

February 16, 2023

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

PETITION TO DENY

RE: FCC File No. 167104 Vida Ministry Inc. (FCC MX Group 200)

Dear Ms. Dortch:

Call Communications Group, Inc. (“Call”), applicant File Number 167747, respectfully requests that the Commission deny the above-captioned application by Vida Ministry Inc. (“VMI”) for a new noncommercial FM broadcast station at Central Gardens, Texas. VMI was declared the tentative selectee of FCC MX Group 200 because the Commission arbitrarily accepted two applicants’ erroneous and unsupported coverage and population claims.¹ The applications filed by Christian Ministries of the Valley, Inc. (“CMV”) (File Number 166728) and CCS Radio, Inc. (“CCSR”) (File Number 166698) were not prepared according to the instructions.² The failure of the two aforementioned applicants to follow the instructions affected the point system analysis of the Commission’s initial comparative consideration and the resulting decision of tentative selectee of FCC MX Group 200.

Under the “Technical Parameters” subsection of the “Point System Factors/Tiebreakers” section on form 340, applicants must certify and accurately calculate “New area served in square kilometers (excluding areas of water).”

¹ *“In considering this criterion, we have generally accepted applicants’ coverage and population claims.”* See “Comparative Consideration of 34 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations” FCC 23-5 January 24, 2023.

² *“Each applicant must include an application exhibit explaining how it calculated the technical parameters. The applicant should specify the year and blocks of census information used and the method used to determine area. Area must be measured in square kilometers and **exclude significant areas of water, e.g., ocean and lakes.**”* See “MEDIA BUREAU ANNOUNCES NCE FM NEW STATION FILING PROCEDURES AND REQUIREMENTS FOR NOVEMBER 2 - 9, 2021, WINDOW” DA 21-885, July 23, 2021

CMV's calculated "new area served" does not exclude areas of water. CMV did not provide the required exhibit explaining how it calculated the technical parameters nor did it specify the year and blocks of census information used, and the method used to determine area. CMV answered 1,881.6 square kilometers. Call's consultant attempted to duplicate CMV's calculations. First, by calculating the gross area of the entire 60 dBu contour (not excluding water) Call's consultant arrives at 1,883.7 square kilometers (which is better than 99.8% agreement with CMV's areal value). However, by subtracting 562.7 square kilometers of significant water area from the proposed CMV 60 dBu contour, the correct new area served is only 1,321.0 square kilometers. Therefore, CMV has overstated its new area served by 42.6%.

CCSR's calculated "new area served" does not exclude areas of water. CCSR did not provide the required exhibit explaining how it calculated the technical parameters nor did it specify the year and blocks of census information used, and the method used to determine area. CCSR answered 1,402.2 square kilometers. Call's consultant attempted to duplicate CCSR's calculations. First, by calculating the gross area of the entire 60 dBu contour (not excluding water) Call's consultant arrives at 1,396.04 square kilometers (which is better than 99.6% agreement with CCSR's areal value). However, by subtracting 589.81 square kilometers of significant water area from the proposed CCSR 60 dBu contour, the correct new area served is only 806.23 square kilometers. Therefore, CCSR has overstated its new area served by 73.2%.

Both CMV and CCSR's applications cannot arbitrarily be considered in the point system analysis of technical parameters along with the applications of Call and VMI in FCC MX Group 200. Removing both CMV's and CCSR's application results in Call receiving two points for the best technical proposal because Call proposes service to 90% greater population and 114% greater service area than VMI. At the conclusion of the Point System Analysis, CMV and CCSR should have zero points, VMI should have two points, while Call should have four points and Call should be declared the tentative selectee in Group 200.

For the reasons stated above, Call respectfully requests that the Commission deny the above-captioned application by Vida Ministry Inc. (FCC MX Group 200) for a new noncommercial FM broadcast station at Central Gardens, Texas.

