

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of)	
)	
Bustos Media Holdings, LLC)	File No. 0000210227
)	Facility ID 202944
License to Cover Application)	
of FM Translator station K288HD)	
Beaverton, Oregon)	
)	

INFORMAL OBJECTION

Portland Russian Media Center (“PRMC”), via Station Manager Eduard Rusu, here files Informal Objection (“Objection”) against Bustos Media Holdings, LLC (“Bustos”) concerning application File No. 0000210227 for license to cover of construction permit BNPFT-20180427ABZ for FM translator station K288HD at Beaverton, Oregon. PRMC is a party of interest because it is licensee of KXRU-LP, co-channel to K288HD in the Portland metropolitan area. This Objection is being filed because the site of K288HD was visited February 6, 2023 and was not seen to be constructed by Bustos even though the application for license to cover was submitted. Because the permit expired February 5, 2023 without construction, the pending license to cover should be denied, and the underlying permit BNPFT-20180427ABZ should be canceled.

I. BACKGROUND

Bustos' history of filing for new FM translator construction permits extends back to 2017, with some controversy. BNPFT-20171212AAB was an FM translator application filed proposing to wedge a 2 watt translator in Portland in between two minimum-spaced (24 km) co-channel LPFM facilities serving Portland. Another FM translator application, BNPFT-20170802AEY, was proposed to be co-channel to another Portland metro LPFM. Both were petitioned concerning untenable interference and ultimately canceled. A second round of FM translators were applied for in an AM cross-service translator filing window for new translators in 2018. Bustos filed for two translators to be co-channel to two nearby Portland LPFM stations. With these filings, Bustos first attempted obfuscate the intent of their channel selections by submitting short forms that designated channels on the first adjacent channels (that were not available) to these LPFM stations -- BNPFT-20180427ABZ for channel 289 (105.7 FM), and BNPFT-20180427ABY for Channel 235 (94.9 FM) -- to not raise LPFM petitioning red flags. Upon submitting long-forms, Bustos subtly changed the channels, respectively, to Channel 288 (105.5 FM) via BNPFT-20180427ABZ, and Channel 236 (95.1 FM) via BNPFT-20180427ABY. BNPFT-20180427ABY was later moved to another channel to prevent dismissal upon an interference contest from a co-channel LPFM. BNPFT-20180427ABZ (translator K288HD, *the subject of this Objection*) maintained, modifying to a new CP site in Beaverton, Oregon owned by SBA Towers (ASRN 1280117), with attempt to dodge interference claims to co-channel KXRU-LP, but leaving the LPFM locked-in to a short-spacing.

Construction permit for K288HD was granted February 5, 2020, hence with an expiration date of February 5, 2023. At the time of CP grant, PRMC contacted SBA site marketing manager, Joe Rozanc, who indicated that K288HD's designated tower "will not work for FM single Bay antenna" as Bustos had proposed (See Attachment A). The structure is a stealth canister flagpole tower of 30" in diameter and is incompatible with the proposed antenna Bustos had obtained a construction permit to use. Three years later, the day after the construction permit expired, on February 6, 2023, I visited the site of the Bustos construction permit and found the facility unconstructed.

II. K288HD DOES NOT APPEAR TO BE CONSTRUCTED

On February 6th 2023 at approximately 10:15 AM, I, Eduard Rusu, traveled to the parking lot of Coin Laundromat located at the intersection of Allen and Hall Boulevard in Beaverton, Oregon. Upon my arrival, I noticed that the free standing cellular telephone tower, which was built in a stealth style, had not changed in appearance from any previous days I observed it, nor any visible attachments were added to the structure.¹ Upon tuning to 105.5 MHz, I heard a faint mix of interference from distant stations believed to be KUKN-FM and K288FT. However, within the FCC's Licensing and Management System, Bustos submitted an application for a license to cover for a new translator K288HD. There is no visual indication that the FM translator station has been built, nor any signal similar to KXET-AM's programming was able to be

¹ The Nicom BKY3P antenna, indicated on License to Cover, AFN 0000210227, was not seen.

picked-up near the tower structure on 105.5 MHz.² Photographs of the construction permit tower location area and other information is included in Attachment B. Audio from a car radio comparing KXET-AM and the audio from 105.5 MHz can be heard via this link: https://youtube.com/shorts/adqhTNZ_jWk?feature=share. A declaration indicating this information is all true to the best of my knowledge is included in Attachment C.

