contact Representative (if other than licensee/permittee) DAN J. ALPERT		Firm or Company Name THE LAW OFFICE OF DAN J. ALPERT
	Mailing Address 2120 N. 21ST RD.		
	City ARLINGTON	State or Country (if foreign address) VA	ZIP Code 22201 -
	Telephone Number (include area code) 7032438690		E-Mail Address (if available) DJA@COMMLAW.TV
3.	Purpose: <input checked="" type="radio"/> Notification of Suspension of Operations <input type="radio"/> Notification of Suspension of Operations and Request for Silent STA <input type="checkbox"/> Request for Silent STA <input type="checkbox"/> Request to Extend STA <input type="checkbox"/> Resumption of Operations		
4.	Community of License: City: HOUSTON State: TX		
5.	Reason for going silent: <input type="checkbox"/> Technical <input type="checkbox"/> Financing <input type="checkbox"/> Staffing <input type="checkbox"/> Program Source <input checked="" type="radio"/> Other		
6.	Please provide a justification for the request		[Exhibit 4]
7.	Date Station will go silent: 02/01/2020 (mm/dd/yyyy)		
8.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.		<input checked="" type="radio"/> Yes <input type="checkbox"/> No

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
---	--

MARTIN GUEVARA	PRESIDENT
Signature	Date (mm/dd/yyyy) 04/29/2020

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 4

Description: SILENT NOTIFICATION NARRATIVE

PURSUANT TO 'MEDIATED SETTLEMENT AGREEMENT FOR TEMPORARY ORDERS' DATED DECEMBER 11, 2019, AND 'AGREED FINAL DECREE OF DIVORCE' DATED JANUARY 29, 2020, IT WAS AGREED BETWEEN SARA FRANCO (NEE GUEVARA) AND HECTOR GUEVARA THAT FOLLOWING RECEIPT OF FCC CONSENT SARA FRANCO WOULD OBTAIN OWNERSHIP OF STATIONS K287BQ, K223CW, AND K218EJ, CURRENTLY LICENSED TO CENTRO CRISTIANO DE VIDA ETERNA.

AN APPLICATION (FCC FORM 345) WAS FILED WITH THE FCC ON JANUARY 8, 2020, FOR ASSIGNMENT OF THE LICENSES FOR K287BQ AND K223CW FROM CENTRO CRISTIANO DE VIDA ETERNA AND SDK FRANCO LLC. FILE NO. BALFT-20200108AAX. THE APPLICATION WAS GRANTED ON APRIL 17, 2020.

HOWEVER, ON OR ABOUT FEBRUARY 1, 2020, PRIOR TO THE GRANT OF THE ASSIGNMENT APPLICATIONS, AND WITHOUT THE CONSENT OR COOPERATION OF CENTRO CRISTIANO DE VIDA ETERNA, SARA FRANCO OR HER REPRESENTATIVES TOOK CONTROL OF STATIONS K287BQ AND K223CW, AND WOULD NOT PERMIT THE STATIONS' AFFAIRS TO BE CONDUCTED OR OVERSEEN BY CENTRO CRISTIANO DE VIDA ETERNA FOLLOWING THAT DATE.

