



**Federal Communications Commission
Washington, D.C. 20554**

March 19, 2015

In Reply Refer To:
1800B3-ATS

Mr. E.A. Bedford
Bedford, Crewson & Associates, PLLC
6528 E 101st St., Suite 427
Tulsa, OK 74133

Mr. Harry C. Stanfield
CfoxxGGroup
1325 E. Apache
Tulsa, OK 74106

Mr. Michael R. Reynolds
Electron Benders
3826 S 92nd East Pl.
Tulsa, OK 74145

In re: LPFM MX Group 274

CfoxxGGroup
New LPFM, Tulsa, Oklahoma
Facility ID Number: 196518
File Number: BNPL-20131114BBE

Electron Benders
New LPFM, Tulsa, Oklahoma
Facility ID Number: 194191
File Number: BNPL-20131028ACC

Informal Objection

Dear Mr. Bedford, Mr. Stanfield, and Mr. Reynolds:

We have before us: 1) the applications of CfoxxGGroup and Electron Benders (“EB”) for new LPFM stations at Tulsa, Oklahoma (“CfoxxGGroup Application” and “EB Application,” respectively); and 2) an Informal Objection to the CfoxxGGroup Application (“Objection”) filed by E.A. Bedford (“Bedford”).¹ For the reasons set forth below, we grant the Objection, dismiss the CfoxxGGroup Application, and grant the EB Application.

Background. CfoxxGGroup and EB filed their respective applications during the October 2013 LPFM Filing Window. The Media Bureau (“Bureau”) determined that the applications were mutually exclusive and identified them as LPFM MX Group 274.² On December 23, 2014, the Commission issued a Public Notice in which it identified both applications as the tentative selectees of LPFM MX Group 274, began a 30-day period for filing petitions to deny against the applications, and began 90-day periods in which

¹ Bedford filed the Objection on January 20, 2015.

² *Media Bureau Identifies Mutually Exclusive Applications Filed in the LPFM Window and Announces 60-Day Settlement Period; CDBS Is Now Accepting Form 318 Amendments*, Public Notice, 28 FCC Rcd 16713 (MB 2013).

the applicants could submit a time-share agreement or file major change amendments to their applications to resolve their mutual exclusivities.³

In the Objection, Bedford argues that CfoxxGGroup is not eligible to hold an LPFM license because it has not provided any documentation showing that it is recognized as a nonprofit entity by the State of Oklahoma or any other state at the time the CfoxxGGroup Application was filed.⁴ Additionally, Bedford notes that CfoxxGGroup has not provided an educational statement describing its educational purpose and how the proposed station will be used to advance that purpose.⁵ Instead, CfoxxGGroup provided information about A Pocket Full of Hope, Inc. (“Pocket”), an organization with which one of CfoxxGGroup’s directors, Lester Shaw, is affiliated.⁶ Accordingly, Bedford requests that the Bureau dismiss the CfoxxGGroup Application. CfoxxGGroup did not file an Opposition.

Discussion. Pursuant to Section 309(d) of the Communications Act of 1934, as amended, informal objections, like petitions to deny, must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest.⁷ We find that Bedford has shown that CfoxxGGroup was not eligible to hold an LPFM authorization when it filed the CfoxxGGroup Application.

The Commission’s Rules provide that an LPFM station may be licensed to a nonprofit educational organization for the advancement of an educational program.⁸ An applicant “must submit complete copies of the documents establishing their nonprofit status, such as corporate charters or articles of incorporation. Applicants that fail to provide these materials are subject to dismissal.”⁹

CfoxxGGroup provided four documents in support of its claim for eligibility: a Certificate of Fictitious Name (“Certificate”) filed with the Tulsa County Clerk; an email from The Missionary Church Incorporated (“TMCI”) indicating that CfoxxGGroup is affiliated with the organization (“2013 TMCI Email”); a second email from TMCI indicating that Harry Stanfield was applying for membership in the organization (“2012 TMCI Email”); and the Pocket Brochure.¹⁰ None of these documents satisfy our requirements for demonstrating eligibility.

