

**LAW OFFICE OF MICHAEL W. RICHARDS LC**  
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October 10, 2020

Office of the Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

And by email to Victoria.McCauley@fcc.gov.

Attn: Victoria McCauley, Audio Division, Media Bureau

**RE: Reference No. 1800B3-VM**  
**Response to Notification License Expiration Issued Sept. 14, 2020**  
**Rainbow Heights Community Association and Crime Watch, license of**  
**WURK-LP, Tampa, Florida (FIN: 197046)**

Dear Ms. McCauley:

Rainbow Heights Community Association and Crime Watch (“Licensee”), license of WURK-LP, Tampa, Florida (Facility Identification Number 197046) (“Station”), through counsel, hereby submits its response (“Response”) to the Audio Division’s Notification of License Expiration (“Notice”) issued on September 14, 2020 in the above-referenced matter.

The Notice asks the Licensee if Commission “records incorrectly reflect the operational status of the station and that, in fact, the [S]tation returned to the air with authorized facilities at some time between August 7, 2019, and 12:01 a.m., August 8, 2020.”

*The Licensee responds: YES. The records incorrectly reflect the Station’s status on the dates in question.*

As stated in an FCC application for a license to cover an active construction permit, in FCC File No. 0000123714 (“Application”), the Station returned to air with permanent facilities well before the August 8 expiration of its license pursuant to 47 U.S.C. Sec. 312(g). A copy of this Application, with attachments, is submitted herewith as Exhibit 1, together with the resulting license to cover. These items provide the location, effective radiated power, and antenna height above ground level information requested in the Notice.

In addition, the Licensee attaches the following documentation as Exhibit 2, in response to other evidentiary requests in the Notice at n. 2:

- Declaration in lieu or affidavit executed by the secretary of the Station's licensee, who also serves as the Station's General Manager.
- Photograph of permanent antenna structure
- Evidence of landlord authorization for Station to occupy site

As a wholly volunteer-run nonprofit, the Licensee has no personnel records to provide because it has no employees.

As the Licensee explained in the now granted Application, difficulties arising from the COVID-19 pandemic caused it to late file for the License, and likely caused issuance of the Letter.

Kindly contact the undersigned with any follow-up.<sup>1</sup>

An additional copy of this letter is also enclosed, marked, "Kindly Date Stamp and Return." Please do so and return it in the enclosed self-addressed stamped envelope.

Thanks for your kind consideration.

Sincerely,

A handwritten signature in black ink that reads "Michael W. Richards". The signature is fluid and cursive, with the first name being the most prominent.

Michael W. Richards  
*Counsel to Rainbow Heights Community  
Association and Crime Watch, Inc.*

ENCL.

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<sup>1</sup> Counsel has only recently been retained. Please direct inquiries and correspondence formerly sent to licensee, instead, to counsel.

## **EXHIBIT 1**

### **LICENSE TO COVER APPLICATION AND AUTHORIZATION**

## **EXHIBIT 2**

### **OTHER DOCUMENTATION**

## **EXHIBIT 1**

### **LICENSE TO COVER APPLICATION AND AUTHORIZATION**



(REFERENCE COPY - Not for submission)  
License to Cover for Low Power FM Station Construction Permit  
Application

File Number: 0000123714 | Submit Date: 10/01/2020 | Lead Call Sign: WURK-LP | FRN: 0023128424  
Service: Low Power FM | Purpose: License To Cover | Status: Granted | Status Date: 10/06/2020 | Filing Status: Active

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	
	Indicate reason for fee exemption:	
	Is the applicant exempt from FCC regulatory Fees?	
Waivers	Does this filing request a waiver of the Commission's rule (s)?	Yes
	Total number of rule sections involved in this waiver request:	1

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
RAINBOW HEIGHTS NEIGHBORHOOD ASSOCIATION AND CRIME WATCH, IN Doing Business As: RAINBOW HEIGHTS NEIGHBORHOOD ASSOCIATION AND CRIME WATCH, IN	Dedrick Jackson 3606 E. GENESEE STREET TAMPA, FL 33610 United States	+1 (813) 391-7786	EXIT2442@HOTMAIL.COM	Company

Contact Representatives (1)

Contact Name	Address	Phone	Email	Contact Type
Paul Bame Technical Consultant Prometheus Radio Project	PO Box 42158 Philadelphia, PA 19101 United States	+1 (970) 988-3849	pbame@prometheusradio.org	Technical Representative

Channel and Facility Information

Section	Question	Response
Program Test Authority	The application is operating pursuant to automatic program test authority	Yes
	The applicant is requesting program test authority	No
Proposed Community of License	State	

Antenna  
Location Data

	City	
	Channel	242
	Frequency	96.3
Facility Type	Facility Type	
Station Class	Station Class	LP100

