



Federal Communications Commission
Washington, D.C. 20554

March 23, 2015

In Reply Refer To:
1800B3-ATS

Mr. Ismael R. Vale
Florida Victory Outreach Center
1633 E. Vine St., Suite 205
Kissimmee, FL 34744

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800 Douglas Road, Suite 149
Coral Gables, FL 33134

In re: TVMision Corporation
New LPFM, Kissimmee, Florida
Facility ID Number: 195256
File Number: BNPL-20131107AAB

Informal Objection

Dear Mr. Vale and Counsel:

We have before us: 1) the application of TVMision Corporation ("TVMC") for a new LPFM station at Kissimmee, Florida ("TVMC Application"); 2) an Informal Objection to the TVMC Application ("Objection") filed by Florida Victory Outreach Center ("FVOC").¹ For the reasons set forth below, we deny the Objection and grant the TVMC Application.

Background. TVMC filed the TVMC Application during the October 2013 LPFM filing window. The Media Bureau ("Bureau") determined that the TVMC Application and the application of FVOC for a new LPFM station at Kissimmee, Florida ("FVOC Application"),² were mutually exclusive and identified them as LPFM MX Group 107.³ On December 23, 2014, the Commission issued a Public Notice in which it identified both applications as the tentative selectees of LPFM MX Group 107, began a 30-day period for filing petitions to deny against the applications, and began 90-day periods in which both applicants could submit a time-share agreement or file major change amendments to their applications to resolve their mutual exclusivities.⁴ On December 24, 2014, TVMC filed an amendment that resolved its application's mutual exclusivity with FVOC Application.

TVMC attached three documents to the TVMC Application to demonstrate that it is eligible to hold an LPFM license: 1) a copy of its Articles of Incorporation and a printout from the State of Florida Department of State website showing that TVMC is recognized as a non-profit corporation; 2) a letter from the Internal Revenue Service indicating that TVMC had obtained 501(c)(3) status; and 3) four letters

¹ FVOC filed the Objection on February 18, 2014. TVMC filed a "Reply to Informal Objection," which we will treat as an opposition, on September 17, 2014 ("Opposition").

² File No. BNPL-20131113AHD.

³ *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).

⁴ *Commission Identifies Tentative Selectees in 96 Groups of Mutually Exclusive Applications filed in the LPFM Window*, Public Notice, 29 FCC Rcd 16408 (2014).

from the Florida Department of Education, sent to TVMC's principle, Pedro A. Rivera, indicating that it had recognized a group titled TVM Christian University ("TVCU") as a "religious college."⁵

In the Objection, FVC states: "TVMision Corporation Attachment 10 of the FCC 318 Form University License was invalid when they applied. School has been inactive closed since 2012."⁶ The Objection includes three attachments, titled "State Florida School Request Invalid," which is a copy of the letters from the Florida Department of Education that TVMC provided in the TVMC Application; "Location for Industrial Business Only," which is a photograph of TVMC's office; and "State articles [sic] of incorporation for School are Inactive Per the State of Florida," which is a printout from the State of Florida Department of State website indicating that TVCU was dissolved by the State of Florida on September 28, 2012.⁷

In the Opposition, TVMC states that: 1) the zoning at its office site would allow it to operate a studio and transmitter for its proposed station;⁸ and 2) that TVCU is TVMC's predecessor, but TVMC continues to use TVCU as an assumed business name.⁹

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.¹⁰

The Commission's Rules provide that an LPFM station may be licensed to a nonprofit educational organization for the advancement of an educational program.¹¹ 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."¹² We dismiss FVOC's suggestion that TVMC has been closed since 2012: the document FVOC provided was not for TVMC, but for TVCU, which is a separate entity. TVMC provided a copy of a report from the Florida Department of State website showing that it was recognized as a non-profit entity by the State at the time it filed the TMVC Application.¹³ TVMC has thus demonstrated that it is eligible to hold an LPFM license.¹⁴

⁵ TVMC Application at Attachment 10. TVMC described the relationship between TVMC and TVCU as: "[TVMC] is a nonprofit organization and together with their [TVCU] approved by the State of Florida is dedicated to strengthening and improving our community." See TVMC Application at Exhibit 2.

⁶ Objection 1.

⁷ *Id.*

⁸ Opposition at 3.

⁹ *Id.* at 4.

¹⁰ 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).

¹¹ 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)].").

¹² Instructions to FCC Form 318, Section II, Question 2, Subsection 2(a).

¹³ TVMC Application at Attachment 10.

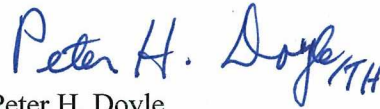
¹⁴ See *Application for Review of Decisions Regarding Six Applications for New Low Power FM Stations*, Memorandum Opinion and Order, 28 FCC Rcd 13390, 13393-96 (2013) (affirming dismissal of LPFM applications

We also find no merit in FVOC's suggestion that zoning rules would prohibit TVMC from operating the proposed LPFM station. FVOC provides no basis for this argument. Additionally, the Commission generally assumes that applicants will be able to obtain local land use permits and has not typically required applicants to obtain, or apply for, advance approval from local land use authorities.¹⁵ Accordingly, we will deny the Objection and grant the TVMC Application.

Conclusion. Accordingly, for the reasons set forth above, IT IS ORDERED THAT the Informal Objection filed on February 18, 2014, by Florida Victory Outreach Center IS DENIED.

IT IS FURTHER ORDERED, that the application of TVMision Corporation (BNPL-20131107AAB) for a new LPFM station at Kissimmee, Florida, IS GRANTED.

Sincerely,



Peter H. Doyle
Chief, Audio Division
Media Bureau

cc: TVMision Corporation

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).

¹⁵ See, e.g., *Artichoke Broadcasting Corp.*, Memorandum Opinion and Order, 10 FCC Rcd 12631, 12633 (1995) (rejecting "supposition or opinion" about whether zoning approval would be granted (citing *San Francisco Wireless Talking Machine Co., Inc.*, 47 RR2d 889, 893-94 (1980) (site issue not added where applicant had not sought land use approval from various government agencies and may have difficulty in obtaining such approval); *W. Gordon Allen*, 13 RR 1120, 1122-23 (1956) (site issue not added where site was zoned residential and applicant had not sought variance); *Chronicle Publishing Co.*, 45 FCC 1545 1546 (Rev. Bd. 1964) (site issue not added where applicant had not applied for zoning change).