

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 in a cursive style.

By _____
Dennis J. Kelly
Its Attorney

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EXHIBIT A

FM Query Results

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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.

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
WRVD	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 DEVELOPEMEN
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
86091.2MA	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
WTTX	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
WTTX	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
WTTX	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 ***