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AUG 27 2014

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Before the  
Federal Communications Commission  
Washington, DC 20554

FCC Mail Room

Opposition Answer	)	
	)	
Petition To Deny	)	File No. BNPL 20131112AUC
	)	Facility No. 195777
Fusion Faith Center	)	MX Group 286
	)	
New LPFM	)	
Albany, OR	)	

Office of the Secretary  
Chief, Media Bureau

OPPOSITION TO PETITION TO DENY

Summary

Fusion Faith Center is the tentative winner in the MX Group 286. Fusion received 5 points over "You Matter's" 4 points. We submit that because the Commission selected Fusion's application over You Matter; You Matter has no standing to file a Petition to Deny.

You Matter, through its attorney, stated three arguments against Fusion Faith Centers application. We will answer each of them with clear understanding and show why they have absolutely no basis in facts.

Fusion has discovered that You Matter was not properly organized in the State of Oregon, as a public benefit non-profit, therefore their application submitted for the new LPFM CP should have been rejected. We'll show why in our arguments.

You Matter is also closely tied to Bob Lund, Station Manager of KRAD-LP. Fusion will show inseparable connections which may violate FCC rules.

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ARGUMENTS AGAINST PETITION TO DENY

#1. You Matter states that Fusion's application is incomplete. This is not true.

The Fusion Faith Center application properly shows five principals on the board of directors and according to the Church Charter. These five persons are directed to conduct the business decisions of the Church. "You Matter" claimed that the registered 26 "voting members" were omitted from the 318 application. In reality, the only business that requires more than the five board members is in the case of Fusion Faith Center buying or selling real property. Since no real estate was in question on the FCC 318 application, Fusion Faith Center acted correctly in our FCC application by properly listing the church board members. (Exhibit 1)

#2. You Matter claims that Fusion's Application was not properly authorized.

This again is not true. Board President Steve Bingenheimer directed and duly authorized Ron Erickson to represent Fusion Faith Center in the tendering of this application. An act authorized by the Fusion Corporation President is most certainly legal and therefore the You Matter argument of improper authorization should be considered invalid.

If authorized representatives are not permitted to sign the 318 applications, then the "You Matter" application would also be rejected for this same reason, as it was signed by Robert Lund, Consultant. (Exhibit 2)

#3 You Matter claims improperly that we did not have reasonable assurance of the proposed transmitter location.

The location in question is known as All Secure Storage at 1172 Old Salem Road, Albany Oregon 97321. You Matter went so far as to contact the building manager regarding Fusion Faith Center locating a radio tower at the facility. The manager became somewhat confused because no one had mention Fusion Faith Center when Ron Erickson talked about placing a tower behind his unit which is #7. Ron has rented this space for a number of years for his company, Erickson Broadcast Sales Corporation. It was during that conversation that Ron Erickson assumed Reasonable Assurance had been conveyed for him to donate tower space to Fusion Faith Center. In fact, the manager now is willing to retract the previous statement regarding tower placement. (Exhibit 3)

A secondary location of a rooftop installation at the church was also approved by Steve Bingenheimer, Pastor & Church Board President. This location is within the 3.5 mile limitations in case our first choice of 1172 Old Salem Road #7 was not approved. Not only did we have Reasonable assurance, we had a back-up approved location. (Exhibit 4)

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You Matter was created October 2<sup>nd</sup> 2013 by Bob Lund acting as Registered Agent and showing an address of 240 Second Avenue, Albany OR 97321. (Exhibit 5)

The registration clearly shows that this corporation is for **PUBLIC BENEFIT** as the type of Oregon Corporation and has **NO MEMBERS**. One person is listed as the sole person in the corporation. That person is Deborah Martin at an address of 240 Second Avenue #7, Albany Oregon 97321.

Since proper organization is required by Oregon, "You Matter" is not complying with the the requirements of **Oregon Revised Statutes 65.307** which clearly states: *A board of directors must consist of one or more individuals for a mutual benefit or religious corporation and **three or more individuals for a public benefit corporation.***  
(Exhibit 6)

This number of board members oversight on the part of Bob Lund and You Matter **cannot be corrected** to satisfy the Oregon Corporation requirements without proper FCC authorization to change more than 50% of the board of directors. This is reason enough to dismiss the You Matter petition and application. May we suggest a closer look at all of the Lund submitted applications as they all have this same fatal flaw.

We contend that You Matter now has no standing for this Petition To Deny because their application for a new LPFM must be dismissed due to the fact that they are not a legal corporation. Furthermore, the connection between You Matter, Bob Lund and existing LPFM KRAD-LP is obvious and cannot be overlooked by the Commission. Through this argument we keep returning to one address; 240 Second Avenue, Albany Oregon 97321. This was the proposed address for KRAD-LP on the original 318 form, it is also the proposed studio location for You Matter and a business address for Bob Lund. Bob Lund is the station manager for KRAD-LP and the registered agent for You Matter. Finally on the You Matter FCC application, the only only contact email is [bob@krad.fm](mailto:bob@krad.fm)  
Reference websites: [www.lund.com](http://www.lund.com) & [www.krad.fm](http://www.krad.fm)

Fusion Faith Center respectfully requests for the FCC to find in our favor.