Sincerely,



Robert J. Robbins, Ph.D.
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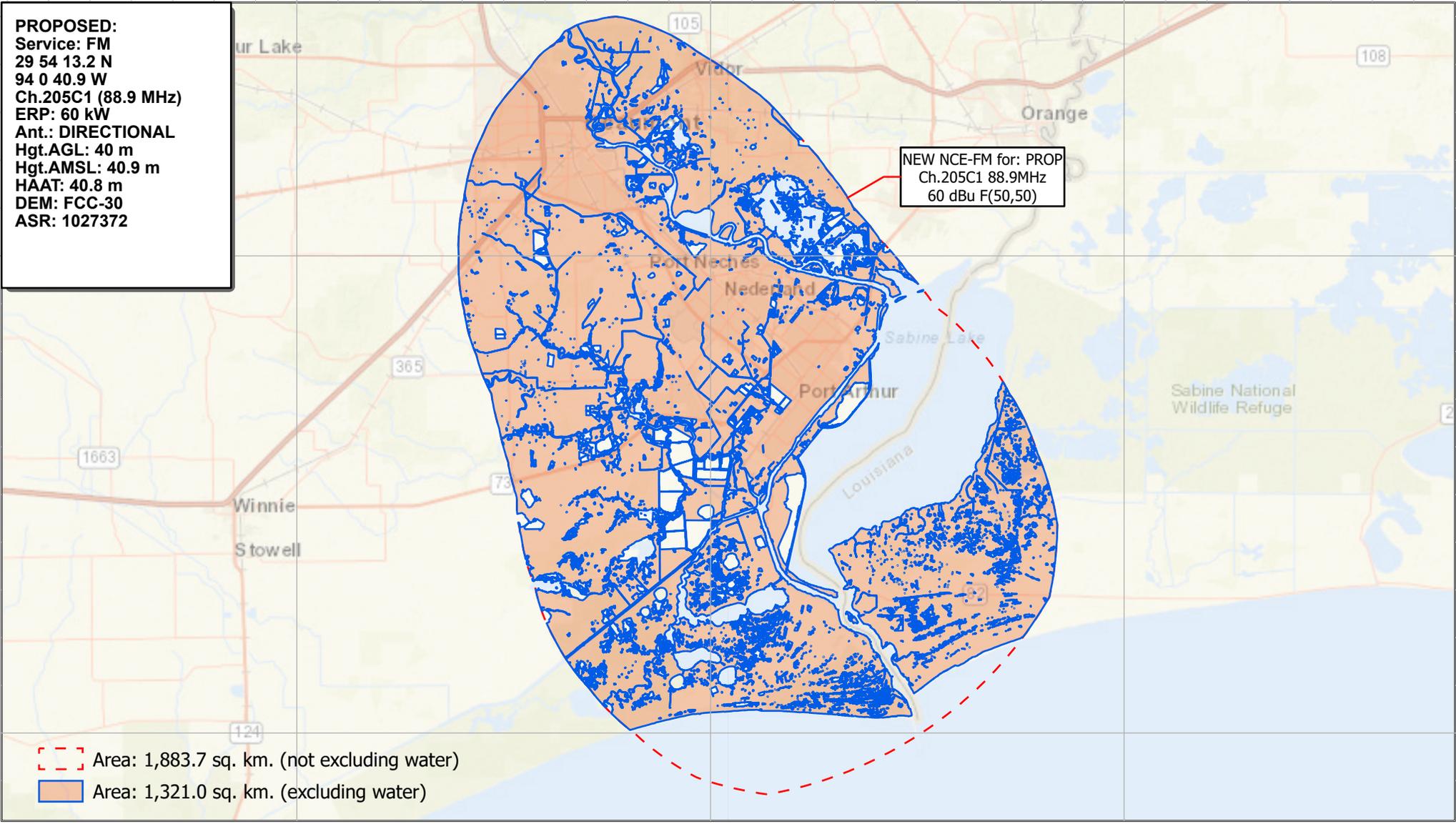
E-mail: rob@callfm.com

Copy sent via U.S. Mail to:

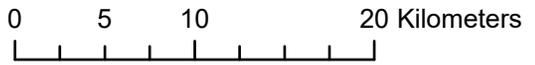
Vida Ministry Inc.
7314 Birchtree Forest Dr.
Houston TX 77088

Christian Ministries of the Valley, Inc
PO Box 1290
Weslaco, TX 78599

CCS RADIO, INC.
PO Box 22602
Beaumont, TX 77720



**NEW NCE-FM for: PORT ARTHUR, TX Proposed Channel 205C1 (88.9 MHz)
 Christian Ministries of the Valley, Inc. - EVALUATION**



The calculated water area inside the 60 dBu contour predicted with the parameters of application file number 0000166728 is 562.7 square kilometers. The total area of the contour is 1,883.7 square kilometers. Subtracting the significant water area of 562.7 sq.km. from 1,883.7 sq.km. results in a total land area of 1,321.0 sq.km. Therefore areal coverage of 1,881.6 sq.km. claimed on application 0000166728 did not account for significant areas of water in the areal coverage calculation and overstated the value by 562.7 square kilometers (+42.6%).

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Source: US Census TIGER 2021 Area Water geodatabase: tlgdb_2021_a_us_areawater.gdb

PROPOSED:
Service: FM
29 43 35.5 N
93 53 8.0 W
Ch.205C3 (88.9 MHz)
ERP: 5 kW
Ant.: DIRECTIONAL
Hgt.AGL: 150 m
Hgt.AMSL: 151.5 m
HAAT: 151.5 m
DEM: FCC-30
ASR: 1049454

NEW NCE-FM for: PROP
Ch.205C3 88.9MHz
60 dBu F(50,50)

 Area: 1,396.04 sq. km. (not excluding water)
 Area: 806.23 sq. km. (excluding water)

NEW NCE-FM for: PORT ARTHUR, TX Proposed Channel 205C3 (88.9 MHz) CCS RADIO, INC. - EVALUATION

The calculated water area inside the 60 dBu contour predicted with the parameters of application file number 0000166698 is 589.81 square kilometers. The total area of the contour is 1,396.04 square kilometers. Subtracting the significant water area of 589.91 sq.km. from 1,396.04 sq.km. results in a total land area of 806.23 sq.km. Therefore areal coverage of 1,402.2 sq.km. claimed on application 0000166698 did not account for significant areas of water in the areal coverage calculation and overstated the value by 589.81 square kilometers (+73.2%).

Source: US Census TIGER 2021 Area Water geodatabase: tl gdb_2021_a_us_areawater.gdb

0 4.25 8.5 17 Kilometers



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