

Michael Wagner

From: NEW BEGINNINGS HOUSTON <newbeginningshouston@live.com>
Sent: Thursday, July 27, 2017 11:11 AM
To: Michael Wagner; fccman3@shentel.net; Annette Smith; Rolanda Faye Smith; Sharon Hinderer; Chris Imlay; Raquel Hutson; n749RH@gmail.com; Bennett G. Fisher
Subject: Re: More Roy Henderson: Pro Forma Application for KJAZ et al.
Attachments: Tom Hutton Conversation 2.mp3; FCC STA APPLICATION.pdf

Mr. Wagner:

We have received the emails from you and Mr. Trent:

This reply is to advise you that everybody here at New Beginnings Fellowship Church is in agreement. We no longer wish to proceed with any of our oppositions against Mr. Henderson's stations. We have learned that our pleadings contained at least one erroneous fact -- misinformation provided by a former employee of Mr. Henderson. In any event, our oppositions to Mr. Henderson's licenses were filed at the suggestion of FCC Attorney Tom Hutton. (See Attached Audio File). It is obvious that our pursuit of these oppositions amounts to angry vindictive conduct that, while irritating Mr. Henderson and costing him money, does not in any way further the goals of this ministry. Thus, by and through this email, we are hereby withdrawing any oppositions that remain pending.

Please note that our withdrawal does not change the facts. In the 2013 filing window, this ministry had a legal right under the Local Community Radio Act to apply for a license to operate an LPFM radio station. Our LPFM application still sits "pending" but not filed in the CDBS system because another broadcaster wanted to put a translator on the channel we were applying for. Don Werlinger came up with a solution. He told one of our church members, Joe Donalson, about licenses owned by Mr. Henderson. They were two analog TV stations that had been off the air for years. The license for channel 5 KJIB-LP could easily be modified to channel 6 and operated as an FM station on 87.7. Mr. Donalson subsequently had several conversations with Ben Perez, Mr. Henderson's former attorney. Although Mr. Perez now denies the conversations, Mr. Donalson understood Mr. Perez, on behalf of Mr. Henderson, authorized him to build out the stations at his own expense and operate them until the FCC ends all analog broadcasting on the TV bands. Mr. Donalson went into substantial debt purchasing transmitters, antennas, equipment, a 249 foot tower, and constructing a studio.

After Mr. Henderson surrendered the TV licenses, Mr. Donalson went further into debt traveling to Washington trying unsuccessfully to get the licenses reinstated. In an effort to reduce the debt, Mr. Donalson ended up losing his home. He now lives in a shack on church property and continues to operate DKJIB-LP. Approximately two years ago, an FCC agent inspected the station. While he did not tell Mr. Donalson to cease operations, he noted that the license for KJIB-LP was cancelled. Mr. Donalson replied that state law gives him a right to compel specific performance of the agreement. The fact that Mr. Henderson surrendered the license of a station operated by a third party under contract simply means that Mr. Henderson is the party ultimately responsible for any unlicensed operation. Additionally, Mr. Donalson has a recording of a conversation with FCC Video Division Staff Attorney Evan Morris. Mr. Morris assured Mr. Donalson that unless he was broadcasting indecent material or causing harmful interference to another broadcaster, the FCC would take no enforcement action until after completion of the spectrum auction and band repacking process. It was understood that Mr. Donalson would have to cease operation afterwards because the open channel will go to another broadcaster.

While the legality of Mr. Donalson's broadcasts are at best questionable, our ministry desires to operate the legal licensed LPFM station that we would undoubtedly now have if not for all the shenanigans and double crosses involving Mr. Donalson, Mr. Werlinger, and Mr. Henderson. Last year, representatives of our church traveled to Washington to meet with Marc Paul, an adviser to FCC Commissioner Rosenworcel. Mr. Paul assisted this ministry to file for temporary authority to operate an LPFM until we can resubmit our application at the next LPFM filing window. Our copy of the STA request was returned to us file stamped (see attachment), yet now the clerk has can't find it and nobody at the FCC seems to know what happened to it. Unfortunately, Marc Paul and Ms. Rosenworcel are no longer with the FCC, making follow up impossible.

So, in conclusion, we reiterate that we no longer wish to proceed with our oppositions against Mr. Henderson's station. We do, however, urge the FCC to promptly act on our STA request.

Mike Grega