



Federal Communications Commission
Washington, D.C. 20554

July 24, 2025

DA 25-654
In Reply Refer to:
1800B3-ARR
Released July 24, 2025

La Familia De Fe Corp
c/o Rodolfo S. Martinez
6700 NW 72 Ave
Miami, FL 33166
(sent by email)

Doral Voice Corporation
c/o Edward Maldonado
2850 Douglas Road, Suite 303
Coral Gables, FL 33134
(sent by email)

Cristo Te Ama Ministry
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Miami, FL 33196
(sent by email)

REC Networks
c/o Michelle Bradley
11541 Riverton Wharf Rd.
Mardela Springs, MD 21837

In re: LPFM MX Group 29

La Familia De Fe Corp
New LPFM, Miami, Florida
Facility ID No. 780589
Application File No. 0000231444

Doral Voice Corporation
New LPFM, Miami, Florida
Facility ID No. 788615
Application File No. 0000233072

Cristo Te Ama Ministry
New LPFM, Miami, Florida
Facility ID No. 785408
Application File No. 0000231715

**Petitions to Deny
Informal Objections**

Dear Applicants and Objector:

We have before us the above-referenced mutually exclusive applications for construction permits for new low power FM (LPFM) stations in Miami, Florida, filed by La Familia De Fe Corp (LFDfC), Doral Voice Corporation (DVC), and Cristo Te Ama Ministry (CTAM).¹

We also have before us: 1) an Informal Objection to the DVC Application, filed by REC Networks (REC) (REC Objection),² 2) a Petition to Deny the DVC Application, filed by LFDfC (LFDfC Petition),³ 3) an Informal Objection to the DVC Application, filed by LFDfC (LFDfC Objection),⁴ 4) a Petition to Deny the LFDfC Application, filed by DVC (DVC Petition),⁵ and 5) related responsive pleadings.⁶

For the reasons set forth below, we (1) grant the REC Objection, (2) dismiss the LFDfC Petition as procedurally defective, and consider and grant it in part as an Informal Objection, (3) grant the LFDfC Objection in part, (4) dismiss the DVC Application, (5) dismiss the DVC Petition as procedurally defective, and consider and deny it as an Informal Objection,⁷ (6) dismiss the CTAM Application as a non-tentative selectee, and (7) grant the LFDfC Application.

¹ See Application File Nos. 0000231444 (LFDfC Application), 0000233072 (DVC Application), and 0000231715 (CTAM Application).

² Pleading File No. 0000256237 (filed Oct. 24, 2024).

³ Pleading File No. 0000258117 (filed Nov. 15, 2024).

⁴ Pleading File No. 0000266890 (filed Feb. 19, 2025).

⁵ Pleading File No. 0000258219 (filed Nov. 18, 2024).

⁶ DVC filed an Opposition and Opposition Supplement to the LFDfC Petition. Pleading File Nos. 0000258765 and 0000261815 (filed Dec. 2, 2024 and Dec. 30, 2024) (DVC Opposition and DVC Opposition Supplement). LFDfC filed an Opposition to the DVC Petition. Pleading File No. 0000265510 (filed Jan. 29, 2025) (LFDfC Opposition). DVC filed a Reply to the LFDfC Opposition. Pleading File No. 0000266269 (filed Feb. 6, 2025) (DVC Reply). LFDfC filed a Response to the DVC Reply. Pleading File No. 0000267012 (filed Feb. 23, 2025) (LFDfC Response). We also have before us an Informal Objection to the CTAM Application, filed by DVC. Pleading File No. 0000261784 (filed Dec. 27, 2024). Because we are dismissing the CTAM Application as a non-tentative selectee, we need not consider this pleading and dismiss it as moot.