III. CONCLUSION

Due to the evidence provided here, it appears Bustos did not construct FM translator K288HD by the expiration date of the associated construction permit BNPFT-20180427ABZ. The application for license to cover should be denied, and the construction permit should be canceled.

Submitted By,



Eduard Rusu
KXRU-LP Manager
1175 Kathy Way South
Salem, OR 97306
(503) 310-5396
eduardarusu@gmail.com

February 8, 2023

² The primary station, KXET, indicated on License to Cover, AFN 0000210227, was not heard.

CERTIFICATE OF SERVICE

I certify the following was sent First Class Mail, US Postal Service to the Attorney representing Bustos Media Holdings, LLC:

Dennis J. Kelly
Law Office of Dennis J. Kelly
30628 Detroit Road
Box 278
Westlake, OH 44145

on February 8, 2023

This Informal Objection was filed electronically in FCC LMS Petition Portal February 8, 2023.

Courtesy copies of this petition were electronically mailed to FCC:

Albert Shuldiner, Albert.Shuldiner@fcc.gov Chief, Audio Division, Media Bureau
James Bradshaw, James.Bradshaw@fcc.gov Senior Deputy Chief, Audio Division,
Media Bureau
Dennis J. Kelly, dkellyfcclaw1@comcast.net Legal Representative, Bustos

on February 8, 2023

Signed,

A handwritten signature in black ink, appearing to read 'ER' followed by a stylized flourish and a period.

Eduard Rusu

ATTACHMENT A: Email communication with SBA Towers

2/16/2020

Gmail - Tower reg number 1280117



Eduard Rusu <eduardarusu@gmail.com>

Tower reg number 1280117

1 message

Eduard Rusu <eduardarusu@gmail.com>
To: ERoach@sbsite.com

Sun, Dec 15, 2019 at 11:49 PM

Hello Ed,

My name is Eduard Rusu and I am the director of a KXRU-LP in Portland, OR.

It has come to my attention that another local radio broadcaster, Bustos Media, has submitted an application to the FCC to install a radio broadcast FM antenna on your tower with registration 1280117. This is a stealth tower and on the application Bustos shows a type of the antenna that would not fit into the stealth enclosure in any way. (picture attached). I was just curious, did he contact you to get some sort of assurance that he will be able to install his antenna on your tower in case if the FCC approves his application?

Thanks for your time in advance,

--
Ed

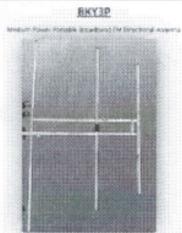


image002.png
84K

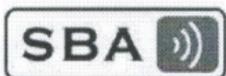
From: Ed Roach <ERoach@sbsite.com>
Sent: Tuesday, December 17, 2019 10:25 AM
To: Joe Rozanc <JRozanc@sbsite.com>
Subject: Bustos Media OR47610-A (Monfared)

Joe,

Did we get any inquiries from Bustos Media for the above referenced site. Thanks.

Edward Roach

VP - Assoc Gen Cnsl - Com



SBA Communications Corporation

8051 Congress Avenue

Boca Raton, FL 33487-1307

FW: Bustos Media OR47610-A (Monfared)

9 messages

Ed Roach <ERoach@sbsite.com>
To: Eduard Rusu <eduardarusu@gmail.com>

Tue, Dec 17, 2019 at 10:45 AM

Ed,

Below is the email from our site marketing manager regarding the above referenced site. As you can see from the email below, our site will not work for an FM single bay antenna.

