

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington D.C.**

In re Application of)	
)	
Obidia Porras)	File No. 0000185074
KUHD-LD, Camarillo, California)	Facility ID 67963
)	
For Application for a License to Cover)	
)	

To: Chief, Video Division, Media Bureau

INFORMAL OBJECTION

Venture Technologies Group, LLC (“VTG”)¹, by its attorneys and pursuant to Section 73.3587 of the Commission’s Rules,² hereby files this Informal Objection to the above-captioned application for a license to cover filed by Obidia Porras (“Porras”) for KUHD-LD, Camarillo, California (the “License Application”). The License Application does not satisfy the Commission’s criteria for a license to cover and must be dismissed or denied because KUHD-LD is not constructed as authorized in the underlying construction permit as certified in the License Application.

¹ VTG is the licensee of stations including KZNO-LP, Big Bear Lake, CA (Fac. ID 63149). VTG’s position as a competitor of Porras is a matter of record at the Commission. *See* Letter from David J. Brown, Deputy Chief, Video Division to Ms. Obidia Porras, File Nos. BPTVL-20090415ABR and BLTVL20090428AAP (Aug. 3, 2018) (“2018 Letter Order”). KZNO-LP operates on the same channel as KUHD-LD and there is potential overlap in their signals as demonstrated by the attached Declaration of Daniel Bissett, VTG’s Director of Engineering. *See* Declaration of Daniel Bissett ¶ 9 (July 20, 2022), attached hereto as Exhibit A (“Bissett Declaration”) (“The weak channel 6 signal received at this location is the signal from KZNO-LD, which broadcasts from Mt. Harvard (located approximately 73 miles away, but within line-of-sight from Red Mountain”).

² 47 C.F.R. § 73.3587.

I. BACKGROUND

On June 22, 2021, Porras filed an application for a construction permit to flash cut to digital operations for KUHD-LD (the “CP”). *See* File No. 0000150742. The application proposed to operate KUHD-LD from an unregistered structure located at 34° 20' 56.9" N+, 119° 20' 10.4" W- with the antenna located at 8 meters above ground level and with an effective radiated power of 0.1 kW. The FCC granted the application on July 9, 2021. That day, Porras submitted a request to extend the CP until January 10, 2022, citing “delays with respect [to] what equipment would be necessary to purchase.” *See* File No. 0000152118. The Commission granted the request on July 12, 2021.

Following the extension, on July 26, 2021, Porras submitted a request for silent authority pending receipt of ATSC 3.0 transmission equipment. *See* File No. 0000153863. The FCC granted the request on August 5, 2021.

On December 29, 2021, Porras filed for a minor modification of the CP, which she amended on January 7, 2022. *See* File No. 0000178227. The amended application proposed to operate KUHD-LD from ASR 1020674 with the antenna located at 30 meters above ground level and with an effective radiated power of 0.07 kW. According to the Commission’s ASR Registration Search, that tower is located at the Red Mountain Communications Site and owned by Gold Coast Broadcasting Company. The Commission granted the amended application on January 10, 2022.

On January 10, 2022 Porras requested tolling of her CP. *See* File No. 0000179601. In her request, Porras claimed that “one final piece of equipment” had delayed construction. She went on to state that the station would be built “[a]s soon as a tower crew arrives to mount the

antenna.” The Media Bureau sent Porras a deficiency letter on January 20, 2022 requiring her to amend her tolling request within 30 days.

Porras did not amend her tolling request within 30 days, as required by the deficiency letter. Instead, on February 18, 2022, Porras filed the License Application to cover the CP as modified. The License Application includes a certification that “The facility constructed as authorized in the underlying construction permit.” The License Application also indicates, consistent with the modified CP, that KUHD-LD was operating from ASR 1020674 with the antenna located at 30 meters above ground level and with an effective radiated power of 0.07 kW.

On March 18, 2022, Shaun Maher of the Video Division sent an email to counsel for Porras asking: “Was construction completed per the terms of the CP?” Counsel for Porras responded: “Yes, construction was completed per the terms of the CP.”³ Porras has not submitted any subsequent notification or modification to the FCC indicating that the operations of KUHD-LD have changed.

