

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In re Application of

GET A LIFE! FOUNDATION, INC

For a Construction Permit for a New
Low Power FM Station at
Cape Coral, Florida

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File No. BNPL-20131114BVI

Facility ID #194145

Accepted/Files

DEC 29 2014

*Federal Communications Commission
Office of the Secretary*

TO: The Secretary
ATTN: Chief, Audio Division,
Media Bureau

SECOND PETITION TO REINSTATE APPLICATION

Get a Life! Foundation, Inc. (“GLF”), by counsel, hereby petitions the Commission for the second time to reinstate its above-identified application for a new low power FM station at Cape Coral, Florida, *nunc pro tunc* as of November 15, 2013. This Petition serves to reiterate and expand upon the arguments made in GLF’s Petition to Reinstate Application filed with the Commission on December 16, 2013 (the “2013 Petition”). To date, the Commission has not acted upon or responded to that Petition.¹

¹ No official Commission ruling has been released to dismiss, deny or reject GLF’s application and to trigger the running of a period for requests for reconsideration or other responsive pleadings. However, the mechanical rejection of the application by the Commission’s CDBS at the close of the 2013 LPFM filing window could serve as an informal marker. GLF’s first Petition, filed on December 16, 2013, was timely filed if considered as a petition for reconsideration of the CDBS incident at the close of the filing window on November 15, 2013. (The 30-day period following November 15 expired on a Sunday and the Petition was submitted on the first business day thereafter.) The Commission’s failure to act on the 2013 Petition has become an urgent matter with the release of the Public Notice (FCC 14-211) on December 23, 2014 wherein a group of mutually exclusive LPFM applications was identified that should have

As explained in the 2013 Petition, GLF timely filed its application during the 2013 LPFM filing window, but was thwarted from successfully completing an amendment because of difficulties with the CDBS system. The application was indeed uploaded and submitted, but then inadvertently deleted. This deletion did *not* indicate the applicant's intention to withdraw its application. Rather, GLF has continuously remained eagerly committed to prosecuting its application until and including the present time. A copy of the 2013 Petition is attached hereto as Appendix 1 and incorporated herein.

The Commission's (or the Media Bureau's) inaction on the 2013 Petition is inexplicable and inconsistent with the Media Bureau's prior published ruling in *Chinese Culture and Art Heritage Foundation*, 29 FCC Rcd 1146 (MB 2014). That case presented a fact pattern strikingly similar to the instant case. The applicant in *Chinese Culture* timely submitted its LPFM application during the 2013 filing window. Then, the application was inadvertently deleted when the applicant attempted to amend it and that deleted status continued through the end of the filing window. Upon the applicant's request for redress, the Bureau noted from its own internal records that the application had in fact been timely submitted into CDBS and relied on that fact as grounds for reinstating the application. A copy of the *Chinese Culture* Letter Decision is attached in Appendix 2.

Similarly, it should be obvious from a review of the Commission's internal CDBS records that GLF's application was indeed filed during the filing window. The paper print-out copy of the application attached to the 2013 Petition clearly shows that it was given file number

included GLF's application, but did not. This Second Petition is a timely response to the Commission' Public Notice of December 23.

20131114BVI. The application would not have received a file number had it not been timely filed in the CDBS. It is axiomatic that the Commission must treat similarly situated applicants in a similar manner. GLF and the *Chinese Culture* applicant appear to be identically situated. It would therefore be unfair to GFL and arbitrary in the extreme to refuse to reinstate GLF's application after the Commission has reinstated the *Chinese Culture* applicant's application.

In a Public Notice released on December 23, 2014, the Commission has identified a group of six mutually exclusive LPFM applications in Fort Myers and Cape Coral, Florida, in LPFM MX Group 83.² Each of them proposes a new station that would operate on Channel 299. GLF also proposed to operate on Channel 299. It appears therefore that GLF's application is mutually exclusive with the applications in MX Group 83 and that the GLF application should be listed in the Public Notice as one of the applications in that Group. GLF should be awarded five comparative points and named as a tentative selectee. For the orderly processing of the applications in MX Group 83, it is imperative that the status of GLF's application be clarified immediately.

