



Federal Communications Commission
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DA 26-95

Released January 29, 2026

God's Property Mennonite Fellowship Church
673 W College Street
Canton, TX 75103

In re: **God's Property Mennonite Fellowship Church, Inc.**
New LPFM Station, Canton, TX
Facility ID No. 788235
Application File No. 232284

Petition for Reconsideration

Dear Applicant:

We have before us a Petition for Reconsideration (Petition) filed by God's Property Mennonite Fellowship Church, Inc. (GPMFC).¹ GPMFC challenges a letter decision issued June 11, 2024,² which dismissed its application for a construction permit for a new low power FM (LPFM) station at Canton, Texas (Station).³ For the reasons set forth below, we dismiss the Petition, as procedurally defective. We also deny the Petition on the merits.

Background. GPMFC filed the Application during the 2023 LPFM Filing Window.⁴ GPMFC proposed to locate the Station's antenna on a tower located at 673 W College Street, Canton, Texas 75103 (Property). GPMFC indicated that it had obtained reasonable assurance of the availability of the Station's proposed antenna site from the tower owner, which GPMFC listed as Houston Mennonite Fellowship Church (HMFC).⁵

¹ God's Property Mennonite Fellowship Church, Petition for Reconsideration, Pleading File No. 0000247640 (filed July 7, 2024) (Petition).

² God's Property Mennonite Fellowship Church, Letter Order, 39 FCC Rcd 5892 (MB 2024) (*Letter Order*).

³ Application File No. 0000232284 (filed Dec. 11, 2023) (Application). GPMFC amended the Application on March 26, 2024. See Application File No. 0000232284 (as amended March 26, 2024) (Amended Application).

⁴ *Media Bureau Announces Filing Procedures and Requirements for November 1 – November 8, 2023, Low Power FM Filing Window*, Public Notice, DA 23-642 (MB July 31, 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, DA 23-984 (MB Oct. 17, 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, DA 23-1150 (MB Dec. 11, 2023).

⁵ Application at Technical Certifications, Reasonable Site Assurance.

The City of Canton, Texas (City) then filed an Informal Objection⁶ which it supplemented the following day.⁷ The City asserted that GPMFC did not have reasonable assurance of the Property's availability.⁸ In support of its assertion, the City noted that GPMFC did not contact Arise Church of Canton (Arise), which the City alleged owned the Property.⁹ It also referenced a stipulated permanent injunction (2020 Injunction) that it claimed prevented anyone from occupying or using the Property.¹⁰ The City further alleged that statements and certifications made by GPMFC in the Application were incorrect, and that Barney Joe Donalson (Donalson) might be an undisclosed real party in interest to the Application.¹¹

GPMFC opposed the Objection.¹² Among other things, GPMFC argued that it had properly obtained reasonable assurance of site availability. It asserted that God's Property Ministries (GPM)—not Arise—owned the Station's proposed antenna site,¹³ and stated that it had “been promised reasonable site assurance.”¹⁴ In addition, GPMFC addressed the 2020 Injunction, arguing that “the current occupancy status of a church building is not a relevant factor, under FCC rules, for consideration in the qualification for or granting of a construction permit to build[] an LPFM radio station.”¹⁵ Finally, GPMFC denied the City's claim that Donalson was a real party in interest to the Application.¹⁶

Donalson then filed a pleading on behalf of Texas Mennonite Conference (TMC), another entity that filed an application for a new LPFM station during the 2023 LPFM Filing Window. The pleading

⁶ City of Canton, Texas, Informal Objection, Texas, Pleading File No. 0000239978 (filed Feb. 28, 2024) (Objection).

⁷ City of Canton, Second Comment and Response to Filing, Pleading File No. 240090 (filed Feb. 29, 2024) (Further Objection). The Further Objection addresses some procedural matters but its primary substantive focus is on ownership of the property and the ability to grant reasonable assurance. Further Objection at 2.

⁸ *Id.*

⁹ Objection at 2 (referring to finding made in 2020 Injunction, *infra* note 10).

¹⁰ Objection at 2, and Exh. B (attaching *City of Canton, Texas, v. New Beginnings Fellowship Church of Houston, Texas et. al.*, Cause No. 19-00185, Stipulated Permanent Injunction and Final Judgment, (Dist. Ct. 294, Van Zandt County, July 6, 2020) (2020 Injunction)).

¹¹ *Id.* at 2-4.

¹² God's Property Mennonite Fellowship Church, Opposition, Pleading File No. 0000240006 (filed Feb. 28, 2024) (GPMFC Opposition).

