

CEDAR COVE BROADCASTING, INC.

87 Jasper Lake Road
Loveland,, CO 80537
970-669-9200

December 22, 2019

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington DC, 20554

Accepted / Filed

STAMP & RETURN

JAN 10 2020

Federal Communications Commission
Office of the Secretary

Ph. (202) 418-0234

Re: REQUEST FOR CANCELATION OF LICENSE;
STATION KQGC(FM) BELEN, NM, FAC. ID 85845

Dear Ms. Dortch:

Cedar Cove Broadcasting, Inc. ("CCB") respectfully requests that the Commission promptly conduct an investigation into the operational history and current status of KQGC(FM) Belen, New Mexico, facility ID 85845 (the "Station"). The licensee is Carlos Arana Ministries, Inc. ("CAM"). CCB believes that the Station has been silent for more than twelve months and therefore its FCC license (BMLED-20090630AFW) should be cancelled pursuant to Section 312(g) of the Communications Act..¹ In support thereof, CCB states as follows:

Mr. Victor A Michael, Jr, the President and Technical Consultant of CCB, makes frequent road trips from Loveland, Colorado to Phoenix, Arizona throughout the year. Mr. Michael has monitored the Station's licensed frequency (91.1 Mhz) sporadically for a period of

¹ Section 312(g) provides in part, that: "If a broadcasting station fails to transmit broadcast signals for any consecutive 12 month period, then the station license granted for the operation of that broadcast station expires at the end of that period, notwithstanding any provision, term or condition of the license to the contrary."

more than 12 months while traveling through the Belen, New Mexico area on Interstate 25. He has not heard any broadcasting over the licensed frequency during these frequent travels.²

Before preparing and submitting this letter request to the FCC, CCB attempted to contact CAM by sending a letter to the address provided to the FCC by the licensee, 7842 Grape Street, Highland, CA 92346. There has been no response to this letter to date. A Google Street Map review of 7842 Grape Street, Highland, CA only shows a gated building with a street sign out front of the building listing the only business at this address of "Templo Jesus, La Vida Verdadera".³

Exhibit 6 attached is a copy of the Station's operating license which was issued when BMLED-20090630AFW was granted on July 15th, 2009. The licensed tower site is identified as coordinates 34 – 23 – 44 N and 107 – 00 – 42 W. The FCC tower registration number listed on the license is 1005472. This site is currently owned by American Tower. Attached at Exhibit 3 is a photo of the tower site taken from the American Tower website dated May 8th, 2018. According to the KQGC license, there should be a fairly large SWR model FMEH/6 six bay FM antenna mounted at the 21 meter level on the tower. No such antenna can be observed in this photo at that level. Attached at Exhibit 4 is an email from Tyler Shortsleeve of American Tower. He states that CAM was leasing space on the tower site until April 6th, 2016 when the lease was terminated.

Exhibit 5 attached is an email response from Philip Guthrie who was President of The Association for Community Education, Inc., the prior licensee of KQGC(FM) which sold the

² The Affidavit of Mr. Michael is attached as Exhibit 1.

³ See Google Maps street view photo attached as Exhibit 2

station to CAM on May 7th, 2015.⁴ Mr. Guthrie states that Carlos Arana died unexpectedly several years ago.

Exhibit 7 attached is a screenshot of the FCC Public File web pages that shows to date that KQGC(FM) has yet to upload any Programs and Issues to date. The Public File records also document the last filing of any kind for the Station was May 7th, 2015 which was the consummation notice filed by the prior licensee. There are no Ownership Reports, STA's, or other applications filed by CAM since it acquired the license of the Station in 2015. This is further confirmation that the Station has not been operational and/or in compliance with Commission rules for Public File filing requirements.

Based on the evidence submitted here, CCB requests that the FCC commence an investigation into the current status and operating history of this Station. CAM appears to have violated its responsibilities to apprise the FCC of its current address. Mr. Michael's affidavit states that the Station is most likely currently off the air, and likely has been silent for some time. An examination of CDBS records shows a request for a Special Temporary Authority to be silent has not been filed, which is a further violation of the FCC's rules. Even more distressing is the fact that there is no antenna mounted on the license tower for the Station and apparently no lease in place with the tower site owner for the use of the facility for the Station. An inquiry should commence as soon as possible to determine whether a Notice of Apparent Liability for monetary consequences should be issued and, if CAM is unable to demonstrate that the station has been operational within the last 12 months, then the license for the Station should be cancelled pursuant to Section 312(g) of the Act.