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	
	ASR Number	
Coordinates (NAD83)	Latitude	27° 57' 24.6" N+
	Longitude	082° 28' 50.5" W-
	Structure Type	
	Overall Structure Height	10 meters
	Support Structure Height	
	Ground Elevation (AMSL)	9 meters
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:9 meters Vertical:0 meters
	Height of Radiation Center Above Average Terrain	Horizontal:13 meters Vertical:
	Height of Radiation Center Above Mean Sea Level	Horizontal:18 meters Vertical:0 meters
	Effective Radiated Power	Horizontal: 0.1 W Vertical:
	Transmitter Power Output	0.091 W
Proposed Allotment or Assignment - Coordinates (NAD83)	Latitude	
	Longitude	

Antenna  
Technical Data

Section	Question	Response
Antenna Type	Antenna Type	Non-Directional
Primary Station	Call Sign	
	Facility ID	
	Frequency	
	Channel	
	Service Code	
	City	
	State	
Delivery Method	Delivery Method	
	If Other, Please specify:	
Transmitting Antenna	Manufacturer:	Comet

	Model	CFM95SL
	Antenna Number of Sections:	1
	Antenna Spacing Between Sections:	1.0

Directional Antenna Relative Field Value

Degree	Value	Degree	Value	Degree	Value	Degree	Value
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Additional Azimuths

Degree	Value
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Technical  
Certifications

Section	Question	Response
Environmental Effect	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	Yes
Broadcast Facility	Does the proposed facility comply with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.203, 73.207, 73.213, 73.315, 73.509, 73.515, 73.525, and 73.1125?	
Contour Protection	Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215?	No
Community of License Change - Section 307(b)	Is the application being submitted to change the facility's community of license? If 'Yes', an exhibit is required containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b))	
Proposal Compliance	Does the applicant certify that the proposal is for a fill-in translator or booster?	
	Does the applicant certify that the proposal complies with Sections 74.1204, 74.1205, 74.1232, 74.1234 and 74.1235?	
Interference	Does the applicant certify that the proposed facility complies with the engineering requirements of 47 CFR Section 73.807 (a) through (g), 73.825 and 73.827(a)?	
Transmitter Power Output	Does the operating transmitter power output produce the authorized effective radiated power?	Yes
Constructed Facility	The facility was constructed as authorized in the underlying construction permit or complies with 47 C.F.R. Section 73.875?	Yes
Special Operating Conditions	Was the facility constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit?	Yes
Environmental	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	No

Modification of  
License  
Certifications

Section	Question	Response
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<b>Change in effective radiated power, transmitter output power, replacing a directional or non-directional antenna, deleting contour protection status, or correcting coordinates</b>	Is this application being filed to authorize a change in Effective Radiated Power and/or a change in transmitter output power, and/or replacing a directional or non-directional antenna and/or deleting contour protection status and/or correcting coordinates, as authorized by 47 CFR Sections 73.1690(c)(1) through (c)(11)?	
<b>Using a formerly licensed main facility as an auxiliary facility.</b>	Is this application being filed pursuant to 47 CFR Section 73.1675(c)(1) to request authorization to use a formerly licensed main facility as an auxiliary facility and/or change the ERP of the proposed auxiliary facility?	
<b>Change the license status</b>	Is this application being filed to authorize a change in license status from commercial to non-commercial or from noncommercial to commercial, pursuant to 47 CFR Section 73.1690(c)(9)?	
<b>Change in hours of operation</b>	Is this application being filed to authorize a change in hours of operation?	No
<b>Replacement of Antenna</b>	Is this application being filed to authorize the replacement of the licensed nondirectional antenna with another nondirectional antenna within 2 meters above or 4 meters below the licensed antenna center of radiation? See 47 CFR Section 73.875(c)(1)?	No
<b>Replacement of transmission line</b>	Is this application being filed to authorize a replacement of the transmission line that resulted in a change in licensed transmitter power output, but not the effective radiated power? See 47 CFR Section 73.875(c)(2)?	No

### Certification

Section	Question	Response
<b>General Certification Statements</b>	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	
	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002(c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	

Authorized Party to Sign	<b>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</b> Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND /OR FORFEITURE (U.S. Code, Title 47, §503).	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	<b>Dedrick Jackson</b> <i>General Manager, Secretary</i>  10/01/2020

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<u>WURK-L2C-Waiver.pdf</u>	Applicant	Fees, Waivers and Exemptions	Waiver request	Done with Virus Scan and/or Conversion

## WAIVER REQUEST

WURK-LP began operating under program test authority<sup>1</sup> before noon on Friday June 20, 2020 complying with authorized power and antenna height.