² See, *Commission Identifies Tentative Selectees in 96 Groups of Mutually Exclusive Applications Filed in the LPFM Window; Announces a 30-day Petition to Deny Period and a 90-day Period to File Voluntary Time-Share Proposals and Major Change Amendments*, Public Notice, FCC 14-211 (released December 23, 2014).

Wherefore, GLF respectfully urges the Media Bureau to grant this Petition and to reinstate its application *nunc pro tunc* immediately.

Respectfully submitted,

GET A LIFE! FOUNDATION, INC.

By: 
Donald E. Martin

DONALD E. MARTIN, P.C.
P. O. Box 8433
Falls Church, Virginia 22041
(703) 642-2344

Its Attorney

December 29, 2014

APPENDIX 1

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In re Application of)
)
GET A LIFE! FOUNDATION, INC) File No. BNPL-20131114BVI
) Facility ID #194145
For a Construction Permit for a New)
Low Power FM Station at)
Cape Coral, Florida)

TO: The Secretary
ATTN: Chief, Audio Division,
Media Bureau

ACCEPTED/FILED

NOV 15 2013

Federal Communications Commission
Office of the Secretary

PETITION TO REINSTATE APPLICATION

Get a Life! Foundation, Inc. ("GLF"), by counsel, hereby petitions the Commission to reinstate its above-identified application for a new low power FM station at Cape Coral, Florida *nunc pro tunc* as of November 15, 2013, the date on which it was inadvertently deleted from the Commission's CDBS. In preparing to file an amendment to the pending application, the undersigned counsel for GLF was misled by a CDBS error message to delete what he thought was a superfluous amendment form but which was in fact the original pending application. Equity demands that this validly and timely filed application be reinstated.

Attached in Exhibit A is a complete print-out of GLF's application as it was filed on November 14, 2013. It bears file number -20131114BVI, indicating that the Commission's CDBS had received it on that date. The following day, November 15, while the LPFM filing window was still open, it was discovered that the application had been filed without Exhibit 10, which was intended to be included in the original filing. Thereupon counsel reentered the

application's CDBS account with the intention of submitting an amendment to the application that would include Exhibit 10.

Counsel attempted to open a file for an amendment to the application and was greeted with an error message that read as follows:

You already have an amendment prepared for this application. You may not file more than one amendment to an application on the same day. To start another amendment for this application, either Delete the existing ('READY') amendment or prepare a new amendment on the next official business day.

Attached in Exhibit B is a reproduction of this message produced more recently in another CDBS account to demonstrate what happens when an applicant attempts to amend an application that has not yet been taken into "FILED" status by CDBS.

In fact, there was no pending amendment to GLF's application, despite the error message. The "READY" file in the account was the original application that had been filed the previous day, but which CDBS, contrary to custom, had not yet accepted as "FILED." As the error message suggests, CDBS typically clears all submissions overnight so that they can be categorized as "FILED" on the next business, and then become eligible for amendment. Seeing the file identified as "READY" rather than "FILED" (as it should have been since it was submitted the previous business day), counsel mistakenly believed that he had inadvertently opened an amendment file in beginning to operate the system and proceeded to delete it as instructed in the error message. Only when counsel was informed by Commission staff several days later that the CDBS had not cleared all of the applications in "READY" status during the night of November 14/15 did it become clear what had happened to the original application.

The CDBS mechanism both prevented GLF from being able to amend its application, and actually led to the inadvertent deletion of the original application. The process and the results are contrary to the clear letter of the Commission's rules in §73.871(a): "New and major change [LPFM] applications may be amended without limitation during the pertinent filing window." Had the system been functioning in compliance with the rule on November 15, GLF could easily have amended its application as it had a right to do under the rule, and the application would be in good standing today.