However, KUHD-LD is not operating as authorized in the CP and specified in the License Application. On July 11, 2022, VTG’s Director of Engineering, Daniel Bissett, inspected the transmitter tower, and did not observe the antenna referenced in the CP at the site. *See* Bissett Decl. ¶¶ 11-14. Mr. Bissett also did not receive a channel 6 signal at locations where he should have based on the specified operating parameters. *See id.* ¶¶ 5-10. Richard Rudman, a consultant for Gold Coast Broadcasting Company (the registered tower owner for ASR 1020674), has confirmed that “no KUHD equipment of any kind has been installed at the [Gold Coast Broadcasting] site.” *See* Declaration of Richard Rudman ¶ 8 (Aug. 8, 2022), attached hereto as

³ A copy of this correspondence is uploaded to file No. 0000185074.

Exhibit B. Mr. Rudman also confirmed that Porras has not signed a site agreement contract with Gold Coast Broadcasting and, to the best of his knowledge, “none of the terms of the FCC Construction Permit for the physical construction of KUHD have been met to date.” *Id.* ¶¶ 7, 9.

II. THE COMMISSION SHOULD DISMISS OR DENY THE LICENSE APPLICATION

The Commission should deny Porras’s Application because KUHD-LD is not operating as proposed in its CP. An application for a license to cover a construction permit is to be filed “[u]pon completion of construction of an AM, FM, TV or Class A TV station in accordance with the terms of the construction permit, the technical provisions of the application, the rules and regulations and the applicable engineering standards.”⁴ The License Application includes a certification that “The facility constructed as authorized in the underlying construction permit.”

However, as discussed above, KUHD-LD did not construct the facilities authorized in its CP and is not operating using the facilities authorized in its CP. First, a representative of VTG visited the tower specified in the CP and the License Application and found no evidence of the antenna specified in the CP and the License Application. The photographs included in the Bissett Declaration at Exhibit A document the absence of an SCA CL-46 antenna. Second, the representative of VTG also conducted signal measurements at several locations near the purported tower site and did not detect any signal from KUHD-LD. Finally, a consultant to the tower owner confirmed that no equipment has been installed for KUHD at the site and Porras does not have an agreement with the tower owner to install equipment for KUHD at the site. *See* Ex. B.

⁴ 47 C.F.R. §§ 73.3536; 73.1620.

Because the station was not constructed in accordance with its CP, the License Application should be dismissed or denied.⁵

III. THE COMMISSION SHOULD INVESTIGATE PORRAS' REPEATED MISREPRESENTATIONS TO THE FCC.

Porras' conduct in this and other pending proceedings raises serious questions regarding her candor to the Commission. Section 73.1015 of the Commission's Rules requires, in pertinent part, that "[n]o applicant . . . shall . . . in any application, pleading, or report or any other written statement submitted to the Commission, make any misrepresentation or willful omission bearing on any matter within the jurisdiction of the Commission."⁶

Here, Porras represented: "The facility constructed as authorized in the underlying construction permit." Then, when the Video Division staff questioned that certification, Porras, through her counsel, doubled down, stating without equivocation, that "Yes, construction was completed per the terms of the CP." Each of these statements constituted a material misrepresentation.

Unfortunately, this is not an isolated incident, but a continuous pattern from Porras of evasive communications with the Commission. In 2018, the Media Bureau admonished Porras for her "inaccurate factual statements—either intentionally or absent a reasonable basis for doing so" after she "admitted that she had not constructed KCIO as authorized by her 2008 construction permit."⁷ And, as the Bureau is aware, VTG has raised concerns over more recent representations by Porras regarding KCIO-LP. On July 14, 2021, VTG filed a Petition for

⁵ See, e.g., Letter from Hossein Hashemzadeh, Associate Chief, Video Division, Media Bureau, to Roberto Gomez, File No, BLTTL-2008122ABE (Feb. 12, 2009) (rescinding license grant where transmission facility was not constructed).

⁶ 47 C.F.R. § 73.1015.

⁷ See Letter Order.

Reconsideration (“Petition”) of the grant of a digital flash cut CP for KCIO-LP in which it demonstrated that Porras did not have the bona fide intent to construct the digital facility from the site specified in its CP application. *See* Pleading File No. 0000152690. VTG noted in its reply that, despite the serious claims against her, Porras has continued to falsely certify that “neither applicant nor any party to the application has or had any interest in, or connection with . . . any pending broadcast application in which character issues have been raised.”⁸ Yet, less than two months after VTG pointed this out, Porras made the same apparently untruthful certification yet again.⁹

Given her repeated history of misrepresentations, the Commission should determine the consequences of Porras’s misrepresentations both here and with respect to KCIO-LP.