⁷ DVC argues that the LFDfC Petition is procedurally defective because it lacks a supporting affidavit. See DVC Opposition at 2. Similarly, LFDfC argues that the DVC Petition is procedurally defective because it lacks a supporting affidavit and was filed after the 30-day filing deadline. See LFDfC Opposition at 2-3. We agree that the LFDfC Petition and DVC Petition are each procedurally deficient. See 47 U.S.C. § 309(d)(1) (“Such allegations of fact shall, except for those of which official notice may be taken, be supported by affidavit of a person or persons with personal knowledge thereof.”); 47 CFR §§ 73.870(d), 73.3584 (procedures for filing petitions to deny). However, in the interest of a complete record, we will treat both filings as informal objections pursuant to section 73.3587 of the Commission’s rules, and consider the pleadings and all subsequent responsive filings. See 47 CFR § 73.3587 (explaining that the “limitations on pleadings and time for filing pleadings” are not applicable to informal objections).

Background. LDFDC, DVC, and CTAM filed their respective applications during the 2023 LPFM filing window.⁸ The Media Bureau identified these applications as LPFM MX Group 29.⁹ The Commission subsequently conducted a point system analysis and awarded LDFDC and DVC five points each, including one point each for established community presence, and awarded CTAM four points.¹⁰ The Commission, therefore, identified LDFDC and DVC as the tentative selectees of MX Group 29,¹¹ and directed the applicants to submit a voluntary time-sharing proposal in accordance with section 73.872(c) of the Commission's rules (Rules).¹²

DVC Application. In the REC Objection, REC argues that DVC is not entitled to a point under established community presence because the address contained in the application—9835 SW 72 Street, Miami, Florida—is different than the headquarters listed in the Articles of Incorporation—9600 NW 2th Street, Suite 43, Doral, Florida, and in annual reports filed with the Florida Secretary of State—7791 NW 46th Street, Suite L2, Doral, Florida.¹³ REC further argues that because the DVC headquarters address is not within ten miles of the proposed transmitter site, DVC has not shown that it is local, and accordingly may not even be eligible to hold a license.¹⁴ DVC did not file an opposition to the REC Objection.

In the LDFDC Petition and LDFDC Objection, LDFDC reiterates REC's assertions that DVC has not met the localism requirements for an LPFM authorization and is not eligible for a point under the established community presence criterion.¹⁵

In the DVC Opposition and DVC Opposition Supplement, DVC does not address LDFDC's

⁸ *Media Bureau Announces Filing Procedures and Requirements for November 1 – November 8, 2023, Low Power FM Filing Window*, Public Notice, 38 FCC Rcd 6660 (MB 2023) (*Procedures Public Notice*). Based on a request from LPFM advocates, the Bureau subsequently delayed the window until December 6, 2023. *Media Bureau Announces Revised Dates for LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 9589 (MB 2023). The Bureau subsequently extended the close of the window until December 15, 2023. *Media Bureau Announces Extension of LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 11882 (MB 2023).

⁹ *Media Bureau Identifies Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Filing Window*, Public Notice, 39 FCC Rcd 2355 (MB 2024). MX Group 29 initially included two other mutually exclusive applications, Application File Nos. 0000231450 and 0000233164, filed by For A Better Community Corp. (FAB) and King Jesus Haitian Inc. (KJH). FAB and KJH each subsequently filed technical amendments to qualify as "singletons," or applications which are not in conflict with any other applications.

¹⁰ LDFDC and DVC each received a point under the following criteria: (1) established community presence; (2) commitment to originate local programming; (3) commitment to maintain a main studio; (4) commitment to originate local programming and to maintain a main studio; and (5) diversity of ownership. CTAM did not receive the established community presence point.

¹¹ *Commission Identifies Tentative Selectees in 93 Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Window*, Public Notice, FCC 24-113 at Attach. A (Oct. 16, 2024) (*Tentative Selectee Public Notice*).

¹² *Tentative Selectee Public Notice* at 8.

¹³ REC Objection at 5 and 10-12, Appendix D.

