

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

| | | |
|------------------------------|---|----------------------------|
| In re Application of |) | |
| |) | |
| LA PROMESA FOUNDATION |) | File No. BMPFT-20171018AAO |
| W262AR, Brewton, Alabama |) | Facility ID # 150821 |
| |) | |
| For Construction Permit to |) | |
| Relocate to Channel 250 at |) | |
| Irondale, Alabama |) | |

TO: Honorable Marlene H. Dortch
 Secretary of the Commission

ATTN: Audio Division, Media Bureau

**PETITION FOR RECONSIDERATION AND FOR
REINSTATEMENT OF CONSTRUCTION PERMIT NUNC PRO TUNC**

La Promesa Foundation (LPF), licensee of Class D AM Broadcast Station WMMA, 1480 kHz, Irondale, Alabama (Facility ID #726) and FM Translator Station W262AR, Irondale, Alabama (Facility ID #150821), pursuant to 47 U.S.C. §405 and Section 1.106 of the FCC's Rules hereby respectfully submits this Petition for Reconsideration of the expiration of the above-referenced construction permit as modified to relocate W262AR to Irondale, Alabama to be used to rebroadcast WMMA. In so doing, LPF requests waivers of Sections 73.3598(a) and 73.3598(e) of the Commission's Rules to accept for filing and grant an accompanying FCC Form 350 application. In support whereof, the following is shown:

1. The construction deadline of the above-captioned construction permit was February 17, 2019, eleven (11) days ago. Through inadvertence, which the undersigned regrets, an FCC Form 350 application was not filed by February 17, 2019. As it turned out, LPF completed construction of W262AR to serve Irondale, Alabama in accordance with construction permit BMPFT-20171018AAO as of October 18, 2018, or almost four months before the expiration of the above-captioned construction permit.

2. The FCC's CDBS FM Query does not indicate that any applications in conflict with the facilities authorized in BMPFT-20171018AAO have been filed with the Commission between February 18 and the current date (see Exhibit A, query of stations and applications between Channels 247 and 253 inclusive within 120 kilometers of the authorized W262AR Irondale transmitter site.

3. LPF is filing its FCC Form 350 application for covering license simultaneously with the filing of this pleading.

4. The Commission has in the past waived Sections 73.3598(a) and 73.3598(e) of its Rules where the station's construction was completed in accordance with its construction permit prior to the permit's expiration. See **Richard F. Swift, Esq.**, 24 FCC Rcd 13483, 13485, n. 20 (Audio Div., 2009), citing **Clear Channel Broadcasting Licenses, Inc.**, 21 FCC Rcd 8677, 8679, n. 17 (Audio Div., 2006). Both cases indicate that the Audio Division granted waivers identical or similar to those sought by

LPF in the following cases: WJUN(AM), Mexico, Pennsylvania (Construction Permit No. BP-19990727AC; License Application File No. BL-20050125ALN); WJEH(AM), Gallipolis, Ohio (Construction Permit No. BP-20010525ABL; License Application File No. BL-20041012AKQ); and KVLH(AM), Pauls Valley, Oklahoma (Construction Permit No. BP-20010202AD expired February 13, 2005; License Application File No. BL-20050228ADS filed on February 28, 2005, granted on June 1, 2005.

5. The Audio Division noted in ***Clear Channel*** that "if waiver were not granted, CCBL would be required to repeat the Forms 301 and 302 filing process. We find that this would be an unnecessary burden on public and private resources, and it would delay the public service benefits associated with the modification of WRKH(FM)'s facilities". We would note that the public in the Irondale, Alabama area would be deprived of improved service to the public from WMMA(AM), a station which provides quality Roman Catholic educational and inspirational programming, a unique format in the local market.

6. Again, while we regret the late filing of the accompanying FCC Form 350 application, we submit that the public interest, convenience and necessity would be well served by a waiver of Sections 73.3598(a) and 73.3598(e) of the Commission's rules, by reinstatement of the above-captioned construction permit, File No. BMPFT-20171018AAO, and by acceptance for filing and grant of said Form 350 application.

WHEREFORE, it is urged that this Petition for Reconsideration **BE GRANTED,** that the above-referenced construction permit **BE REINSTATED NUNC PRO TUNC,** and that an accompanying FCC Form 350 application **BE ACCEPTED FOR FILING** and **GRANTED.**

Respectfully submitted,

LA PROMESA FOUNDATION

A handwritten signature in black ink, appearing to read "D. Kelly", written over a horizontal line.