CONCLUSION

The Commission should dismiss or deny Porras’s License Application because KUHD-LD was not constructed in accordance with its CP. Moreover, the agency should, *inter alia*, dismiss the KCIO-LD licenses and permits due to Porras’ misrepresentations about the status of both stations.

⁸ *See* File Nos. 0000177310 (filed Dec. 15, 2021); 0000177310 (filed Jan. 7, 2022).

⁹ *See* File No. 0000192829 (filed June 1, 2022).

Respectfully submitted,

VENTURE TECHNOLOGIES GROUP, LLC

/s/
Ari Meltzer
Scott Bouboulis
Its Attorneys

Wiley Rein LLP
2050 M Street NW
Washington D.C. 20036
Tel: 202.719.7000
Fax: 202.719.7505
ameltzer@wiley.law
sbouboulis@wiley.law

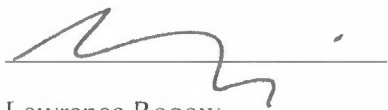
Dated: August 15, 2022

I, Lawrence Rogow, hereby declare that:

1. I am a Manager for Venture Technologies Group, LLC.
2. The factual allegations in the foregoing Informal Objection are, to the best of my knowledge, true and accurate based my personal knowledge and a review of the FCC's records.

I, Lawrence Rogow, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on August 15, 2022.

A handwritten signature in black ink, appearing to be 'Lawrence Rogow', is written over a horizontal line.

Lawrence Rogow

EXHIBIT A

Declaration of Daniel Bissett

I, Daniel Bissett, hereby declare that:

1. I am the Director of Engineering for Venture Technologies Group, LLC.
2. On July 11, 2022, I visited the KUHD-LD transmitter site to determine if the station was operating. I used a DTU-234 to measure signal.
3. Attached hereto as Slide 1 is a true and accurate screenshot that I provide as an example of the DTU-234 display. This slide is only included as a reference of an operating ATSC 1.0 LPTV station. In this case, it is K23OM-D, a translator of KCET.
4. The important parts of the DTU-234 display are as follows:
 - First, the bottom ribbon shows the channel number and frequency being monitored. In this case, we are monitoring channel 23.
 - The next important measurement is the signal level shown in the top-left. It would normally be a level between -40 and +50 dBmV. The color of the progress bar will indicate the quality of the reading. Here, a level of 10.9dBmV is a good solid signal, and thus is shown green.
 - The Pilot level is a feature of the 8VSB / ATSC 1.0 signal. If the 8VSB signal is good and can be locked to, then the MER, Margin, and EVM will be a number other than 0. The MER is the most important indicator of signal quality.
5. Attached hereto as Slides 2 and 3 are true and accurate screenshots of the DTU-234 taken on July 11, 2022 at or near the KUHD-LD licensed broadcast site.
6. The screenshot depicted in Slide 2 was taken on July 11, 2022 at 1:30 pm. The location of this measurement was the Ventura County Fair Grounds parking lot; coordinates: 34.16.31, 119.15.58.
7. At only 5.4 miles line-of-sight from the licensed KUHD-LD site, the measurement in Slide 2 should reflect a decodable city-grade signal. However, the -34.8 dBmV signal is not sufficient to decode. What little signal is present is likely coming in from distant co-channel station KZNO-LD.
8. A week before this test I was also not able to measure the KUHD-LD signal at the Ventura County Fair Grounds parking lot using the DTU-234.
9. The screenshot depicted in Slide 3 was taken on July 11, 2022 at 2:22 pm. The location of this measurement was at Red Mountain, the licensed KUHD-LD transmitter site. The weak channel 6 signal received at this location is the signal from KZNO-LD, which broadcasts from Mt. Harvard (located approximately 73 miles away, but within line-of-sight from Red Mountain). KZNO-LD operates in COFDM / ATSC 3.0, explaining why the DTU-234 will not decode the signal.
10. If there was an operating local signal on channel 6 at the Red Mountain location, the KZNO-LD signal would not be receivable.
11. Slides 4 is a true and accurate copy of a photograph that I took on July 11, 2022 identifying the location of the tower site that I visited for ASR 1020674, which is the tower specified in the construction permit and the license application for KUHD-LD.