⁴ See consummation notice date May 7th, 2015 for form 314 for KQGC(FM) BALED-20141218ADM

Respectfully Submitted,



Victor A. Michael, Jr.
President/Technical Director
Cedar Cove Broadcasting, Inc.
87 Jasper Lake Road
Loveland, CO 80537
970-669-9200

Cc by email: Victoria McCauley, Audio Division, Media Bureau, FCC
James Bradshaw, Audio Division, Media Bureau, FCC
Gary Loehrs, Audio Division, Media Bureau, FCC

By First Class Mail:

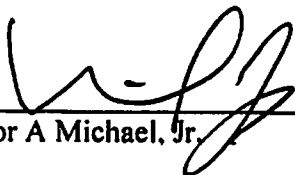
Carlos Arana Ministries, Inc.
7842 Grape Street
Highland, CA 85845

EXHIBIT 1
DECLARATION OF VICTOR A MICHAEL, JR.

I, Victor A Michael, Jr., do declare under penalty of perjury under the laws of the United States of America, that the following is true and correct:

1. I am President of Cedar Cove Broadcasting, Inc., and am a resident of the State of Colorado.
2. I frequently travel throughout the year between Loveland, Colorado and Phoenix, Arizona. These travels take me through the Belen, New Mexico area on Interstate 25. On each trip through Belen, I monitor 91.1 Mhz to see if KQGC(FM) is broadcasting. To date, and several times in 2019 and 2018 I have never been able to receive any transmissions from KQGC(FM) on 91.1 Mhz.
3. I have personally contacted the tower site owner, American Tower in Boston. A representative of American Tower has stated to me that the tower site lease of Carlos Arana Ministries, Inc. for KQGC(FM) was terminated on April 6th, 2016.

Executed this 22nd day of December 2019.



Victor A Michael, Jr.

