

Wednesday, December 25, 2019

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th St SW  
Washington, DC 20554

RE: KIOF 97.9 FM / Las Vegas Public Radio on Comparative Standards / Small Business Issues.  
As adopted, December 10, 2019 Report and Order - Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations (MB Docket No. 19-3)

We supply additional comments regarding the Corporation for Public Broadcasting which relates directly to the adopted December 10, 2019 Report and Order - Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations (MB Docket No. 19-3) at <https://ecfsapi.fcc.gov/file/1211261264319/FCC-19-127A1.pdf> in these very specific areas around overall small business issues:

On Page 40 & Page 41 - Item #7. NCE FM Radio Stations. The new rules and policies will apply to NCE FM radio broadcast licensees, and potential licensees of NCE FM radio service. This Economic Census category “comprises establishments primarily engaged in broadcasting aural programs by radio to the public.” The SBA has created the following small business size standard for this category: those having \$41.5 million or less in annual receipts.<sup>9</sup>Census data for 2012 show that 2,849 firms in this category operated in that year. Of this number, 2,806 firms had annual receipts of less than \$25 million, and 43 firms had annual receipts of \$25 million or more. Because the Census has no additional classifications that could serve as a basis for determining the number of stations whose receipts exceeded \$41.5 million in that year, we conclude that the majority of radio broadcast stations were small entities under the applicable SBA size standard. In addition, the Commission has estimated the number of noncommercial educational FM radio stations to be 4,122. NCE stations are non-profit, and therefore considered to be small entities.

On Page 41 – Item #8. The changes adopted herein will primarily impact potential licensees. The Commission accepts applications for new NCE FM radio broadcast stations in filing windows. There are no pending applications remaining from previous NCE FM filing windows. We anticipate that in future filing windows we will receive a number of applications similar to past filing windows and that all such applicants will qualify as small entities. The last filing window for reserved band FM spectrum occurred in 2007 and generated approximately 3,600 applications, of which approximately 2,700 were mutually exclusive. The last filing window for channels reserved for NCE use through the allotment process was held in 2010, and generated 323 applications, virtually all of which were mutually exclusive. This estimate may overstate the number of potentially affected applicants because filing windows typically include some proposals that need not be resolved by a point system, such as those resolved through settlement agreements.

On Page 41 – Item #9. FM Translator Stations and Low Power FM Stations. The changes adopted herein will affect licensees of FM translator stations and LPFM stations, as well as potential licensees in these radio services. The same SBA definition that applies to radio stations applies to low power FM

stations. As noted, the SBA has created the following small business size standard for this category: those having \$41.5 million or less in annual receipts. While the U.S. Census provides no specific data for these stations, the Commission has estimated the number of licensed low power FM stations to be 2,186. In addition, as of September 30, 2019, there were a total of 8,177 FM translator and FM booster stations. Given the fact that low power FM stations may only be licensed to not-for-profit organizations or institutions that must be based in their community and are typically small, volunteer-run groups, we will presume that these licensees qualify as small entities under the SBA definition.

On Page 41 – Item #10. The new rules will primarily affect applicants in future FM translator and LPFM windows. We anticipate that in future filing windows we will receive a number of applications similar to past filing windows and that all applicants will qualify as small entities. The last LPFM filing window in 2013 generated approximately 2,827 applications. The 2003 FM translator filing window generated approximately several hundred applications from NCE applicants, of which approximately 69 were mutually exclusive.

In my letter to you back on Saturday, December 7, 2019, I provided you with very detailed information with respect to what is occurring in the overall public broadcasting sector as seen right here in the State of Nevada. I declared the Corporation for Public Broadcasting “officially” a Racketeering And Influenced Corrupt Organization (“RICO”) based on the 3 consecutive denials in a row (i.e. 2016, 2017 and 2018) for the Radio Community Service Grant program by the standards set forth under roughly 10 attorneys and their other 90 or so employees under 18 U.S. Code § 1031 - Major fraud against the United States.

On Wednesday, December 11, 2019, KIOF 97.9 FM / Las Vegas Public Radio received notification on the status of the 4<sup>th</sup> year in a row application filing for a Radio Community Service Grant program as offered by the Corporation for Public Broadcasting Racketeering And Influenced Corrupt Organization (“RICO”). The status stated KIOF 97.9 FM / Las Vegas Public Radio was denied again to enter the Radio Community Service Grant program offered by the Corporation for Public Broadcasting. This continues to “officially” validate once again, the Corporation for Public Broadcasting is a Racketeering And Influenced Corrupt Organization (“RICO”) with the 4<sup>th</sup> year denial in a row (i.e. 2016, 2017, 2018 and now 2019) to enter the Radio Community Service Grant program by this quasi-federal agency as we continue to see the weaponization and targeting of specific organizations has completely eroded and broke down completely in our Constitutional Republic for, “We The People”.

