

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
CENTRO CRISTIANO DE VIDA ETERNA) FCC File No. BLFT-20170406ACJ
FM Translator Station K223CW) Facility Identification No. 148239

To: The Secretary
Attn: Media Bureau, Audio Division
(Filed Electronically through CDBS)

REPLY TO RESPONSE TO REQUEST FOR EXPEDITED ACTION

1. Iglesia Centro de Liberacion, Inc. (“Iglesia Centro”), by counsel, hereby submits this Reply to Response to its Request for Expedited Action (“Response”) on outstanding Interference Complaints (“Complaints”) filed against Centro Cristiano de Vida Eterna (“Licensee”), licensee of the FM Translator Station, K223CW (Facility Identification Number 148239), Houston, Texas (“Translator”).
2. This pleading replies to the Response the Licensee filed on July 25, 2019 – more than two months after the Commission required the Licensee to seek remediation and report on such efforts following additional interference declarations from listeners to Iglesia Centro’s KJJG-LP (Facility ID Number 191681), South Houston, Texas (“KJJG”). These additional interference complaints were attached to Iglesia Centro’s Second Interference Complaint against the co-channel translator and filed on May 15, 2019 (“Second Complaint”).¹

¹ Postal Service records, included with the Second Complaint indicate delivery to the Licensee’s counsel on May 17, 2019 – more than 10 weeks ago.

3. Iglesia Centro filed a Request for Expedited Action on July 1, 2019 when the Licensee had not met its continuing obligation within 30 days. Now, more than 70 days later, it still has not done so.

4. Instead of having done anything required of it, the Licensee says it “is renewing its efforts”² to do what it was required to do in the first place – but failed to do. Instead it seems to blame the listeners themselves when it claims listeners submitting interference declarations were “unwilling or unable to successfully to schedule appointments,”³ despite submission of transcripts from recorded phone conversations showing the Licensee’s representative hindered such scheduling by, among other things: (a) refusing the listeners’ reasonable requests for evidence that it first attempted and failed to find technical fixes for before intruding on listeners, and (2) the Licensee representative’s false claims to listeners that the FCC required meeting, no matter what. The Commission would have to ignore transcripts and other communications – already on the record⁴ – to reach any conclusion that it was the listeners’ fault that matters have gone unresolved.

5. Now, the Licensee asks the Commission for sympathy for its malfeasance and nonfeasance. It notes that its chief engineer, Martin Guevara, was unexpectedly hospitalized sometime in July (no dates given) and underwent surgery.

² *Response* at 2.

³ *Id.*

⁴ See *Second Complaint* and materials attached, thereto.

6. As good Christians, the leadership of Iglesia Centro prays for Mr. Guevara's full recovery and future good health. As human beings, all are sympathetic to his health struggles and wish him only the best.

7. But, Mr. Guevara's surgery is recent – occurring sometime (time unknown) in July. The Licensee, however, ignored a 30-day deadline in mid-June. It did nothing for weeks before Mr. Guevara's illness – even after missing its ongoing responsibility to respond to interference complaints submitted three months ago. Had the licensee timely met its obligations, it would have done so long before Mr. Guevara's surgery. Its failure to respond has nothing to do with events, such as the hospitalization, occurring after the Licensee's ongoing 30-day deadlines were long past.

8. The Licensee's lack of compliance is not possibly due to any events beyond its control during the time period in which it was required to take action, as it claims.⁵ It is due to the Licensee's inaction and/or, perhaps, an intentional strategy of delay in dealing with the interference complaints at issue – and nothing else.⁶

⁵ *Response* at 3.

⁶ Oddly, the Licensee even raises a new diversionary red herring, based on a concocted alternative reality, when it complains that a radio station with the call letters, KJJB, has not “undertaken any investigation whether its own equipment” is causing interference. *Id.* at n.3. KJJB is licensed to Eagle Lake, Texas, which is more than 75 miles away from South Houston, the relevant community in this case. The licensee for KJJB is Jennifer Cremeens. Ms. Cremeens has nothing to do with Iglesia Centro. The inclusion of an unrelated station and licensee can serve no purpose other than to confuse staff long enough that the case is not decided before the new translator interference rules become effective.

9. Given the Licensee’s continuing violations, the Translator must be ordered silent without further delay. While we all should be sympathetic to Mr. Guevara’s health issues, it is not a reason to let the Licensee continue to evade its responsibilities.

10. The Licensee wants to get away with its malfeasance, seemingly, by running down the clock until the Commission’s new translator interference rules take effect.⁷ Under these new rules, this case would, *inter alia*, need to be relitigated with a different set of rules that sets time limits on complaints (even those filed last year). It would also disqualify interference complaints from people suffering interference at the same address – even if they listen separately on different receivers in separate apartments. The net effect would be to allow a well-resourced licensee to win by (a) stalling on its compliance obligations so that it can (b) make the listeners to another station start from scratch and even be disqualified from having their complaints count at all, while (c) threatening a small low-power competitor, already having diverted precious resources to the legal costs associated with fighting the Translator interference, to divert even more resources so it can re-litigate a matter that should have been settled months ago. The Licensee asks the Commission for nothing less the Commission’s acquiescence to an economic bullying scheme to push a small church’s LPFM out of the way through economic warfare.

11. To prevent the potential violations of statute such an outcome would create,⁸ the Commission must act before the new translator interference rules become effective. Absent a stay, this must be done before August 13, 2019 – lest the Commission invite its first “as applied”

⁷ Absent grant of a stay, the rules are effective on August 13, 2019. See *Public Notice*, issued Aug. 5, 2019, in DA 19-741.

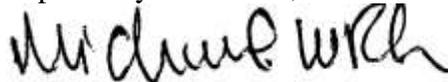
⁸ E.g., under the Administrative Procedure Act.

challenge to the new translator interference rules by whichever party does not prevail under them.

12. Instead, the Commission can support the public interest in administrative efficiency by dealing with this matter before the new translator interference rules take effect. Given the facts on the record, there is no reason to wait as this is not a garden variety interference dispute.

13. The record shows a 15-month-long record of Translator interference and related Licensee bad acts. The Commission must not reward such a Licensee with continued delays that allow re-litigation anew under new translator interference rules while, in the interim, KJJG-LP and its listeners continue to be harmed by Translator interference. It is time to decide the case without further delay.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael W. Richards". The signature is written in a cursive, somewhat stylized font.

Michael W. Richards

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Aug. 6, 2019

CERTIFICATE OF SERVICE

I, Michael W. Richards, counsel for Historic Takoma, Inc., hereby state that true copies of the attached **REPLY TO RESPONSE TO REQUEST FOR EXPEDITED ACTION** were mailed first class, postage prepaid, unless otherwise indicated, this 6th Day of August, 2019 to:

Dan J. Alpert, Esq.,
Counsel to Centro Cristiano de Vida Eterna
Law Office of Dan J. Alpert
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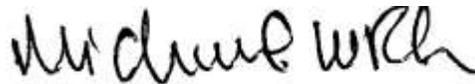
And served by email on:

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Michael W. Richards