1. **Opening Statement**

The Petition to Deny filed by T. Reese Janca / Green Lion Media fabulously misstates, misrepresents, and misleads regarding many issues that he addresses in the petition. The petition also includes a great deal of information that is irrelevant to the renewal of the license and outside the jurisdiction of the Commission. The petition is written in a rambling and incoherent manner that makes some of it nearly incomprehensible to the reader. Because of the incomprehensible nature of some of the petitioner’s presentation there is some difficulty in knowing exactly how to respond but the applicant will do as best is possible in responding. The applicant will also enumerate the errors and falsehoods put forward by the petitioner in an appendix. The petitioner has put forth three arguments to deny renewal and each will be addressed in the most concise manner possible so as not to waste the time of the Commission on superfluous private contractual matters as the Commission does not get involved in private contractual disputes. The applicant readily admits that he has not been perfect in filing reports and meeting deadlines, as was indicated in the completion of the renewal application. KYRN has had some serious issues to address over the term of the license but has addressed them and serves the community of coverage very well. As I am sure the commissioners know, small market independent radio stations face severe challenges in today’s market, but KYRN 102.1 under the direction of Socorro Community Radio is surviving and serving the area of coverage well and should have the license renewed with the understanding that it will remedy any issues of non-compliance.

1. **Failure of the Petitioner to Meet Requirements**

According to the instructions on the FCC website under “Petition to Deny Requirements” It is required that***: A petition must be supported by an affidavit of a person or persons with personal knowledge of the allegations of fact contained in the petition.*** Additionally, a Petition to Deny a license renewal must be "timely" filed at least one month prior to the license expiration date, as explained in the previous paragraph.  Finally***, the petition must contain a certification that a copy of the petition was mailed to the station.  Failure to include the certification that a copy was mailed to the station and the affidavit of personal knowledge will result in dismissal of the Petition to Deny.*** The petitioner has failed in meeting either of these requirements. In the petitioner’s filing there is no affidavit included. The petitioner also did not meet the requirement of having provided a certification that a copy of the petition was mailed to the station. Simply heading a document Certificate of Mailing and stating “I certify that a copy of the foregoing was mailed/delivered/faxed to: Steve Edmondson dba Socorro Community Radio LLC, P.O. Box 949, Socorro, NM 87801 does not meet the standard of certification of mailing. A Certificate of Mailing serves to verify that one actually sent a letter or package and when one did so. This mailing option **requires physically visiting a post office**, where one will be presented with a **physical certificate** when the package is presented to the postal employee. It will have the sender's and recipient's addresses and be postmarked with the date and time of mailing. This will serve as proof in case the recipient claims one did not send the mail or didn't send it in time. The petitioner has provided no such certification of mailing. According to the FCC’s instructions in filing a Petition to Deny a “*Failure to include the certification that a copy was mailed to the station and the affidavit of personal knowledge* ***will result in dismissal of the Petition to Deny****.* There is no ambiguity in the language of this statement and the result of the petitioner’s failure to meet the requirements calls for the immediate dismissal of the Petition to Deny.

1. **Argument 1 – Response**

According to the petitioner *“the initial 2014 consummated license transfer of KYRN was indirect and unlawful transfer through dubious means which should not be renewed.”*

He claims “KYRN was unlawfully transferred to Steve Edmondson in January 2014 by the William H. Pace heir Tamara Pace sole member of Socorro Community Radio LLC.” What the petitioner fails to understand is that there was no transfer of the KYRN license in January 2014 to Steve Edmondson. The license was fully under the control of Sovereign City Radio and the transfer of the license to Socorro Community Radio LLC was not until later in 2014 and the FCC was fully aware that Steve Edmondson was the sole member of Socorro Community Radio LLC. The FCC was fully informed of the status of Socorro Community Radio LLC and did its due diligence in approving to the transfer of the license from Sovereign City Radio to Socorro Community Radio. The death of Mr. Pace was completely irrelevant to the transfer of the license. The membership the status of Socorro Community Radio in January 2014 was relevant only to the TBA with Sovereign City Radio as there was no contemplation of a transfer of control of the license at that time. This argument is therefore woefully misguided and must be dismissed.

