

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Applications of SDK Franco, LLC,) CD Acct. No. MB-202641410003
) FRN: 0029490984
)
K223CW, Houston, Texas) Facility ID No. 148239
for Assignment of License from Centro Cristiano) Application File Nos. BALFT-
De Vida Eterna (Assignor) to SDK Franco, LLC) 20200108AAZ, 0000112788, 0000137403, ,
(Assignee); Renewal Of License; Licenses to) 0000142845, 0000159318, 0000164175,
Cover; Minor Modification of License; and) BSTA-20210913AAO, and BLFT-
Special Temporary Authority) 20170406ACJ
)
and)
)
K287BQ, Houston, Texas) Facility ID No. 148244
for Assignment of License from Centro Cristiano) Application File Nos. BALFT-
De Vida Eterna (Assignor) to SDK Franco, LLC) 20200108AAX and 0000142847
(Assignee); and Renewal Of License)

ORDER

Adopted: June 3, 2026

Released: June 3, 2026

By the Chief, Media Bureau:

1. This Order adopts the attached Consent Decree between the Media Bureau (Bureau) and SDK Franco, LLC (SDK or Licensee), licensee of FM translator stations K223CW and K287BQ, both in Houston, Texas (collectively, the Stations). The Consent Decree resolves the Bureau's investigation into the Stations' compliance with the Communications Act of 1934, as amended, (Act) and the Commission's rules (Rules) as the result of issues brought to our attention in various objections and petitions filed against several of the Stations' applications, including those to renew their licenses. Among the matters addressed are 1) the purpose of FM translators to retransmit a primary station and, with limited exceptions, not to originate programming;¹ 2) broadcast ownership interests held by non-U.S. citizens;² 3) the requirement of prior Commission consent to the assignment or transfer of broadcast licenses;³ 4) notification and receipt of special temporary authority (STA) for suspension of operations for more than 30 days;⁴ and 5) use of unauthorized equipment and required notification of a change in the primary station.⁵

2. The Bureau and Licensee have negotiated the terms of the attached Consent Decree adopted herein, in which SDK agrees to make a voluntary contribution of fifty thousand dollars (\$50,000) to the United States Treasury and undertake a three-year compliance plan to ensure that it operates in a manner that complies with the requirements related to operation of FM translator stations. In exchange,

¹ 47 CFR §§ 74.1231(b) and 74.1263(b).

² 47 U.S.C. § 310(b) and 47 CFR § 1.5000.

³ 47 U.S.C. § 310(d) and 47 CFR § 73.3540.

⁴ 47 CFR § 73.1740(b)(4).

⁵ Id. § 74.1251.

the Bureau agrees to terminate its investigation into the matters discussed above.⁶ After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's consideration of potential violations of the Rules. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. We find that the Stations have served the public interest, convenience and necessity during the most recent license term and that grant of their applications for license renewal is warranted pursuant to section 309(k)(1) of the Act.⁷ We also find that nothing in the record creates a substantial and material question of fact as to whether SDK possesses the basic qualifications to remain a Commission licensee. Accordingly, upon SDK fully and timely satisfying its obligation to pay the voluntary contribution in the manner set forth in Paragraph 29 of the attached Consent Decree, we will grant the Renewal Applications. We further find that the terms of the Consent Decree sufficiently address the matters alleged in the various petitions and objections filed against the Stations' other pending applications. We, therefore, grant the petitions and objections to the extent that we are entering into this Consent Decree and otherwise deny those pleadings. We will grant the applications in accordance with the terms of the Consent Decree.

4. **ACCORDINGLY, IT IS ORDERED** that pursuant to sections 4(i) of the Communications Act of 1934, as amended,⁸ and by the authority delegated by sections 0.61, 0.204, 0.283, and 1.93(b) of the Rules,⁹ the Consent Decree attached hereto **IS ADOPTED** without change, addition, or modification.

5. **IT IS FURTHER ORDERED** that the investigation by the Media Bureau of the matters noted above **IS TERMINATED**, and the Informal Objections and Petition for Reconsideration filed by Iglesia Centro De Liberacion, Pleading File Nos. 0001131150, 0000047141, 0000047382, 0000161405, 0000162891, and 0000164209, and the Informal Objection filed by Jose Zamora, Pleading File No. 0000130040, **ARE DENIED EXCEPT TO THE EXTENT THAT ANY MATTER RAISED THEREIN IS ADDRESSED IN THE CONSENT DECREE.**

6. **IT IS FURTHER ORDERED** that the Request for Approval of Withdrawal of Informal Objection file by Jonathan Andrew Guevara, Pleading File No. 0000220891, **IS GRANTED** and the Informal Objection filed by of Jonathan Andrew Guevara, Pleading File No. 0000160775, **IS DISMISSED AT HIS REQUEST.**

7. **IT IS FURTHER ORDERED** that the Request for Approval of Dismissal of Petitions, Oppositions, and Objections filed by Centro Cristiano De Vida Eterna, Pleading File Nos. 0000220887, 0000220888, 0000220889, and 0000220890, **IS GRANTED** and the filings of Centro Cristiano De Vida Eterna, Pleading File Nos. 0000165507, 0000138201, 0000148239, and 0000151446, **ARE DISMISSED AT ITS REQUEST.**

8. **IT IS FURTHER ORDERED** that pursuant to section 74.1281 of the Rules, a copy of this Order and Consent Decree and all related investigatory materials **SHALL BE RETAINED** in the above-captioned Station's records until grant of the next license renewal application, which is due on or before February 1, 2028.

⁶ Consent Decree, paras. 22-29.

⁷ 47 U.S.C. § 309(k)(1). That section provides that the Commission shall grant the renewal application if, upon consideration of the application and pleadings, it finds that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse. *Id.*

⁸ *Id.* § 154(i).

⁹ 47 CFR §§ 0.61, 0.204, 0.283, and 1.93(b).

9. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to SDK Franco, LLC, 1420 Hawthorne Street #15, Houston, TX 77006. Copies shall also be sent by email to SDK's counsel Mark Denbo, Esq., Smithwick & Belendiuk, P.C., 5028 Wisconsin Avenue, N.W., Suite 301, Washington, DC 20016 and to the petitioners and objectors.

FEDERAL COMMUNICATIONS COMMISSION

Alexander Sanjenis
Acting Chief, Media Bureau

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K287BQ, Houston, Texas)	Facility ID No. 148244
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CONSENT DECREE

I. INTRODUCTION

1. This Consent Decree is entered into by and between the Media Bureau (Bureau) of the Federal Communications Commission and SDK Franco, LLC (Licensee or SDK), licensee of FM translator stations K223CW and K287BQ, both in Houston, Texas (collectively, Stations). The Consent Decree’s purpose is to terminate the Bureau’s investigation concerning Licensee’s compliance with the Communications Act of 1934, as amended, and the Commission’s rules.