¹⁴ *Id.*

¹⁵ LDFDC Petition at 1-4; *see also* LDFDC Objection at 2-5 and 7-35, Attachs. 1-10 and Exh. 11. LDFDC also argues that (1) the DVC Second Adjacent Waiver is deficient under section 73.807(e)(1) because it does not adequately demonstrate how it would prevent interference to two adjacent stations, and (2) DVC does not qualify for the main studio and main studio/local origination points. Because we are dismissing the DVC Application on other grounds, we need not address these additional arguments.

established community presence and localism allegations, but rather raises several new allegations regarding LFDFC, discussed below.

LFDFC Application. In the DVC Petition, DVC Opposition, and DVC Opposition Supplement, DVC argues that: 1) LFDFC lacks reasonable assurance of site availability because it has not provided a contact name, and there is “low likelihood” that the tower it proposes to use could accommodate its proposed antenna;¹⁶ 2) LFDFC does not meet the requirements of a Florida nonprofit corporation because it does not have the required minimum of three directors;¹⁷ 3) based on public records showing common ownership, address, and phone numbers, LFDFC is an alter ego of La Familia FM Radio Broadcasting LLC, and the two organizations also share a common president;¹⁸ 4) LFDFC engaged in radio piracy, or unlicensed broadcasting, on 99.5 MHz for several years, makes on-air references to La Familia, lafamilafm.com, and lafamilia.org, and LFDFC does not appear to be affiliated with WHIM-LP or WBUJ-LP, the stations that time-share on 99.5;¹⁹ and 5) the LFDFC President, Rodolfo S. Martinez (Martinez), also an officer of La Familia FM Radio Broadcasting LLC, engages in unlicensed broadcasting on 99.5 MHz, and no FCC call sign is ever stated on air.

In the LFDFC Opposition, LFDFC counters that: 1) LFDFC had reasonable assurance of transmitter site availability when it filed the LFDFC Application because it received a standard letter of reasonable assurance of availability from American Tower LLC, the owner of the proposed transmitter site, and the required information was included in the original application, but omitted from a subsequent amendment “in what appears to be a technical glitch;”²⁰ 2) neither LFDFC nor its principals are involved in an unlicensed pirate radio operation, and the broadcasts highlighted by DVC are “those of an announcer on a licensed broadcast station”;²¹ and 3) DVC’s argument that LFDFC lacks the required minimum number of directors fails because LFDFC is an “active” nonprofit organization in Florida, “there is no indication under Florida state law that the failure to have ‘three directors’ in any way invalidates the efficacy of a non-profit corporation,” and the Commission declines to consider issues of a licensee’s compliance with the requirements of state corporate law where no challenge has been made before a state court.²²

In the DVC Reply, DVC responds: 1) despite the reasonable assurance letter provided by LFDFC in its Opposition, according to the tower information, LFDFC’s proposed antenna cannot fit on the available tower space;²³ 2) LFDFC fails to meet eligibility requirements for LPFM applicants because it

¹⁶ DVC Petition at 1-2.

¹⁷ *Id.* at 2.

¹⁸ *Id.* at 2.

¹⁹ *Id.* at 3-5; DVC Opposition at 5-7; DVC Opposition Supplement at 1.

²⁰ LFDFC Opposition at 3-4.

²¹ *Id.* at 4-6. LFDFC includes a Declaration from Rodolfo Samuel Martinez, the President of LFDFC, stating that, “at WHIM-LP, I serve as a producer, on-air talent, and voice-over artist. . . At no time have I ever operated or been involved with a pirate radio station, nor is there any record with the FCC linking me to illegal radio activities.” *Id.* at 5-6 and Attachment 5.

²² LFDFC Opposition at 6-8 (citing *Fatima Response, Inc.*, Memorandum Opinion and Order, 14 FCC Rcd 18543 (1999) (*Fatima*) and similar cases).

