

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D. C. 20554

In re Application of	)	
	)	
<b>BUSTOS MEDIA HOLDINGS, LLC</b>	)	File No. BNPFT-20180418ABI
Auburn, Washington	)	Facility ID # 202942
	)	
For Construction Permit for	)	
New FM Translator Station	)	
	)	
<b>NORTHWEST ROCK 'N' ROLL</b>	)	LMS File No. 0000115909
<b>PRESERVATION SOCIETY</b>	)	Facility ID # 150021
Olympia, Washington	)	
	)	
For Covering License for	)	
FM Translator Station K266BM	)	

TO:           Honorable Marlene H. Dortch  
              Secretary of the Commission

ATTN:       Chief, Audio Division, Media Bureau

**MOTION FOR LEAVE TO FILE SUPPLEMENT**

Bustos Media Holdings, LLC ("Bustos"), licensee of AM Broadcast Station KMIA, Auburn-Federal Way, Washington, and applicant in the above-referenced case for a construction permit for a new FM Translator Station on 101.1 MHz at Auburn, Washington to rebroadcast station KMIA, by its attorney, and pursuant to Section 1.106(f) of the Commission's Rules, hereby respectfully submits this Motion for Leave to File Supplement to: (1) Bustos' May 28, 2020 "Petition for Reconsideration" of



the dismissal of its application for a construction permit for a new FM Translator at Auburn, Washington; and (2) its Informal Objection of June 12, 2020 to the application filed by Northwest Rock 'N' Roll Preservation Society (NWR) for a covering license for FM Translator Station K266BM, Olympia, Washington. In support whereof, the following is shown:

1. The purpose of this Supplement is to bring to the Commission's attention facts concerning FM Translator Station K266BM, Olympia, Washington which were discovered after the July 21, 2020 filing by Northwest Rock 'N' Roll Preservation Society (NWR) of an Opposition pleading. In particular, we present the Declaration under penalty of perjury of Kevin P. Mostyn, Vice-President and Chief Technology Officer of Bicoastal Media Licenses IV, LLC, licensee of AM Broadcast Station KELA and permittee of FM Translator Station K267CX, both Centralia, Washington, relative to a "test" proffered by NWR:

I have listened to this MP3 file by means of an audio editor which allowed me to listen to each channel separately. I found that the alleged station identification for K266BM was created by post-production mixing-in of a heavily obscured studio voice. There is a persistent loud hum throughout the recording, which greatly obscures the recording. The equipment alleged to have made the recording would not have had such a hum unless it was in grossly defective condition. I conclude therefore that this hum was added to further obscure the recording.

Mr. Mostyn also confirms that K266BM was off the air today (August 17, 2020).



2. Bustos also comments on NWR's claim that it was not mail-served with two of Bustos's pleadings.

3. We have resent the two Bustos pleadings referenced herein to NWR's Olympia postal box address by USPS priority mail today.

4. The public interest, convenience and necessity would be well served by the consideration of these matters. Furthermore, the Audio Division has established the law of this case by considering two Supplements by NWR of January 3, 2020 and February 13, 2020 which were not accompanied by motions for leave to file and which were not served on Bustos, in violation of the FCC's *ex parte* rules.



**WHEREFORE,** Bustos Media Holdings, LLC urges that this Motion for Leave to File Supplement **BE GRANTED** and that the accompanying Supplement **BE MADE A PART OF THE RECORD** in both above-captioned application proceedings.

Respectfully submitted,

**BUSTOS MEDIA HOLDINGS, LLC**

A handwritten signature in black ink, appearing to read "D. Kelly", written over a horizontal line.

By \_\_\_\_\_  
Dennis J. Kelly  
Its Attorney

LAW OFFICE OF DENNIS J. KELLY  
Post Office Box 41177  
Washington, DC 20018  
Telephone: 202-293-2300  
dkellyfcclaw1@comcast.net

DATED: August 17, 2020



## **CERTIFICATE OF SERVICE**

It is hereby certified that a true copy of the foregoing "Motion for Leave to File Supplement" was served by United States Postal Service Priority Mail, postage prepaid, as well as by e-mail, on this 17<sup>th</sup> day of August, 2020 upon the following:

Brian Spencer, President  
Northwest Rock N Roll Preservation Society  
Post Office Box 2673  
Olympia, Washington 98507-2673

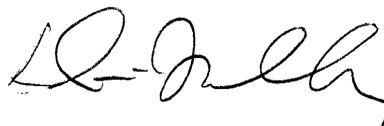
I have also served said "Informal Objection" by e-mail upon the following:

Albert Shuldiner, Esquire  
Chief, Audio Division, Media Bureau  
Federal Communications Commission  
Washington, DC 20554

Mr. Dale Bickel  
Senior Engineer, Audio Division, Media Bureau  
Federal Communications Commission  
Washington, DC 20554

Melodie A. Virtue, Esquire  
Foster Garvey, PC  
1000 Potomac Street, NW, Suite 200  
Washington, DC 20007

audiodivisionpleadings@fcc.gov



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Dennis J. Kelly