By _____
Dennis J. Kelly
Its Attorney

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DATED AND FILED: February 28, 2019

EXHIBIT A

FM Query Results

8

Resize Results

Thu Feb 28 21:20:12 2019 Eastern time

----- Search Parameters -----

Search Radius (km): 120.00

Center Latitude: N 33 29 2.00

Center Longitude: W 86 48 21.00

Lower Channel: 247

Upper Channel: 253

- Use the TEXT SIZE input on the **FM Query** page to change the text size in the list below, for easier printing or viewing.
- Click on the blue Call Sign or blue Facility ID Number to retrieve more detailed information from the FM Query, including access to the CDBS database records pertaining to that station.
- Records for stations outside the USA are derived from international notifications.
- License, application, and construction permit (CP) coordinates shown in the FM Query are NAD 27 coordinates.

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|----------|-----|----|----|------|-----|--------|--------------|----|----|-------------------|--------|--------|-------|----|-------|---|--------|----|-------|----|---------|---|
| WPYA | 247 | C2 | FM | 97.3 | MHZ | LIC | GARDENDALE | AL | US | BLH-20040722ADW | - | 71417 | 6.4 | kw | 404. | m | 0.12 | km | 0.07 | mi | 300.94' | SM-WZNN, LLC |
| - | 247 | C2 | FA | 97.3 | MHZ | RSV | GARDENDALE | AL | US | RM-10324* | 01-104 | - | - | kw | - | m | 16.97 | km | 10.55 | mi | 310.02' | - |
| WKGA | 248 | A | FM | 97.5 | MHZ | LIC | GOODWATER | AL | US | BLH-20050202ADU | - | 64557 | 5.1 | kw | 108. | m | 91.30 | km | 56.73 | mi | 123.50' | LAKE BROADCASTING, INC. |
| - | 248 | A | FA | 97.5 | MHZ | USE | GOODWATER | AL | US | RM-10324* | 01-104 | - | - | kw | - | m | 89.37 | km | 55.53 | mi | 123.38' | - |
| W248CE | 248 | D | FX | 97.5 | MHZ | LIC | GADSDEN | AL | US | BLFT-20141229AWC | - | 141190 | 0.25 | kw | 0. | m | 96.64 | km | 60.05 | mi | 50.22' | SHELBY BROADCAST ASSOCIATES, LLC |
| W248BO | 248 | D | FX | 97.5 | MHZ | LIC | TUSCALOOSA | AL | US | BLFT-20150709AAN | - | 150864 | 0.052 | kw | 179.1 | m | 75.17 | km | 46.71 | mi | 241.54' | EDGEWATER BROADCASTING, INC. |
| WKXM-FM | 249 | A | FM | 97.7 | MHZ | LIC | WINFIELD | AL | US | BLH-20041104AME | - | 435 | 3.9 | kw | 123. | m | 110.45 | km | 68.63 | mi | 303.75' | AD-MEDIA MANAGEMENT CORP. |
| WZZN | 249 | A | FM | 97.7 | MHZ | LIC | UNION GROVE | AL | US | BLH-20091222ARG | - | 5885 | 0.95 | kw | 251. | m | 109.42 | km | 67.99 | mi | 13.10' | GREAT SOUTH WIRELESS, LLC |
| WRYD | 249 | C3 | FM | 97.7 | MHZ | LIC | JEMISON | AL | US | BLH-20100519ADS | - | 61231 | 13. | kw | 140. | m | 55.82 | km | 34.69 | mi | 184.27' | TBTA MINISTRIES |
| - | 249 | A | FA | 97.7 | MHZ | USE | WINFIELD | AL | US | RM-10114 | 01-62 | - | - | kw | - | m | 102.68 | km | 63.80 | mi | 303.99' | - |