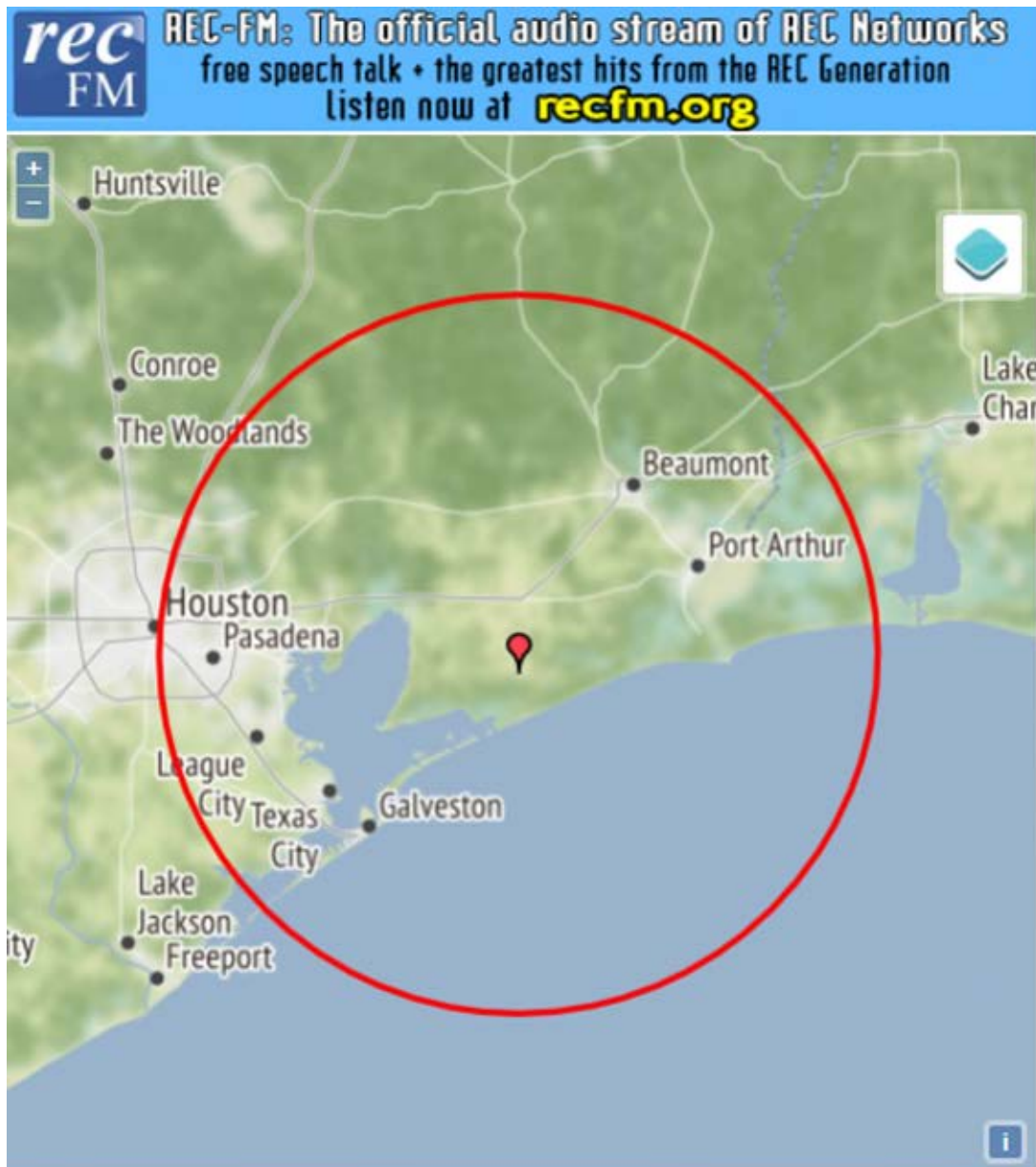
SPECIFICALLY, IN THIS CASE, PURSUANT TO THE RESTRICTIONS OF 'REVITALIZATION OF THE AM RADIO SERVICE,' STATION K223CW IS REQUIRED UNDER ITS LICENSE TO REBROADCAST KJOZ(AM). FROM THE GRANT OF THE CONSTRUCTION PERMIT FOR K223CW AND CONTINUING UNTIL K223CW HAS ACHIEVED FOUR YEARS OF ON-AIR OPERATIONS REBROADCASTING KJOZ(AM), K223CW MAY NOT CHANGE THE PRIMARY STATION BEING REBROADCAST, NOR MAY K223CW REBROADCAST ANOTHER STATION WHEN KJOZ IS SILENT. HOWEVER, ON FEBRUARY 1, 2020, FRANCO UNILATERALLY CHANGED THE PROGRAMMING OF K223CW, AND AS A RESULT, K223CW HAS NOT REBROADCAST KJOZ SINCE FEBRUARY 1, 2020. SINCE FEBRUARY 1, 2020, CONTINUES TO ASSERT CONTROL OVER K223CW, AND FRANCO IS ENGAGING AT THIS TIME IN WHAT IS BELIEVED TO BE ORIGINATION OF ORIGINAL PROGRAMMING ON K223CW.