²³ DVC Reply at 4.

lacks the minimum three directors required for nonprofit corporations under Florida state law;²⁴ 3) LFDFC's claim that neither it nor its principals have engaged in pirate radio broadcasting is undermined by evidence that LFDFC's President entered into a contract for commercial airtime on 99.5 FM, which is specifically reserved on a timeshare basis for low power FM stations WBUJ-LP and WHIM-LP, and, therefore, only allowed noncommercial content;²⁵ and 4) there may be an undisclosed arrangement in place in which LFDFC or its President, Martinez, control WHIM-LP, or an unauthorized transfer of control, yet LFDFC does not mention this attributable interest in the LFDFC Application.²⁶

Finally, in the LFDFC Response, LFDFC argues that: (1) LFDFC was timely incorporated under Florida law, the Florida Secretary of State's acceptance of its articles of incorporation and its current active status are evidence that LFDFC has satisfied all requirements of a Florida nonprofit corporation, and the FCC does not interpret state laws or their enforcement;²⁷ 2) DVC "provides no evidence to refute the fact that [reasonable] assurance was given, on a timely basis, by American Tower," and whether or not the proposed transmitting facility will be difficult to construct is irrelevant;²⁸ 3) neither LFDFC nor its principals have engaged in pirate broadcasting, and 4) neither LFDFC nor its principals control or have an attributable interest in WHIM-LP; instead, Martinez is an announcer on WHIM-LP, and neither he nor his company, La Familia FM Radio Broadcasting LLC, which is separate from LFDFC and produces interviews and underwriting announcements for WHIM-LP, controls the operations of WHIM-LP.²⁹

Discussion. Pursuant to section 309(d) of the Communications Act of 1934, as amended (Act),³⁰ petitions to deny and informal objections 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.³¹ REC has met this burden, LFDFC has met this burden in part, DVC has not.

DVC Application – Local Eligibility. We find that DVC fails to meet the localism requirements of section 73.853(b) of the rules.³² An LPFM applicant must qualify as a "local" entity at the time that it files its FCC Form 2100, Schedule 318 application (LPFM Application).³³ To qualify as local, a

²⁴ *Id.* at 4-6, citing *Review of Six Applications for New LPFM Stations*, Memorandum Opinion and Order, 28 FCC Rcd 13390 (2013) (*Review of Six Applications*).

²⁵ *Id.* at 6-7; see also DVC Opposition Supplement at 1-2 and 9-17, Exh. 2.

²⁶ DVC Reply at 7.

²⁷ LFDFC Response at 3-4.

²⁸ *Id.* at 4-5.

²⁹ *Id.* at 5 and 23-26, Attachs. 6 and 7, Declarations of Reinaldo W. Medina, President of WHIM-LP and Rodolfo S. Martinez, President of LFDFC.

³⁰ 47 U.S.C. § 309(d).

³¹ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff'd sub nom. Garden State Broad. L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864, para. 6 (1986) (petitions to deny and informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested).

³² 47 CFR § 73.853(b).

³³ See Instructions for LPFM Application, Legal Certifications Section, Eligibility Certifications and Community-Based Criteria Certifications questions. See also LPFM Application, Legal Certifications Section, Eligibility Certifications and Community-Based Criteria Certifications questions.

nonprofit educational organization LPFM applicant within the top 50 urban markets, such as DVC,³⁴ must either: (1) be physically headquartered or have a campus within 10 miles of the transmitting antenna site proposed in its application; or (2) have 75% of its board members residing within 10 miles of the transmitting antenna site proposed in its application.³⁵

While DVC claims that it is local based on the location of its headquarters, REC notes, and DVC does not dispute, that the DVC principal place of business in annual reports filed before and after the DVC Application filing, list an address of 7791 NW 46th St., Ste. L2, Doral, Florida 33166, located over 10 miles from the transmitter site.³⁶ Further, in the supporting documentation provided by DVC, the DVC headquarters is listed as 9600 NW 25th St., Ste. 4E, Doral, Florida 33172, which is also more than 10 miles from the transmitter site.³⁷ While DVC lists 9835 SW 72 St, Miami, Florida, as its contact address,³⁸ DVC provides no documentation to support its claim that it is physically headquartered at this address.³⁹ Therefore, DVC has not established that it was local by virtue of maintaining a physical headquarters within ten miles of the transmitting antenna site. Accordingly, we grant the REC Objection and grant the LDFDC Petition and LDFDC Objection in part, and dismiss the DVC Application.⁴⁰

LDFDC Application.