12. Slides 5 and 6 are true and accurate copies of photographs that I took on July 11, 2022 from the tower specified in the construction permit and the license application for KUHD-LD.
13. The Yagi antenna that is visible in Slides 5 and 6 at 85 feet is the antenna for FM station K259BI, operating on 99.7 MHz and licensed to Rincon Broadcasting.
14. According to the construction permit and license application for KUHD-LD, a SCA CL-46 antenna should be visible immediately above the K259BI antenna.
15. Based on the reception tests I conducted and my visual observations, it is clear to me that KUHD-LD is not operating from the facilities set forth in its construction permit and license application.

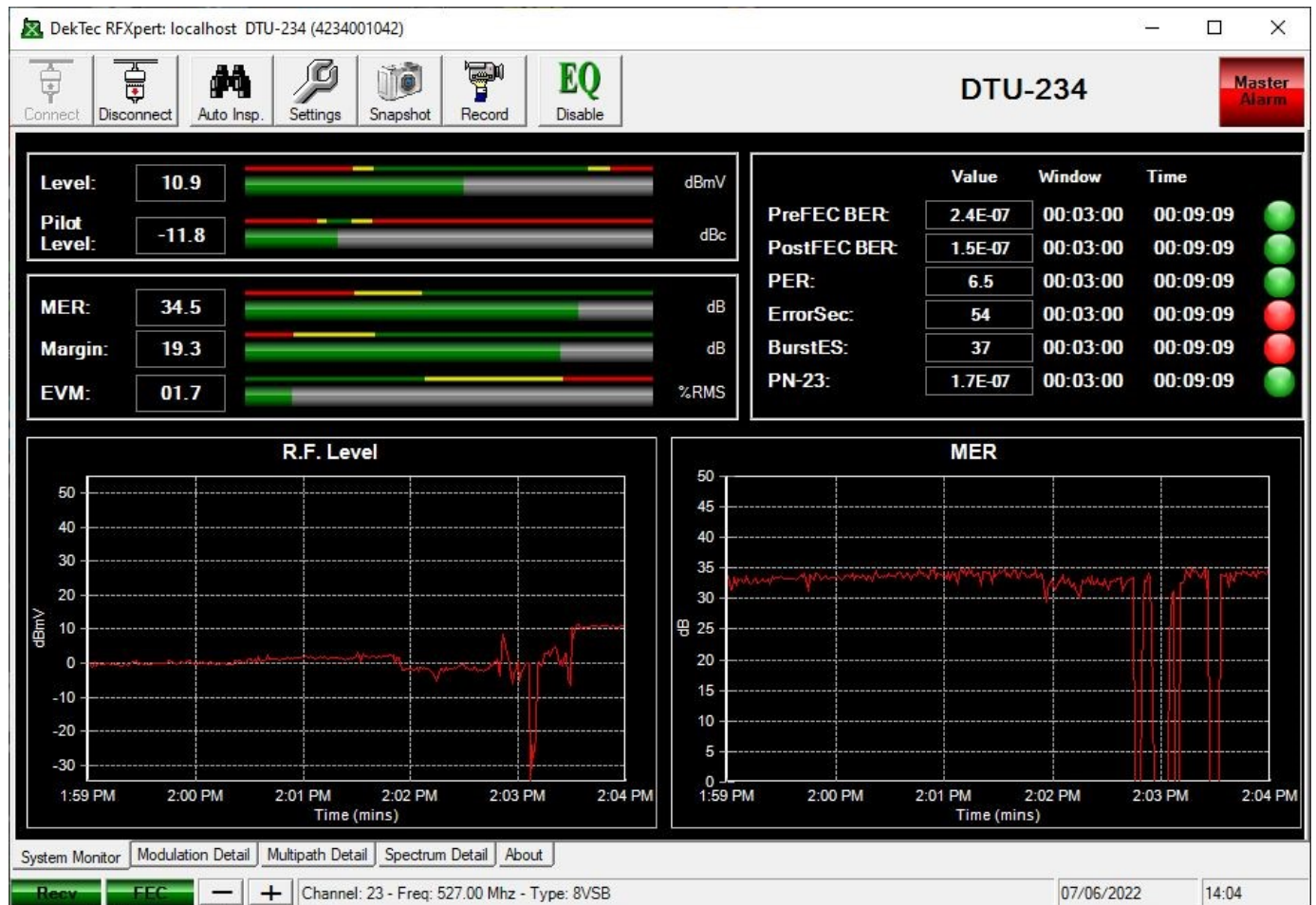
I, Daniel Bissett, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on Jul 20, 2022, 2022.

