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In the matter of:

Alert Community Broadcasting

788500

0000232745

INFORMAL OBJECTION

In accordance with §73.3587 of the Commission's Rules ("Rules"), REC Networks ("REC") is filing an *Informal Objection* on the above captioned application for violations of §§ 73.503(a) and 73.853(a) of the Rules.¹

Background

§73.503(a) of the Rules states that a noncommercial educational ("NCE") broadcast station, including Low Power FM ("LPFM") stations may only be licensed to nonprofit educational organizations upon showing that the station will be used for the advancement of an educational program.² §73.855(a) of the Rules states that no authorization for an LPFM station shall be granted to any party if the grant of that authorization will result in any such party holding an attributable interest in two or more LPFM stations.³ Finally, no LPFM licensee may enter into an operating agreement of any type, including any time brokerage or management agreement, with either a full power broadcast station or another LPFM station.⁴

¹ 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 2023 Third Generation LPFM Filing Window were reviewed by REC to assure compliance with the Commission's rules and REC, through the advocacy, is electing to address specific issues that may have widespread effects on the integrity and the future of the LPFM broadcast service as a whole.

² 47 C.F.R. §73.503(a). See also 47 U.S.C. §397(6)(A) ("The term[] "noncommercial educational broadcast station" [...] mean[s] a [...] radio broadcast station which under the rules and regulations of the Commission in effect on November 2, 1978, is eligible to be licensed by the Commission as a noncommercial radio [...] broadcast station and which is owned and operated by a public agency or nonprofit private foundation, corporation or association..."). See also 47 C.F.R. §73.853(a)(1).

³ 47 C.F.R. §73.855(a). See also §§ 73.855 and 73.860(b).

⁴ 47 C.F.R. §73.865(e).

In the *July Public Notice*, the Commission requires that applicants must submit complete copies of the documents establishing their nonprofit status, such as corporate charters or articles of incorporation.⁵

Applicant is not a non-profit organization qualified for LPFM

In the instant case, the applicant has provided an “organizational” document.⁶ The document included in the original filing does not bear a state stamp or other indicia which would normally include a state assigned file number and the date for which the application was filed with the state. This document expressly claims that the organization is a “Texas Non-Profit Organization”.

A search of public records at both the Texas Secretary of State and the Texas Comptroller of Public Accounts indicates that there is no such organization called “Alert Community Broadcasting” that is recognized as a corporation in the State of Texas. Further, the applicant fails to provide any documentation that the organization is an unincorporated association and as such, does not provide the Commission documentation, such as 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 including some explanation of how and when the applicant, prior to filing the application, satisfied the requirement for an unincorporated association under state law.⁷

Absent any recognition by any state, such as Texas, as represented in their “organizational document” through a corporation filing, the applicant is not qualified to hold licenses in a NCE radio service, such as LPFM.⁸

⁵ *Media Bureau Announces Filing Procedures and Requirements for November 1 – November 8, 2023, Low Power FM Filing Window*, Public Notice, DA 23-642 (MB, Jul. 31, 2023) (“*July Public Notice*”) at 6. Any applicant that is an unincorporated association must submit documents demonstrating it is recognized in its relevant jurisdiction and that the organization meets such requirements for such an entity (see e.g., *Applications for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, Memorandum Opinion and Order, 28 F.C.C. Rcd. 13390, 13397-98, (“*Six LPFMs*”) at para. 22 (2013)).

⁶ See window-filed application exhibit, “[TX Princeton Organizational Document.pdf](#)”

⁷ See also *Fondren Community Voices*, Letter, 30 F.C.C. Rcd. 3003 (MB, 2015) (*additional citations omitted*).

⁸ *Six LPFMs* at 13396. (“An LPFM applicant’s status as a valid non-profit organization at the time it files its application is fundamental to our determination of the applicant’s qualifications to hold an LPFM authorization.”). This requirement is grounded in Section 397(6)(A) of the Communications Act of 1934, as amended, which requires that noncommercial educational broadcast stations, such as those in the LPFM service, be licensed to a “public agency or nonprofit public foundation, corporation or association.”) See 47 U.S.C. §397(6)(A); *Id.* at 13394, n. 39.