The Certificate does not indicate that CfoxxGGroup is recognized by the State as a nonprofit entity, but merely that Harry Stanfield is authorized by Tulsa County to do business under the name

³ *Commission Identifies Tentative Selectees in 96 Groups of Mutually Exclusive Applications filed in the LPFM Window*, Public Notice, 29 FCC Rcd 16408 (2014).

⁴ Objection at 1-2.

⁵ *Id.* at 2. See also Instructions for FCC Form 318, Section II, Question 2.

⁶ *Id.* at 2. See also CfoxxGGroup Application at Attachment 10 (“Pocket Brochure”).

⁷ 47 U.S.C. § 309(d); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986) (informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987).

⁸ 47 C.F.R. § 73.853(a). See also *Creation of Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2213 (2000) (“having decided to establish LPFM as a noncommercial service, we will require that LPFM licensees comply with the eligibility requirements of [47 U.S.C. § 397(6)(A)].”).

⁹ Instructions to FCC Form 318, Section II, Question 2, Subsection 2(a).

¹⁰ See CfoxxGGroup Application at Attachments 2 and 10.

“CFoxxGospelGroup”.¹¹ The 2013 TMCI Email and 2012 TMCI Email indicate CfoxxGGroup’s affiliation with TMCI, but do not show what legal status that conveys on CfoxxGGroup in Oklahoma. Finally, CfoxxGGroup’s reliance on Pocket’s status as an incorporated nonprofit is misplaced; an LPFM applicant must demonstrate its own eligibility, and may not rely on another entity’s nonprofit status to demonstrate its own eligibility. CfoxxGGroup has not demonstrated that it was recognized by Oklahoma – or any other state – as a nonprofit entity when it filed the CfoxxGGroup Application,¹² and thus it has failed to meet the eligibility requirement set forth in Section 73.853(a).¹³ Accordingly, we will grant the Objection, dismiss the CfoxxGGroup Application, and grant the EB Application.

Conclusion. Accordingly, for the reasons set forth above, IT IS ORDERED THAT the Informal Objection filed on January 20, 2014, by E.A. Bedford, IS GRANTED.

IT IS FURTHER ORDERED, that the application of CfoxxGGroup (BNPL-20131114BBE) for a new LPFM station at Tulsa, Oklahoma, IS DISMISSED.

IT IS FURTHER ORDERED, that the application of Electron Benders (BNPL-20131028ACC) for a new LPFM station at Tulsa, Oklahoma, IS GRANTED.

Sincerely,

A handwritten signature in blue ink that reads "Peter H. Doyle" followed by the initials "ITH".

Peter H. Doyle
Chief, Audio Division
Media Bureau

¹¹ The CfoxxGGroup Application identifies four parties to the application (Harry C. Stanfield, Gwen Stanfield, Nicole Stanfield, and Lester Shaw). See CfoxxGGroup Application at Section II, Question 3.a. However, the Certificate states that Harry Stanfield “is the sole owner of . . . CFoxxGospelGroup . . . and there are no other members belonging to said sole ownership.” See Certificate. This indicates that CfoxxGGroup it is the alter-ego of Harry Stanfield. We remind CfoxxGGroup that individuals are not eligible to own and operate LPFM stations. See *Creation of a Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2215 n.40 (2000); Instructions to FCC Form 318, Section II, Question 2, Subsection 2(a). See also *Wynnewood Community Radio Association*, Memorandum Opinion and Order, 29 FCC Rcd 6309 (2014) (affirming dismissal of noncommercial educational application where applicant failed to demonstrate that it satisfied requirements of unincorporated associations under Oklahoman law and applicant consisted of only one person).

¹² See *Application for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, Memorandum Opinion and Order, 28 FCC Rcd 13390, 13393-96 (2013) (affirming dismissal of LPFM applications where applicants did not incorporate until after filing their respective applications and did not demonstrate that they were recognized nonprofit entities under state law at the time of filing).

¹³ 47 C.F.R. § 73.853(a).