Nonprofit Eligibility. We reject DVC's claim that the LDFDC Application should be dismissed because LDFDC has two directors, not three, and is therefore not a valid nonprofit corporation. An LPFM applicant must meet basic eligibility requirements⁴¹ and certify its eligibility to own and operate an LPFM station at the time that it files its FCC Form 2100, Schedule 318 application.⁴² Specifically, each applicant claiming eligibility as a nonprofit educational organization must certify it is a noncommercial educational institution, corporation, foundation, association, or entity that is recognized under state law at

³⁴ The 10 mile standard applies here because DVC's proposed community of license is in the Miami-Ft. Lauderdale-Hollywood radio market, which is a top 50 market. *See* The Nielsen Company (US) LLC, Radio Market Survey Population & Information, Spring 2024, at 1 (2024) https://www.nielsen.com/wp-content/uploads/sites/2/2024/04/Populations_Rankings.pdf.

³⁵ 47 CFR § 73.853(b). *See also* *Creation of a Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2219-20, para. 33 (2001) (localism requirement may be met by relying on either headquarters or board member residences).

³⁶ *See* REC Objection at 5 and 10-12, Appendix D; DVC Application at Parties to the Application Section, and Point System Factors Section and Attach. "DoralVoice-ArticlesOfIncorporation.pdf" (Articles of Incorporation).

³⁷ DVC Application at Articles of Incorporation Attach. *See also* REC Objection at 5 and 10-12, Appendix D

³⁸ DVC Application at Applicant Information Section, Applicant Name, Type, and Contact Information question. The Miami address is within 10 miles of DVC's transmitting antenna site.

³⁹ *See, e.g., Comparative Consideration of 7 Groups of Mutually Exclusive Applications for Permits to Construct New or Modified Noncommercial Educational FM Stations*, Memorandum Opinion and Order, 30 FCC Rcd 5161, 5174-75 (2015) ("a local headquarters must be a primary place of business and may not be, for example, a post office box, vacation home, attorney's office, or branch office, which are more easily feigned and/or present less of an opportunity for meaningful contact with the community.").

⁴⁰ Because we dismiss the DVC Application, we need not consider LDFDC's remaining allegations, and therefore, dismiss them as moot.

⁴¹ *See* 47 CFR § 73.853.

⁴² *See* Instructions for LPFM Application, Legal Certifications, Eligibility Certifications. *See also* LPFM Application, Legal Certifications, Eligibility Certifications.

the time its application is submitted.⁴³ In order to demonstrate established nonprofit status, LPFM Applicants must submit complete copies of the documents establishing their nonprofit status, such as corporate charters or articles of incorporation.⁴⁴ LFDFC satisfied this mandate. Specifically LFDFC submitted a copy of its Articles of Incorporation, filed with the Florida Secretary of State on November 23, 2020 – well before the LFDFC Application was filed.⁴⁵ Moreover, according to the Florida Secretary of State, LFDFC is an active nonprofit and has filed annual reports from 2020 through 2025.⁴⁶ LFDFC demonstrated it was incorporated and recognized under state law at the time of the application filing, and therefore, eligible for an LPFM license. We also note that LFDFC now has three directors listed in its 2025 annual report, rendering DVC’s allegation moot.⁴⁷ Regardless, the Commission generally does not interpret matters of state law where a court of competent jurisdiction is the more appropriate venue.⁴⁸

