

Before the
Federal Communications Commission
Washington DC 20554

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FLETCHER, HEALD & HILDRETH

In the Matter of)
)
Application for Assignment of a License) Application File No. BALED - 20160224AAS
)
For FM Station KUHA,) FCC Facility ID: 72685
Houston, Texas)
)

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TO: Audio Division, Media Bureau

MAR 15 2016

Federal Communications Commission
Bureau / Office

OPPOSITION TO INFORMAL OBJECTION

KSBJ Educational Foundation ("KSBJ"), the proposed assignee of noncommercial educational FM broadcast station KUHA (FM), Houston, Texas (FCC Facility ID No. 72685) (the "Station"), hereby submits its Opposition to the Informal Objection filed by New Beginnings Fellowship Church ("NBFC") regarding the above-captioned application.

On February 24, 2016, the University of Houston System filed the above-captioned application for the assignment of the license for the Station to KSBJ. NBFC filed the instant objection to that application alleging that the proposed assignment violated the Commission's multiple ownership rules because of the number of broadcast station licenses held by KSBJ. There is no legal merit to this allegation.

NBFC's informal objection to the application for assignment of KUHA to KSBJ reflects confusion on the part of NBFC about of the Commission's multiple ownership rules. The first of three misunderstandings is likely because NBFC has focused on a simplified version of the rule found on the Commission's website, rather than the formal, official Rules found in the Code of Federal Regulations. If NBFC had consulted those rules, they would see that the FCC's website leaves out an important word in its description of the ownership limits:

Multiple ownership. (a)(1) Local radio ownership rule. A person or single entity (or entities under common control) may have a cognizable interest in licenses for AM or FM radio broadcast stations in accordance with the following limits:

(i) In a radio market with 45 or more full-power, commercial and noncommercial radio stations, not more than 8 *commercial* radio stations in total and not more than 5 *commercial* stations in the same service (AM or FM).

47 CFR §73.3555 (Emphasis added). Because KUHA is a noncommercial educational station, and because KSBJ will continue to operate it as a noncommercial educational station, it is not subject to the multiple ownership rules referenced in NBFC's informal objection.

The second misunderstanding comes from the use of the phrase "broadcast stations" in the Rules. NBFC has assumed that FM translators are included in these calculations, but under Section 74.1232(g), they are not.

No numerical limit is placed upon the number of FM booster stations which may be licensed to a single licensee. A separate application is required for each FM booster station. FM broadcast booster stations are not counted as FM broadcast stations for the purposes of §73.5555 of this chapter concerning multiple ownership.

(Emphasis added). In other words, even if noncommercial educational stations *were* subject to the multiple ownership rules, the three FM translator station licenses held by KSBJ (K226AE, Brenham, TX (FCC Facility ID No. 65772); K258BZ, Sugar Land, TX (FCC Facility ID No. 65769); and K259AH, Brenham, TX (FCC Facility ID No. 65768)) would not be included in the calculation.

The third misunderstanding comes from the use of the word "market." While many of the stations whose licenses are held by KSBJ may be relatively close to one another (at least by Texas standards), only KYBJ, Lake Jackson, TX (FCC Facility ID No. 18555) and KSBJ, Humble, TX (FCC Facility ID No. 35590) are located in the Houston-Galveston, TX Nielson market. The other stations are either not located in a rated market (KXBJ, El Campo, TX (FCC Facility ID No. 36507); KZBJ, Bay City, TX (FCC Facility ID No. 91535) or are located in the

Bryan-College Station, TX market (KWUP, Navasota, TX (FCC Facility ID No. 40913)). In other words, even if noncommercial educational stations *were* subject to the multiple ownership rules, KSBJ would still be permitted to acquire the license for the Station because it would only be its third FM license in the Houston market, out of the allowable 5 FM stations for a market with more than 45 total stations.

Because NBFC's informal objection is based on a series of misunderstandings as to the Commission's Rules, KSBJ respectfully requests that the Commission dismiss the instant informal objection and grant the above-referenced assignment application.

Respectfully submitted,

KSBJ EDUCATIONAL FOUNDATION



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March 15, 2016

CERTIFICATE OF SERVICE

I, Michelle Brown Johnson, do hereby certify that this 15th day of March, 2016, I caused a copy of the foregoing Opposition to Petitions to Deny to be transmitted by U.S. mail, postage prepaid, to the name and address listed in the signature block of the Informal Objection of New Beginnings Fellowship Church, namely:

New Beginnings Fellowship Church
P.O. Box 310841
Houston, Texas 77231

By: 
Michelle Brown Johnson