1. **Argument 2 – Response**

The petitioner states, “In 2017 Edmondson committed an unauthorized transfer of control…” To this the applicant pleads guilty with extenuating circumstances that implicate the petitioner in misleading statements and material misrepresentation. In April 2017 the applicant accepted a job in Dubuque, Iowa to begin in July. With that being the case, the licensee made it known that the station was for sale. The desire of the applicant was to find a local buyer if possible and the petitioner, Mr. Janca, contacted the licensee and an agreement was signed on May 8, 2017, to sell the station to Mr. Janca, contingent upon his being able to obtain financing for the purchase. Mr. Janca also asserted that he was very knowledgeable about FCC rules and regulations and that he would navigate the license transfer process so that the expense of hiring legal assistance could be avoided. However, Mr. Janca notified the licensee that he was unable to obtain financing to secure the purchase and the agreement was abandoned. After being unable to find purchaser, the licensee contacted Mr. Janca on June 14, 2017 by email to make a new offer that would allow Mr. Janca to make a down payment on the station and pay the remaining amount over a 2 year period. Mr. Janca drew up an agreement based on that email and both parties signed it on June 16, 2017. The agreement was contingent on Mr. Janca being able to obtain financing to make the down payment which he said he had obtained in an email dated June 20, 2017, 6:55 a.m. In an email from the same date at 11:27 a.m. Mr. Janca wrote the following:

Okay, I am going to take tomorrow off to move the equipment.  I think I can get it done in a day.  I need to talk with Brad and make certain he is good on his end with the internet.

What I want to do is take possession of the equipment and return Sunrise Socorro to air the week of July 3rd.  I want to resume scheduling interviews creating news updates and being able to sell ad spaces.  I intend to use the early morning hours to learn the equipment.  I also need to backup and update everything that hasn't been updated.

Currently, I am understanding it will take a a week to three weeks to get the funds once all the paperwork is signed.  I have given you a $1000 and will give the $25k deposit by the 15th of July that should take care of the deposit and first payment as agreed.  I will then begin in August making monthly payments.

What I need from you

An email account for minecountry to begin soliciting and communicating with clients.

I need your list of contacts for NM Tech, Socorro Electric and Internet Service.

I need a printed copy of usernames and passwords for Rivendell, Natural Log and doing remote connections with Telos.

(What access information do I need to login remotely to control, operate and remote broadcast)

I need the mailbox key.

I need to know what bills are due for July at the first of the month for the station.

I would like to know who you use for printing t-shirts, posters and Mine Country material.

Reese

As can clearly be seen from this exchange Mr. Janca, who claimed to be knowledgeable on the FCC license transfer rules, is encouraging the licensee to begin moving equipment, access to accounts, etc. with not a mention of completing the required 314 transfer form. To be in compliance with the transfer rules the 314 application form should have been completed and the sale agreement sent along with it 45 days before the contemplated transfer of control. There is no mention of this by Mr. Janca. The licensee naively trusted that Mr. Janca knew the rules and would follow them. This was a grave and costly error. The licensee should have known the rules and made sure that they were complied with, but there was no intent to violate the rules. In an email later that day Mr. Janca wrote the following:

Think of it this way, I will manage the station to our mutual best interest until the sale is consummated between us which will be within the month.

I need to be your manager until I become the owner.  Can you make that happen?

If the sale agreement and the 314 form had been completed by both parties and Mr. Janca simply operated the station as the manager until the Commission had authorized the transfer of control this would have been an acceptable solution. Unfortunately, that did not happen. Another alternative would have been a Time Brokerage Agreement. However, such options were not mentioned by the supposed expert that was going to navigate this process.

