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In the matter of:

KHTL-LP, Killeen, TX (Facility ID # 135367)

Killeen Seventh Day Adventist Church School (*assignor*)

Killeen Veterans Broadcasting Media Group (*proposed assignee*)

File # 0000189836

File # 0000190194

INFORMAL OBJECTION

In accordance with §73.3587 of the Commission's Rules, REC Networks ("REC") is filing an *Informal Objection* on the above captioned applications¹ for Killeen Seventh Day Adventist Church School ("KSDA") and Killeen Veterans Broadcasting Media Group ("KVBM") (*collectively*, "*Applicant*") for the reasons herein.²

PROPOSED ASSIGNEE IS NOT AN NCE QUALIFIED ORGANIZATION

§73.853(a) of the Commission's Rules require that an LPFM station may only be licensed to non-profit educational organizations for the advancement of an educational program.³ Traditionally, the Commission has required applicants to demonstrate their status as a noncommercial educational (NCE) organization by providing governance documents such as corporate charters or articles of incorporation. The applicant has failed to provide these documents depending only on a statement that they are simply "a not-for-profit organization".⁴

In an attempt to determine KVBM's NCE status, REC has researched the Texas Comptroller of Public Accounts records as well as the determination letters and Form 990 filings at the Internal Revenue Service (IRS).⁵ Neither of these resources indicate a corporate entity with the name

¹ In the instant case, two assignment applications were filed. 0000189836 was filed on April 29, 2022 and 0000190194 was filed on May 9, 2022. The only difference in the applications is the former application had an incomplete parties to the application section. We assume that 0000190194 was intended to be a mere amendment to 0000189836 and was filed as a new assignment application in error.

² See 47 C.F.R. §73.3587 ("Before FCC action on any application for an instrument of authorization, **any person** may file informal objections to the grant.") (emphasis added) Unlike *Petitions to Deny*, *Informal Objections* do not require the formal requirements for standing such as geographic location. In order to maintain the integrity of the LPFM service as a form of local community broadcasting, all assignment and transfer applications are reviewed by REC to assure compliance with the Commission's rules.

³ 47 C.F.R. § 73.853(a). See also *Creation of a Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2213 (2000) ("Having decided to establish LPFM as a noncommercial service, we require that LPFM licensees comply with the eligibility requirements of [47 U.S.C. §397(6)(A)].").

⁴ See *Application*, "KVBM Statement".

⁵ In addition to Texas, we also checked the Secretary of State offices in adjacent states Oklahoma, Missouri, Louisiana and New Mexico. We also checked the state of Delaware, which is a popular state

“Killeen Veterans Broadcasting Media Group”, a name that would be prohibited for incorporation in the State of Texas.⁶

KVBM also fails to identify as an unincorporated association. In order to identify as an unincorporated association, the applicant must provide “a letter signed by a local attorney licensed to practice in the state where the applicant proposes to operate, the citation and text of a state statute permitting unincorporated entities, or other official documentation showing the applicant’s existence as a separate legal entity. Such documentation must also include some explanation of how and when the applicant, prior to filing the application, satisfied the requirement for an unincorporated association under state law.”⁷

In light of the lack of corporate status and the lack of evidence that KVBM is an unincorporated association under Texas state law, it can be established that KVBM is not an NCE-qualified organization and thus not qualified to be a Commission licensee.

On its face, KVBM has not demonstrated that they are incorporated in any state, nor that they qualify as an unincorporated association, therefore, unless KVBM can provide evidence that the corporation was recognized in any state prior to the filing of the instant application and that status has not lapsed, the application must be dismissed without prejudice. Thus, if KVBM can satisfy the Commission requirements and become a state recognized nonprofit organization, then they should be able to re-file for an assignment of license. Until that happens, these applications must be dismissed.

Respectfully submitted,

/S/
Michelle Bradley, CBT
Founder
REC Networks

May 10, 2022

for corporate filings. We were unable to identify KVBM is a nonprofit entity incorporated in any of those states..

⁶ No organization that reasonably implies that an entity that is created by or for the benefit of war veterans or their families include may include in their name, the word “veteran”. See 1 Tex. Bus. Org. Code §5.062(a) (2021).

⁷ See *Wynnewood Community Radio Association*, Memorandum Opinion and Order, 29 FCC Rcd. 6309 (2014).



🔍 Taxable Entity Search

❗ Business Name Killeen Veterans Broadcasting Media Group was not found.

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Tax ID

Use the 11-digit Comptroller's Taxpayer Number or the 9-digit Federal Employer's Identification Number.

OR

Entity Name

OR

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Use the File Number assigned by the Texas Secretary of State.

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