

SEP 29 2014

FCC Mail Room

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

In re Application of)	
)	
CITY OF TRUTH,)	File No. BNPL=20131114ATP
)	
Applicant,)	(Facility ID 197133)
)	
For an Original LPFM Construction Permit)	
(Form 301))	
To: Chief, Mass Media Bureau)	

2014 SEP 29 4:06 PM
 RECEIVED

OPPOSITION TO PETITION TO DENY

CITY OF TRUTH ("TRUTH"), by its Chief Executive Officer, herewith submits its OPPOSITION to the petition to deny the referenced application for construction permit.

1. The "Petition to Deny" is not supported by an affidavit or declaration of a party with personal knowledge of the facts alleged. It is supported only by the Declaration of Alan Korn who is the attorney for the petitioner. It is our understanding of the rules that a petition to deny must be supported by such an affidavit or declaration and not by the attorney for petitioner. Absent such an affidavit or declaration, the Petition to Deny should be dismissed as a formal petition to deny. Further, based on the copy received, there does not appear to be a declaration establishing standing of the petitioner, and there does not appear to be a certificate of service as required by Commission Rules.

2. Petitioner's attorney alleges that it can find no proof that Truth has tax exempt status under Section 501(c)(3) of the federal tax code. Truth's understanding is that this is not necessary to be eligible to receive a permit. It is sufficient that Truth is a non-profit entity under California law without consideration of tax exempt status.

3. Petitioner incorrectly interprets Truth's divestiture commitment – which is clear. The divestiture commitment states that Truth's CEO will divest his interest in One Ministries – which includes KORB. Divestiture of his interest in One Ministries includes all interests held by One Ministries and not just KORB. Mr. McMinn confirms that he will divest of his interest in One Ministries and that such commitment is not limited to KORB.


4. Petitioner alleges that Truth has failed to adequately describe its educational programming. Truth respectfully disagrees. Further, Truth believes that the definition of religious programming as educational is protected by the First Amendment and, as such, is not subject to dispute in a federal licensing proceeding.

5. Petitioner claims that Truth lacks the requisite character qualifications to be a Commission licensee. This is based on petitioner's interpretation of the above requirements. Truth disagrees with petitioner's interpretations and, in any event, cannot be found to lack character qualifications for not understanding the FCC Rules in perhaps the same way that petitioner's attorney understands them. There is simply no support in fact for a finding that Truth lacks the requisite character qualifications to be a Commission licensee, and the mere allegations of an attorney are certainly insufficient for such a finding. The petition should be dismissed and/or denied.

Respectfully submitted,

CHRIS MCMINN
P.O. BOX 2705
SANTA ROSA, CA 95405

CITY OF TRUTH

By 
CHRIS MCMINN
President

September 23, 2014

Received & Inspected

SEP 29 2014

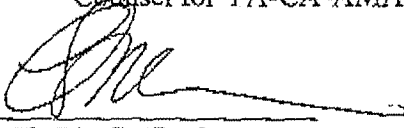
FCC Mail Room

CERTIFICATE OF SERVICE

CHRIS MCMINN hereby certifies that he has sent a copy of the foregoing Opposition by first class U.S. mail, postage prepaid, or by hand delivery, on or before the 23 day of September, 2014, to the following:

Alan Korn, Esq.
Law Offices of Alan Korn
1840 Woolsey Street
Berkely, CA 94703

Counsel for YA-CA-AMA Indian Education & Development.


CHRIS MCMINN