On July 6th after the licensee had moved to Iowa Mr. Janca informed the licensee by email that he would not be making the down payment sending things spiraling down even further. Apparently, Mr. Janca falsely represented his ability to obtain finances and he did not meet the financial standards required to obtain an FCC license. Perhaps this is why he was in no hurry to have the 314 application completed as required. Regardless, KYRN was being operated by Mr. Janca who did not control the license and who refused to operate it as the manager, instead refusing to take any direction from the licensee. In November 2017 the licensee contacted Michael Wagner, assistant chief of the audio division, to inquire how to proceed to remove Mr. Janca from the air. The licensee had contemplated turning in Mr. Janca as a rogue operator, but Mr. Wagner suggested instead that the licensee go through local legal channels to have Mr. Janca forced from operation which the licensee did in filing a lawsuit against Mr. Janca and GLM on December 22, 2017 and eventually he stopped operating in March 2018. The station was then off the air for nearly a year because Mr. Janca, despite an order of the court, failed to return much of the station’s broadcast equipment, including the transmitter which he claims to have “disposed of” because of FCC requirements. The licensee had planned to return the station to broadcasting in June of 2018 but because the equipment was never returned by Mr. Janca it stayed off air until March 2019.

The licensee regained control of the station and since returning it to the air the station has operated successfully serving the community bringing daily local and national news, local high school sports, weather reports, interviews with local, state and news makers and entertaining music. The licensee greatly regrets the inadvertent unauthorized transfer of control and hopes that he has demonstrated that he has in the past prior to the missteps with the petitioner and after those missteps that he can and will operate the station to the benefit of the community. The licensee has suffered great financial loss because of the need to replace equipment destroyed or not returned and from legal bills related to these circumstances. It is my hope that the commission will not add to the “stupid tax” that I have already paid by failing to renew the license or by issuing financial penalties.

If because of these missteps the Commission decides not to grant the renewal of the license I sincerely hope that the Commission will not ever entertain the remedy suggested by the petitioner to grant him the license. He was either fully aware that he was not following FCC rules regarding license transfer, or he lied about his knowledge of such rules. His material misrepresentation of his finances was a primary cause of the KYRN license transfer issues. Mr. Janca has no regard for the truth and has little regard for rules as he demonstrated in the spring of 2021 when briefly operated a pirate station in Socorro before shutting it down after getting complaints from other legitimate license holders. As mentioned early he was found in contempt for not returning KYRN’s equipment as ordered by the court and more recently in September of 2021 the court found him in contempt for failing to pay the contempt judgment against him and for continuing to make libelous posts against the licensee on his website and social media despite being order by the court to stop the postings. Further, he has continued to defy the judge’s order even after being held in contempt. To grant the petitioner the license would absolutely make no sense because he, to a great extent, is responsible for the unauthorized transfer that took place. There is no way the Commission could justify denying renewal to one party at fault while awarding the license to the other party involved.

1. Argument 3 – Response

The petitioner states: “Edmondson’s character issues and falsified communications with the Commission should disqualify his license renewal.” The petitioner brings as evidence the following:

1. That the licensee filed an STA to silence the station in March of 2018 and that the dates are incorrect. The licensee went online and completed request for STA on March 2, 2018 in anticipation that the station being silenced either by cooperation of the Mr. Janca or by court action requiring him to stop operation. The licensee sent an email to his attorney to notify him of this action and sent an email to FCC official Denise Williams to notify her and also mailed a hard copy of the intent to silence the station to her as well. Michael Wagoner had strongly advised Mr. Janca to do immediately on February 27, 2018. The licensee could have silenced the station remotely at that time, but my attorney advised me not to do so. Upon silencing the station on March 19 after an agreement in court to do so the licensee called Mr. Wagner on the morning of March 20th to confirm that he was authorized to silence the station and at that time it was learned that the licensee had completed the form but had failed to click a button to complete the process. At that point the button was clicked, and Mr. Wagner assured the licensee that it was no problem. It is hard to imagine what motive the licensee would have had in “falsifying” the dates on the STA form.
2. The petitioner claims that the filing August 18, 2019 to extend the STA to keep the station silent is false because he was not under a court order to return equipment. Mr. Janca was absolutely under a court order from April 23, 2018, given orally in court by Judge Murphy to return station equipment. As a result of failure to return the equipment Judge Murphy handed down a financial judgement against Mr. Janca.
3. The petitioner claims that the licensee falsified the Public Inspection Files for the third and fourth quarters of 2017 and the first quarter of 2018. The was no falsification. The licensee requested information from Mr. Janca, claims to have been acting as general manager of the station during those quarters, to provide information as to what public/community programming had been provided but Mr. Janca refused to cooperate with the request. The licensee should have been provided this information by the “general manager” to full comply with the requirements. The licensee, as stated in the renewal application, provided the information that was available to him in filing the OPIF.
4. The petitioner states that, “Edmondson has falsified his renewal application denying that no violations by the licensee have taken place despite communications with former media bureau agent Michael Wagner on February 26, 2018.” Putting aside the poor grammar that asserts just the opposite of what the petitioner intends, the licensee completed the FCC 303-S Application for Renewal just as instructed by the Commission on page 7 of the instruction guide. Item 4 states:

