

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

In re Application of	)	
	)	
San Tan Educational Media	)	File No. BLL-20170710AAT
	)	Fac. ID No. 192016
For License to Cover	)	
of LPFM Station	)	
KFXY-LP Mesa, AZ	)	
To: Office of the Secretary		

PETITION FOR ORDER TO IMMEDIATELY CEASE  
UNAUTHORIZED BROADCAST OPERATION

1TV.com, Inc., licensee of Station KBSZ(AM) Apache Junction, AZ ("KBSZ"), by its attorney, hereby Petitions the Commission to order San Tan Educational Media ("STEM") to immediately cease station KFXY-LP's unauthorized broadcast operations. As shown below, station KFXY-LP is conducting broadcast operations as an unauthorized pirate station in violation of Sections 301 and 310(d) of the Communications Act of 1934, as amended, and in violation of Commission rules.

In its August 9, 2017, Petition for Reconsideration of Commission action granting the above-captioned broadcast license application, KBSZ demonstrated, among other things, that STEM

- (1) failed to construct KFXY-LP broadcast facilities as authorized by the Commission in File No. BPL-20170206ACD;
- (2) certified falsely in the above-captioned application that the facility was constructed as authorized in the underlying construction permit;
- (3) did not certify the subject Form 319 in compliance with FCC requirements;

- (4) is currently conducting unauthorized broadcast operations; and
- (5) committed an unauthorized transfer of control of station KFXV-LP.

STEM's September 5, 2017, Opposition to Petition for Reconsideration, ("Opposition") copy attached hereto, concedes each of these serious violations of Commission rules.

Section 73.1745(a) of the Commission's rules states that "[n]o broadcast station shall operate at times, or with modes or power, other than those specified and made a part of the license, unless otherwise provided in this part." Section 73.1350 of the rules prohibits the operation of a broadcast station except under, and in accordance with, a Commission-granted authorization. See, also, 47 U.S.C. Section 301

STEM's Opposition concedes that the KFXV-LP facilities were not constructed according to the granted broadcast construction permit; and, that broadcast license application File No. BLL-20170710AAT misrepresents that station facilities were constructed as authorized. Further, as demonstrated by KBSZ's Petition for Reconsideration, continued KFXV-LP operation violates the terms of STEM's Second Adjacent Channel Spacing waiver and that STEM holds no valid zoning authority to construct the antenna structure height specified in construction permit File No. BPL-20170206ACD.

According to the attached statement made under penalty of perjury by William Pettus, KFXV-LP was broadcasting as recently as September 7, 2017.

Section 310(d) of the Communications Act of 1934, as amended, requires that "[n]o construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application

to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.”

STEM’s Opposition concedes that STEM principals authorized by the Commission to construct and operate KFXV-LP broadcast facilities “transferred the station to me, Ryan Grieg” and, thus, completed an unauthorized transfer of control without seeking or obtaining the Commission’s prior written consent to transfer of control of KFXV-LP as required by Section 310(d) of the Act.

It is axiomatic that licensees are expected to operate their stations in accord with the Commission's Rules, which perforce requires a knowledge of those rules. Southern California Broadcasting Co. 6 FCC Rcd 4387 @ 4387 (1991).

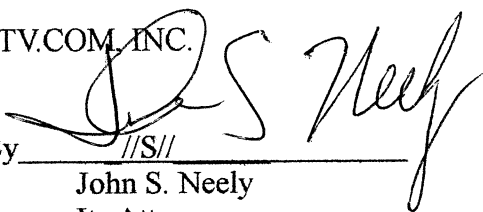
Accordingly, STEM effectively has conceded that it lacks legal authority to control or operate KFXV-LP due to an unauthorized transfer of control; and, that it has no authority to conduct broadcast operations with its constructed broadcast facilities due to unauthorized modification of broadcast facilities. As such, STEM is operating as an unauthorized “pirate” station: an intolerable situation for which the Commission has repeatedly shown that it will not hesitate to take prompt action to shut down station operations and levy a significant forfeiture.

For these serious reasons and in accordance with precedent, the Commission is respectfully requested to order KFXV-LP to cease broadcast operations immediately and impose an appropriate forfeiture of at least \$15,000, or more. See, e.g., Ms. Jennifer Cox-Hensley 29 FCC Rcd 00112 (MB 2014) (broadcast operations must cease when applicant did not comply with the terms and conditions of its broadcast authorization.) and Vilnord Simon DA 17-687, released July 26, 2017 (station shut down and assessed a \$15,000 forfeiture for willful and repeated unauthorized broadcast operations.)

Respectfully Submitted,

1TV.COM, INC.