Now, we look at what it will take to fulfill the President’s first-term agenda and get the Corporation for Public Broadcasting as a Racketeering And Influenced Corrupt Organization (“RICO”) stripped out of the Code of Federal Regulations which has been operating as a central quasi-federal agency since 1967:

47 U.S. Code § 396. Corporation for Public Broadcasting

To begin trying to even salvage any confidence by you the reader of this letter as well as others, “We, The People” regarding the quasi-federal Corporation for Public Broadcasting institution “officially” declared as a Racketeering And Influenced Corrupt Organization (“RICO”) along with it’s roughly 10 attorneys and their other 90 or so employees as well as all management (all accomplices to 18 U.S. Code § 1031 - Major fraud against the United States) each should be processed individually by the United States Department of Justice (“USDOJ”) under the federal Racketeering And Influenced Corrupt Organization (“RICO”) statutes as follows:

## **18 U.S. Code CHAPTER 96— RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS**

- § 1961. Definitions
- § 1962. Prohibited activities
- § 1963. Criminal penalties
- § 1964. Civil remedies
- § 1965. Venue and process
- § 1966. Expedition of actions
- § 1967. Evidence
- § 1968. Civil investigative demand

### **1. The Public Broadcasting Act of 1967:**

This act is dated and no longer meets the challenges of modern day America. The quasi-federal agency Corporation for Public Broadcasting should be completely cleared out under the federal Racketeering And Influenced Corrupt Organization (“RICO”) statues as stated above.

This is further collaborated by the Corporation for Public Broadcasting Ombudsman, Jan Schaffer by the publishing of an article on Friday, December 20, 2019 shortly after KIOF 97.9 FM / Las Vegas Public Radio “officially” declared the Corporation for Public Broadcasting as a Racketeering And Influenced Corrupt Organization (“RICO”). Ms. Schaffer’s article was entitled “Fixing the 'Oops' Factor” and is seen here:

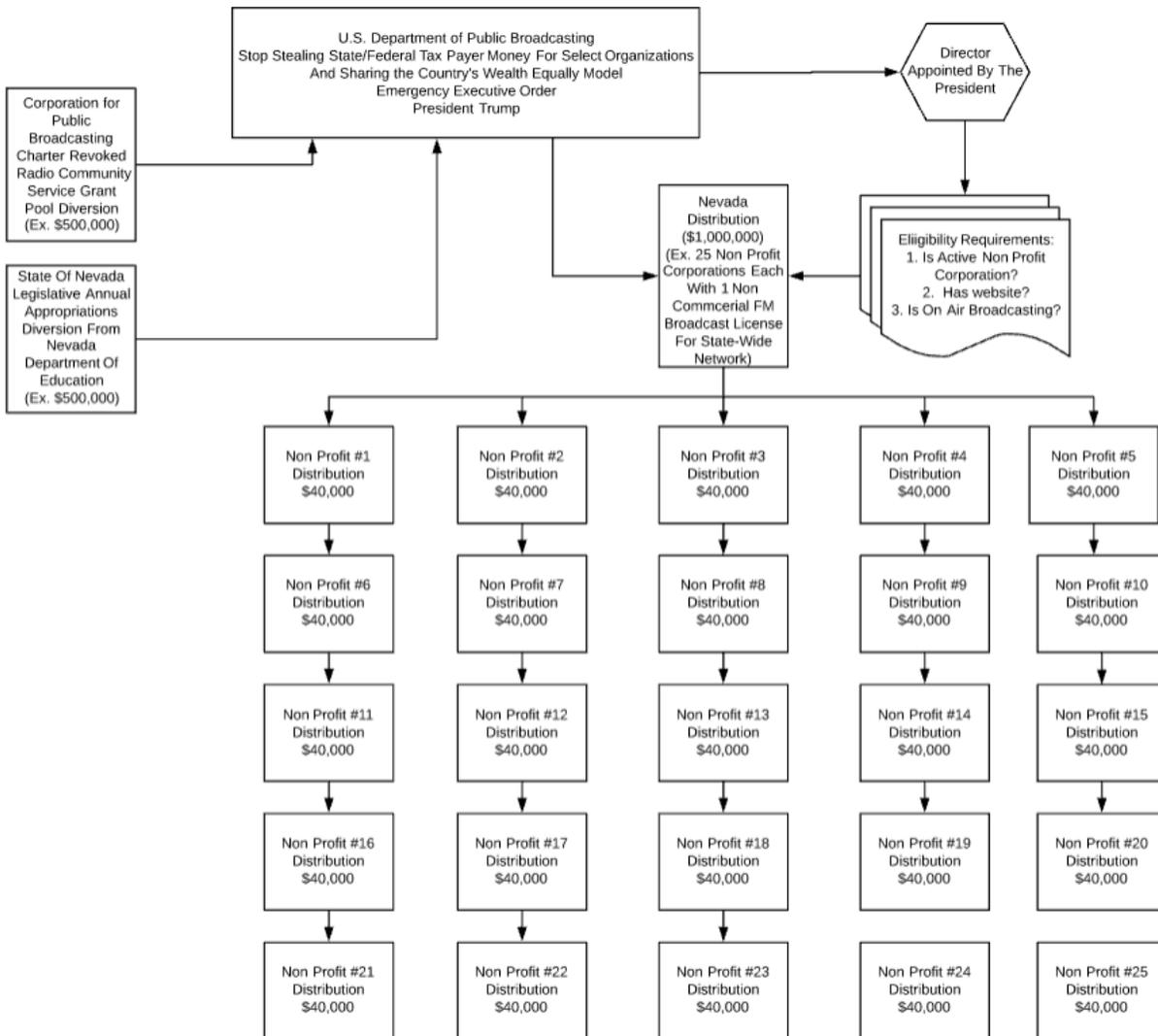
<https://www.cpb.org/ombudsman/Fixing-Oops-Factor>