¹³ GPMFC Opposition at 2. GPMFC provides a copy of a Deed In Lieu of Foreclosure that was filed and recorded in the Official Public Records of Van Zandt County, Texas, on October 30, 2023. *Id.* at Attachs. In that deed, HMFC purports to deed “all of the land improvements located at 673 West College” to Quest Trust Company (Quest). According to GPMFC, GPM—an entity owned by Barney Joe Donalson, Bishop of Texas Mennonite Conference (TMC)—purchased the property from Quest in January 2024 out of foreclosure. *Id.* at 2. GPMFC attaches a copy of a Texas General Warranty Deed that was filed and recorded in the Official Public Records of Van Zandt County, Texas, on January 24, 2024. *Id.* In this deed, Quest purports to transfer “all of the real property and improvements lying, being and situated at 673 West College Street” to GPM. GPMFC alleges that Arise never received title to the site and merely obtained a conditional gift which was revoked for failure to meet the conditions. *Id.* at 2.

¹⁴ *Id.* at 2.

¹⁵ *Id.*

¹⁶ *Id.* at 1.

responded to allegations the City made about Donalson and TMC.¹⁷ Like GPMFC, Donalson asserted that GPM purchased the Property out of foreclosure on January 2, 2024, and that GPM gave GPMFC “reasonable assurance they can place an antenna and other radio equipment on the property.”¹⁸ Donalson also disputed the City’s claim that he is a real party in interest to the Application.¹⁹

On March 26, 2024, GPMFC amended the Application. Among other things, GPMFC specified a new antenna location and antenna data,²⁰ explaining that the City had objected to its proposed use of an existing tower at the Property and thus it was proposing to mount the Station’s antenna “at the top of a 50-year-old pine tree.”²¹ GPMFC also changed its reasonable site assurance certification to indicate that assurance had been provided by Richard Grega, who it described as an “Authorized Representative” for the owner of the Property.²²

We then issued the *Letter Order*, which dismissed the Application. Therein, we found that GPMFC lacked reasonable assurance of the availability of the Property at the time of Application because (1) it had not obtained reasonable assurance of the Property’s availability from the current owner,²³ and (2) the Property was not legally available for construction and operation of an LPFM station.²⁴ Because we found that Applicant lacked reasonable assurance, we did not consider the other allegations made by the City.²⁵

GPMFC then filed the Petition. Therein, GPMFC argues for the first time that, under Texas law, ownership of real estate is reflected in deeds recorded and maintained by the Van Zandt County Clerk, not records maintained by the Van Zandt County Appraisal District.²⁶ GPMFC then for the first time in this proceeding asserts that Arise does not own the Property because there is no deed transferring ownership to Arise recorded by the Van Zandt County Clerk.²⁷ It also alleges for the first time that a preliminary injunction issued on August 28, 2023 (2023 Injunction), gave Donalson dba God’s Property Ministries and HMFC “exclusive possession” of the Property.²⁸ GPMFC then argues that, under the provisions of the 2023 Injunction, HMFC and Richard Grega (a member of HMFC’s board of directors) had authority to give GPMFC reasonable assurance and did so.²⁹ In terms of the 2020 Injunction, GPMFC for the first

¹⁷ Texas Mennonite Conference, Opposition, Pleading File No. 0000240633, at 1-2 (filed March 10, 2024).

¹⁸ *Id.* at 2.

¹⁹ *Id.* at 1. Similarly, GPMFC acknowledges that it is affiliated with TMC but describes TMC as simply offering support to Mennonite churches throughout Texas. *See* Amended Application at Attach. (Amendment Attachment – Letter to Bradshaw) (Amendment Attachment).

²⁰ Amended Application at Antenna Location Data, Coordinates (NAD83).

²¹ Amendment Attachment at 1.

²² The Petition identifies Richard Grega as a member of HMFC’s board of directors at the time of the Application and Amended Application. Petition at 9. As indicated above, Richard Grega was also a GPMFC board member in 2024. *See* Application at Parties to the Application; Amended Application at Parties to the Application.

²³ *Letter Order*, 39 FCC Rcd at 5895-96.

²⁴ *Id.* at 5896-97.

²⁵ *Id.* at 5893, n.5.

²⁶ Petition at 4-6.

²⁷ *Id.* at 6-8.

²⁸ *Id.* at 8-9.

²⁹ *Id.* at 9.

time asserts it is not binding on anyone other than Arise Church, that it expired by operation of law, and also that it is null and void because it violates “the Texas Constitution and Texas statutory law.”³⁰

Discussion. The Petition relies in all material respects on facts and arguments that GPMFC could have presented in the GPMFC Opposition. It is not based on new or previously undiscovered facts or circumstances.³¹ Therefore, the Petition is procedurally defective under section 1.106(c)(1) of the Commission’s rules (Rules).³² Further, we find that the Petitioner fails to present a public interest rationale that requires us to consider the Petition pursuant to section 1.106(c)(2) of the Rules.³³ Accordingly, we dismiss the Petition.