II. DEFINITIONS

2. For purposes of this Consent Decree, the following definitions shall apply:
- (a) “2021 Permit” means Application File No. 0000159318, granted September 29, 2021, authorizing a minor modification of the facilities of K223CW.
 - (b) “2021 Covering License Application” means Application File No. 0000164175, filed October 19, 2021, for a license to cover the 2021 Permit.
 - (c) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et. seq.*
 - (d) “Adopting Order” means the Bureau’s order adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (e) “Alien Ownership Rule” means 47 U.S.C. § 310(b) and 47 CFR § 1.5000, limiting the interests that non-citizens of the United States may have in broadcast stations.
 - (f) “Applications” means collectively the Assignment Applications, Renewal Applications, Modification Applications, Covering License Application, and STA Applications.
 - (g) “Assignment Applications” means Application File Nos. BALFT-20200108AAZ and BALFT-20200108AAX, for consent to assign the Stations’ licenses from Centro to Licensee.

- (h) “Bureau” means the Media Bureau of the Federal Communications Commission.
- (i) “CD Acct. No.” means account number MB-202641410003, associated with the payment obligation described in paragraph 29 of this Consent Decree.
- (j) “Centro” means Centro Cristiano De Vida Eterna.
- (k) “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices.
- (l) “Communications Laws” means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which Licensee is subject by virtue of it being a Commission Licensee.
- (m) “Compliance Officer” means a responsible party employed by the Licensee to be responsible for developing, implementing, and administering the Compliance Plan and ensuring that Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree.
- (n) “Compliance Plan” means the compliance obligations, program, and procedures developed by Licensee in an effort to ensure compliance with the Translator Rules, as described in this Consent Decree at paragraphs 24 through 28.
- (o) “Covered Employees,” each of which is a “Covered Employee,” means all employees, volunteers, and agents of Licensee who are responsible for performing, supervising, overseeing, or managing activities related to Licensee’s responsibilities under the Communications Laws, including the Translator Rules.
- (p) “Divorce Decree” means the Agreed Final Decree of Divorce issued on January 29, 2020, by the District Court for Harris County, Texas, No. 2019-64922, setting forth the terms of a divorce ending the marriage of Hector Guevara and Sara Franco.
- (q) “Effective Date” means the date on which the Bureau releases the Adopting Order.
- (r) “Iglesia Interference Complaint” means a complaint by Iglesia Centro De Liberacion, licensee of Station KJJG-LP, South Houston, Texas, received by the Commission on January 29, 2019, and all supplements thereto, concerning Application File No. BLFT-20170406ACJ.
- (s) “Investigation” means the Bureau’s decision to hold and not process the Applications, and examination of the impact, if any, of allegations that Licensee violated the Communications Laws.
- (t) “Licensee” and/or “SDK” means SDK Franco, LLC, and its assignees, transferees, affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (u) “LOI” means the Letter of Inquiry, dated October 7, 2022, from Albert Shuldiner, Chief, Audio Division, FCC Media Bureau, to Dan J. Alpert, Esq., Counsel for Centro, and Mark B. Denbo, Esq., Counsel for SDK, Application File No. BALFT-20200108AAZ, et al., Ref. No. 1800B3-KV.
- (v) “Modification Application” means Licensee’s March 2021 application, File No. 0000137403, to make a minor modification to K223CW, and its September 2021 resubmission of that proposed modification on a correct form, Application File No. 0000159318, granted on September 29, 2021.
- (w) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Licensee to implement the Compliance Plan.
- (x) “Parties” means the Licensee and the Bureau, each of which is a “Party.”

- (y) “Petition” means the Petition for Reconsideration filed by Iglesia Centro De Liberacion on May 15, 2020, Pleading File No. 0000047141.
- (z) “Renewal Applications” mean the applications to renew the Stations’ licenses, Application File Nos. 0000142845 and 0000142847, as amended.
- (aa) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (bb) “STA Application” means Application File No. BSTA-20210913AAO, for special temporary authority to allow station K223CW to operate with facilities proposed in the Modification Application until the Commission acted on the proposal.
- (cc) “Stations” means FM Translator stations K223CW, Houston, Texas (Fac. ID No. 148239), and K287BQ, Houston, Texas (Fac. ID No. 148244).
- (dd) “Translator Rules” means Part 74 of the Rules and other Communications Laws related to the purpose and permissible service of FM translator stations.
- (ee) “Violation” means an action inconsistent with the Act and/or Rules.
- (ff) “Voluntary Contribution” means the payment obligation described in paragraph 29 of this Consent Decree that Licensee has agreed to pay to the United States Treasury.

III. BACKGROUND

3. Centro was the Stations’ licensee until approximately April 17, 2020, when the Bureau granted the Assignment Applications from Centro to SDK¹ and SDK filed a notice of consummation.² The assignment followed a court-issued Divorce Decree ending the marriage between Hector Guevara (Guevara) and Sara Franco (Franco).³ The Divorce Decree provided for Franco to retain 100% of her interest and any other interest in SDK and for Guevara to retain 100% of his interest and any other interest in Centro.⁴ On May 15, 2020, Iglesia Centro De Liberacion (Iglesia) filed the Petition seeking reconsideration of the grant of the Assignment Applications.⁵ Iglesia’s concerns are based primarily on its prior allegation that K223CW causes interference to Iglesia’s co-channel Low Power FM (LPFM) station KJJG-LP, South Houston, Texas.⁶ Iglesia first raised that matter in 2019 while Centro was

¹ Application File Nos. BALFT-20200108AAZ and BALFT-20200108AAX; *Broadcast Actions*, Public Notice, Report No. 49722 at 1 (MB Apr. 22, 2020).

² Consummation Notice, Application File Nos. BALFT-20200108AAX and BALFT-20200108AAZ (filed Apr. 24, 2020).

³ Assignment Applications Attach., Agreed Final Decree of Divorce.

⁴ *Id.*

⁵ We also received responsive pleadings and errata. Erratum of Iglesia, Pleading File No. 0000047145 (filed May 19, 2020); Opposition of Centro, Pleading File No. 0000047154 (filed May 28, 2020); Reply of Iglesia, Pleading File No. 0000047157 (filed June 8, 2020); Erratum of Iglesia, Pleading File No. 0000047163 (filed June 9, 2020).