| W249EC | 249 | D | FX | 97.7 | MHZ | CP | SUMITON | AL | US | BNPFT-20180507AAR | - | 203046 | 0.18 | kw | 0. | m | 39.17 | km | 24.34 | mi | 322.66' | COMMUNICATIONS AND EDUCATIONAL DEVELOPMEN |
| WVOK-FM | 250 | A | FM | 97.9 | MHZ | LIC | OXFORD | AL | US | BLH-20010406AAJ | - | 73609 | 0.51 | kw | 338. | m | 88.07 | km | 54.73 | mi | 79.66' | WOODARD BROADCASTING CO., INC. |
| WALW-LP | 250 | L1 | FL | 97.9 | MHZ | LIC | MOULTON | AL | US | BLL-20170110AAK | - | 133800 | 0.1 | kw | 30. | m | 119.23 | km | 74.09 | mi | 338.11' | COMMUNITY INFORMATION AND EDUCATION RADIO |
| 860912MA | 250 | A | FA | 97.9 | MHZ | USE | OXFORD | AL | US | --- | 84-231 | 15876 | - | kw | - | m | 90.50 | km | 56.23 | mi | 81.40' | - |
| W250BM | 250 | D | FX | 97.9 | MHZ | LIC | CULLMAN | AL | US | BLFT-20170330AAG | - | 150863 | 0.25 | kw | 0. | m | 79.27 | km | 49.26 | mi | 358.42' | TRIPP, LLC |
| W262AR | 250 | D | FX | 97.9 | MHZ | CP MOD | IRONDALE | AL | US | BMPFT-20171018AAO | - | 150821 | 0.12 | kw | 0. | m | 0.00 | km | 0.00 | mi | 0.00' | LA PROMESA FOUNDATION |
| WXTX | 251 | C1 | FM | 98.1 | MHZ | LIC | FAYETTE | AL | US | BLH-20120823AAB | - | 68418 | 100. | kw | 274. | m | 91.81 | km | 57.05 | mi | 258.97' | CAPSTAR TX, LLC, AS DEBTOR IN POSSESSION |
| WXTX | 251 | C1 | FS | 98.1 | MHZ | LIC | FAYETTE | AL | US | BXLH-20051215ABM | - | 68418 | 0.6 | kw | 71. | m | 77.71 | km | 48.29 | mi | 243.94' | CAPSTAR TX, LLC, AS DEBTOR IN POSSESSION |
| WXTX | 251 | C1 | FA | 98.1 | MHZ | USE | FAYETTE | AL | US | --- | - | 68418 | - | kw | - | m | 91.92 | km | 57.12 | mi | 258.91' | - |
| W251BV | 251 | D | FX | 98.1 | MHZ | LIC | GADSDEN | AL | US | BLFT-20151005ACF | - | 147806 | 0.01 | kw | 0. | m | 95.55 | km | 59.37 | mi | 50.15' | BOARD OF TRUSTEES OF JACKSONVILLE STATE U |
| WFXO | 252 | C3 | FM | 98.3 | MHZ | LIC | STEWARTVILLE | AL | US | BLH-20190201AAQ | - | 704 | 9. | kw | 148. | m | 74.87 | km | 46.52 | mi | 127.53' | MARBLE CITY MEDIA, LLC |
| WSMX-LP | 252 | L1 | FL | 98.3 | MHZ | LIC | CLANTON | AL | US | BLL-20140407AAN | - | 196717 | 0.045 | kw | 44.4 | m | 73.40 | km | 45.61 | mi | 170.32' | CHILTON COUNTY BOARD OF EDUCATION |
| WYZK-LP | 252 | L1 | FL | 98.3 | MHZ | LIC | HARTSELLE | AL | US | BLL-20141128ACE | - | 195243 | 0.033 | kw | 51.2 | m | 107.00 | km | 66.49 | mi | 353.77' | ASSOCIATION FOR SOCIAL JUSTICE IN MORGAN |
| W252BE | 252 | D | FX | 98.3 | MHZ | APP | TARRANT | AL | US | BSTA-20180720AAR | - | 141124 | 0.065 | kw | 305. | m | 0.00 | km | 0.00 | mi | 0.00' | SHELBY BROADCAST ASSOCIATES, LLC |
| W252BE | 252 | D | FX | 98.3 | MHZ | LIC | TARRANT | AL | US | BLFT-20181016ABE | - | 141124 | 0.25 | kw | 212. | m | 0.00 | km | 0.00 | mi | 0.00' | SHELBY BROADCAST ASSOCIATES, LLC |

*** 25 FM Records within 120.00 km distance of 33° 29' 2.00 " N, 86° 48' 21.00" W ***