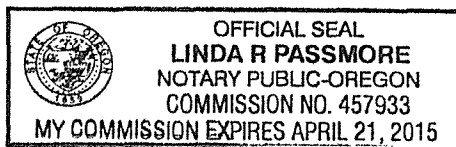
Submitted by: Fusion Faith Center  
Prepared by: Ron Erickson  
Authorized by: Steve Bingenheimer, President Fusion Faith Center Church


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All statements are true and correct to the best of my knowledge and understanding.

  
\_\_\_\_\_  
Ron Erickson, Consulting Engineer

Notarized by:



  
8-22-14

Proof of Mailing is below as these documents have been sent to:

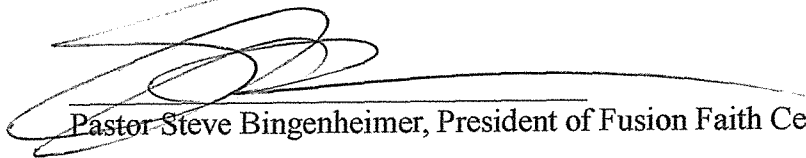
Don J. Albert, Attorney

Bob Lund, You Matter Registered Agent

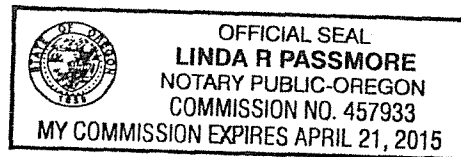
EXHIBIT 1  
Answer In Opposition  
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“Fusion Faith Center governing board is made up of (5) five individuals as stated in our by-laws. The registered 26 voting members are only called upon to vote when the church proposes to buy or sell real property.

This statement is true and I certify it with my signature.”

  
Pastor Steve Bingenheimer, President of Fusion Faith Center

Notarized By;





  
8-22-14

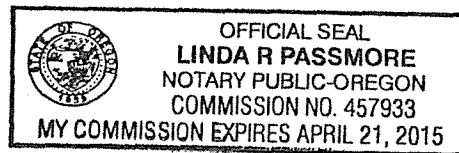
EXHIBIT 2  
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“I authorized Ron Erickson to act fully on behalf of  
Fusion Faith Center regarding the entire LPFM  
application process.” He was and still is authorized to  
act a church liaison and representative of the church  
in all matters pertaining to FCC filings and forms.”

“This is true and I certify it by signing”

  
Pastor Steve Bingenheimer, Fusion Faith Center President

Notarized by;



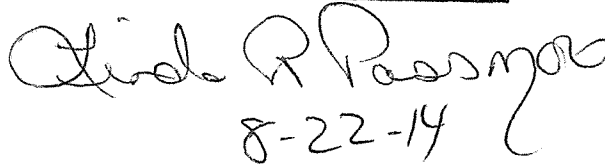
  
8-22-14

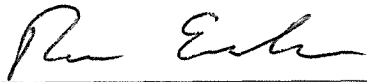
EXHIBIT 3  
Answer in Opposition  
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"I, Ron Erickson have rented 1172 Old Salem Road Suite 7,  
Albany, OR 7321 for more than two years.

I wanted to donate space for the Fusion transmitter at my business.


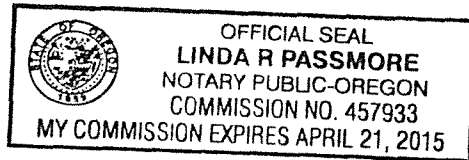
I have been allowed to remodel to suit my business purposes and  
have not been turned down by management or ownership for  
any change requests I have made." "I did briefly speak to Rod, the  
Site manager in 2013 before the filing window regarding the possibility  
of erecting a tower." When I recently pointed out to him that we had actually  
discussed this, he told me he would be willing to retract the statement made on  
behalf of You Matter."

"The retraction statement is attached and is part of this exhibit."



Ron Erickson, Consulting Engineer

Notarized by:



8-22-14

I had forgotten about a conversation regarding the potential placement of a radio tower. This conversation was back in 2013 with Ron Erickson. Any final decisions would need to come from the property owner but I can see now why Ron Erickson thought there would be reasonable assurance that such a request could be granted.

Therefore I retract an earlier statement made to the contrary.


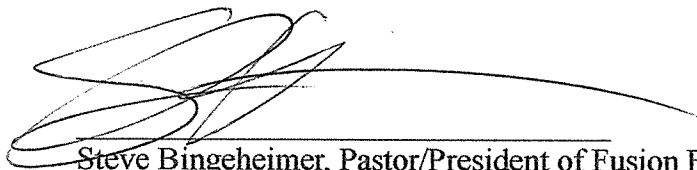
  
\_\_\_\_\_  
Manager All Secure Storage  
1172 Old Salem Road  
Albany OR 97321



EXHIBIT 4  
Answer In Opposition  
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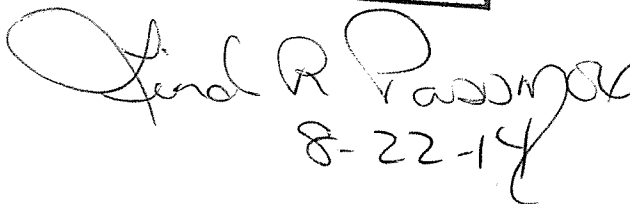
"I, Steve Bingenheimer, Pastor and President of Fusion Faith Center  
Authorized our building rooftop to be used as a second choice location  
for the LPFM Transmitter site."