*For purposes of this license renewal form only,* ***an applicant is required to disclose only violations of the Communications Act of 1934, as amended, or the Rules of the Commission that occurred at the subject station during the license term, as preliminarily or finally determined by the Commission, staff, or a court of competent jurisdiction***. ***This includes Notices of Violation, Notices of Apparent Liability, Forfeiture Orders, and other specific findings of Act or Rule violations.*** *It does not include “violations” identified by the station itself or in conjunction with the station’s participation in an Alternative Broadcast Inspection Program. In responding to this item,* ***Licensees should not submit any information concerning self-discovered or other violations that have not been identified by the Commission, staff, or court.***

The licensee contacted FCC agents by phone and specifically asked about how to answer this question and was told that he should answer yes to this question. The licensee did not receive any Notice of Violation, Notice of Apparent Liability, Forfeiture Orders, or other specific findings of Act or Rule violations. The licensee sought to complete the application to renewal as accurately as possible according to the written instructions and oral instructions received from FCC employees tasked with giving guidance in the license renewal process.

1. Conclusions
2. The Petition to Deny should be dismissed because the petitioner failed to provide an affidavit of personal knowledge and further failed to provide a certification of mailing as required under the rules for filing such a petition.
3. The petitioner has been shown have no grounds for 2 of the 3 arguments put forth in his petition and has provided false and/or misleading statement in his attempt to prove these arguments.
4. The argument that states that there was an unauthorized transfer of control is accurate, but the licensee had no intent to be involved in such a violation of the process. The licensee had every intention to carry out a lawful sale and transfer of the license to a local buyer, Mr. Janca, but was deceived as to the financial status of Mr. Janca and as to his ability to navigate the transfer process within FCC guidelines. The licensee understands the Commission does not get involved in private contractual disputes and thus have not given details of contractual violations that were intertwined in this situation. The licensee did attempt to have Mr. Janca act as a manager as can be seen in exhibits to be filed with this response. However, Mr. Janca would not cooperate with the licensee despite referring to himself as the station manager. Station managers do not refuse to take phone calls from the owner, make changes in format, eliminate programming, etc. without consulting the owner. In essence Mr. Janca became a rogue operator, neither being the license holder or the station manager. The licensee understands that his naiveté in trusting Mr. Janca in navigating the transfer process does not eliminate his responsibility for the situation that resulted in a failure to be in compliance with FCC rules but hopes that the Commission will not deny renewal as a remedy. The licensee has already been punished by severe financial costs that resulted from this situation and failing to renew will not serve the public good as KYRN 102.1 has risen from the ashes of this debacle to return to broadcasting in a manner that serves the community well and is a station that the community can rely upon to be operated in a professional manner with programming that informs, enlightens, and entertains.
5. If the Commission concludes that it will not grant renewal to the licensee it should not accede to the petitioners request that the license should be transferred to him. Mr. Janca is wholly unfit to control an FCC broadcast license as he demonstrated with his deceptions regarding his finances, his willful violation of FCC rules, his willingness to create false and misleading information, and his complete disregard for authority which has resulted in his twice being found in contempt of court in the case related to KYRN 102.1.