Aside from the unfortunate deletion of the original application, the error message served to prevent GLF from amending its application because the message instructed the applicant to "prepare a new amendment on the next official business day." This incident occurred on the last business day of the filing window. An effort to amend on the next business day would have been met with rejection because the filing window was closed. Therefore, in addition to reinstating the application as it was originally filed, GLF should also be entitled to complete the amendment that it was attempting to submit during the filing window on November 15. That amendment consisted of Exhibit 10 to the application, and is attached as Exhibit C to this Petition. Exhibit 10 is a declaration signed and dated on November 13, 2013 by GLF's president Roger Lucas. Metadata in the pdf confirm that the document was created on November 13.

GLF's timely filed application is now in limbo because the CDBS did not function in a manner consistent with §73.781(a) of the rules. An amendment that GLF had a right to file was disallowed, and the resulting confusion caused by the CDBS error message led to the deletion of the original application. The Commission has a legal and moral responsibility to correct this error


and to reinstate GLF's complete application, including the amendment that it sought to file during the LPFM filing window on November 15.

The undersigned hereby certifies under the penalty of perjury that he has personal knowledge of the facts relating to the filing and deletion of GLF's application as stated herein and that the statements offered herein concerning those events are true and correct to the best of his knowledge and belief.

Wherefore, Gct a Life! Foundation, Inc. respectfully urges the Commission to reinstate its LPFM application at Cape Coral, Florida, including the amendment, *nunc pro tunc*.

Respectfully submitted,

GET A LIFE! FOUNDATION, INC.

By: 
Donald E. Martin

DONALD E. MARTIN, P.C.
P.O. Box 8433
Falls Church, Virginia 22041
(703) 642-2344

Its Attorney

December 16, 2013

EXHIBIT A

FCC 318

**APPLICATION FOR CONSTRUCTION PERMIT
FOR A LOW POWER FM BROADCAST STATION**

FOR COMMISSION USE ONLY
FILE NO.
- 20131114BVI

Read INSTRUCTIONS Before Filling Out Form

Section I - General Information

1. Legal Name of the Applicant
GET A LIFE! FOUNDATION, INC.

Mailing Address
5965 TARPON GARDENS CIRCLE, #101

City
CAPE CORAL

State or Country (if foreign address)
FL

Zip Code
33914 -

Telephone Number (include area
code)
2395401290

E-Mail Address (if available)
GETALIFE2006@CENTURYLINK.NET

FCC Registration Number:
0023115629

Call Sign

Facility Identifier
194145

2. Contact Representative (if other than applicant)
DONALD MARTIN

Firm or Company Name
DONALD E. MARTIN, P.C.

Telephone Number (include area code)
7036422344

E-Mail Address (if available)
DEMPC@PRODIGY.NET

3. Application Purpose

☒ New station

☐ Major modification of construction permit

☐ Major change in licensed facility

☐ Minor modification of construction permit

☐ Minor change in licensed facility

☐ Amendment to pending application

(a) File number of original construction permit: -

(b) Station location:

CAPE CORAL

FL

If an amendment, submit as an Exhibit a listing by Section and
Question Number the portions of the pending application that are
being revised.

[Exhibit 1]

NOTE: The failure to include an explanatory exhibit providing full particulars in connection with a "No" response may result in dismissal of the application. See General Instructions, Paragraph I for additional information regarding the completion of explanatory exhibits.

Section II - Legal

New LPFM station applicants must complete all questions in Section II. Major and minor change applicants must complete only questions 1, 4, 6, 7 and 9.

1. **Certification.** Applicant certifies that it has answered each question in this application based ☒ Yes ☐ No

Parties to the Application

List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If a corporation or partnership holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.

(1) Name and address of party.

(2) Citizenship.

(3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's equity/debt plus standard.

(4) Percentage of votes.