In the alternative, we affirm our finding that GPMFC lacked reasonable assurance of site availability when it filed the Application and deny the Petition. As we noted in the *Letter Order*, an LPFM applicant must have reasonable assurance that its specified site will be available for the construction and operation of its proposed facilities at the time it files its application.³⁴ The 2020 Injunction prevented any entity from providing reasonable assurance that the Property was legally available for construction and operation of an LPFM station at the time of the Application.³⁵ As we noted in the *Letter Order*, the 2020 Injunction prohibits all occupancy, use, and maintenance of the Property—which is defined to include both the land and the structure located at the Property—until violations of city ordinances, and health and safety regulations have been addressed and remedied.³⁶ It was not subject to any post-trial motions or appeals,³⁷ and was filed and recorded in the Official Public Records maintained

³⁰ *Id.* at 11-13

³¹ Applicant appears to recognize that its arguments are new, stating that it is presenting “additional facts and relevant information that the Commission’s letter decision didn’t take into consideration.” *Id.* at 4.

³² 47 CFR § 1.106(c)(1). Section 1.106(c)(1) provides that a petition for reconsideration that relies on “facts or arguments not previously presented” may be granted only if the facts or arguments (1) “relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters,” or (2) were unknown to petitioner until after his last opportunity to present such matters and could not, through the exercise of ordinary diligence, have been learned prior to such opportunity. 47 CFR §§ 1.106(c); 1.106(b)(2).

³³ Section 1.106(c)(2) allows consideration of facts or arguments not previously presented if consideration of them “is required in the public interest.” 47 CFR § 1.106(c)(2).

³⁴ *Letter Order*, 39 FCC Rcd at 5895, citing *William F. Wallace and Anne K. Wallace*, Memorandum Opinion and Order, 49 FCC 2d 1424, 1427, paras. 6-7 (1974), and *South Florida Broad. Co.*, Memorandum Opinion and Order, 99 FCC 2d 840, 842, para. 3 (1984).

³⁵ Because we find that no entity could have provided reasonable assurance from issuance of the 2020 Injunction onward, we need not address the dispute over which entity would, in the absence of an injunction, have been authorized to provide such assurance when the Application was filed in 2023. Petition at 4-8. A court has similarly declined to address claims of Property ownership. *See also Donalson d/b/a God’s Property Ministries v. City of Canton*, No. 12-25-00059-CV, Memorandum Opinion, 2025 Tex. App. LEXIS 6101 (Tex. App. Tyler Aug. 13, 2025) (*Donalson*) (dismissing for lack of standing complaint in which Donalson/GPM claimed ownership of the Property).

³⁶ *Letter Order*, 39 FCC Rcd at 5896, citing 2020 Injunction. *See also id.* at 5896, n. 33 (noting that 2020 Injunction goes so far as to require the owner of the Property to “prevent anyone from entering or using” the Property).

³⁷ *Donalson*, 2025 Tex. App. LEXIS at *3.

by Van Zandt County on August 3, 2020.³⁸ Thus, it was effective when GPMFC filed the Application in December 2023 and has remained effective at all times thereafter.³⁹

While GPMFC alleges that the 2020 Injunction applied only to Arise,⁴⁰ and that Texas state law prohibited the injunction from extending beyond one year,⁴¹ the order adopting the 2020 Injunction contains no expiration date, and refers to its requirements as “permanent” until a release by the City.⁴² There is no evidence of any such release nor has the injunction been lifted by the Texas state court that instituted it. Moreover, the 2020 Injunction specifies that it is “entered against and shall apply to the Property *in rem*” and has been recorded in the Van Zandt County Official Records “as a condition running with the land.”⁴³

Having affirmed our finding that no entity could have provided reasonable assurance that the Property was legally available for construction and operation of an LPFM station at the time GPMFC filed the Application, we uphold our dismissal of the Application with prejudice.⁴⁴ Accordingly, we also deny the Petition.⁴⁵

³⁸ 2020 Injunction at Cover Page (including certification from County Clerk that 2020 Injunction was filed at 3:39 p.m. on August 3, 2020, and “was duly recorded under the Document No.—2020-007205—stamped hereon of the Official Public Records of Van Zandt County”).