I include this article attached to this letter to you since Ms. Schaffer falls short on the full recognition of the Corporation for Public Broadcasting as a Racketeering And Influenced Corrupt Organization (“RICO”) since Ms. Schaffer is another accessory and accomplice to 18 U.S. Code § 1031 - Major fraud against the United States as she exposes since she failed to include any detail in her “diagram” of the massive theivry pyramid scheme since 1967 with her quasi-federal agency based on Page 41 – Item #9. FM Translator Stations and Low Power FM Stations shown in the adopted December 10, 2019 Report and Order - Reexamination of the Comparative Standards and Procedures for Licensing Noncommercial Educational Broadcast Stations and Low Power FM Stations (MB Docket No. 19-3).

Ms. Schaffer fails to include this very critical area of small business and only reports on “existing” grantees in their corrupt system that they built since 1967 which has excluded hundreds and thousands of other non-commercial FM broadcasters over several years from accessing equally state and federal tax payer dollars when they have had a fiduciary responsibility to recognize the core issues and serve the country as a whole, for “We The People”. This has not been occurring (as we see through the weaponization and targeting of specific organizations), particularly when the LPFM service, a non-commercial FM broadcast service was adopted roughly 20 years ago. Ms. Schaffer never mentions or acknowledges the LPFM service based on SBA statistics in her article as published.

## 2. The need for the President to issue an Emergency Executive Order for the creation of a U.S. Department of Public Broadcasting:

This is modeled after the U.S. Department of Homeland Security. I show the diagram of how the new agency would run with the elimination of federal Racketeering And Influenced Corrupt Organization (“RICO”) operations that are clearly seen here in State of Nevada which have been ongoing for a number of years and how this Emergency Executive Order could be adopted by the President during his first term:



I also make this diagram available to be shared here since this is a work in progress for, “We, The People” to serve all of America and not a weaponization and targeting of select organizations as we have seen with KIOF 97.9 FM / Las Vegas Public Radio:

<https://www.lvpr.org/president/dpb-gov-model.html>

**3. While the roughly 10 attorneys and their other 90 or so employees including Ms. Schaffer as “accomplices” being carted off to the United States Department of Justice for processing under 18 U.S. Code § 1031 - Major fraud against the United States, each individual, through their processing will include this question as pre-defined:**

“Do you support the creation of the U.S. Department of Public Broadcasting for We, The People? Based on Stop Stealing State/Federal Tax Payer Money For Select Organizations And Sharing the Country’s Wealth Equally Model?”

The Ye’s would be eligible to hold a position in the new U.S. Department of Public Broadcasting and will work along side, “We, The People” in the distributed model similar to the U.S. Department of Homeland Security as the centralized government is being broken up their in the DC Swamp (of government corruption).

The No’s will continue to be processed under 18 U.S. Code § 1031 - Major fraud against the United States and continue for full processing under the 18 U.S. Code CHAPTER 96— RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS statutes as specified above. It’s as simple as that where the No’s will serving 30 years in a federal prison somewhere in the United States.