(5) Percentage of total assets (equity plus debt).

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
GET A LIFE! FOUNDATION, 5965 TARPON GARDENS CIRCLE, #101, CAPE CORAL, FL 33914	US	APPLICANT	100	100

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
ROGER LUCAS, 5965 TARPON GARDENS CIRCLE, #101, CAPE CORAL, FL 33914	US	DIRECTOR, PRESIDENT	33.3	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
TERESA LUCAS, 5965 TARPON GARDENS CIRCLE, #101, CAPE CORAL, FL 33914	US	DIRECTOR, SECRETARY, TREASURER	33.3	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
SIMON WITTER, 11641 SPOONBILL LANE, FORT MYERS, FL 33913	US	DIRECTOR, VICE PRESIDENT	33.3	0

b. Applicant certifies that equity and financial interests not set forth above are non-attributable.

☐ Yes ☒ No
☒ N/A

See Explanation in
[Exhibit 3]

4. Community-Based Criteria. The applicant certifies that:

a. it is a nonprofit educational organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application.

☒ Yes ☐ No

b. it is a nonprofit educational organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application.

☒ Yes ☐ No

c. it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. See 47 C.F.R. Sections 73.853(c) and 73.7000.	<input type="radio"/> Yes <input checked="" type="radio"/> No
d. it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.	<input type="radio"/> Yes <input checked="" type="radio"/> No
Note: An applicant should not submit an explanatory exhibit in connection with these Question 4 "No" responses.	
5. Ownership.	
a. Applicant certifies that it and all parties to the application comply with the multiple ownership limits set forth in Section 73.855 of the Commission's rules. See 47 C.F.R. Section 73.855.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 4]
b. Applicant certifies that it and all parties to the application comply with the cross-ownership limits set forth in Section 73.860 of the Commission's rules. See 47 C.F.R. Section 73.860.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 5]
c. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to media interests of immediate family members.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]
d. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to investor insulation and the non-participation of non-party investors or creditors.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]
6. Character Issues. The applicant certifies that neither the applicant nor any party to the application has or has had any interest in, or connection with: a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or b. any pending broadcast application in which character issues have been raised.	
<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]	
7. Adverse Findings. The applicant certifies that no adverse finding has been made and no adverse final action has been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination? If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.	
<input checked="" type="radio"/> Yes <input type="radio"/> No [Exhibit 9]	
8. Unlicensed Operation. The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.	
<input checked="" type="radio"/> Yes <input type="radio"/> No	
9. Anti-Drug Abuse Act Certification. Applicant certifies that neither the applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	
<input checked="" type="radio"/> Yes <input type="radio"/> No	

Section III - Point System Factors

New station and major change applicants must complete the following questions.

Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modifications of authorized LPFM stations. Mutually exclusive applicants will be awarded a point for each of the following:

1. Established community presence.												
a. Nonprofit educational organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.			<input checked="" type="radio"/> Yes <input type="radio"/> No [Exhibit 10]									
An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. See instructions.												
b. Tribes and Tribal organizations. The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.			<input type="radio"/> Yes <input checked="" type="radio"/> No									
c. Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.			<input type="radio"/> Yes <input checked="" type="radio"/> No									
2. Local program origination. The applicant pledges to originate locally at least eight hours of programming per day.												
3. Main studio. The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.			<input checked="" type="radio"/> Yes <input type="radio"/> No									
The applicant claiming a point under 3. must provide the proposed address and telephone number for the main studio.												
<table border="1" style="width: 100%;"> <tr> <td colspan="3">Address: 1813 EL DORADO PARKWAY WEST</td> </tr> <tr> <td>City CAPE CORAL</td> <td>State or Country (if foreign address) FL</td> <td>Zip Code 33914-</td> </tr> <tr> <td>Telephone Number (include area code) 2394641644</td> <td colspan="2">E-Mail Address (if available)</td> </tr> </table>				Address: 1813 EL DORADO PARKWAY WEST			City CAPE CORAL	State or Country (if foreign address) FL	Zip Code 33914-	Telephone Number (include area code) 2394641644	E-Mail Address (if available)	
Address: 1813 EL DORADO PARKWAY WEST												
City CAPE CORAL	State or Country (if foreign address) FL	Zip Code 33914-										
Telephone Number (include area code) 2394641644	E-Mail Address (if available)											
4. Local program origination and main studio. The applicant certifies that it qualifies for a point under both the local program origination and the main studio criteria.			<input checked="" type="radio"/> Yes <input type="radio"/> No									
5. Diversity of ownership. The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.			<input checked="" type="radio"/> Yes <input type="radio"/> No									
6. Tribes or Tribal organizations. The applicant certifies it is a Tribe proposing to locate its transmitting antenna site on its Tribal Lands, or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.			<input type="radio"/> Yes <input checked="" type="radio"/> No									