WURK-LP's prior license application<sup>2</sup> was dismissed upon the conclusion that the antenna structure was not permanent. A lightweight antenna was substituted for the heavy two-bay ring stub to meet permanency requirements.

The licensee recognizes that this license to cover application is late-filed. As a result, the licensee requests a waiver of requirements that it file its license to cover application within ten days of commencing broadcasts pursuant to program test authority.<sup>3</sup>

The Commission may grant a waiver "if good cause therefor is shown,"<sup>4</sup> The licensee hereby seeks waiver of the 10-day filing requirement (to the extent necessary, on a *nunc pro tunc* basis).

Good cause arises from the effects of the nation's current COVID-19 pandemic on the grassroots organization holding the authorization for this station. The household of the main organizer of the community group's LPFM efforts was hit by the Corona virus during the period for timely filing. The case was severe and repercussions long-lasting. The organizational membership, in which at-risk senior citizens predominate, was unable to provide back-up to the organizer and his family due to the extreme infection risks within this cohort.

The Commission has consistently provided relief as a result of the "significant financial stress"<sup>5</sup> the pandemic has created for the radio industry. While such relief is mainly most often provided to commercial stations suffering from pandemic-induced revenue loss, the licensee of WURK-LP, depending more on individual commitments of personal time and attention than underwriting or advertising revenue, is similarly situated<sup>6</sup> in how its asset base has been severely curtailed by COVID-19. It suffers from a pandemic-caused inability to tap volunteer, people-powered resources, no less than commercial stations do when advertising dries up due to COVID. The license, therefore, provides good cause for the waiver requested herein.

The attached declaration of Dedrick Jackson, the secretary of Rainbow Heights Neighborhood Association and Crime Watch, Inc., provides documentation described in the Media Bureau's pandemic waiver public notice in DA 20-1059 to meet the stated waiver standards pursuant to *WAIT Radio v. FCC*.

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<sup>1</sup> BPL-20190701AAA, expiration date July 15, 2022 ref BLL-20190805AACF decision, n. 5

<sup>2</sup> BLL-20190805AAC

<sup>3</sup> 47 C.F.R. Secs. 73.801 and 73.1620(1)(a).

<sup>4</sup> 47 C.F.R. Sec. 1.3. *See also WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1166 (D.C. Cir. 1990).

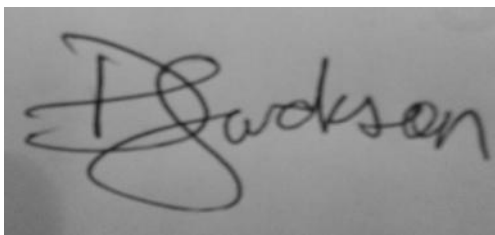
<sup>5</sup> *Entercom License, LLC*, 35 FCC Rcd 7294, 7300 (2020).

<sup>6</sup> *See Melody Music, Inc. v. FCC*, 345 F.2d 730 (1965).

## DECLARATION OF DEDRICK JACKSON

1. My name is Dedrick Jackson.
2. I am the founder and general manager of WURK-LP and secretary of Rainbow Heights Neighborhood Association and Crime Watch, Inc. ("Licensee")
3. My wife became ill with COVID-19 on or around June 6th,, 2020. As her condition worsened, I was unable to focus on the work needed, including the license application required to cover the WURK-LP construction permit in a timely manner.
4. I was required to protect other people, including the numerous senior citizens who are members of the Licensee who are particularly at risk from COVID.
5. As a result of this need to maintain distance from others, to provide care for my infected wife, and the limited radio knowledge of the Licensee's general membership that, when combined with age and vulnerability to COVID, I was unable to arrange timely filing of the station's license to cover after service resumption on June 19, 2020.

**Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Executed on Sept. 30, 2020.**

A photograph of a handwritten signature in black ink on a light-colored surface. The signature is stylized and appears to read "D Jackson".

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**DEDRICK JACKSON**

# Federal Communications Commission

## LOW POWER FM STATION LICENSE

**Permittee**

RAINBOW HEIGHTS NEIGHBORHOOD ASSOCIATION AND CRIME WATCH,  
IN  
3606 E. GENESEE STREET  
TAMPA, FL, 33610

**Call Sign**

WURK-LP

**Facility ID**

197046

<b>File Number</b> 0000123714	<b>This License Covers Construction Permit No.</b> BPL-20190701AAA	
<b>Filing Date</b> 10/01/2020	<b>Grant Date</b> 10/06/2020	<b>Expiration Date</b> 02/01/2020

<b>Community of License</b>  <b>City:</b> TAMPA <b>State:</b> FL	<b>Frequency (MHz)</b> 96.3	<b>Station Channel</b> 242	<b>Station Class</b> LP100
<b>Hours of Operation:</b> Unlimited			

