

Before the
FEDERAL COMMUNICATIONS COMMISSION
445 Twelfth Street SW
Washington, D.C. 20554

In re application of

PHILADELPHIA PUBLIC ACCESS CORPORATION) BNLPL-20131106ASU
For construction permit for new Low Power FM station) Facility ID No. 191989
to serve Philadelphia, PA)

To: Chief, Audio Division, Media Bureau

PETITION FOR RECONSIDERATION

Philadelphia Public Access Corporation, by its attorney, here seeks reconsideration of a staff action on delegated authority dismissing its application, by letter dated December 9, 2014 (“Letter,” Attachment A herewith). The Letter found the application's second-adjacent interference showing to be defective, because it failed to demonstrate that the area of contour overlap with the adjacent stations was entirely lacking in potential listeners.

The Letter, in fn. 1, notes the established policy that, upon timely submittal of a minor curative amendment and request for reconsideration, an application will be reinstated *nunc pro tunc*. Such is the case here. The applicant has submitted an amendment to specify a new transmitter location, at 0.14 km from the previous site, and from that location has established good grounds for second-adjacent waiver, including the complete absence of effects on any population of listeners. As stated in the Engineering Exhibit supporting the minor amendment, p. 2, from the new location:

Because the 126.1 (50/10) dbu contour does not extend into the occupied area of the building below the ceiling of the sixth floor, no population is affected. The closest adjacent building is across the street below, and 40 meters from the proposed antenna, and outside of the overlap zone.

The public notice dated September 5, 2014, FCC 14-132, accepted this application for filing and listed it with five others in a six-way tie under the point system and therefore entitled to a portion

of a time-share. However, all five of the other mutually exclusive applications have been dismissed:

| <u>Applicant</u> | <u>Dismissal Date</u> | <u>Public Notice</u> |
|------------------|-----------------------|----------------------|
| 20131114BAQ | 12/09/2014 | 12/12/2014 |
| 20131114BBC | 12/09/2104 | 12/12/2014 |
| 20131113BQQ | 12/09/2014 | 12/12/2014 |
| 20131114BBS | 12/09/2014 | 12/12/2014 |
| 20131114BRH | 12/09/2014 | 12/12/2014 |

Accordingly, unless this status changes, the grant of reconsideration and the reinstatement of this application would result in a grantable singleton. The public interest would be served by the prompt inauguration of new noncommercial LPFM radio service to the people of Philadelphia.

For the reasons set forth, it is requested that reconsideration be granted and that the referenced application of Philadelphia Public Access Corporation be reinstated *nunc pro tunc* and accorded normal processing.

Respectfully submitted,



Michael Couzens,
Attorney for Philadelphia Public Access Corp.

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January 7, 2014

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, SW
WASHINGTON, DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

DEC - 9 2014

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Philadelphia Public Access Corporation
699 Ranstead Street
Philadelphia, PA 19106

Re: NEW-LP, Philadelphia, PA
Facility ID No. 191989
Philadelphia Public Access Corporation
File No. BNPL-20131106ASU

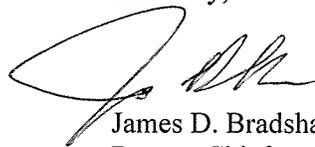
Dear Applicant:

The staff has under consideration the above-captioned application for a new low power FM (LPMF) station.

An engineering study has revealed that the proposed transmitter site specified in the application fails to meet the minimum spacing requirements of 47 C.F.R. § 73.807. Specifically, the site proposed is short-spaced to the second adjacent facilities for WISX(FM), Philadelphia, PA and WLTW(FM), Camden, NJ (formerly WWIQ). The application recognizes these short-spacing and requests a second-adjacent waiver. However, the waiver request does not adequately demonstrate that no interference will occur. The application indicates that “the worst case overlap contour extends 35 meters from the proposed antenna,” and that the “overlap zone contains no permanent population.” However, our review of the site shows that there is likely one or more large commercial structures within this 35 meter radius. The applicant has failed to demonstrate the complete lack of potential listeners in the interference area. Therefore, the application is unacceptable for filing and will be dismissed. Please note that an adequate demonstration of no interference should contain items such as the antenna manufacture’s vertical radiation pattern, and/or any details about any nearby structures.

Accordingly, in light of the above, application BNPL-20131106ASU is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a)¹ and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Donald E. Mussell, Jr.

¹ Under the Public Notice entitled “Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications,” FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications *nunc pro tunc* where the original application was dismissed and where a minor curative amendment was filed within thirty days. Please note that any amendment submitted for this purpose must be received within 30 days of the Public Notice of the dismissal of the application and must correct ALL acceptance defects with the application. This includes any defects that may not have been identified in the dismissal letter.