THEREFORE, EVEN THOUGH THE STATION WAS TAKEN SILENT ON APRIL 25, 2020, THE LAST DATE K223CW OPERATED WITH LEGAL FACILITIES WAS FEBRUARY 1, 2020 (THE DATE K223CW CEASED REBROADCASTING KJOZ(AM)), AND WHICH IS THE DATE REPORTED IN THIS APPLICATION.

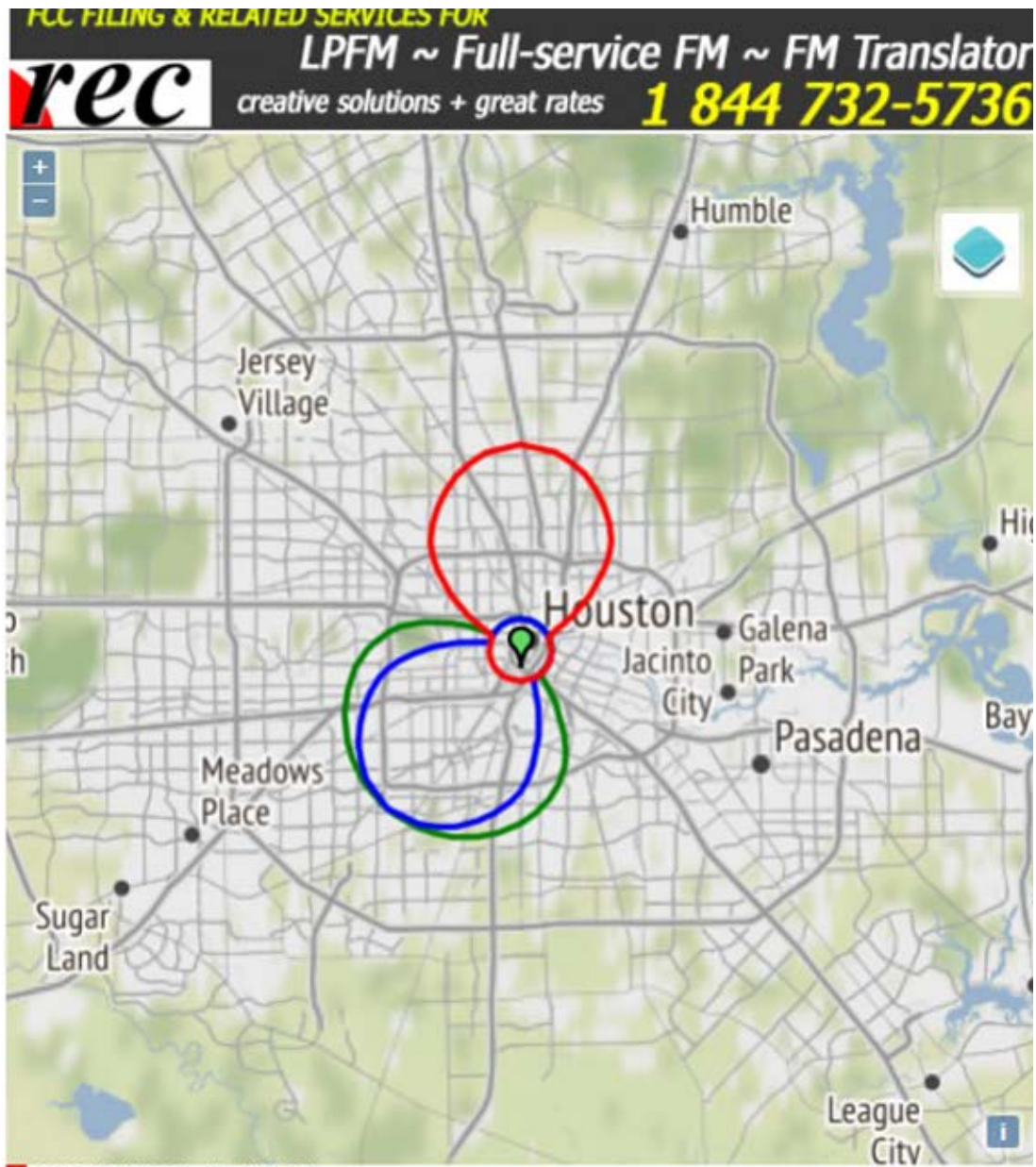
Attachment 4

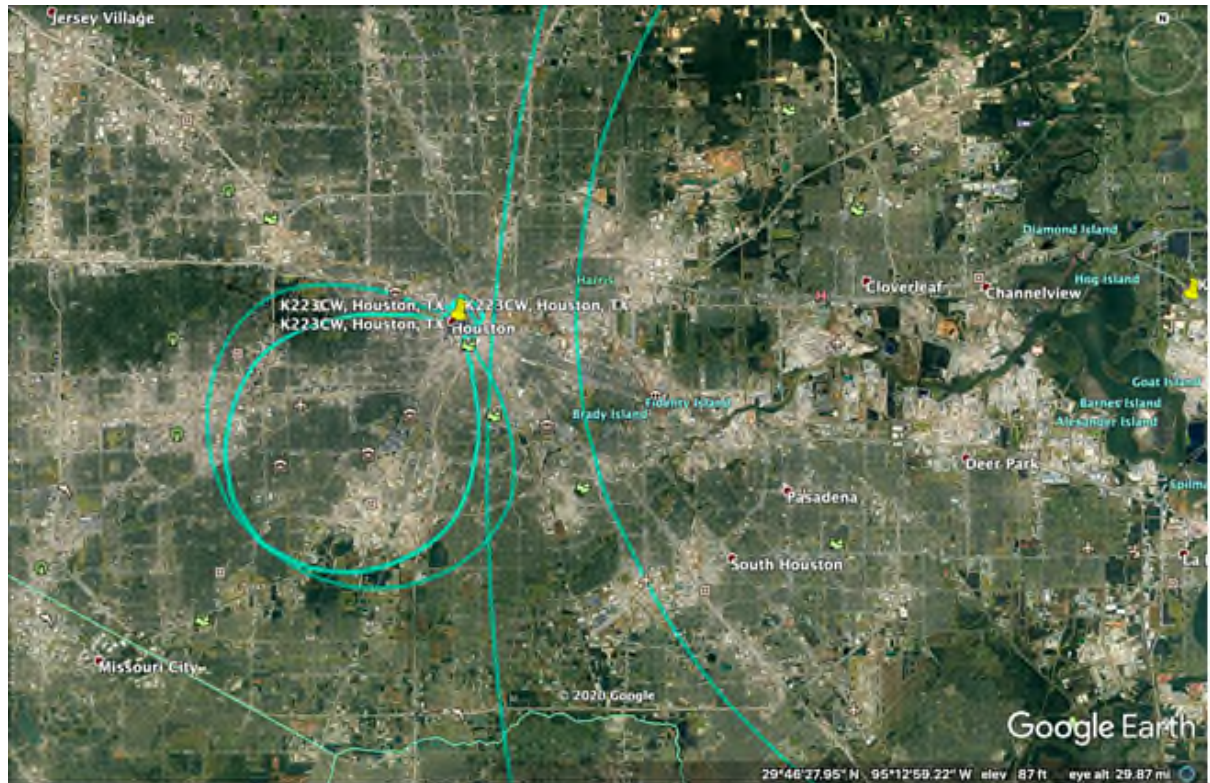
Attachment 3

KFNC



K223CW





Attachment 3

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0386 (July 2002)	FOR FCC USE ONLY
Notification of Suspension of Operations		FOR COMMISSION USE ONLY FILE NO.
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	<input checked="" type="radio"/> Notification of Suspension of Operations		
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MARTIN GUEVARA	PRESIDENT
Signature	Date (mm/dd/yyyy) 04/29/2020