To grant the man that bears much of the responsibility for the unauthorized transfer of control of KYRN and then proceeded to do everything possible to prevent the return of the station from silence by destroying and refusing to return broadcast equipment as order by a state district court would be a travesty. The current licensee understands that his own poor judgement put him in jeopardy of a having the application to renew denied. With that being said, there is no way that the Commission could justly allow the KYRN license to be transferred to be Mr. Janca after refusing to grant renewal to the current licensee.

1. **Appendix – List of Petitioner’s Errors and Falsehoods**
2. Licensee “refused FCC Media Bureau Michal Wagner’s advice to “file a plain as vanilla transfer application.” The petitioner fails to mention the following from that same email: “My advice to you, and I strongly suggest that you heed it, is that you cease operating the station **IMMEDIATELY** and **work with Socorro** to get the necessary FCC Form 314 on file:” Mr. Janca did not stop operation of the station immediately and even interfered with the silencing of the station by the licensee and operated the station after an agreement in court on March 19, 2018 not interfere with stopping operation and not to restart operation. The station was silenced on the afternoon of March 19, 2018 and Mr. Janca resumed operation of the station without the licensee’s permission and in defiance of a court order on March 21 and continued to operate it through March 23, 2018. There were many contractual issues in dispute and filing the 314 Form was not an option. Shutting down operations by Mr. Janca was called for and he refused to comply.
3. “Steve Edmondson was hired locally to Socorro to help generate local sales and help the radio station improve profitability on October 1, 2013.” Steve Edmondson was hired to do part-time production work not sales work. Mrs. Pace already had sales staff employed and Mr. Edmondson did not do any sales work for Mrs. Pace.
4. “Application for involuntary assignment of license or transfer of control was not filed within 30 days of January 13, 2013 (the date of Mr. Pace’s death), a requirement not known to Tamara Pace…” Mrs. Pace did not need to such a form because the license was not held by Socorro Community Radio LLC, it was in TBA with the licensee Sovereign City Radio. There was no change in the status of license ownership caused by the death of Mr. Pace.
5. “Tamara Pace entered a purchase agreement with Steve Edmondson for Socorro Community Radio LLC 100% membership on December 31, 2013, changing controlling interest in the KYRN license without seeking the Commission’s approval under a voluntary transfer 315 form.” Again, the petitioner is misinformed as to the status of the license in December of 2013. The licensee was Sovereign City Radio not Socorro Community Radio and there was no need to file a 315 form as the license was unaffected by the change of ownership in Socorro Community Radio. The Time Brokerage Agreement between Socorro Community Radio and Sovereign City Radio was affected, and Sovereign’s legal counsel made sure that all legal requirements were met.
6. “A transmitter failure in March 2017 not discovered by Edmondson for over 3 days is reported to him by James Stewart of Pace Audio…” This statement is made up from whole cloth. There was a transmitter failure, but it was not reported to the licensee after 3 days by James Stewart. A substitute transmitter was found, and the station was back on air in short order. Mr. Stewart was contacted to consult as to whether the situation with the failed transmitter should be reported to the FCC so that if the station were to be silent for a significant period while trying to locate a replacement transmitter the station would be following FCC guidelines. Mr. Janca has absolutely no knowledge of the situation that he speaks of and has created this fictional account to disparage the licensee. It should also be noted that the email that Mr. Janca used to try to support this fiction was a private email to which he was not a party and accessed illegally.
7. “The refusal to file the transfer application led to mediation in September…” This is another falsehood perpetuated by Mr. Janca. The meeting held on September 15, 2018, was initiated by the licensee to attempt to have Mr. Janca deal with contractual issues that he had refused to deal with via telephone conversation. The only reason that Mr. Janca showed for the meeting was that he was being threatened with having papers served on him. To my recollection Mr. Janca had not made mention of the 314 Form until the meeting on September 15, 2018, at a Socorro restaurant.