By

  
/s/  
John S. Neely  
Its Attorney

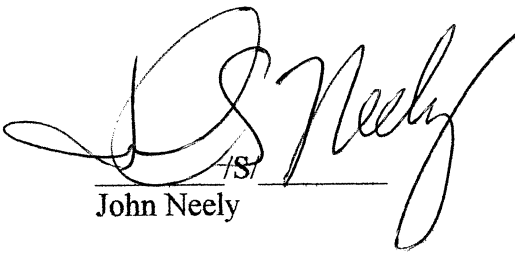
September 8, 2017

Miller and Neely, P.C.  
3750 University Blvd. W.  
Suite 203  
Kensington, MD 20895  
301-933-6304

#### CERTIFICATE OF SERVICE

I certify that on September 8, 2017, a copy of the foregoing document was placed in the United States mail, first class postage prepaid, addressed to the following:

San Tan Educational Media  
Suite 102-116  
550 W. Baseline Road  
Mesa, AZ 85210

  
/s/  
John Neely

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

To: Office of the Secretary

In regards to the Petition for Reconsideration (BLL-20170710AAT).

San Tan Educational Media (STEM), the licensee of Low Power FM Station KFXV-LP, opposes the Petition for Reconsideration filed by 1TV.Com, Inc. (1TV) with respect to the grant of STEM's license application, FCC File No. BLL-20170710AAT.

1TV and Rocket Radio Corporation (RRC) are both under common ownership and control. The sole shareholder is John Low. Mr. Low is also the President of both corporations.

RRC is the licensee of FM Translator K256DB.

STEM has filed an Informal Objection in regards to the latest in a series of modification applications that RRC has filed with their FM Translator K256DB. This Translator is now co-channel with Station KFXV-LP (on Channel 256) and poses an interference threat to Station KFXV-LP. STEM therefore had a legitimate right to file its Informal Objection.

1TV's Petition for Reconsideration tries to raise several issues with respect to the grant of STEM's license application. Most of these issues are irrelevant to the application, which is technical in nature.

1TV is clearly trying to retaliate against STEM for having the temerity to defend STEM's service to the public. 1TV's efforts to retaliate even include contacting the county government in an effort to get KFXV-LP shut down.

STEM's informal objection against RRC's application, BPFT-20170710ABF, contains proof about how RRC never intended to broadcast from its last site and how RRC used a temporary setup, clearly an attempt to daisy-chain its way to the Phoenix metro area through a series of minor mods filed one after the other after the other.

1TV hypocritically accuses STEM of false certifications when its own sister corporation, RRC, engaged in far more serious false certifications in BLFT-20160404ACM and BLFT-20160519ABI. 1TV also hypocritically opposes STEM's request for a modest extension of time, when RRC itself over and over again filed for time extensions (See BPFT-20160129AWZ).

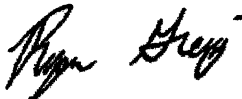
The previous President of STEM, Christopher Shon White, and his family moved out of Arizona for a period of time and transferred the station to me, Ryan Greig, a volunteer at the time. The station volunteers remained with the station through the process. We did not realize that prior FCC consent was necessary, and we intend to file an FCC transfer application to put things in order.

Our technical consultant, Michelle Bradley, prepared and filed the license application on STEM's behalf. She was unaware that Christopher Shon White was no longer the President. There was no attempt or intent to knowingly mislead the FCC.

With respect to KFXV-LP's tower/antenna height, we heard that the FCC's rule gave us a 4-meter margin of error in the downward direction, and we thought that this allowed us to construct a tower not quite as high. There was no attempt or intent to knowingly mislead the FCC. It should also be noted the 2 story house mentioned is STEM's studio for KFXV-LP. We intend to file any necessary modifications.

The foregoing is true, to the best of my personal knowledge and belief, under penalty of perjury. I certify that on September 5th, 2017, a copy of this opposition was mailed to: John Neely, 3750 University Blvd. W. Suite 203 Kensington, MD 20895.

Respectively Submitted,

A handwritten signature in black ink, appearing to read "Ryan Greig". The signature is stylized with a large, looped "R" and a cursive "Greig".

Ryan Greig  
President  
San Tan Educational Media

I, Bill Pettus, am an adult resident of the State of Arizona.

I have received and listened to radio station KFXV (P. 99.1 MHz) over the air operations at intermittent times on the following dates: 8/28/2017, 8/29/2017, 8/30/2017, 8/31/2017, 9/2/2017, 9/5/2017, 9/6/2017 and 9/7/2017.

I certify under penalty of perjury that the foregoing statement is true and correct to the best of my personal knowledge and belief.

SIGN

A handwritten signature in cursive script, appearing to read "Bill Pettus", written over a horizontal line.