³⁹ In the Petition, GPMFC cites a preliminary injunction issued on August 28, 2023, by a different state court. Petition at 8-9, Exh. F (*Donalson dba God’s Property Ministries v. Houston Mennonite Fellowship Church, Inc. et al.*, Cause No. 2022-11623, Order Granting Preliminary Injunction (Dist. Ct. 234, Harris County, Aug. 28, 2023)) (2023 Injunction). By its terms, the 2023 Injunction granted Donalson (doing business as God’s Property Ministries) and HMFC exclusive possession of the Property. 2023 Injunction at 5. GPMFC argues that, under the provisions of the 2023 Injunction, Richard Grega (a member of the HMFC board) had the authority to provide—and did provide—reasonable assurance of the Property’s availability. Petition at 9-10. We note that the 2023 Injunction was dissolved as void *ab initio* subsequent to GPMFC filing its Petition. *See Donalson dba God’s Property Ministries v. Houston Mennonite Fellowship Church, Inc.*, Cause No. 23-00154, Order of Dismissal and Dissolution of Preliminary Injunction (Dist. Ct. 294, Van Zandt, June 12, 2024), *appeal denied sub nom.*, No. 12-24-00194-CV, Memorandum Opinion, 2024 Tex. App. LEXIS 8964 (Tex. App. Tyler Dec. 4, 2024) (per curiam).

⁴⁰ Petition at 11-12

⁴¹ *Id.* at 12-13.

⁴² 2020 Injunction at 8-9 (ordering that (1) “Any subsequent purchaser of the Property, in whole or in part, shall be subject to the same restrictions as set forth in this Stipulated Permanent Injunction and Final Judgment, unless and until the City has filed a written Release of this obligation in the Official Records of Van Zandt County, Texas.” and (2) the 2020 Injunction shall “be filed in the Van Zandt County Official Records as a condition running with the land until subsequently may be released by the City as set forth herein.”).

⁴³ *Id.* at 9. Donalson’s request to stay the 2020 Injunction was dismissed as moot. *Donalson v. City of Canton*, No. 12-20-00164-CV, Memorandum Opinion, 2020 Tex. App. LEXIS 8412 (Ct. App. Tyler, TX Oct. 21, 2020) (per curiam).

⁴⁴ As we explained in the *Letter Order*, a site availability defect is non-curable. *Letter Order*, 39 FCC Rcd at 5897, citing *Able Radio Corp.*, Letter Order, 26 FCC Rcd 1661, 16163 (MB 2011), and *Radio Delaware, Inc.*, Memorandum Opinion and Order, 4 FCC Rcd 8630, 8631, paras. 9-11 (Rev. Bd. 1989).

⁴⁵ Even if the Petition was not procedurally defective and we found GPMFC had reasonable assurance of site availability when it originally filed the Application, we would not grant the Application. Instead, we would designate it for hearing in order to determine whether Donalson is an undisclosed real party in interest to the Application. The record in this case raises a substantial and material question of fact regarding whether Donalson is in fact the driving force behind the Application and will ultimately control operation of the LPFM station proposed

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the Petition for Reconsideration filed by God's Property Mennonite Fellowship Church on July 7, 2024 (Pleading File No. 0000247640), **IS DISMISSED AS PROCEDURALLY DEFECTIVE** and, in the alternative, **IS DENIED**.

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc (via e-mail only):
Texas Mennonite Conference (Contract Representative for God's Property Mennonite Fellowship Church)

therein. For instance, the Facebook page for GPMC—another name used by GPMFC—is administered by Donalson. Posts that he has made on this Facebook page state that (1) he is a minister of GPMFC, and (2) he personally has purchased equipment for the Station, and considers the Station to be his. We note that GPMFC and Donalson had every reason to conceal Donalson's participation. First, Donalson violated section 301 of the Communications Act by operating an unlicensed radio station in 2018. Joe Donalson, Notice of Unlicensed Operation, Case No. EB-FIELDSCR-17-00024379 (EB dated Oct. 16, 2018) (Notice). This violation rendered him ineligible to be a party to an application for an LPFM authorization. *See* Pub. L. No. 106-553, 114 Stat. 2762 (2000), amended by Pub. L. No. 111-371, 124 Stat. 4072 (2011). *See also* 47 CFR § 73.854; FCC Form 2100, Schedule 318. Second, Donalson's status as a convicted felon also could have threatened GPMFC's qualifications to be a Commission licensee. *See Donalson v. Eason*, No. Civ. A. 1:02-CV-220-C, Order, 2003 WL 21281656 (U.S. Dist. Ct. N.D. Texas, Abilene Div. 2003) (explaining that "Barney Joe Donalson is in the custody of the Texas Department of Criminal Justice—Institutional Division ... pursuant to state court convictions and sentences imposed in 1986 for the felony offenses of arson, retaliation, and attempted escape"). *See also Pendleton C. Waugh*, Order to Show Cause and Notice of Opportunity for Hearing, 22 FCC Rcd 13363, 13378, para. 38 (2007).