⁶ *See* Iglesia Interference Complaint. Iglesia also raises concerns about whether grant of the Assignment Applications based on the Divorce Decree was proper given that Centro, a non-profit corporation, was then the licensee of the Stations. Petition at 5-9. Iglesia also alleges that there was an unauthorized transfer of control of the Stations to Licensee prior to grant of the Assignment Applications. *Id.* at 7-9. As discussed below, *see infra* paras. 24-28, SDK has agreed to implement a comprehensive compliance plan that, among other things, will describe the regulatory requirements applicable to assignments and transfers of control of FCC authorizations and accurate reporting of information on FCC applications as set forth in the Rules.

licensee but it became moot because, as a result of the assignment, Centro is no longer the licensee responsible for resolution.⁷

4. We also have several additional related matters before us as a result of Iglesia's continued pursuit of its interference allegations, an intervening license renewal cycle, and the Stations' filing of additional contested applications. Specifically, we have 1) a petition filed by Iglesia⁸ and another by Centro,⁹ each seeking reconsideration of the grant of the 2021 Permit allowing K223CW to make minor facility modifications;¹⁰ 2) a 2021 Covering License Application for a license to cover the 2021 Permit,¹¹ along with an informal objection by Iglesia;¹² 3) the 2021 Modification Application to modify the K223CW license by changing the directional antenna, decreasing power, and specifying a different primary station,¹³ along with an informal objection by Centro;¹⁴ 4) an application for a license to cover¹⁵ a prior K223CW construction permit issued to Centro in 2017,¹⁶ along with two informal objections, one filed by Iglesia¹⁷ and the other filed by Jose Zamora (Zamora);¹⁸ 5) an application to renew the license of

⁷ See 47 CFR § 74.1203(a)(3)(iv) (requiring "reasonable efforts to inform the *relevant translator licensee* of the claimed interference and attempted private resolution") (emphasis added).

⁸ Petition for Reconsideration of Iglesia, Pleading File No. 0000162891 (filed Oct. 5, 2021). We also have before us the following responsive pleadings: an Opposition of Licensee, Pleading File No. 0000164263 (filed Oct. 20, 2021); and a Reply of Iglesia, Pleading File No. 0000165325 (filed Oct. 29, 2021).

⁹ Petition for Reconsideration of Centro, Pleading File No. 0000165507 (filed Nov. 1, 2021). We also have before us the following responsive pleadings: an Opposition of SDK, Pleading File No. 0000168848 (filed Nov. 16, 2021); a Motion to Strike filed by SDK, Pleading File No. 0000168851 (filed Nov. 16, 2021); Centro's Motion for Extension of Time to Reply to Motion to Strike, Pleading File No. 0000173182 (filed Nov. 29, 2021); Centro's Motion for Extension of Time to Reply to SDK's Opposition, Pleading File No. 0000173184 (filed Nov. 29, 2021); a Consolidated Response of Centro, Pleading File No. 0000176802 (filed Dec. 6, 2021); a Consolidated Reply of Centro, Pleading File No. 0000176803 (filed Dec. 6, 2021); a Reply to Consolidated Response filed by SDK, Pleading File No. 0000177254 (filed Dec. 14, 2021); and a Consolidated Response of Centro Errata, Pleading File No. 0000177276 (filed Dec. 14, 2021).

¹⁰ See *Broadcast Actions*, Public Notice, Report No. PN-2-211001-01, at 2 (MB Oct. 1, 2021).

¹¹ See *Broadcast Applications*, Public Notice, Report No. PN-1-211025-01, at 10 (MB Oct. 25, 2021).

¹² Informal Objection of Iglesia, Pleading File No. 0000164209 (filed Oct. 19, 2021).

¹³ See Application File No. 0000137403 (filed Mar. 1, 2021); *Broadcast Applications*, Public Notice, Report No. PN-1-210303-01, at 7 (MB Mar. 3, 2021). Specifically, the 2021 Modification Application seeks to change the authorized primary station of K223CW to KFNC(FM), Mont Belvieu, Texas, licensed to Gow Media, LLC.

¹⁴ Informal Objection of Centro, Pleading File No. 0000138201 (filed Mar. 9, 2021).

¹⁵ Application File No. 0000112788 (filed Apr. 27, 2020). See *Broadcast Actions*, Public Notice, Report No. PN-2-200506-01 at 1 (MB May 6, 2020). This application was filed by Licensee "doing business as" Centro.

¹⁶ Application File No. BPFT-20170407AAY (granted April 25, 2017). See *Broadcast Actions*, Public Notice, Report No. 48974, at 10 (MB Apr. 28, 2017). The 2017 Permit, which had an expiration date of April 27, 2020, authorized operation of K223CW with a directional Scala CL-FM antenna.

¹⁷ Informal Objection of Iglesia, Pleading File No. 0000113238 (filed May 5, 2020) (attaching and incorporating by reference Informal Objection of Iglesia, Pleading File No. 0000113150 (filed May 4, 2020)); Supplement of Iglesia to Informal Objection, Pleading File No. 0000115143 (filed May 29, 2020); and Reply of Iglesia to Response to Supplement to Informal Objection, Pleading File No. 0000116031 (filed Jun. 12, 2020).

¹⁸ Informal Objection of Jose Zamora, Pleading File No. 0000130040 (filed Dec. 18, 2020); Supplement of Zamora to Informal Objection, Pleading File No. 0000132036 (filed Jan. 22, 2021). Zamora alleges that K223CW is not rebroadcasting the required primary station and originated programming.

K223CW,¹⁹ along with a petition to deny filed by Centro²⁰ and an informal objection filed by Iglesia;²¹ 6) the STA Application seeking to operate K223CW with alternate facilities,²² which Iglesia has opposed in a consolidated filing against the renewal and the grant of the 2021 Permit;²³ 7) the Iglesia Interference Complaint alleging that K223CW was causing interference to Iglesia's KJJP-LP under Centro's ownership;²⁴ and 8) an application for renewal of license for K287BQ,²⁵ along with a petition to deny filed by Centro and an informal objection filed by Jonathan Andrew Guevara (J.A. Guevara).²⁶ Among the matters alleged in these pleadings are that K223CW is causing interference to KJJP-LP, Licensee assumed control of the Stations prior to Bureau approval of the Assignment Applications, Franco exercised control of Licensee prior to becoming a U.S. citizen, and Licensee has violated the Translator Rules by rebroadcasting an incorrect primary station and/or originating programming.