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HOWEVER, ON OR ABOUT FEBRUARY 1, 2020, PRIOR TO THE GRANT OF THE ASSIGNMENT APPLICATIONS, AND WITHOUT THE CONSENT OR COOPERATION OF CENTRO CRISTIANO DE VIDA ETERNA, SARA FRANCO OR HER REPRESENTATIVES TOOK CONTROL OF STATIONS K287BQ AND K223CW, AND WOULD NOT PERMIT THE STATIONS' AFFAIRS TO BE CONDUCTED OR OVERSEEN BY CENTRO CRISTIANO DE VIDA ETERNA FOLLOWING THAT DATE.

SPECIFICALLY, IN THIS CASE, PURSUANT TO THE RESTRICTIONS OF 'REVITALIZATION OF THE AM RADIO SERVICE,' STATION K223CW IS REQUIRED UNDER ITS LICENSE TO REBROADCAST KJOZ(AM). FROM THE GRANT OF THE CONSTRUCTION PERMIT FOR K223CW AND CONTINUING UNTIL K223CW HAS ACHIEVED FOUR YEARS OF ON-AIR OPERATIONS REBROADCASTING KJOZ(AM), K223CW MAY NOT CHANGE THE PRIMARY STATION BEING REBROADCAST, NOR MAY K223CW REBROADCAST ANOTHER STATION WHEN KJOZ IS SILENT. HOWEVER, ON FEBRUARY 1, 2020, FRANCO UNILATERALLY CHANGED THE PROGRAMMING OF K223CW, AND AS A RESULT, K223CW HAS NOT REBROADCAST KJOZ SINCE FEBRUARY 1, 2020. SINCE FEBRUARY 1, 2020, CONTINUES TO ASSERT CONTROL OVER K223CW, AND FRANCO IS ENGAGING AT THIS TIME IN WHAT IS BELIEVED TO BE ORIGINATION OF ORIGINAL PROGRAMMING ON K223CW.

THEREFORE, EVEN THOUGH THE STATION WAS TAKEN SILENT ON APRIL 25, 2020, THE LAST DATE K223CW OPERATED WITH LEGAL FACILITIES WAS FEBRUARY 1, 2020 (THE DATE K223CW CEASED REBROADCASTING KJOZ(AM)), AND WHICH IS THE DATE REPORTED IN THIS APPLICATION.

Attachment 4

Attachment 5

From: David Gow <david.gow@gowmedia.com>
Date: March 5, 2021 at 1:33:00 PM CST
To: apostolguevara@gmail.com
Subject: 92.5

Hi Hector,

Hope you are well and healthy.

I thought I would reach out to you again about your translator on 92.5. As you know, we are broadcasting on Omar's translator on 92.5 and so, of course, the signals are hurting each other. Frankly, as it is now, I don't think either party can get a sufficient signal to make any money.

When we talked you mentioned "legal issues" between you and Omar. Truly, I do not want to interfere in any of that. I have been fortunate to have good relationships with you

and Martin and with Omar. My request is that you turn off your translator until we can find a good solution. We have lost a couple of clients already, with the risk of more losses to come. When we talked you said that you did not want to do anything that would allow Omar to claim that you were hurting his business – but, of course, that is what is happening right now. If we are unable to keep our clients (due to the interference), then we will have to end our lease agreement on that station.

At the moment, my perception is that you are not making any money on the station while we are losing the clients we secured. So, I am asking that you turn it off now, and then we can figure out a good solution that works for both of us.

I would be very, very grateful if you would do this. The radio business is very tough right now, so your consideration would be meaningful.

Thank you!

David

David Gow
CEO, Gow Media
5353 West Alabama, Suite 415
Houston, Tx. 77056
Office: 713-479-5302
Mobile: 713-628-0063



GOW MEDIA

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HOUSTON
(97.5+92.5 FM)

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RADIO NETWORK

culturemap innovationmap automotivema

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that a true and correct copy of the forgoing is being sent by U.S. Mail to the following:

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

_____/Dan J. Alpert/_____
Dan J. Alpert