Reasonable Site Assurance. We also reject DVC’s claim that LFDFC lacked reasonable site assurance. An applicant for a new LPFM station must have reasonable assurance, at the time of filing, that its specified site will be available for the construction and operation of its proposed facilities.⁴⁹ This requirement is satisfied if the applicant provides “[s]ome clear indication from the landowner that [the landowner] is amenable to entering into a future arrangement with the applicant for use of the property as its transmitter site, on terms to be negotiated, and that [the landowner] would give notice of any change of intention.”⁵⁰ While some latitude is afforded such “reasonable assurance,” there must be, at a minimum, a “meeting of the minds resulting in some firm understanding as to the site’s availability.”⁵¹

LFDFC has sufficiently demonstrated it had reasonable assurance of site availability at the time it filed its application. Specifically, contrary to DVC’s allegation, LFDFC included the required contact

⁴³ See *id.*; 47 U.S.C. § 397(6)(A); *Procedures Public Notice*, 38 FCC Rcd at 6664-5; *Review of Six Applications*, 28 FCC Rcd at 13397-98, para. 22 (2013).

⁴⁴ *Procedures Public Notice*, 38 FCC Rcd at 6665.

⁴⁵ LFDFC Application, Attach. “Articles of Incorporation.pdf” (Articles of Incorporation). Cf. *Emergency & Community Broadcasters, Inc.*, Memorandum Opinion and Order, 30 FCC Rcd 7705 (2015) (because the Secretary of State did not recognize applicant to be legally in existence as a nonprofit corporation until more than one month after filing the subject LPFM application, applicant was not legally in existence when it filed its application).

⁴⁶ Sunbiz.org, Division of Corporations, <https://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=LAFAMILIADEFE%20N200000132240&aggregateId=domnp-n20000013224-a2bf83c8-f8e8-4c43-8021-c3bc113a7f74&searchTerm=LA%20FAMILIA%20DE%20FE%20CORP&listNameOrder=LAFAMILIADEFE%20N200000132240> (last visited June 16, 2025).

⁴⁷ *Id.*

⁴⁸ *White Pine*, Letter Order, 22 FCC Rcd 12809, 12811 (MB 2007) (“We believe the interpretation of the referenced Nevada state statute is most appropriately addressed by a court of competent jurisdiction. Thus, we conclude that further Commission consideration of this issue is unwarranted.”); *Abundant Life, Inc.*, Memorandum Opinion and Order, 16 FCC Rcd 4972 (2002).

⁴⁹ *Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations*, Report and Order, 34 FCC Rcd 12519, 12542-43, paras. 57-59 (2019).

⁵⁰ *Elijah Broadcasting Corp.*, Memorandum Opinion and Order, 5 FCC Rcd 5350, 5351, para. 10 (1990).

⁵¹ *Genesee Communications, Inc.*, Memorandum Opinion and Order, 3 FCC Rcd 3595 (1988). The applicant need not own the proposed site and may even work out the final details for a lease sometime in the future. See *National Innovative Programming Network, Inc.*, 2 FCC Rcd 5641, 5643, para. 11 (1987).

information for the agent representing its proposed tower site in its initial application.⁵² LFDFC explains that when it amended its Application, the contact information was inadvertently omitted, but it subsequently amended the application to reflect this same information.⁵³ Moreover, LFDFC also provided a letter dated September 20, 2023, from the tower owner, American Towers LLC, granting LFDFC reasonable assurance to use the proposed tower.⁵⁴ We also reject DVC's claim that LFDFC has a "low likelihood" of being able to use the tower site because there is very little space on the proposed transmitting tower.⁵⁵ DVC's assertion is purely speculative and, further, does not negate the fact that LFDFC had reasonable assurance of site availability at the time it filed its application.

Unlicensed Broadcasting. We reject DVC's claim that LFDFC's President, Martinez, has engaged in unlicensed, or "pirate" broadcasting, on frequency 99.5 MHz.