**4. Upon any adoption of the President’s Emergency Executive Order for the creation of a U.S. Department of Public Broadcasting, Congress will be instructed similar to the provisions seen in the SWAMP Act of 2018 to undertake the necessary steps to strike from the 47 U.S. Code § 396. Corporation for Public Broadcasting from the overall Code of Federal Regulations:**

S.2269 - SWAMP Act seen over at: <https://www.congress.gov/bill/116th-congress/senate-bill/2269/text> shows us the way your DC Swamp (of government corruption) will be distributed out of the DC Swamp (of government corruption) and throughout the United States for, “We, The People”. This leads into the new provisions for the U.S. Department of Public Broadcasting that should be included once 47 U.S. Code § 396. Corporation for Public Broadcasting can be completed gutted from the Code of Federal Regulations and their centralized corruption machine dismantled that they have had in place since 1967.

The Government Services Administration (“GSA”) already has a order (i.e. <http://www.dpb.gov>, <https://www.dpb.gov>) which various areas of the existing Corporation for Public Broadcasting (<https://www.cpb.org>) will be funneled into the new U.S. Department of Public Broadcasting so it supports a similar U.S. Department of Homeland Security distributed model (i.e. multiple Inspector General’s spread across the states)

**5. While all this is occurring, Congress will be instructed, at the adoption of the President’s Emergency Executive Order for the creation of a U.S. Department of Public Broadcasting to be entered into the Code of Federal Regulations as follows with it’s new charter:**

47 U.S. Code § 396. U.S. Department of Public Broadcasting

Basically, those 5 steps above will kick off the work that needs to be done as we enter the new decade, 2020’s as we get as many crooks (attorneys) along with their bean counter buddies sitting their next to

you, around you, floating all over 9<sup>th</sup> Street N.W. their in the DC Swamp away from handling the grant processes and money that's entitled to, "We, The People".

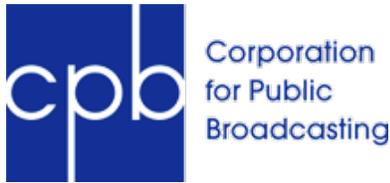
If we are going to totally drain the DC Swamp (of government corruption and the hard-core den of thieves completely) who have had a massive stranglehold on the whole country due to all the Communists and Nazi's sitting their on 9th Street N.W who forget how a Constitutional Republic works for, "We, The People", we remind them on how we completely drain their federal Racketeering And Influenced Corrupt Organization ("RICO") operations to the bone and this is the path how it should be done.

With the Most Respect and Honor,

President Trump's  
Presidential Advisory Board  
Member Number: 345846926

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Gregory P. LaPorta  
President/CEO  
KIOF 97.9 FM / Las Vegas Public Radio Inc.  
<http://www.lvpr.org>  
Main: (702) 425-4088  
Email: [greg@lvpr.org](mailto:greg@lvpr.org)



# Ombudsman

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## Fixing the 'Oops' Factor

Dec 20, 2019

**By:** Jan Schaffer

Some \$92 million will get divvied up this year among the 401 grantees representing the nation's 1,166 public radio stations. The funding comes in the form of Community Service Grants (CSGs). Every grantee that meets CSG eligibility requirements is entitled to receive a grant.

However, the eligibility rules and formulas for distributing funds have traditionally been quite complex. And over the past few years, they have led to some unintended consequences. Let's call it the "oops" factor.

Simply put, richer radio stations got richer. Poorer stations, usually those in economically challenged areas, often struggled to qualify for even a small share of taxpayer dollars.

Last week, the Corporation for Public Broadcasting voted to make things fairer. Its board approved recommendations from a panel of public-radio stakeholders who spent a year figuring out how to alter some of the eligibility requirements and distribution formulas to allocate the dollars differently. Their report deemed the recommendations "transformational."

"We undertake these periodic reviews in order to adjust our system in response to changes in the economy and in demographics," explained Kathy Merritt, CPB's senior vice president of radio and journalism, "This leads to a fairer and healthier system."