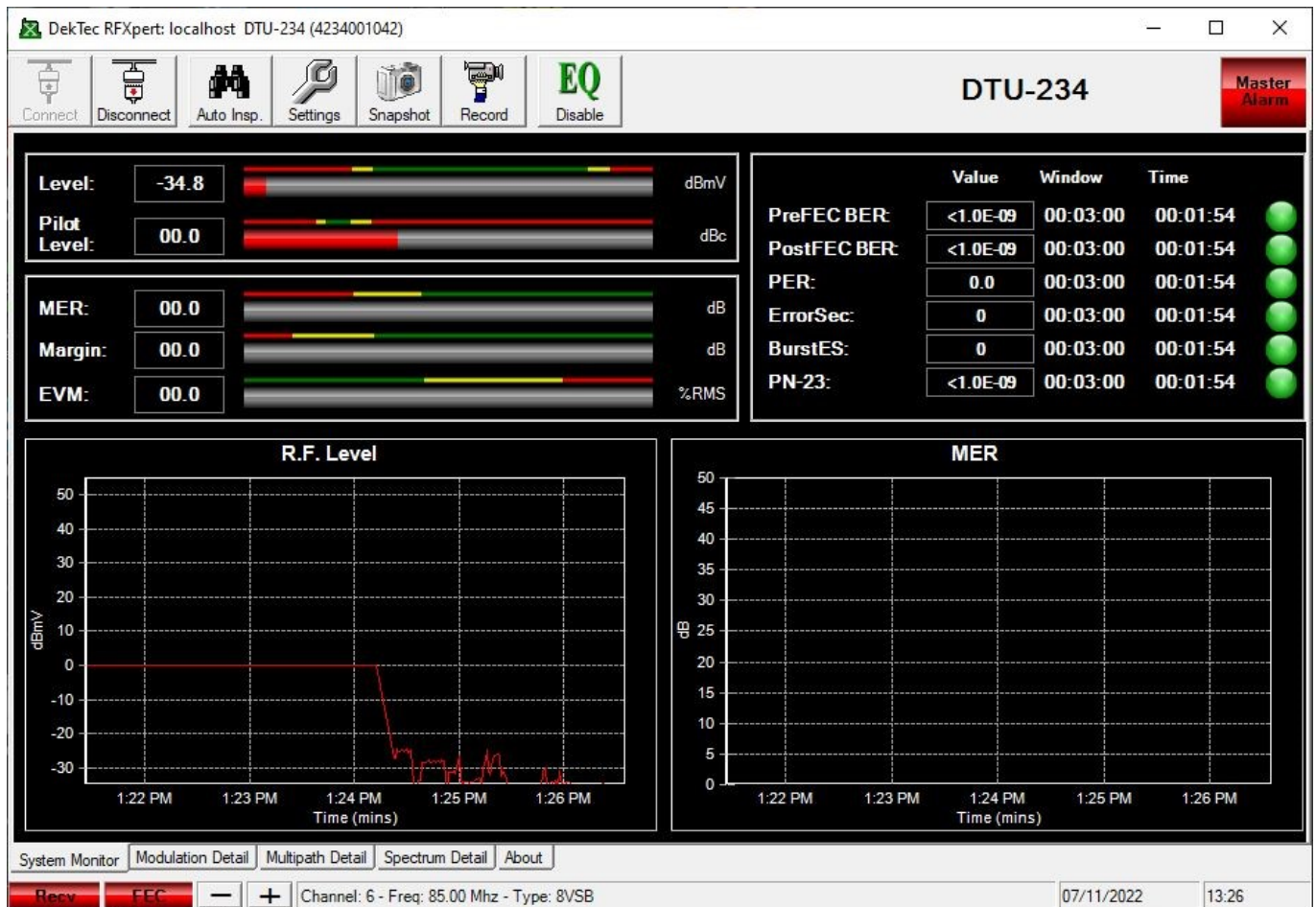

Daniel P. Bissett (Jul 20, 2022 15:48 PDT)