Section 632(a)(1)(B) of the Making Appropriations for the Government of the District of Columbia for Fiscal Year 2001 Act provides that the Commission must "prohibit any applicant from obtaining a low power FM license if the applicant has engaged in any manner in the unlicensed operation of any station in violation of Section 301 [of the Act]."⁵⁶ Section 73.854 of the Rules and FCC Form 2100, Schedule 318 implement this mandate by requiring an LPFM applicant to certify under penalty of perjury that neither the applicant, nor any party to the application, has engaged in any manner in unlicensed operation of any station.⁵⁷

LFDFC certified in its Application that neither it, nor any party to its application, has engaged in unlicensed operation of any station.⁵⁸ Here, Martinez explains that he has worked as an announcer and on-air talent for station WHIM-LP, Hialeah Gardens, Florida, on 99.5 MHz, since 2019.⁵⁹ Further, in declarations signed under penalty of perjury, both Martinez and the WHIM-LP President state that Martinez has never broadcast unlicensed programming on the 99.5 frequency.⁶⁰ Additionally, Martinez explains that his program on WHIM-LP is titled "Hola Familia."⁶¹ In light of Martinez's explanation that he has been broadcasting on 99.5 MHz for station WHIM-LP, as an announcer and on-air talent, he would not have been engaging in unauthorized broadcast operations in violation of section 73.854. Further, his program on WHIM-LP also includes the word "familia," which he would likely have referenced a number of times while on the air. Absent any evidence conclusively establishing that either Martinez or LFDFC

⁵² LFDFC Application at Technical Certifications Section, Reasonable Site Assurance questions.

⁵³ LFDFC Application, amended on Dec. 6, 2023; and LFDFC Opposition at 3-4.

⁵⁴ LFDFC Opposition at Attachs. 2-4, Photos of Tower Site, Antenna Structure Registration Information, and American Tower Letter.

⁵⁵ DVC Petition at 2.

⁵⁶ See Pub. L. No. 106-553, 114 Stat. 2762 (2000) (Appropriations Act), amended by Pub. L. No. 111-371, 124 Stat. 4072 (2011). See also 47 CFR § 73.854 (implementing the Appropriations Act); *Ruggiero v. FCC*, 278 F.3d 1323 (D.C. Cir. 2002), *rev'd en banc*, 317 F.3d 239 (D.C. Cir. 2003)..

⁵⁷ See *Creation of a Low Power Radio Service*, Second Report and Order, 16 FCC Rcd 8026, 8030, para. 11 (2001) (*Second Report and Order*); 47 CFR § 73.854; FCC Schedule 318, Legal Certifications Section, Unlicensed Operations question.

⁵⁸ LFDFC Application at Legal Certifications Section, Unlicensed Operations question.

⁵⁹ *Id.*

⁶⁰ LFDFC Opposition at 18-20, Attach. 5, Declaration of Rodolfo S. Martinez, and LFDFC Response at 23-26, Attach. 7, Declaration of Reinaldo W. Medina and Attach. 8, Declaration of Rodolfo S. Martinez..

⁶¹ LFDFC Opposition at 18-20, Attach. 5, Declaration of Rodolfo S. Martinez.

engaged in the unlicensed operation of a broadcast station in violation of section 301 of the Act,⁶² we reject DVC's claim.⁶³