Regards,

Ed

Edward Roach

VP - Assoc Gen Cnsl - Com

561.226.9256 + T

561.989.2974 + F

From: Joe Rozanc <JRozanc@sbsite.com>
Sent: Tuesday, December 17, 2019 1:40 PM
To: Ed Roach <ERoach@sbsite.com>
Subject: RE: Bustos Media OR47610-A (Monfared)

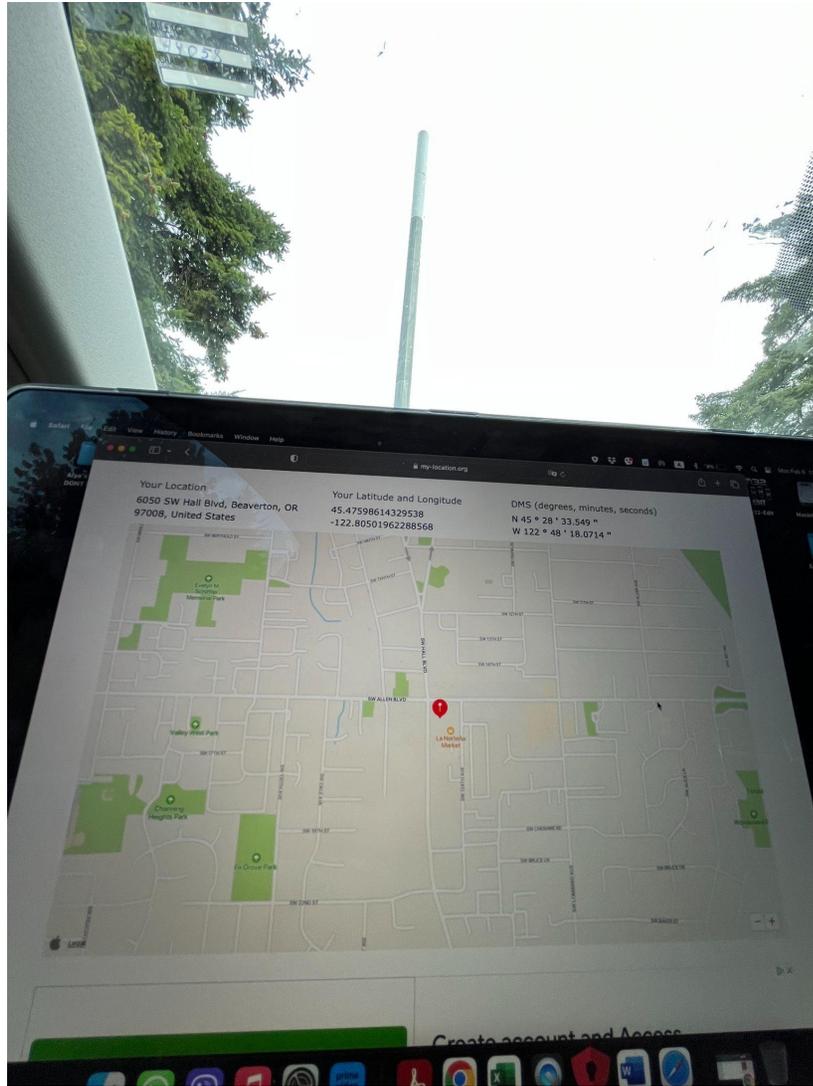
Yes I did – This tower will not work for FM single Bay antenna

This is a Stealth Canister Flagpole Tower – Canister is 30" in diameter and they want to install a single bay antenna (50" x 72" x 3")

I can reach out to them again today

ATTACHMENT B: Photographs of the construction permit site K288HD, 45 28' 33.6" N, 122 48' 16.5" W