Google Maps 7842 Grape St

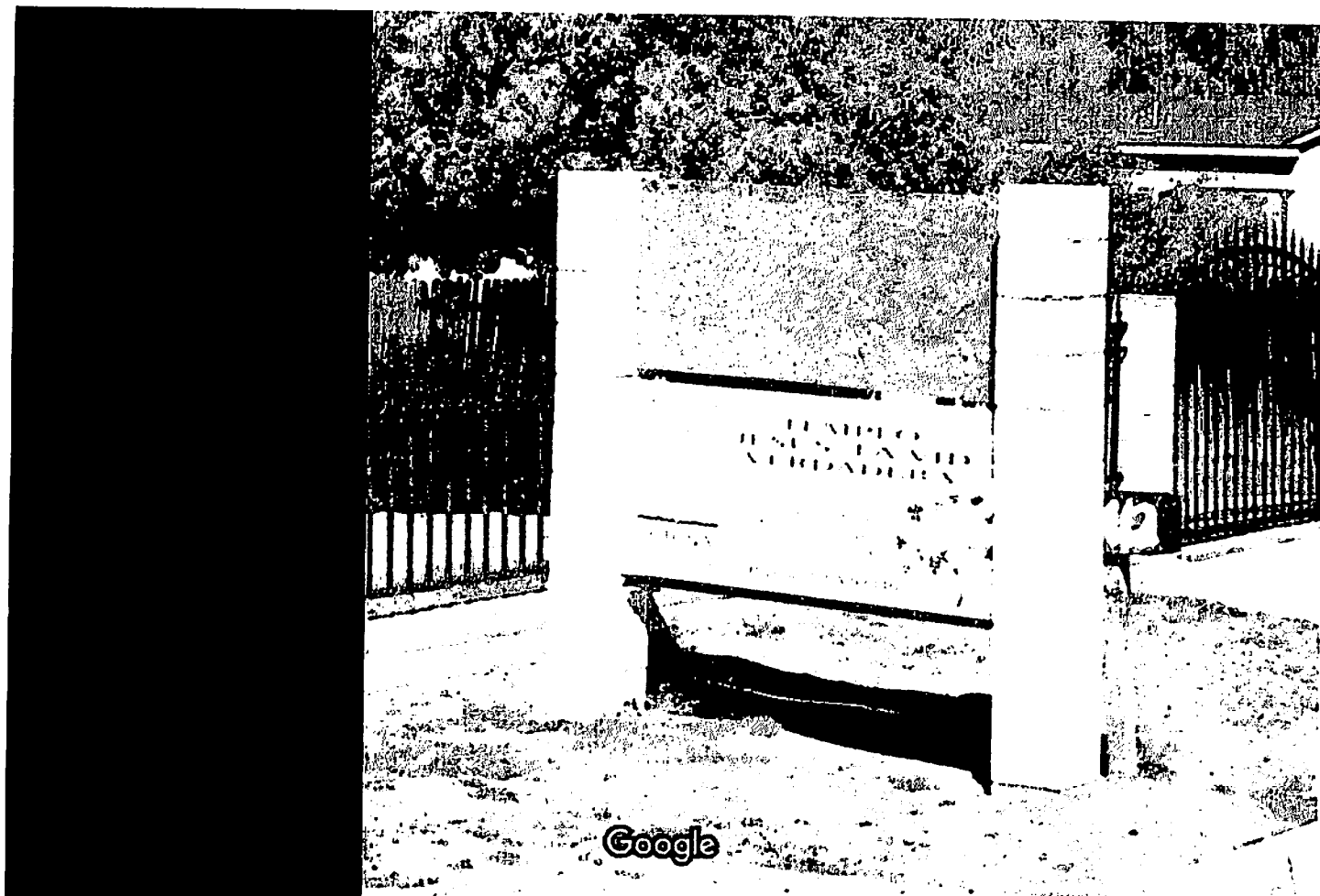


Image capture: Mar 2019 © 2019 Google

Highland, California



Street View

Far West Mea



7842 Grape

© 2019 Google

EXHIBIT 3 - PHOTO OF KQCC TOWER SITE



05/08/2018 15:34

EXHIBIT 4 – EMAIL RESPONSE FROM TYLER SHORTSLEEVE OF AMERICAN TOWER

Good afternoon Vic,

In regards to site # 89015, it looks like we were leasing space to Carlos Arana Ministries until 4/6/2016 when the lease was terminated. We no longer have an active lease with them. Does this help?

Tyler Shortsleeve

Land Acquisitions

American Tower Corporation

(781) 926-7824 – Office

(207) 321-1162 – Mobile

tyler.shortsleeve@americantower.com

**EXHIBIT 5 – EMAIL RESPONSE FROM PHIL GUTHRIE, PRINCIPLE OF THE PRIOR
LICENSEE OF KQGC(FM).**

In a message dated 10/12/2019 11:35:40 AM US Mountain Standard Time, pguthrie@nuevavida.com writes:

Hi Vic,

Carlos Arana died unexpectedly several years ago. He owed us some money when he passed but we never pursued it.

I'm not really sure of the status other than these facts.

Blessings on your ventures.

Phil

EXHIBIT 6 - COPY OF KQGC(FM) LICENSE



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION LICENSE

Authorizing Official:

Official Mailing Address:

CARLOS ARANA MINISTRIES, INC.
7842 GRAPE STREET
HIGHLAND CA 92346

Penelope A. Dade
Supervisory Analyst
Audio Division
Media Bureau

Facility Id: 85845

Call Sign: KQGC

License File Number: BMLED-20090630AFW

Grant Date: July 15, 2009

This license expires 3:00 a.m.
local time, October 01, 2013.

This authorization is re-issued November 9, 2010, to reflect the grant of a Main Studio Satellite Waiver see (Special Operating Condition No. 3)

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Callsign: KQGC

License No.: BMLED-20090630AFW

Name of Licensee: CARLOS ARANA MINISTRIES, INC.

Station Location: NM-BELEN

Frequency (MHz): 91.1

Channel: 216

Class: C3

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: 1.40 kW

Antenna type: Non-Directional

Description: SWR FMEH/6, SIX SECTIONS

Antenna Coordinates: North Latitude: 34 deg 23 min 44 sec
West Longitude: 107 deg 00 min 42 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	7.0	0
Height of radiation center above ground (Meters):	21	0
Height of radiation center above mean sea level (Meters):	1724	0
Height of radiation center above average terrain (Meters):	49	0

Antenna structure registration number: 1005472

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.
- 2 The licensee has demonstrated compliance with the FCC radiofrequency electromagnetic field exposure guidelines based upon the usage of the antenna specified herein. If the licensee makes any changes in facilities via modification of license application in accordance with 47 CFR section 73.1690(c), the subsequent Form 302-FM, application for license, must include a revised RF field showing to demonstrate continued compliance with the FCC guidelines.

Special operating conditions or restrictions:

- 3 Educational Media Foundation requests waiver of 47. C.F.R. Section 73.1125 to operate the proposed facility as "satellite" of co-owned noncommercial educational FM station KGCL (FM), Jordan Valley, Oregon, (Facility ID No.: 85777). Based upon the specific representations contained therein, the waiver request IS GRANTED. Applicant shall abide by each representation proffered in the waiver request.

*** END OF AUTHORIZATION ***

Home (<https://publicfiles.fcc.gov/>)

About PIF (<https://publicfiles.fcc.gov/about-station-profiles/>)

For Filers (<https://publicfiles.fcc.gov/for-filers/>)

Developer (<https://publicfiles.fcc.gov/developer/>)

FAQ (<https://publicfiles.fcc.gov/faq/>)

Sign In (<https://publicfiles.fcc.gov/admin/>)

FM RADIO PROFILE  (<https://publicfiles.fcc.gov/fm-profile/kqgc/rss/>)

KQGC (<https://publicfiles.fcc.gov/fm-profile/kqgc>) BELEN, NM

Frequency **91.1** Channel **216** Facility ID **85845**



More Public Files

(<https://publicfiles.fcc.gov/fm-profile/kqgc>) **More Public Files** (<https://publicfiles.fcc.gov/fm-profile/kqgc/more-public-files/>) **Issues and Programs Lists**



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