Daniel Bissett

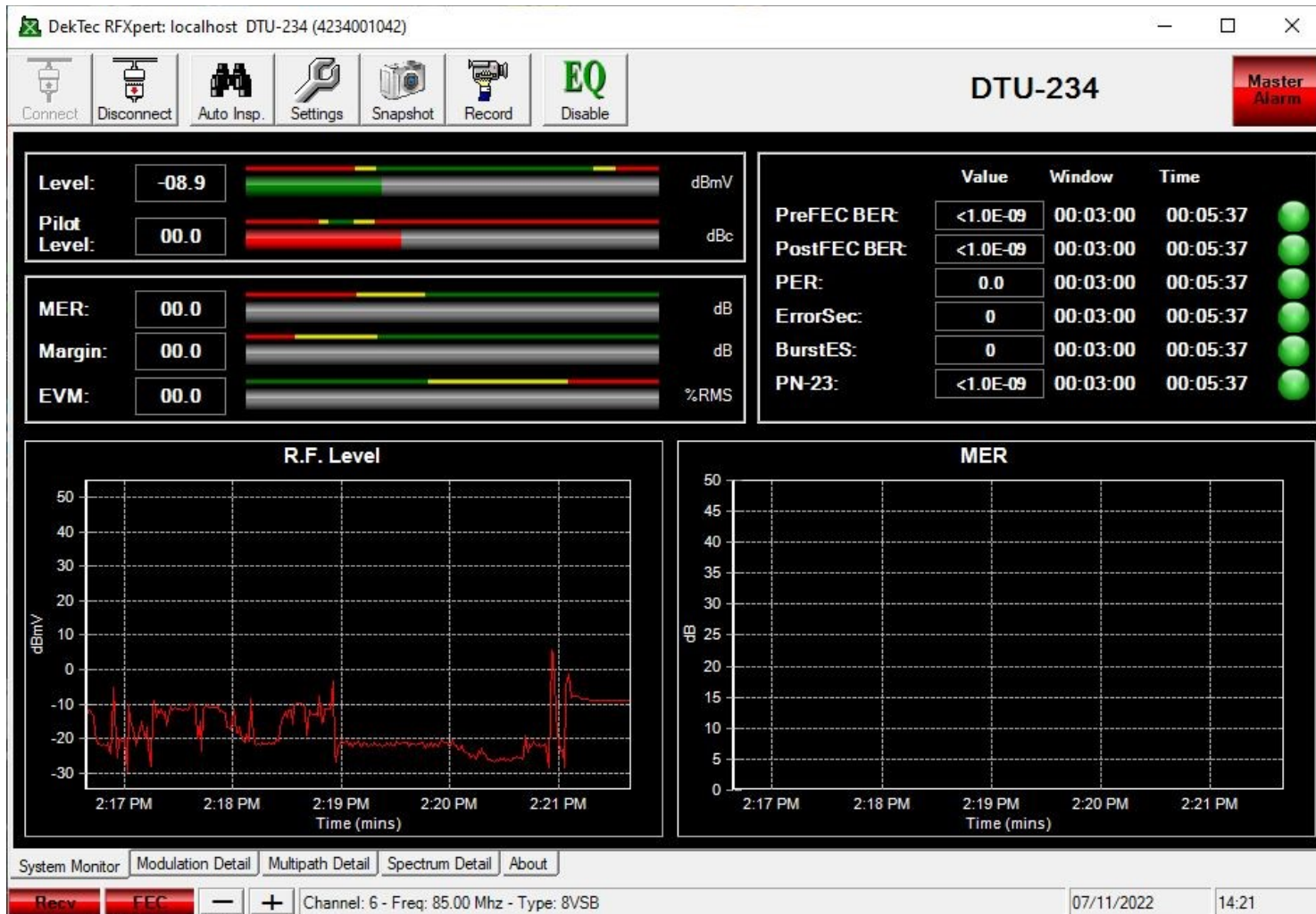
Slide 1



Slide 2



Slide 3



Slide 4



Slide 5



Slide 6



EXHIBIT B

DECLARATION OF RICHARD RUDMAN

I, Richard Rudman, hereby declare as follows:

1. I am registered with the Society of Broadcast Engineers (SBE) as a Certified Professional Broadcast Engineer (CPBE) with certificate number 952. I retired from a 27-year career at KFWB Radio in Los Angeles (Infinity/CBS) as that station's Director of Engineering in June 2002. At KFWB, I was responsible for all studio and transmitter technical matters as well as FCC compliance.