5. In response to allegations raised in the various pleadings, the Bureau commenced an Investigation resulting in the October 2022 issuance of the LOI to SDK and Centro.²⁷ The LOI asked SDK and Centro for information concerning their respective periods as the Stations' licensee.²⁸ For example, the LOI asked about corporate structure, primary stations rebroadcast, periods off-air and notifications thereof, origination of programming, equipment used, and receipt of interference complaints. On December 19, 2022, SDK and Centro each filed a separate response to the LOI.²⁹ On September 12, 2023, Centro filed a request to withdraw its petitions and objections against the Applications.³⁰ Also on September 12, 2023, J.A. Guevara filed a request to withdraw his objection to the renewal application for

¹⁹ Application File No. 0000142845. *See Broadcast Applications*, Public Notice, Report No. PN-1-210412-01, at 10 (MB Apr. 12, 2021).

²⁰ Petition to Deny of Centro, Pleading File No. 0000151446 (filed July 1, 2021). We also have before us responsive pleadings. Opposition of SDK, Pleading File No. 0000159308 (filed Sep. 13, 2021); Reply of Centro, Pleading File No. 0000162529 (filed Oct. 1, 2021). There are also several motions for extension of time associated with those filings.

²¹ Consolidated Informal Objection of Iglesia K223CW Consolidated Objection, Pleading File No. 0000047382 (filed Sep. 30, 2021). Iglesia's concerns with each application are based on its complaint of interference.

²² Application File No. BSTA-20210913AAO (filed Sep. 13, 2021).

²³ Consolidated Objection of Iglesia, Pleading File No. 0000161405 (filed Sept. 30, 2021).

²⁴ *See supra* para. 2(r).

²⁵ Application File No. 0000142847 (filed Apr. 1, 2021). *See Broadcast Applications*, Public Notice, Report No. PN-1-210412-01, at 12 (MB Apr. 12, 2021).

²⁶ The K287BQ Renewal Application is the subject of an informal objection and a petition to deny. *See* Petition to Deny of Centro, Pleading File No. 0000151445 (filed July 1, 2021); Opposition of SDK, Pleading File No. 0000159307 (filed Sep. 13, 2021); Informal Objection of Jonathan Andrew Guevara, Pleading File No. 0000160775 (filed Sep. 28, 2021); Reply of Centro, Pleading File No. 0000162497 (filed Oct. 1, 2021). There are also several motions for extension of time associated with those filings.

²⁷ For sake of a complete record we note that on July 31, 2025, the Bureau issued a second LOI to Centro but that second inquiry is not the subject of this Order/Consent Decree with SDK. *See* Letter from Albert Shuldiner, Chief, Audio Division, FCC Media Bureau, to Mark B. Denbo, Esq., Counsel for Centro, Application File No. BALFT-20200108AAZ, et al., Ref. No. 1800B3-KV (MB-AD July 31, 2025).

²⁸ Centro is not a party to the Consent Decree. We will address separately matters relating to Centro.

²⁹ *See* Letter from Karen Guevara, Member, SDK, to Marlene H. Dortch, Esq., Secretary, FCC (filed Dec. 19, 2022); Letter from Dan J. Alpert, Esq., Counsel for Centro, to Marlene H. Dortch, Esq., Secretary, FCC (filed Dec. 19, 2022).

³⁰ Request for Approval of Dismissal of Petitions, Oppositions, and Objections of Centro, Pleading File Nos. 0000220887, 0000220888, 0000220889, 0000220890 (filed Sept. 12, 2023) (Centro Withdrawal).

K287BQ.³¹ Iglesia and Zamora have not filed any such withdrawal requests.

6. **Centro and J.A. Guevara Withdrawals.** The Commission requires parties seeking to withdraw a petition or objection to document that any money or other consideration paid in exchange for the withdrawal will not exceed the withdrawing party's legitimate and prudent expenses in preparing, filing, and prosecuting its objection.³² The purpose of this requirement is to ensure that objections further legitimate public interest purposes rather than serving as a way to extract payments from licensees.³³ It is also Commission practice to review withdrawn petitions and objections to ensure that no matter alleged therein reflects on a licensee's basic qualifications.

7. Consistent with Bureau practice, we will dismiss the Centro and J.A. Guevara filings as requested. Upon reviewing these submissions we find that the allegations are addressed sufficiently in the Consent Decree and that nothing therein calls Licensee's basic qualifications into question.³⁴ The parties have submitted declarations under penalty of perjury that they did not pay or receive consideration in excess of their reasonable expenses.³⁵

8. **Overview of Consent Decree.** The Consent Decree addresses Licensee's compliance with provisions of the Rules and Act, including 1) the purpose of FM translators to retransmit a primary station and, with limited exceptions, not to originate programming;³⁶ 2) restrictions on ownership of broadcast stations by persons who are not U.S. citizens and persons who have attributable interests in LPFM stations;³⁷ 3) the requirement of prior Commission consent to an assignment of license or transfer of control of a licensee, whether *de facto* or *de jure*;³⁸ 4) the necessity of timely notification to the Commission and the requirement to file a silent STA if a station suspends operations for more than 30 days;³⁹ 5) prohibited use of unauthorized equipment;⁴⁰ 6) required notification of any change in an FM translator's primary station;⁴¹ 7) mitigation of interference;⁴² and 8) the requirement to abide by conditions placed on broadcast authorizations, including those pairing FM translators with specific AM

³¹ Request for Approval of Withdrawal of Informal Objection of Jonathan Andrew Guevara, Pleading File No. 0000220891 (filed Sept. 12, 2023) (J.A. Guevara Withdrawal).

³² 47 CFR § 73.3588.

³³ See Prevention of Abuses of the Renewal Process, First Report and Order, 4 FCC Rcd 4780, 4786 (1989), *aff'd* Memorandum Opinion and Order, 5 FCC Rcd 3902 (1990).

³⁴ J.A. Guevara alleges that K287BQ operated with an incorrect antenna, *i.e.*, a Jampro Polarized 2 bay 25KW instead of the authorized SCALA CL-FM/HRM/50N. Centro alleges that Licensee prematurely assumed control of the Stations, took the Stations silent without notification to the Commission, originated programming, and retransmitted an unauthorized primary station. Centro also alleges that Licensee was, for a period of a few months, under the control of a non-U.S. citizen and violated cross-ownership rules prohibiting persons with attributable interests in LPFM stations from acquiring other broadcast interests, but SDK has since demonstrated that those alleged ownership violations do not continue at present.

³⁵ See Centro Withdrawal at 4-5; J.A. Guevara Withdrawal at 3.

³⁶ 47 CFR §§ 74.1231(b) and 74.1263(b).

³⁷ 47 U.S.C. 310(b) and 47 CFR § 1.5000 (Alien Ownership Rule); 47 CFR § 73.860 (LPFM station cross-ownership rules).

³⁸ 47 U.S.C. 310(d); 47 CFR § 73.3540.

³⁹ 47 CFR § 74.1263(c).

⁴⁰ *Id.* § 74.1251.

⁴¹ *Id.* § 74.1284.

⁴² *Id.* § 74.1203.

stations in order to revitalize the AM service.⁴³ Several of these matters were also of interest to Iglesia and Zamora although they are not parties to the Consent Decree.

9. **Retransmission of Authorized Primary Station/Program Origination.** The purpose of FM translator stations is to retransmit the signals of a primary AM, FM or LPFM radio broadcast station or another translator station.⁴⁴ An FM translator is not permitted to radiate when it is not retransmitting its primary station.⁴⁵ In addition, FM translator licensees must notify the Commission when changing primary stations.⁴⁶ These rules ensure that FM translator stations remain secondary services that improve the signal of their associated primary station and do not compete with full service stations that have greater public service responsibilities. As part of the Commission's *AM Revitalization* initiative, certain FM translator stations were allowed to relocate a greater distance than would ordinarily be permitted, conditioned upon retransmission of a specific, associated AM station for a period of at least four years, on air.⁴⁷

10. In response to the LOI, Licensee acknowledges that it rebroadcast stations other than those authorized and originated programming on both Stations. K287BQ was not part of the *AM Revitalization* effort and could change primary stations provided that it notified the Commission. However, Licensee admittedly changed K287BQ's primary station multiple times without notification to the Commission and originated programming on that station as well.⁴⁸ With respect to K223CW, Centro moved the station to its current location as part of the *AM Revitalization* initiative in order to be paired with KCOH(AM), Houston, TX.⁴⁹ Its resulting authorization, thus, was conditioned upon rebroadcast of

⁴³ See 47 U.S.C. § 301; 47 CFR § 73.1350; *Revitalization of the AM Radio Service*, MB Docket No. 13-249, First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 30 FCC Rcd 12145, 12153, para. 16 (2015) (*AM Revitalization First R&O*).

⁴⁴ *Id.* § 74.1231(a).

⁴⁵ *Id.* § 74.1263(b). Thus, an FM translator may not operate when its primary station is not operating and cannot originate programming. Limited exceptions allowing FM translators associated with Class D "daytimer" AM stations to continue operating at night and any FM translator to air brief financial support announcements and warnings of imminent danger are not applicable to the time period at issue in this proceeding. See *id.* §§ 74.1231(b), (f).

⁴⁶ *Id.* § 74.1251(c).

⁴⁷ See *AM Revitalization First R&O*, 30 FCC Rcd at 12152-54, paras. 15-17. Specifically, existing FM translators were allowed to move and be paired with AM stations, provided that the existing FM translator was initially situated within 250 miles of the location to which it desired to move. The licensee could, to the extent necessary and consistent with the Rules, change the FM translator's frequency. Any FM translator paired with an AM Station in this manner was required to rebroadcast that AM station for a minimum of four years (exclusive of silent periods) from the date it began to operate at its modified location.

⁴⁸ Licensee states that upon the assignment from Centro on April 17, 2020, Centro removed K287BQ's ability to rebroadcast the authorized primary station, leaving the translator without a program source. Licensee kept K287BQ on the air by originating music programming between April 20, 2020, and October 20, 2020, but states that its intention was only to allow licensees of potential new primary stations to evaluate the K287BQ signal strength and coverage area. The programming consisted of music without commercials. Licensee also acknowledges that during some of this same period it rebroadcast another station, KLV(AM), without notifying the Commission, *i.e.*, part time between June 15 and 16, 2020, and full time from approximately July 1, 2020, to August 31, 2020. Licensee further acknowledges that K287BQ retransmitted the digital channel of an FM station (KFNC-HD3) between October 20, 2020, and March 1, 2021, and did not notify the Commission, until December 7, 2022. It states that KKBQ-HD3 has been the primary signal rebroadcast on K287BQ from March 1, 2021, to the present.

⁴⁹ The Station, then known as K224EI, George West, Texas, applied to modify its facility to Channel 223 and move approximately 195 miles to serve Houston, Texas. Application File No. BMPFT-20160912ADA. The application proposed rebroadcasting KCOH(AM), Houston, Texas. The permit was granted on September 26, 2016, with a

(continued....)

KCOH(AM) for four years on air. K223CW, under Centro's stewardship, rebroadcast KCOH(AM), Houston, TX only from October 20, 2016, until approximately September 4, 2017. On September 4, 2017, Centro notified the Bureau by email that K223CW was beginning to rebroadcast KJOZ(AM), Conroe, TX. SDK continued to rebroadcast that station following the assignment.

11. Licensee also acknowledges that it originated programming on K223CW beginning in 2020.⁵⁰ Although the initial violation of the license condition occurred when Centro was licensee, SDK should through ordinary due diligence have been aware of the condition, which explicitly included successors in interest. The involvement of family members in the assignment was a further way in which SDK reasonably could be expected to have known or learned of the requirement. Moreover, K223CW did not merely continue to retransmit the wrong primary station but also originated its own programming.

12. With respect to the failures to notify and program origination violations at both stations, the Consent Decree includes voluntary payments for the past violations and requires SDK to take steps to ensure notification of any future change in primary stations and compliance with the FM translator licensing and service rules regarding non-origination of programming. With respect to K223CW's failure to rebroadcast its paired AM station, KCOH(AM), for four years, we would ordinarily require a licensee to either resume rebroadcasting that station or turn in the translator's license for failure to meet a condition thereon. However, we recognize that the present case involves unusual circumstances. Commission records reflect that KCOH(AM) has been silent and/or operating at reduced power with temporary equipment since October 20, 2024, when the AM station's tower toppled after a helicopter struck the tower.⁵¹ Moreover, SDK received the station through an adversarial divorce process at a time when the assignor had already commenced rebroadcasting a new primary station in violation of the four-year operating condition, and the assignor reportedly refused to assign to SDK the assignor's rebroadcasting consent agreement with the licensee of KCOH(AM). It is now well beyond the four-year retransmission period, and the previous rebroadcasting consent agreement with the licensee of KCOH(AM) presumably has expired. In view of this combination of unusual circumstances, the \$50,000 voluntary payment agreed upon herein includes \$10,000 representing the translator's noncompliance with the *AM Revitalization* condition in addition to amounts attributable to the Licensee's failure to notify the Bureau of each change in the translator's primary station.

condition which stated: "Pursuant to *Revitalization of the AM Radio Service*, First Report and Order, 30 FCC Rcd 12145, 12153 para. 16 (2015), the permittee and any successor in interest (licensee) shall be subject to the following restrictions. From the grant of the construction permit and continuing until the facility has achieved four years of on-air operations rebroadcasting the primary AM station identified on this authorization, the licensee may NOT change such primary station being rebroadcast by this translator, nor may it rebroadcast another station when the primary station identified on this authorization is silent. Periods of station silence shall not count toward the fulfillment of this four-year requirement. During this same four-year period the licensee may not assign or transfer the construction permit to another party, unless it is to the licensee of the AM station identified on this authorization or unless such assignment or transfer provides for the continuing right of the primary station to rebroadcast on the translator. Minor modifications of this authorization are permitted, provided that the translator will continue to rebroadcast the AM station for which the modification was granted."

⁵⁰ Beginning February 2020, Licensee ceased retransmissions and instead originated programming using a music format called "La Rumba" for approximately three months. Around May or June 2020, K223CW briefly rebroadcast Station KLVL(AM), Pasadena, Texas. It then began to rebroadcast KFNC(FM), Mont Belvieu, Texas. SDK acknowledges that it did not notify the Commission that it was rebroadcasting KLVL and did not notify the Commission, until September 2, 2021, that it was retransmitting KFNC. The re-transmission of an FM station is especially inconsistent with the purpose of the AM revitalization goal pursuant to which K22CW was allowed to relocate.

⁵¹ See File No. 0000256188 (filed Oct. 24, 2024).

13. **Control/Ownership.** Broadcast licensees cannot transfer *de jure* or *de facto* control⁵² prior to receipt of Commission consent to the transfer.⁵³ To determine *de facto* control the Commission looks at the station's programming, personnel, and finances.⁵⁴ In addition, the Commission will also consider other factors, such as whether someone other than the licensee holds themselves out to station staff and/or the public as the one who controls station affairs.⁵⁵ SDK began to exercise *de facto* control over the Stations immediately after the court issued the Divorce Decree, although SDK did not obtain consent from the Commission to acquire the licenses until approximately two months later. For example, between February and April 2020, Licensee limited access to the transmitter site, changed program format, changed the primary station, and filed applications.⁵⁶

14. Moreover, SDK's premature assumption of control and exercise of *de facto* control resulted in violations of restrictions on foreign ownership of broadcast stations and cross-ownership of FM translator and LPFM stations. Pursuant to section 310(b)(3) of the Act, foreign ownership of a broadcast station may not exceed 20% of the equity and/or voting interests.⁵⁷ Licensee's principal, Sara Franco, was a United States resident but citizen of Mexico when she assumed control of the Stations in 2020 and did not become a naturalized United States citizen until October 12, 2022. SDK's certification in the Assignment Application that it complied with the Alien Ownership Rule apparently relied upon 80% ownership by Karen Sara Guevara, a U.S. Citizen, and only 20% by Franco. Information submitted in the divorce proceedings and responses to the LOI, however, indicates that Franco held herself out as being in control of station affairs.⁵⁸ Additionally, individuals with attributable interests in LPFM stations cannot simultaneously hold attributable interests in other broadcast stations, including FM translators.⁵⁹ It appears that Daniel Guevara, a member listed on Licensee's Certificate of Formation, held an attributable interest in the Stations as well as LPFM station KCDE-LP, Houston, Texas, for approximately four

⁵² "Control" encompasses all forms of control, actual or legal, direct or indirect, negative or affirmative. In determining whether an entity has *de facto* control of a broadcast licensee, the Commission has traditionally looked beyond legal title and financial interests to determine who holds operational control of the station. *See, e.g., Stereo Broadcasters, Inc.*, Memorandum Opinion and Order, 55 F.C.C.2d 819, 821 (1975) (citing *WWIZ, Inc.*, 36 F.C.C.2d 561 (1964)), *modified*, Memorandum Opinion and Order, 59 F.C.C.2d 1002 (1976).

⁵³ 47 U.S.C. § 310(d); 47 CFR § 73.3540.

⁵⁴ *See, e.g., Radio Moultrie, Inc.*, Order to Show Cause and Notice of Opportunity for Hearing, 17 FCC Rcd 24304, 24306 (2002).

⁵⁵ *See WQRZ, Inc.*, Decision, 22 FCC 1254, 1332, para. 51 (1957); *see also Hispanic Christian Community Network, Antonio Cesar Guel, and Jennifer Juarez*, MB Docket No. 23-267, Order to Show Cause Why a Cease and Desist Order Should Not be Issued, Order to Show Cause Why an Order of Revocation Should not be Issued, Hearing Designation Order, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 7277, 7285, para. 16 (MB 2023).

⁵⁶ For example, Licensee warned Centro not to interfere with the operation of the Stations after February 1, 2020, and instructed the owner of the Stations' transmitter site not to allow Centro access. *See* Letter from Karen Guevara, Member, SDK, to Marlene H. Dortch, Secretary, FCC, at 6, 12, & Exh. I at 2 (filed Dec. 19, 2022); Letter from Dan J. Alpert, Counsel to Centro, to Marlene H. Dortch, Secretary, FCC, Attach., Response of Centro to Inquiries, at 5-6 & Attachs. 29-30 (Dec. 19, 2022). Licensee changed the primary station and program format of K223CW beginning on February 1, 2020, and aired a new, translator-originated format on K287BQ from February 2020 through April 2020.

⁵⁷ 47 U.S.C. § 310(b); *see* 47 CFR § 1.5000.

⁵⁸ Assignment Applications Attach., Divorce Decree at 5 (awarding Franco "100% of [her] interest and any other interest in . . . SDK FRANCO, LLC including but not limited to radio stations and all other property and assets titled in the company's name.").

⁵⁹ 47 CFR § 73.858.

months, from April 17, 2020, until August 18, 2020.⁶⁰ It appears that SDK is currently in compliance with the foreign ownership and cross-ownership requirements but the Consent Decree takes steps to address the past violations and ensure future compliance.

15. **Authorized Equipment.** Among the technical changes requiring formal application to the Commission are changes in an FM translator's transmitting antenna system, including the direction of radiation or directive antenna pattern.⁶¹ Licensee's response to the LOI acknowledges that it operated K223CW with a non-directional antenna rather than the authorized directional antenna between April 27, 2020, and March 1, 2021.⁶² SDK argues that the non-directional antenna was installed by the prior licensee, SDK was unaware of the violation at the time of assignment, and has since corrected the problem. SDK states that it has been operating K223CW with the correct antenna since March 1, 2021, that it filed a modification application that same day,⁶³ and suggests that use of a corrected antenna would eliminate any interference to Iglesia. The Consent Decree contains provisions to ensure that Licensee operates solely with authorized equipment and applies for Commission consent prior to making any changes without authorization from the Commission.

16. **Suspension of Operations.** If causes beyond the control of a licensee make it impossible to continue operating, the station may operate with reduced power or discontinue operation for a period of not more than 30 days, provided that the licensee notifies the Commission no later than the tenth day.⁶⁴ If reduced or discontinued operations exceed 30 days, the licensee must obtain a silent STA.⁶⁵ Licensee acknowledges that K223CW was off the air or operating at reduced power for approximately six months, from April 27, 2020, to October 20, 2020, without notification to the Commission.⁶⁶ SDK also acknowledges that K287BQ was off the air for approximately two months without notification to the Commission, from June 15, 2021, to August 15, 2021. The Consent Decree addresses these violations and requires Licensee to take steps to ensure future compliance.

17. **Interference.** The operations of FM translator stations are secondary to those of full service AM or FM stations as well as other, pre-existing secondary broadcast stations.⁶⁷ Iglesia, licensee of a pre-existing LPFM (secondary) station filed a complaint in 2019 alleging that K223CW was causing interference. At the time Centro was the licensee of the translator. More recent supplements and pleadings that Iglesia filed with the Commission continue to rely on the 2019 complaint but it became moot because, as a result of the assignment, Centro is no longer the licensee responsible for resolution.⁶⁸

⁶⁰ On August 18, 2020, Daniel Guevara, as "Majority Interest Holder" in the LPFM station's licensee, turned in the LPFM license for cancellation. Letter from Daniel H. Guevara, Centro de Fe y Avivamineto del Santo Espiritu Inc., to Marlene H. Dortch, Secretary, FCC (filed Aug. 18, 2020).

⁶¹ 47 CFR § 74.1251(b)(2).

⁶² Specifically, Licensee used a non-directional 2-bay Nicom BKG77 antenna at a time when it was authorized to use a directional Scala CL-FM antenna. See File No. BLFT-20170406ACJ (granted Apr. 19, 2017). Licensee later installed an eight-element beam antenna, *i.e.*, a Scala YA7-FML-URM Yagi antenna.

⁶³ Modification Application.

⁶⁴ 47 CFR § 74.1263(c).

⁶⁵ *Id.*

⁶⁶ The silence did not last for a consecutive 12-month period and, thus, the Act's provision establishing that broadcast licenses expire as a matter of law upon 12 consecutive months of silence is not applicable. See 47 U.S.C. § 312(g).

⁶⁷ 47 CFR § 74.1203(a)(3).

⁶⁸ See *id.* § 74.1203(a)(3)(iv) (requiring "reasonable efforts to inform the *relevant translator licensee* of the claimed interference and attempted private resolution") (emphasis added).

Nevertheless, because it appears that the station's response to interference complaints has been less than optimal, the Consent Decree requires Licensee to establish improved procedures.

IV. TERMS OF AGREEMENT

18. The Parties acknowledge that any proceedings that might result from the Violations would be time-consuming and require a substantial expenditure of public and private resources. In order to conserve such resources, resolve the matters, and promote compliance with the Rules, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

19. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

20. **Jurisdiction.** Licensee agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

21. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

22. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, Licensee agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute any new proceeding on its own motion against Licensee concerning the matters that were the subject of the Investigation, or to set for hearing the question the Licensee's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations based on the matters that were the subject of the Investigation.⁶⁹

23. **Admission of Facts.** Licensee admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance of paragraph 22 herein, that the description in paragraphs 3-17 is a true and accurate description of the facts underlying the Investigation.

24. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, Licensee shall designate a responsible party employed (on a full, part-time or contract basis) to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer will administer the Compliance Plan, supervise Licensee's compliance with the Act and the Rules, and serve as the point of contact on behalf of Licensee for all FCC-related compliance matters. The Compliance Officer must be provided all necessary corporate and organizational authority to ensure they are able to discharge their duties. The Compliance Officer shall report directly to Licensee's President (or equivalent senior officer/owner) on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of the Translator Rules and the terms and conditions of the Consent Decree prior to assuming their duties. If the Compliance Officer is not a communications attorney, Licensee shall consult with outside FCC regulatory counsel regarding its overall compliance with the Communications Laws. Such consultations shall occur on a quarterly basis, or more frequently to ensure compliance with the terms and conditions of this Consent Decree. The name and contact information (mailing address, phone number and electronic mail address) of the Compliance Officer must be submitted to the Bureau within thirty (30) calendar days after the Effective Date by e-mail to staff of the Bureau's Audio Division at Irene.Bleiweiss@fcc.gov and Christopher.Clark@fcc.gov. The Bureau must be notified in the manner discussed above of any change in the person serving as Compliance Officer within five (5) business days.

⁶⁹ See 47 CFR § 1.93(b).

25. **Compliance Plan.** For purposes of settling the matters set forth herein, Licensee agrees that it shall, within sixty (60) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Communications Laws and with the terms and conditions of this Consent Decree. With respect to the Translator Rules, the Plan shall contain, at a minimum, the following elements:

- (a) **Special Technical Records.** Pursuant to 47 CFR § 73.1835, Licensee shall keep operating and maintenance records sufficient to demonstrate steps taken to resolve and to prevent reoccurrence of each of the types of Violations discussed in Paragraphs 8 through 17 herein. Except where the Rules require more or the Parties have agreed elsewhere in this Consent Decree to specific, greater recordkeeping requirements governing a particular aspect of operation, Licensee shall at a minimum (a) log complaints of and its responses to interference; (b) record steps taken to ensure that at all times the Stations operate with authorized equipment within the tolerances specified by applicable technical rules in Parts 73 and 74 of the Rules; (d) keep station logs in the manner required by section 74.1281 and any applicable rules in Part 73 of the Rules.
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees and others who perform duties for the Licensee that trigger or may trigger compliance-related responsibilities. Licensee may adopt a Compliance Manual that it has prepared or one that has been prepared by an outside source, such as a trade association, another licensee, or a law firm. Licensee shall update the Compliance Manual from time to time to reflect changes to relevant sections of the Act, Rules, and Commission orders, and as otherwise needed. The Compliance Manual shall:
 - i. thoroughly explain the Translator Rules;
 - ii. establish Operating Procedures that Covered Employees must follow to help ensure Licensee's compliance with the Translator Rules and the terms of this Consent Decree. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that the FM translator station responds appropriately to complaints of interference; operates only with authorized equipment at the licensed location or as authorized by Special Temporary Authority; neither originates programming nor operates when its primary station is off the air; provides notification and seeks Commission consent if it needs to change its primary station; seeks STA from the Commission if it needs to operate at variance from licensed parameters or remain silent; and that Covered Employees promptly report to the Compliance Officer failures to comply with the Translator Rules;
 - iii. contain an overview of the Commission's requirements with respect to assignments and transfers of control of FCC licenses, including *de facto* as well as *de jure* control, ownership interests that would conflict with the Rules, and the need for prior approval for license assignments and transfers of control as set forth in the Rules;
 - iv. describe the regulatory requirements applicable to the accurate reporting of information in assignment and transfer of control applications as set forth in the Rules;
 - v. be reviewed and revised by the Compliance Officer, or Licensee's legal counsel (internal or external) in coordination with the Compliance Officer as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Compliance Officer shall distribute any revisions to the

Compliance Manual within five (5) business days of an updates to all Covered Employees.

- (c) **Compliance Training Program.** Licensee shall conduct formal compliance training on the Translator Rules and the Operating Procedures to all Covered Employees and others who perform duties related to station operation and compliance with Commission rules. Such training will be provided to all Covered Employees no later than sixty (60) calendar days after the Effective Date of this Consent Decree, and on an annual basis thereafter while this Compliance Plan remains in effect. Training must be provided to every new Covered Employee within ten (10) business days after commencing employment or becoming a Covered Employee. The compliance training program shall include, but not be limited to, instruction relating to the Translator Rules and responsibilities of any Covered Employee under the terms of this Consent Decree. The training must be reviewed and revised by the Compliance Officer, or Licensee's legal counsel (internal or external) in coordination with the Compliance Officer, as necessary to ensure that it remains current, complete and effective.

26. **Reporting Noncompliance.** Licensee shall report any instance of noncompliance with the Translator Rules or the terms and conditions of this Consent Decree within ten (10) business days after discovery of such noncompliance. Such reports shall include a detailed explanation of the following: (i) each instance of noncompliance; (ii) the steps that Licensee has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions has or will be taken; and (iv) the steps that Licensee has taken or will take to prevent the recurrence of any such noncompliance. The report must be signed by the Compliance Officer and be subscribed as true under penalty of perjury in accordance with 47 CFR § 1.16. All reports of noncompliance shall be submitted electronically to staff of the Bureau's Audio Division: Irene.Bleiweiss@fcc.gov and Christopher.Clark@fcc.gov.

27. **Compliance Reports.** Licensee shall file compliance reports with the Commission ninety (90) calendar days after the Effective Date, twelve (12) months after the Effective Date, twenty-four (24) months after the Effective Date, and thirty-six (36) months after the Effective Date.

- (a) Each Compliance Report shall include a detailed description of Licensee's efforts during the relevant period to comply with the terms and conditions of this Consent Decree, Translator Rules, the Compliance Plan, and all other reporting requirements. Each report shall include the Special Technical Records generated in response to paragraph 25(a) herein. With respect to interference, the reports shall include a copy of each written Complaint of interference (and a summary of each non-written Complaint) received within the period covered by the report, all available contact information for the complainant, and a description of how the complaint was resolved. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of Licensee, stating that the Compliance Officer has personal knowledge that Licensee (1) has established and implemented the Compliance Plan; (2) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (3) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 26 of this Consent Decree, section 310(d) of the Act, and the Rules applicable to translator stations.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and shall comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.⁷⁰

⁷⁰ 47 CFR § 1.16.

- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Licensee shall provide the Commission with a detailed explanation of the reason(s) why and describe fully (i) each instance of noncompliance; (ii) the steps that Licensee has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken; and (iii) the steps that Licensee has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted electronically to staff of the Bureau's Audio Division: Irene.Bleiweiss@fcc.gov and Christopher.Clark@fcc.gov.

28. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 24 through 27 of this Consent Decree shall expire thirty-six (36) months after the Effective Date.

29. **Voluntary Contribution.** Licensee will make a Voluntary Contribution to the United States Treasury in the amount of fifty thousand dollars (\$50,000.00). Such payment shall be made in three (3) installments (each an Installment Payment). The first Installment Payment in the amount of fifteen thousand dollars (\$15,000.00) is due on or before thirty (30) calendar days after the Effective Date. Thereafter, the second Installment Payment of fifteen thousand dollars (\$15,000.00) shall be due on or before ninety (90) calendar days after the Effective Date, and the third Installment Payment of twenty thousand dollars (\$20,000.00) shall be due on or before one hundred and fifty (150) calendar days after the Effective Date. Licensee acknowledges and agrees that upon execution of this Consent Decree, the Voluntary Contribution and each Installment Payment shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).⁷¹ Upon an Event of Default, as defined below, all procedures for collection as permitted by law may, at the Commission's discretion, be initiated. On the date each Installment Payment is made, Licensee shall send notification of the payment via email to Albert.Shuldiner@fcc.gov, Christopher.Clark@fcc.gov, and Irene.Bleiweiss@fcc.gov.

30. Payment of the Voluntary Contribution must be made by credit card using the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Voluntary Contribution payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁷²

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF". In addition, a completed FCC Form 159⁷³ or printed CORES form⁷⁴ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in FCC Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s)

⁷¹ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

⁷² For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

⁷³ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁷⁴ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

captioned above (Payor FRN).⁷⁵ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

31. **Event of Default.** Licensee agrees that an Event of Default shall occur upon the failure by Licensee to pay the full amount of the Voluntary Contribution or any Installment Payment on or before the due date specified in this Consent Decree.

32. **Interest Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Voluntary Contribution shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Voluntary Contribution or any Installment Payment, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys’ fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by Licensee.

33. **Qualifications; Agreement to Grant.** The Bureau finds that its Investigation raises no substantial and material questions of fact as to whether the Licensee possesses the basic qualifications, including those relating to character, to hold a Commission license or authorization. Accordingly, the Bureau agrees to grant the Applications after the Effective Date, provided that the following conditions have been met: 1) the Voluntary Contribution, referenced in paragraph 29 of this Decree, has been fully and timely satisfied; and 2) there are no issues other than those uncovered through the Investigation that would preclude grant of the Applications.

34. **Waivers.** As of the Effective Date, Licensee waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. Licensee shall retain the right to challenge

⁷⁵ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

Commission interpretation of the Consent Decree or any terms contained herein. If any Party (or the United States on behalf of the Commission), brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither Licensee nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Licensee shall waive any statutory right to a *trial de novo*. Licensee hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act⁷⁶ relating to the matters addressed in this Consent Decree.

35. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

36. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

37. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Licensee does not expressly consent), that provision will be superseded by such Rule or order.

38. **Successors and Assigns.** Licensee agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

39. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

40. **Modifications.** This Consent Decree cannot be modified without the advance written consent of all Parties.


41. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

42. **Authorized Representative.** Each Party represents and warrants to the other Party that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

⁷⁶ 5 U.S.C. § 504; 47 CFR §§ 1.1501-1530.

43. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: 
Alexander Sanjenis, Acting Chief, Media Bureau

Date: 6/2/2026

SKC Franco, LLC

By: 
Karen Guevara, Member

Date: 05/14/2026