

Before the
Federal Communications Commission
Washington, DC 20554

In re: Application of

Bustos Media Holdings, LLC
For Construction Permit for
New FM Translator Station
Auburn, Washington
FCC File No. BNPFT-20180418ABI
Facility ID No. 202942

Request for Leave to File &

Supplement to Opposition to Petition for Reconsideration

Northwest Rock N Roll Preservation Society ("NWR"), licensee of co-channel FM Translator K266BM, herein respectfully opposes the May 28, 2020 Petition for Reconsideration of Bustos Media Holding, LLC ("Bustos"). NWR agrees with the Commission's letter dated April 28, 2020 ("Letter"). NWR respectfully requests leave to file this supplement to respond to the September 17, 2020, Reply from Bustos. This is not new information, but merely a restatement of facts previously presented to the Commission on prior submittals. We believe this will help the Commission find those items that rebut the current list of accusations from Bustos and its attorney. It should be noted that Bustos and Bicoastal Media Licenses IV, LLC ("Bicoastal") both have FM translator projects¹ before the Commission which will cause interference to K266BM. Their respective attorneys have been double teaming against NWR. Their continued bad actions by defaming the legitimacy of NWR as an organization and lying about being off the air are interfering with our business and causing distress to the family that runs NWR.

Supplement

The numbering of paragraphs correspond to Bustos September 17, 2020.

1. Preliminary statement: NWR is not presenting new information in violation of *Canyon Area Residents for the Environment*, 14 FCC Rcd 8152 (1999). The Commission will need to decide if Bustos has been guilty of that violation for their repeated submittals. Please see NWR's September 6, 2020 Supplement to Petition for Reconsideration, paragraph 21, Exhibit C.

2. Certificates of Service: Please see NWR's September 6, 2020 Supplement to Petition for Reconsideration, four paragraphs labeled "2-3," Exhibit C.

2a. Interference to K266BM listeners: NWR's 2018 Informal Objection proved interference from the proposed new FM translator. K266BM served the areas identified in the supplements. The Commission agreed with that proof, and decided against Bustos in the Letter. K266BM was not authorized to broadcast KGTK until December 4, 2020. Everything submitted to the FCC was current. Please see NWR's September 6, 2020 Supplement paragraph 14, Exhibit C. It is unreasonable to expect NWR to publish a new submittal every time there is a change in power and/or primary station. NWR followed the prescribed procedure without intent to bi-pass either the letter or intent of FCC rules and regulations.

3. Primary station: Prior to the power increase, KGHO-LP was the licensed primary station for K266BM. As previously stated, CDBS has a technical limitation that does not allow it to show both a current primary station and a proposed primary station for a pending construction permit. Counsel for Bustos and Bicoastal have been told this, but they continues to repeat this song. See NWR's Reply to [Bicoastal] Opposition January 6, 2019, Exhibit D, page 1.

3a. Cross ownership: As previously stated, there is no prohibited relationship between NWR and Grays Harbor LP FM. Brian Spencer and John Spencer are not related. See NWR's Reply to [Bicoastal] Opposition January 6, 2019 (Exhibit D, page 2) and Hellinger letter (Exhibit B).

4. Transfer of control: There has been no unauthorized transfer of control. Two members had taken temporary leaves of absence, but have since returned to active board positions. Please see Exhibit A and Exhibit B. Furthermore, NWR had been in the process of filing its late annual

report to the Washington Secretary of State since *January*.

5. Board members: Please see Exhibit A.

6. Board members: Please see Exhibit A. At the time that NWR was first organized, there was no requirement to file anything with the state for a non-profit organization.

7. Unauthorized control: NWR is controlled by a majority of the Board members who first applied for a construction permit for facility ID #150021 - K266BM. Please see Exhibits A and B.

8. Ex parte: Bustos does not enter this argument with clean hands. They did not send NWR any copy of their March 18, 2019 Supplement, nor their May 22, 2019 Reply. They also failed to notify NWR when they proposed engineering changes on October 9, 2019. And they did not mail copies of their March 28, 2020 and May 22, 2020 pleadings to NWR until late August.