Commonalities in applicant addresses, telephone numbers and email addresses demonstrate prohibited cross-ownership and hidden parties in interest

We further note that this application is one of two that have been identified as the *Alpha Group*.⁹ Applicants within the *Alpha Group* have commonalities that would, if filed by individual organizations with their own distinct mission and unique local governance would be different on each application.

Specifically, the applicant organization's telephone number, 469 245-3604 is the same telephone number for the applicant organization for both *Alpha Group* applications. In addition, the email address used in the applicant information (kkvi104.1fm@gmail.com)¹⁰ is also common on both of the *Alpha Group* applications.¹¹ The postal address used for the applicant (PO Box 1433, Wylie, Texas) is also the same address used as those for four full-service NCE FM authorizations held by Alpha Consulting Christian Education.¹² These commonalities greatly differ than those discovered by REC in 2013 with *HEFF* because they go directly to the *applicant* and makes the very common sense argument, **in a service with an ownership limit of one station, there should not be two applications with the SAME telephone number and email address for the licensee (applicant)** and likewise, the use of the same mailing address for both of the *Alpha Group* entities as well as for four full-service authorizations is very highly suspect. This is a huge departure from the arguments made by REC in *HEFF*.

While the claim of commonalities on applicant information between the *Alpha Group* applications is moot in the instant application because of the presence of a lack of corporation status with any state, we bring this up to point out the gamesmanship that has taken place with these applications, which should be considered in either *Alpha Group* application.

Conclusion

The LPFM service was created in 2000 to provide opportunities for new voices to be heard.¹³ In 2007, the FCC removed rules allowing for multiple and non-local LPFM ownership to protect the public interest in localism and foster greater diversity of programming from community sources.¹⁴ The current rules protect the LPFM service's local flair and must be enforced to prevent

⁹ See Appendix A.

¹⁰ The email address is commonly misspelled as "kkvi104.1@gmail.ccom" throughout these applications.

¹¹ We further note that this case can be differentiated from *Little Rock Hispanic Education Family Foundation*, Letter Order, 1800B3-ATS (MB, Aug. 23, 2016), *et. al.* ("HEFF") as the arguments being made in this proceeding does lead more directly to common control through common email addresses, telephone numbers in the *Applicant* Information. See Appendix B. Unlike in *HEFF*, REC is not making any arguments regarding engineers, consultants, legal contact information, educational statements or similarities in organization names. Our argument goes to the specific information about the applicant itself and clearly demonstrates a common control of multiple stations, in violation of 47 CFR §§ 73.855(a), 73.858, 73.860(b) and 73.860(e).

¹² Facilities and file numbers detailed in Appendix A.

¹³ *Creation of a Low Power Radio Service*, Report and Order, 15 F.C.C. Rcd. 2205, 2006 (2000).

¹⁴ *Creation of a Low Power Radio Service*, Third Report and Order, 22 F.C.C. Rcd. 21912, 21922 (2007).

gamesmanship, similar to what we experienced in the 2013 LPFM Filing Window as well as this window, where some applications were not actually filed by true local organizations, but instead by larger non-local organizations, some with direct ties to full-service broadcast stations in order to build their overall reach and “expand their missions”. REC’s involvement in proceedings like this are intended to expose the gamesmanship that is taking place, which is not in the public interest, especially as the Commission otherwise, relies on self-certification, which in itself, may be administratively convenient, does open the door further for bad-faith applications, such as the instant application.

In the instant case however, we have demonstrated that the applicant is in fact, not even qualified to be a NCE or LPFM broadcast licensee due to a lack of valid corporation status as grounded in §397(6)(A) of the Communications Act.

As such, REC is petitioning the Commission through this *Informal Objection* to DISMISS the above captioned application due to violations of §§ 73.503(a) and 73.853(a) of the Commission's Rules due to a lack of valid corporation status at the time of filing.

