

*Before the
Federal Communications Commission
Washington, DC 20554*

In re Application of

REMANENTE BROADCASTING NETWORK

For New Non-Commercial

Educational FM Station at Boron, California

)
) **MX GROUP 34**
) **File No. 0000167635**
) **Facility No. 766053**

Filed with: **Office of the Secretary**

Directed to: **Audio Division, Media Bureau**

OPPOSITION TO INFORMAL OBJECTION

Remanente Broadcasting Network (“RBN”), by its attorney, hereby submits its Opposition to the “Informal Objection” filed by Triangle Access Broadcasting., Inc., with respect to the above-referenced application.

RBN filed its application for a new NCE FM station at Boron, California, LMS File No. 0000167635, during the FCC’s November 2021 filing window (the “RBN Application”). The RBN Application is a part of NCE MX Group No. 34, which includes three applications proposing service to three different communities in California.

On January 24, 2023, the Commission released a *Memorandum Opinion and Order*, FCC 23-5 (2023) (the “*MO&O*”) which, among other things, named RBN as the tentative selectee for MX Group 34. Insofar as no applicant claimed eligibility for a fair distribution preference, the three applicants proceeded to a point system analysis. The Commission then stated:

No applicant claims points as an established local applicant or as a state-wide network. RBN and NPR claim two points each for diversity of ownership. CBI certifies that it is not entitled to points under this criterion. With respect to technical parameters, RBN’s proposed 60 dBu contour would encompass 8,002 square kilometers with a population of 42,073. CBI’s proposed 60 dBu contour would encompass 4,838 square kilometers with a population of 49,003. NPR’s proposed 60 dBu contour would encompass 8,571 square kilometers with a population of 53,539. Because no applicant’s proposal would serve at least 10% more area and population than the next best proposal, we do not award points

for this criterion. Accordingly, CBI is not credited with any points; RBN and NPR are each credited with a total of two points and proceed to a tie-breaker analysis.
31.

The first issue considered in a tie-breaker for NCE FM applicants is the number of radio station authorizations attributable to each applicant. The applicant with the fewest authorizations prevails. RBN certifies that it has no attributable interests in any radio authorization, and NPR certifies that it has attributable interests in 15 radio authorizations. RBN is, therefore, the tentative selectee in Group 34.

Id. at ¶¶ 30-31. As a result of the tie-breaking criteria pertaining to the number of existing authorizations in existence by each applicant at the time the applications were filed, RBN rightfully was declared the prevailing applicant. None of the competing applicants have opposed grant of the RBN Application.

Triangle’s Objection nevertheless requests denial of RBN’s Application, and speculates that RBN is commonly controlled by “Cadena Radial Remanente,” licensee of Station KZLQ-LP, La Quinta, California (Informal Objection at 1-2) and that there are “attributable interests between RBN, KRAQ-LP, and KZLQ-LP.” Informal Objection at 4.¹

Triangle’s speculations are not accurate. As reflected in RBN’s Application, RBN is a non-profit organization controlled as follows:

Edith Gonzalez Werner	33%
Delila Gloria Gonzalez	33%
Gabriella Werner	33%

While each person has served as officers of Cadena Radial Mision Y Vision Corp. in the past (Triangle Exhibits A and C) and Edith Gonzalez has served as an accountant for Cadena Radial Remanente (Triangle Exhibit B), as reflected by the Declaration attached hereto as Attachment

¹ Triangle also complains that “Jaime Mitrani” signed an application for renewal for Station KRAQ-LP (Informal Objection at 2) and that “Julia Gonzalez” is listed as a corporate officer of Cadena Radial Remanente (Informal Objection at 3. “Jaime Mitrani” and “Julia Gonzalez” are not principals of RBN. It also raises questions concerning the accuracy of filings made by Cadena Radial Remanent and Cadena Radial Mision Y Vision Corp. RBN and it officer’s are not in a position to respond to matters pertaining to other licensees.

Attachment A

DECLARATION

I, Edith Gonzalez Werner, hereby state as follows:

1. I am President of Cadena Radio Remanente, applicant for a new NCE broadcast station to serve Boron, California.

2. RBN is a non-profit organization controlled as follows:

Edith Gonzalez Werner 33%

Delila Gloria Gonzalez 33%

Gabriella Werner 33%

While certain of these parties, including myself, have assisted Cadena Radial Mision Y Vision Corp. (licensee of Station KRAQ-LP) and Cadena Radial Remanente (licensee of KZLQ-LP) in the past, all involvement in governing positions with those organizations ceased prior to the opening of the FCC's November 2021 filing window. The Directors of RBN have no attributable interest in those entities.

I declare under penalty of perjury that the forgoing is true and correct.

DocuSigned by:
Edith Gonzalez-Werner, M.D.
041BBE89DAFD45E1
Edith Gonzalez Werner
President

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that a copy of the foregoing “Opposition to Informal Objection” is being provided by First Class Mail to the following:

Steven L. White
Triangle Access Broadcasting, Inc.
7813 Highlandview Cir.
Raleigh, NC 27613

_____/Dan J. Alpert_____
Dan J. Alpert