2. I now own and have operated a sole proprietorship company, Remote Possibilities, since 2002, that performs turn-key radio broadcast studio and transmitter installation, construction, maintenance, operations, measurements, technical due diligence, and technical services related for all phases of radio broadcasting.

3. I make this declaration based on my personal knowledge and information available to me in my role with Remote Possibilities.

4. I first heard about the proposed KUHD LPTV installation early this year, when I was asked to be present at the Gold Coast Broadcasting (GCB) site¹ at Red Mountain on Wednesday, January 5, 2022 at 3 PM for a site survey for KUHD. Miles Sexton (another contractor employed by Point Broadcasting who handles site administrative issues) and I met with Rafael Porras and a woman introduced as his wife (the licensee of KUHD).

5. Miles and I determined that there would be space on the southwest leg of the site tower at about the 30-meter level (90 feet) between a Yagi antenna and an STL dish. The KUHD equipment rack could be located inside the shelter after moving an old FM dummy load out of the way to make room. We identified an available wall port for the KUHD transmission line to enter the building. Finally, we determined that there was spare breaker space in the emergency power electrical box for KUHD's power needs.

6. After that meeting I was told that the visit's determinations were to be incorporated into a site agreement contract that was being written.

7. As of today's date, I have not been notified that a site agreement contract for the KUHD installation at the GCB site has been agreed to.

8. I further certify that no KUHD equipment of any kind has been installed at the GCB site.

9. To my understanding, none of the terms of the FCC Construction Permit for the physical construction of KUHD have been met to date. KUHD is not on the air from the GCB site, and any statements being made that KUHD is on the air from the GCB site are not true.

(Signature Page to Follow)

¹ The Gold Coast Broadcasting transmitter building is located on Red Mountain in Ventura County, CA. Site Location: 34-17-47.6 N 119-16-24.4 W (NAD 83). FCC Facility ID: 70563.

SIGNATURE PAGE TO DECLARATION OF RICHARD RUDMAN

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 8, 2022.

Richard Rudman

Richard Rudman, CPBE / dba Remote Possibilities
1046 Corte La Brisa
Santa Paula, CA 93060 213-447-
5392 rar01@mac.com
[|www.remote-possibilities.com](http://www.remote-possibilities.com)






Declaration for Signature

Final Audit Report

2022-08-08

Created:	2022-08-08
By:	christine meng (CMENG@VENTECHGROUP.COM)
Status:	Signed
Transaction ID:	CBJCHBCAABAATjORYlns_zow_ALgbxyl_kH26uTjoX3R

"Declaration for Signature" History

-  Document created by christine meng (CMENG@VENTECHGROUP.COM)
2022-08-08 - 8:50:01 PM GMT- IP address: 107.127.56.118
-  Document emailed to Richard Rudman (rar01@mac.com) for signature
2022-08-08 - 8:50:11 PM GMT
-  Email viewed by Richard Rudman (rar01@mac.com)
2022-08-08 - 11:48:44 PM GMT- IP address: 104.28.85.113
-  Document e-signed by Richard Rudman (rar01@mac.com)
Signature Date: 2022-08-08 - 11:50:32 PM GMT - Time Source: server- IP address: 107.185.21.21
-  Agreement completed.
2022-08-08 - 11:50:32 PM GMT



Adobe Acrobat Sign

Certificate of Service

I, Ari Meltzer, hereby certify that on August 15, 2022, a copy of the foregoing Informal Objection was sent by first class U.S. Mail to the following:

Dan J. Alpert
The Law Office of Dan J. Alpert
2120 21st Rd. N
Arlington, VA 22201

Barbara Kreisman*
Chief, Video Division, Media Bureau
Federal Communications Commission

Shaun Maher, Esq.*
Video Division, Media Bureau
Federal Communications Commission

Evan Morris, Esq.*
Media Bureau
Federal Communications Commission

* Via Email

_____/s/_____
Ari Meltzer