Undisclosed Attributable Interests. We also reject DVC's allegation that LFDLC or its President, Martinez, may have an undisclosed attributable interest in station WHIM-LP. In the LFDLC Application, LFDLC certifies that no party to the application has an attributable interest in any LPFM station.⁶⁴ Martinez subsequently submitted a declaration, signed under penalty of perjury, attesting that: "I have no ownership interest in Station WHIM-LP. I do not run WHIM-LP, nor do I control its operations."⁶⁵ Martinez further explains that DVC's allegation likely stems from his interest in a separate commercial marketing business, not a station, by which he produces programming and advertising for other stations.⁶⁶ Martinez clarifies that his business is similarly titled "La Familia FM Radio Broadcasting LLC," but it is a different entity.⁶⁷ He explains that "La Familia FM Radio Broadcasting, LLC" is a separate commercial enterprise that is wholly unrelated to "La Familia De Fe Corp."⁶⁸ Moreover, in a separate declaration signed under penalty of perjury, the president of WHIM-LP also confirms that "Martinez does not control the operations of Station WHIM-LP, or establish the policies or operations of WHIM-LP."⁶⁹ Absent any evidence that LFDLC or Martinez exercise any control over WHIM-LP, or maintain an undisclosed attributable interest otherwise, we reject DVC's claim as speculative.

WHIM-LP Violations. Finally, DVC makes several allegations specific to WHIM-LP, including underwriting violations and failure to identify a station call sign. WHIM-LP is not the subject of this proceeding. Accordingly, we decline to consider these allegations.⁷⁰

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the Informal Objection filed by REC Networks on October 24, 2024 (Pleading File No. 0000256237) **IS GRANTED**.

IT IS FURTHER ORDERED that the Petition to Deny, filed by La Familia De Fe Corp on November 15, 2024 (Pleading File No. 0000258117), **IS DISMISSED**, and when considered as an Informal Objection, **IS GRANTED IN PART AND OTHERWISE IS DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that the Informal Objection, filed by La Familia De Fe Corp on February 19, 2025 (Pleading File No. 0000266890) **IS GRANTED IN PART AND OTHERWISE IS DISMISSED AS MOOT**.

⁶² Compare *WKMJ Radio Live The People Station Inc.*, Letter Order, 30 FCC Rcd 7427, 7428-29 (MB 2015) (dismissing LPFM application where a local police case report and a notice of unauthorized operations issued by FCC field agents showed that applicant's CEO and 50 percent voting shareholder was observed by police officers and FCC field agents actually operating an unlicensed radio station).

⁶³ See *La Iglesia De Dios Pentecostes, Inc.*, Letter Order, 39 FCC Rcd 3107 (MB 2024).

⁶⁴ LFDLC Application at Legal Certifications Section, Ownership questions.

⁶⁵ LFDLC Opposition at 18-20, Attach. 5, Declaration of Rodolfo S. Martinez, and LFDLC Response at 23-26, Attach. 7, Declaration of Reinaldo W. Medina and Attach. 8, Declaration of Rodolfo S. Martinez.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ LFDLC Response at 23-24, Attach. 7, Declaration of Reinaldo W. Medina.

⁷⁰ DVC claims to have additional documentation supporting these claims to submit to either the Media Bureau or the Enforcement Bureau. This evidence would be more appropriately submitted in a complaint against station WHIM-LP, and should conclusively demonstrate the facts alleged.

IT IS FURTHER ORDERED that the application for a construction permit for a new LPFM station at Miami, Florida, filed by Doral Voice Corp on December 15, 2023 (Application File No. 0000233072) **IS DISMISSED**.

IT IS FURTHER ORDERED that the Petition to Deny, filed by Doral Voice Corp on November 18, 2024 (Pleading File No. 0000258219), **IS DISMISSED**, and when considered as an Informal Objection, **IS DENIED**.

IT IS FURTHER ORDERED that the application for a construction permit for a new LPFM station at Miami, Florida, filed by Cristo Te Ama Ministry on December 6, 2023 (Application File No. 0000231715), **IS DISMISSED**.

IT IS FURTHER ORDERED that the Informal Objection filed by Doral Voice Corp on December 27, 2024 (Pleading File No. 0000261784) **IS DISMISSED AS MOOT**.

IT IS FURTHER ORDERED that the application of La Familia De Fe Corp, for a construction permit for a new low power FM station at Miami, Florida (Application File No. 0000231444) **IS GRANTED**.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau