



Federal Communications Commission

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In Reply Refer to:

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In re: Church of the Last Call
New LPFM, Whaley Corner, Texas
Facility ID No. 788509
Application File No. 0000232960

Dear Applicant:

We have before us the above-referenced application (Application) for a construction permit for a new low power FM (LPFM) station at Whaley Corner, Texas, (Station), filed by Church of the Last Call (Last Call).¹ For the reasons set forth below, we dismiss the Application.

Background. Last Call filed the Application during the 2023 LPFM filing window.² In the Application, Last Call certifies that it qualifies as local both because it is physically headquartered and has 75% of its board members residing within 10 miles of its proposed transmitting antenna site.³ The Application identifies the address of the Applicant as “10223 Huntington Wood Dr, Houston, TX 77099,” which it indicates is also the proposed main studio location for the Station.⁴ Based on images from

¹ Application File No. 0000232960 (filed Dec. 14, 2023).

² *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).

³ Application, Legal Certifications Section, Community-Based Criteria questions. As discussed below, because the transmitter is located in the Houston-Galveston, Texas radio market, which is a top 50 urban market, either Last Call’s headquarters must be within 10 miles of the proposed site for the transmitting antenna, or, alternatively, 75% of Last Call’s board members must reside within 10 miles of the proposed site for the transmitting antenna in order for Last Call to be eligible to hold an LPFM authorization under the Commission’s Rules. 47 CFR § 73.853(b)(1), (2).

⁴ Application, Applicant Information; Point System Factors, Main Studio question.

Google Maps, the location appears to be a single family home on a cul-de-sac in a suburban residential neighborhood. The Application indicates further that one of the Applicant's three directors also resides at this same address.⁵

Discussion. We find that Last Call fails to meet the localism requirements of either sections 73.853(b)(1) or 73.853(b)(2) of the Rules.⁶ An LPFM applicant must qualify as a "local" entity at the time that it files its FCC Form 2100, Schedule 318 application (LPFM Application).⁷ In order to qualify as local, a nonprofit educational organization LPFM applicant, such as Last Call, will be deemed local if it can certify, at the time of filing its application, that either:

- (1) The applicant, its local chapter or branch is physically headquartered or has a campus within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets; [or]⁸
- (2) It has 75% of its board members residing within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets . . .⁹

Because Last Call's proposed transmitter is located in the Houston-Galveston, Texas Nielsen Radio Metro Market, which is ranked number five among urban markets in the country,¹⁰ the headquarters of Last Call must be located, or 75% of its board members must reside, within 10 miles of the proposed site for the transmitting antenna.¹¹ In the Application, Last Call certifies that it satisfies the local applicant criteria, claiming it has both its physical headquarters, and 75% of its board members residing, within 10 miles of its proposed transmitting antenna site.¹² These certifications appears to be false.

We find that Last Call does not satisfy either of the requirements of section 73.853(b). The transmitting antenna site that Last Call identifies in its Application is located at 29° 26' 47.9" N, 095° 40' 13.8" W.¹³ We have confirmed that this site is 15.99 miles from 10223 Huntington Wood Dr., Houston,

⁵ Application, Parties to the Application.

⁶ 47 CFR § 73.853(b)(1), (2).

⁷ See Instructions for LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications. See also LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications.

⁸ 47 CFR § 73.853(b)(1).

⁹ *Id.* at § 73.853(b)(2). See also *Creation of Low Power Radio Service*, MM Docket No. 99-25, Report and Order, 15 FCC Rcd 2205, 2219, para. 33 (2000).

¹⁰ See The Nielsen Company (US) LLC, Radio Market Survey Population & Information, Fall 2025, at 2 (2025) https://www.nielsen.com/wp-content/uploads/sites/2/2025/09/redbook_fa25.pdf. Both Whaley Corner, Texas, and the proposed antenna transmitter site are located in Fort Bend County, Texas, which is part of the Houston-Galveston, Texas Radio Metro Market. See The Nielsen Company (US) LLC, 2023 Radio Metro Map <https://www.worldradiohistory.com/Archive-Arbitron/Market-Maps/Nielsen-Radio-Market-Mape-Fall-2023.pdf>.

¹¹ 47 CFR § 73.853(b).

¹² See Application at Legal Certifications, Community-Based Criteria Certifications.

¹³ Application at Antenna Location Data Section, Coordinates question.

TX 77099, the address listed as Last Call's headquarters and the Station's proposed main studio,¹⁴ and thus is beyond the 10-mile requirement specified in section 73.853(b)(1).

In addition, the address listed as Last Call's headquarters is also listed as the residence for one of its three directors, Marta Lilian Simaj.¹⁵ The Applicant's remaining two directors, Jose Miguel Simaj and Victor Simaj, reside 35.62 miles and 23.78 miles away from the proposed transmitter site, respectively, meaning that none of the Applicant's directors resides within 10 miles of the proposed transmitter site.¹⁶ Accordingly, we find that Last Call also fails to meet the eligibility requirement of section 73.853(b)(2), as 75% of the Applicant's board members do not reside within 10 miles of the antenna transmitter site.

Therefore, we conclude that Last Call does not qualify as local under section 73.853(b) of the Rules, despite its affirmative certifications.¹⁷ Accordingly, we find Last Call ineligible to hold an LPFM license and dismiss the Application.¹⁸

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the application for a construction permit for a new LPFM station at Whaley Corner, Texas, filed by Church of the Last Call on December 14, 2023 (Application File No. 0000232960) **IS DISMISSED** pursuant to section 73.3566(a) of the Commission's Rules.¹⁹

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

¹⁴ Application at Applicant Information Section; Point System Factors Section, Main Studio question (listing address of 10223 Huntington Wood Dr., Houston, TX 77099).

¹⁵ Application at Parties to the Application Section (listing 10223 Huntington Wood Dr., Houston, TX 77099 as the address for Marta Lilian Simaj).

¹⁶ *Id.* (listing 26111 Crosswood Trails Ln, Cypress, TX 77433 as the address for Jose Miguel Simaj and 2425 Sage Rd, Houston, TX 77056 as the address for Victor Simaj).

¹⁷ 47 CFR § 73.853(b).

¹⁸ *See, e.g., Bump FM Inc.*, Letter Order, DA 24-243, at 4 (MB Mar. 13, 2024). While we find Last Call to be ineligible to hold an LPFM authorization by virtue of its failure to meet the requirements of section 73.853, we note that the Applicant and/or the Application may have other deficiencies as well, such as the fact that Last Call appears to have forfeited its right to transact business in Texas for failure to pay taxes.

¹⁹ 47 CFR § 73.3566(a).