"This is a true statement, and I sign my name to certify it"



Steve Bingenheimer, Pastor/President of Fusion Faith Center

Notarized by;



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EXHIBIT 5  
Answer In Opposition  
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Exhibit 5 is a copy of the Oregon filing for "YOU MATTER"  
(Attached to this cover page)



Articles of Incorporation Nonprofit

Secretary of State - Corporation Division - 255 Capitol St. NE, Suite 151 - Salem, OR 97310-1327 - http://www.FilingInOregon.com - Phone: (503) 946-2200 \$50.00

FILED

BUSINESS FEE \$50.00  
CASH \$50.00

OCT 02 2013

#1

REGISTRY NUMBER: 968442-96  
For office use only

OREGON  
SECRETARY OF STATE

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

For office use only

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1) NAME: YOU MATTER!

2) REGISTERED AGENT:  
(Individual or entity that will accept legal service for this business)  
ROBERT LUND

7) WILL THE CORPORATION HAVE MEMBERS?  YES  NO  
ORS 65.001(2B)  
(a) "Member" means any person or persons entitled, pursuant to a domestic or foreign corporation's articles or bylaws, without regard to what a person is called in the articles or bylaws, to vote on more than one occasion for the election of a director or directors.  
(b) A person is not a member by virtue of any of the following rights the person has:  
(A) As a delegate;  
(B) To designate or appoint a director or directors;  
(C) As a director; or  
(D) As a holder of an evidence of indebtedness issued or to be issued by the corporation.  
(c) Notwithstanding the provisions of paragraph (a) of this subsection, a person is not a member if the person's membership rights have been eliminated as provided in ORS 65.164 or 65.167.

3) REGISTERED AGENT'S PUBLICLY AVAILABLE ADDRESS: (Must be an Oregon Street Address, which is identical to the registered agent's business office. Must include city, state, zip; No PO boxes.)  
240 2ND AVE. SW  
ALBANY, OR. 97321

4) ADDRESS FOR MAILING NOTICES:  
240 2ND AVE. SW  
ALBANY, OR. 97321

5) OPTIONAL PROVISIONS: (Attach a separate sheet.)   
INDEMNIFICATION:   
The corporation elects to indemnify its directors, officers, employees, agents for liability and related expenses under ORS 65.387 to 65.414.

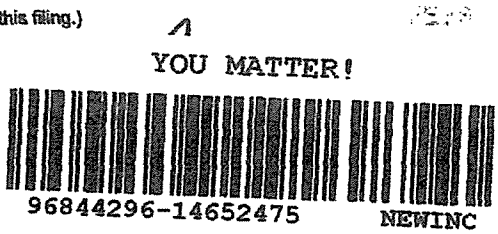
8) DISTRIBUTION OF ASSETS UPON DISSOLUTION:  
BLUE STATE MEDIA  
ACTIVISTS

6) TYPE OF CORPORATION: (SELECT ONLY ONE)  Public Benefit  Mutual Benefit  Religious

9) INCORPORATORS: (List names and addresses of each incorporator. Attach a separate sheet if necessary.)  
Name, Street Address, City, State, & Zip Code  
X DEBORAH MARTIN  
240 2ND AVE SW #7  
ALBANY, OR 97321

10) EXECUTION/SIGNATURE(S): (All incorporators must sign. Attach a separate sheet if necessary.)  
By my signature, I declare as an authorized authority, that this filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment or both.  
Signature: [Signature] Printed Name: Deborah Martin

CONTACT NAME: (To resolve questions with this filing.)  
Robert  
PHONE NUMBER: (include area)  
541 9



\$50  
refundable. Please make check payable to "Corporation Division."  
at [FilingInOregon.com](http://FilingInOregon.com), using the Business Name Search program.

EXHIBIT 6  
Answer In Opposition  
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Excerpt copied direct from the Oregon Government website:

(ORS is Oregon Revised Statutes)

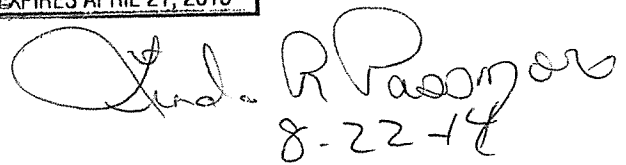
**65.307 Number of directors.** (1) A board of directors must consist of one or more individuals for a mutual benefit or religious corporation and three or more individuals for a public benefit corporation

This is correct as I have copied it from the Oregon website.



Ron Erickson, Consulting Engineer

Notarized by;



Linda R Passmore  
8-22-14

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