<b>Transmitter</b> Certified for Compliance. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.	<b>Transmitter Output Power</b> 0.091 kW
<b>Antenna Type</b> Non-Directional	<b>Antenna Coordinates (NAD 83)</b>  <b>Latitude</b> 27-57-24.6 N <b>Longitude</b> 82-28-50.5 W
<b>Antenna Description</b>  Comet / CFM95SL	

	<b>Horizontally Polarized Antenna</b>	<b>Vertically Polarized Antenna</b>
<b>Effective Radiated Power in the Horizontal Plane (kW)</b>	0.1	
<b>Height of Radiation Center Above Ground (meters)</b>	9	0

<b>Height of Radiation Center Above Mean Sea Level (meters)</b>	18	0
<b>Height of Radiation Center Above Average Terrain (meters)</b>	13	

<b>Antenna Structure Registration Number</b> Not Required	<b>Overall Height of Antenna Structure Above Ground (meters)</b> 10
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#### **Obstruction Marking and Lighting Specifications for Antenna Structure**

It is expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303 (q) of the Communications Act of 1934, as amended.

#### **Special Operating Conditions or Restrictions**

The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

- Grant of this license application is conditioned upon the continuous operation of the licensed facility for the twelve-month period following grant, including specifically: (a) operation of the station in accordance with the station's FCC authorization with (i) an antenna mounted on a pole, tower, or other structure that is attached to a durable, non-movable structure, (ii) the antenna connected to a permanent power source, and (iii) if located on public property, advance approval by a written governmental authorization; and (b) operation of the station each day in accordance with the FCC's rules for minimum operating schedule (47 C.F.R. § 73.1740(a) for FM stations, 47 C.F.R. § 73.561(a) for NCE-FM stations and 47 C.F.R. § 73.850(b) for LPFM stations) without recourse to the procedures set out in 47 C.F.R. §§ 73.1740(a)(4), 73.561(d), and 73.850(d). The failure of the station to operate in compliance with any of the foregoing requirements will result in the rescission of this grant, dismissal of the license application and the forfeiture of the associated construction permit pursuant to 47 C.F.R. § 73.3598(e) unless the licensee rebuts the resulting presumption that the authorized facilities were temporarily constructed. Evidence of non-temporary construction could include, but is not limited to, station logs, utility bills, lease documents, photographs of the installed antenna/transmitter/studio equipment, and other relevant documentation.
- This license is effective pursuant to 47 U.S.C. Section 307(c)(3).

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.



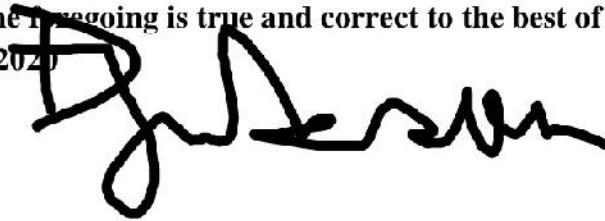
## **EXHIBIT 2**

### **OTHER DOCUMENTATION**

## **DECLARATION OF DEDRICK JACKSON**

1. My name is Dedrick Jackson.
2. I am the general manager of WURK-LP, and secretary of its licensee, Rainbow Heights Neighborhood Association and Crime Watch, Inc. ("Licensee")
3. The attached photographic evidence shows station equipment currently installed and operational for WURK-LP.
4. A copy is attached of the landlord's authorization ("Permission") for use, by WURK-LP, of the antenna and transmitter site authorized in this station's license to cover in FCC File No. 000012371 ("Authorized Site").
5. Prior to issuance of the written Permission, WURK-LP operated and installed its equipment at the Authorization Site pursuant to oral authorization by said landlord. At all times, WURK-LP operated at the Authorized Site with full landlord permission to occupy the building and roof.

**Pursuant to 47 C.F.R. Section 1.16, I declare under penalty of perjury under laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.**  
**Executed on October 9, 2020**

A handwritten signature in black ink, appearing to read 'Dedrick Jackson', written over a horizontal line.

**DEDRICK JACKSON**



WURK-LP PERMANENTLY INSTALLED ANTENNA

8/2/2020

TO: Frankie Jones

President of Rainbow Heights Neighborhood Association in Crime Watch, INC.

I am the owner of 1609 N. Albany Ave. I give Dee Jackson permission to install the broadcast transmitter inside the facility.

I also grant permission for Dee Jackson and his hired staff to install the antenna and mast on the roof of my building, located at 1609 N Albany Ave. 33607

My agreement to the above does not release the above parties or tenant of 1609 N Albany from any governmental or third-party requirements pertaining to the above installations.

Thank you,

A handwritten signature in black ink, appearing to read 'Tim Johnson', with a stylized flourish at the end.

Tim Johnson, Managing Member

The Nassau Center, LLC

813-389-2566