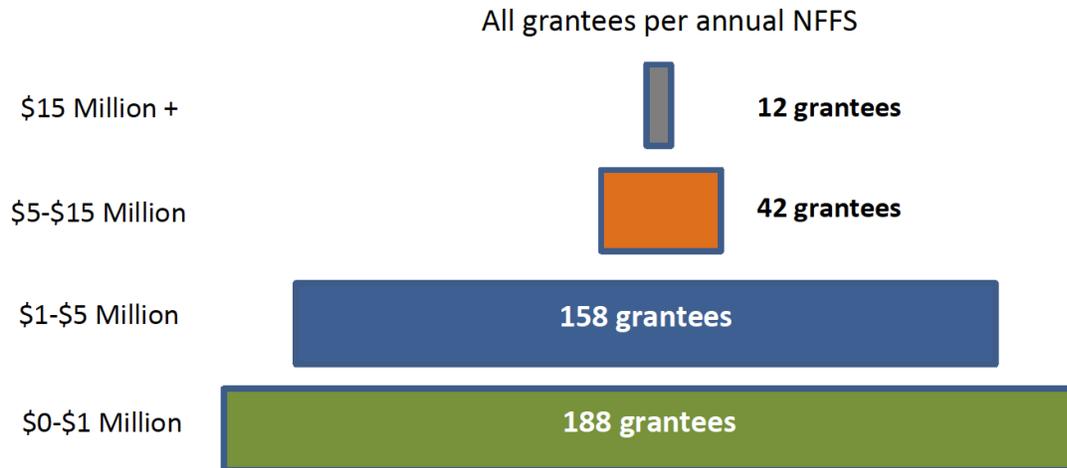
Bottom line: Smaller stations should get a few more federal dollars. Larger stations will get less in base grants (although they will still get significant incentive dollars for raising non-federal money). Because the federal funding level for CPB has been flat for several years and the pool of CSG funds has remained the same, when some stations gain, others have to lose. (That might change in a couple of years. Congress this week added \$20 million to CPB's FY2022 budget.)

At the crux of the problem are ... listeners like you.

Base grants for all stations depend on how much Non-Federal Financial Support (NFFS) they can raise in a given year. That involves donor and underwriting dollars and, for some stations owned by universities or other institutions, a portion of their indirect administrative support. The amount of NFFS a station can raise has always been considered "a gateway to federal support," the report noted.

CSG grants support a wide range of stations, from those that serve small towns of just a few hundred people to major metro areas with millions of listeners. Programming can range from news and talk, to classical, jazz or AAA music.

Forty percent of CSG radio recipients qualify as rural; 20% as minority. These stations especially depend on their CSG grants and generally qualify for a little extra funding.



*A dozen of the largest public radio stations raise the most Non-Federal Financial Support*

Consider that nearly half of the grantees have annual NFFS under \$1 million and some struggle to raise even \$250,000 annually. But 12 stations bring in more than \$15 million in NFFS. These larger stations are growing fast and raising “unprecedented” amounts of NFFS, the panel reported.

Herein lies the “oops” factor. The formula that was being used shifted significant federal money to the 10 largest grantees to match their increasing amounts of NFFS.

“The new model fixes a problem, where a small number of large, successful stations were receiving a growing share of the federal matching money. These changes should help rural and lower-income communities continue to receive their fair share of federal funding,” said panel member Scott Finn, president and CEO of Vermont Public Radio.

A key factor in the fix is categorizing stations by “coverage area population” (CAP). This places grantees with similar socio-economic and market conditions together. CAP turns out to be the clearest indicator of a grantee’s potential to raise NFFS funds. Small CAP stations tend to operate in communities with lower household incomes and higher poverty levels.

The changes, which will begin in FY 2021, create six categories of grantees whose CAPs range from less than 20,000 to more than 3 million. Next, the panel recommended aligning minimum NFFS with the CAPs.

Where, previously, the smallest stations had to raise at least \$300,000 in non-federal financial support, now they need to raise only \$250,000. Largest stations must still raise at least \$500,000.

The report estimates that two-thirds of the public radio stations will get increases in funding; the smallest will get an average increase of \$23,000 in their base grants. One-third will receive less, ranging from \$3,100 to \$163,000 less.

So the largest stations that were getting \$57,850 in base grants will now get \$35,000. The smallest stations that were getting \$72,313 will get \$90,000. Incentives and multipliers can increase those amounts and are different for each station.

"It's really hard to know" whether your station will be a winner or loser under the new rules, said Steve Bass, president and CEO of Oregon Public Broadcasting and a member of the panel. "My presumption is we're going to lose a little bit of money, probably not a lot, probably less than \$100,000."

But he felt it was critical to give the smaller stations more money. He has a couple of Native American stations in his area that are challenged to raise their minimum NFFS, he said. "If you give them \$20,000 more, it makes a big difference because it's hard to raise \$20,000 in that environment."

CPB's action will also give stations at risk of failing to raise their matching non-federal funds four years instead of three to get back into compliance. At any given time, there may be as many as two dozen stations struggling to do this.

The panel also discussed but rejected whether, at some point, stations that got large enough should be "graduated out" of the CSG program, said Merritt. "Either we are a system or we are not," she noted. "The success of the biggest members helps the smallest... and fuels their success."

Moreover, she added, "We feel the biggest stations can learn from the smallest how to serve community."

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