Respectfully submitted,

/S/

Michelle Bradley, CBT
REC Networks
11541 Riverton Wharf Rd.
Mardela Springs, MD 21837

January 31, 2024

APPENDIX A

ALPHA SHADOW GROUP APPLICATIONS

<u>Applicant</u>	<u>Facility ID</u>	<u>File Number</u>
Alert Community Broadcasting	788500	0000232745
Lajefa Community Radio	788573	0000232748

POSSIBLE PROHIBITED CROSS-OWNERSHIP

Alpha Consulting Christian Education	766945	0000166678
Alpha Consulting Christian Education	766946	0000166676
Alpha Consulting Christian Education	766947	0000166675
Alpha Consulting Christian Education	764612	0000166689
Gospel American Network	197608	0000215264

APPENDIX B

**SIMILARITIES IN APPLICANT INFORMATION
TO DEMONSTRATE THAT ALL APPLICATIONS
HAVE HIDDEN TRUE PARTIES IN INTEREST**

Applicant	Applicant Information Address Phone Number Email address	Parties to the Application Common Phone Number Comments
Alert Cmty. Bc. 788500 0000232745	PO Box 1433, Wylie 469 245-3604 kkvi104.1fm@gmail.com	469 245-3604 kkvi104.1fm@gmail.com On both parties
Lajefa Cmty. R. 788573 0000232748	PO Box 1433, Wylie 469 245-3604 kkvi104.1fm@gmail.com	469 245-3604 kkvi104.1fm@gmail.com Only one party.


APPENDIX C

Lack of standing with the Texas Secretary of State:


 Texas Secretary of State Jane Nelson						
UCC Business Organizations Trademarks Notary Account Help/Fees Briefcase Logout						
FIND ENTITY NAME SEARCH						
This search was performed with the following search parameter: ENTITY NAME : Alert Community Broadcasting						
Mark	Filing Number	Name	Entity Type	Entity Status	Name Type	Name Status
<input type="radio"/>	116439701	COMMUNITY ALERTING NETWORK, INC.	Domestic Nonprofit Corporation	Involuntarily dissolved	Legal	Prior
<input type="radio"/>	803872484	(RCAMS) Residential Community Alert Mounted Strobe LLC	Domestic Limited Liability Company (LLC)	In existence	Legal	In use
<input type="radio"/>	40831601	TEXAS COMMUNITY ALERT PATROL	Domestic Nonprofit Corporation	Involuntarily dissolved	Legal	Inactive
<input type="radio"/>	139544901	ARTISANS' FUND FOR COMMUNITY BROADCASTING	Domestic Nonprofit Corporation	Voluntarily dissolved	Legal	Inactive
<input type="radio"/>	801805809	COMMUNITY BROADCAST PARTNERS LLC	Domestic Limited Liability Company (LLC)	In existence	Legal	In use
<input type="radio"/>	802033318	Asian American Culture Community Broadcast, LLC	Domestic Limited Liability Company (LLC)	Forfeited existence	Legal	Inactive
<input type="radio"/>	67016800	COMMUNITY SERVICE BROADCASTING, INC.	Domestic For-Profit Corporation	Forfeited existence	Legal	Inactive
<input type="radio"/>	802460628	Community Affairs Frontier Broadcasting, LLC	Domestic Limited Liability Company (LLC)	In existence	Legal	In use
<input type="radio"/>	53903400	COMMUNITY BROADCASTING OF COASTAL BEND, INC.	Domestic For-Profit Corporation	Forfeited existence	Legal	Inactive
<input type="radio"/>	127405000	COMMUNITY BROADCAST GROUP, INC.	Domestic For-Profit Corporation	Forfeited existence	Legal	Inactive

https://direct.sos.state.tx.us/corp_inquiry

Lack of standing with the Texas State Comptroller:

	Texas Comptroller of Public Accounts Glenn Hegar	Home Contact Us
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Taxable Entity Search

 Business Name alert community broadcasting was not found.

Search

Tax ID

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

OR

Entity Name

alert community broadcasting

OR

File Number

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

<https://mycpa.cpa.state.tx.us/coal/>