Regarding the January and February, 2019 supplements, please see NWR's September 6, 2020 Supplement, four paragraphs labeled "2-3," Exhibit C.

9. Vacate the Letter: NWR sees no need for the Commission to vacate its Letter. As previously argued, NWR does not believe Bustos was ignorant of the supplements, which were available to it on CDBS. Please see NWR's September 6, 2020 Supplement, last of four paragraphs labeled "2-3," Exhibit C.

10. Off the air: K266BM is on the air. K266BM is always relaying KGTK. Whatever they are broadcasting, we are broadcasting. Bustos continues to lie about this. NWR respectfully requests the Commission to authorize the FCC field engineer to observe the broadcasts of K266BM and KGTK to confirm for the Commission that K266BM is indeed relaying KGTK. The legitimacy of NWR's license and the honesty of its detractors can be ascertained by this action.

11. Discrimination: We do not think that Bustos' attorney really believes that the FCC has

discriminated against Bustos based on ethnicity.

Conclusion

12. Bustos had the opportunity to purchase an FM translator in a recent window, but failed to do that. They filed for channel 267, then changed it to channel 266, knowing that NWR's K266BM listeners would receive interference. When the Commission revised the FM Translator Interference rules, they had the opportunity to resolve the known problem with a channel change (see September 6, 2020 Supplement, paragraph 4 and footnote 2, Exhibit C). They failed to do that. They have failed to present that another channel would not work. They have failed to state how it is in the public's interest to grant them any station. NWR respectfully requests that the Commission deny Bustos' Request for Reconsideration for channel 266. If the Commission chooses, they might give Bustos the opportunity to find another channel.

Respectfully,

Brian Spencer, President
Northwest Rock N Roll Preservation Society
October 16, 2020

Footnote

1. Bicoastal Media Licenses IV, LLC file number BNPFT-20180430AA V, facility ID 202510.

EXHIBIT A



Corporations and Charities Filing System



Corporations and Charities Filing System



Corporations and Charities Filing System

Business Name:
NORTHWEST ROCK 'N' ROLL PRESERVATION SOCIETY

UBI Number:
603 040 929

Business Type:
WA NONPROFIT CORPORATION

Business Status:
ACTIVE

Principal Office Street Address:

Principal Office Mailing Address:
PO BOX 2673, OLYMPIA, WA, 98507-2673, UNITED STATES

Expiration Date:
08/31/2021

Jurisdiction:
UNITED STATES, WASHINGTON

Formation/ Registration Date:
08/16/2010

Period of Duration:

GOVERNORS

City Name	First Name	Last Name
	GARY	JONAH
	RITA	RAMERIZ
	BRIAN	SPENCER
	DIANE	ALDERMAN
	MARGARET	HELLINGER

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Exhibit B

To: The Federal Communications Commission

Northwest Rock N Roll Preservation Society is a non-profit corporation registered in the state of Washington. It is a family run organization, mother, daughters and son. Sadly, our mother has passed away. I felt the need to take some time off, but have now returned to duties. There has been no "unauthorized transfer of power" for Northwest Rock N Roll Preservation Society. Brian Spencer is in no way related to John Spencer of Grays Harbor LPFM.

Respectfully yours,

e-signed:

Margret Hellinger

Northwest Rock N Roll Preservation Society

October 15, 2020

DECLARATION

I, Brian Spencer, hereby declare under penalty of perjury as follows:

I am President of Northwest Rock N Roll Preservation Society.

I have reviewed the Supplement to Opposition to Petition for Reconsideration to which this Declaration is attached, and the facts set forth therein are true and correct to the best of my knowledge, information and belief and is not interposed for delay.

e-signed:
Brian Spencer
October 16, 2020

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the forgoing Supplement to Opposition to Petition for Reconsideration was served by first-class United States mail, postage prepaid, upon the following:

Dennis J. Kelley
P.O. Box 41177
Washington, DC 20018

By: Brian Spencer