Example of Antenna Nicom BKY3P, not seen attached to the SBA tower monopole

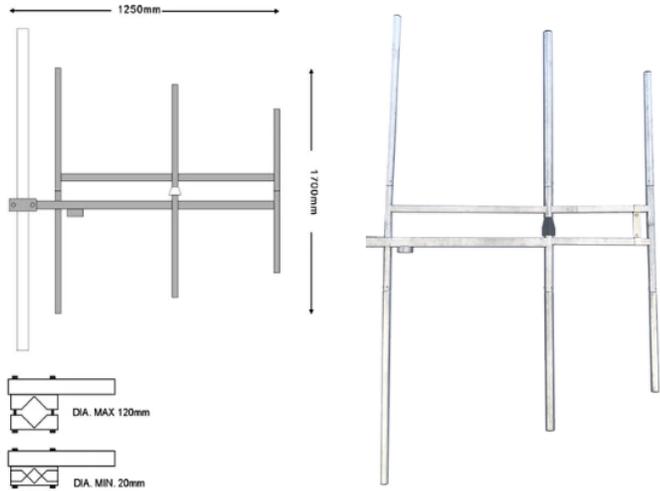


TECHNICAL SPECIFICATIONS

Antenna Type: 3 element directional antenna
Front-to-Back Ratio: 18 dB
Frequency Range: 87.5 - 108 MHz
Polarization: vertical, horizontal or 45 degree slant
Gain: 4.5 dB (referred to half-wave dipole)
Bandwidth: 20 MHz
VSWR: < 1.2 max.
H Plane: 150 degrees
V Plane: 70 degrees
Impedance: 50 Ohms
Connector: N type (1 kw) - EIA 7/8 (2 kw)
Power Rating: 2000 Watts max.
Wind Load: 48.4 Lbs (22 kg)
Wind Velocity: 130 mph (208 km/h) max
Wind Surface: 2.0 ft² (0.19 m²)
Lightning Protection: all parts grounded
Material: (external) stainless steel
Mounting: from 2" to 4"
Weight: 20 Lbs (9 kg)
Average Dimensions: 50"x72"x3"
(1250x1700x60mm)
Packing: 53"x19"x4" (1300x480x100mm)

ANTENNAS > BKY3P

Overview: Medium Power Portable Broadband FM Directional Antenna
Broadband 88-108 MHz band
Linear Polarization 3-element
High gain, Stainless Steel Construction



CDBS Information Regarding BNPFT-20180427ABZ with Expiration Date

Application Search Details	
File Number:	BNPFT-20180427ABZ
Call Sign:	K288HD
Facility Id:	202944
FRN:	0003745494
Applicant Name:	BUSTOS MEDIA HOLDINGS, LLC
Frequency:	105.5
Channel:	288
Community of License:	BEAVERTON, OR
Application Type:	ORIGINAL CONSTRUCTION PERMIT
Status:	GRANTED
Status Date:	02/05/2020
Expiration Date:	02/05/2023
NCE Supplement Date:	
Tolling Code:	
Application Service:	FX
Disposed Date:	02/05/2020
Accepted Date:	05/01/2018
Tendered Date:	04/30/2018
Last Public Notice:	02/10/2020
Last Report Number:	49671
Authorization	View Authorization
Engineering Data	View Engineering Data
Legal Actions	View Legal Actions
PN Comment	Public Notice Comment
Correspondence Folder	View Correspondence Folder

ATTACHMENT C

SWORN DECLARATION OF EDUARD RUSU

Eduard Rusu deposes and states as follows:

I am the station manager for KXRU-LP. Attached with this Declaration is a complete and accurate transcript of my email exchange with officials at SBA Towers concerning the proposal of Bustos Media Holdings to locate the antenna for an FM translator station at their tower, ASRN 1280117.

I visited the site of the K288HD construction permit, 45 28' 33.6" N, 122 48' 16.5" W, on February 6, 2023 and did not witness the facility being constructed or on the air. The information presented in this Informal Objection is true and correct to the best of my knowledge.

The foregoing statement is true and correct to the best of my personal knowledge and is given under the penalty of perjury



Eduard Rusu

02/07/2023

Date