Section IV - Involuntary Time-Share Information

New station and major change applicants must complete the following questions.

This information will be used only for selection among mutually exclusive applications for new LPFM stations and major modification of authorized LPFM stations and only in the event that two or more applications are tied after the point analysis. See 47 C.F.R. Section 73.872.

1. **Established Community Presence:** Provide the date on which the applicant qualified 12/7/2000 (mm/dd/yyyy) as local. See 47 C.F.R. Section 73.853(b).

Applicant certifies that it has remained local at all times since this date.

☒ Yes ☐ No

Section V - Certification

The applicant certifies that the statements in this application are true, complete, and correct to the best of its knowledge and belief, and are made in good faith.

The applicant acknowledges that all certifications and attached Exhibits are considered material representations.

The applicant acknowledges that the submission of false or misleading statements will subject the applicant to fines, revocation of license(s), and applicable criminal penalties.

The applicant hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by licensee or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing ROGER LUCAS	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 11/13/2013

Section VI - LPFM Engineering, Tech Box

TECHNICAL SPECIFICATIONS

Applicants must list technical specifications accurately. Contradictory data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1. Channel: 299
2. Antenna Location Coordinates: (NAD 27)
Latitude:
Degrees 26 Minutes 33 Seconds 0.6 <input checked="" type="radio"/> North <input type="radio"/> South

Longitude	
Degrees 82 Minutes 0 Seconds 45.2 <input checked="" type="radio"/> West <input type="radio"/> East	
3. Antenna Structure Registration Number: <input checked="" type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA	
4. Antenna Location Site Elevation Above Mean Sea Level: 2 meters	
5. Overall Tower Height Above Ground Level: 37 meters	
6. Height of Radiation Center Above Ground Level: 37 meters	
7. Power and height limitations. By checking "Yes", the applicant acknowledges that it will be authorized to operate within the parameters defined in 47 C.F.R. Section 73.811 as calculated based on the data specified herein.	<input checked="" type="radio"/> Yes <input type="radio"/> No

An explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

8. a. Interference. The applicant certifies that the proposed facility complies with all pertinent distance separation requirements of 47 C.F.R. Section 73.807.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 11]
Note: New station applications that fail to meet all of the co-channel and first-adjacent channel separation requirements set forth in 47 C.F.R. Section 73.807 will be returned and will not be provided an opportunity to file a curative amendment.	
An applicant seeking a waiver of second-adjacent channel minimum distance separation requirements must submit an exhibit demonstrating that the proposed station operations will not result in interference to any authorized radio service. See instructions for additional information.	
b. Interference to Translator or Booster Input Signals. The applicant certifies that the proposed facility complies with all pertinent requirements of 47 C.F.R. Section 73.827(a).	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 12]
Note: Where Section 73.827(a) is applicable, an applicant must certify that the proposed facility complies with the distance separation requirements set forth in that section or demonstrate that "no actual interference" would occur based on either the signal strength ratio showing or minimum distance separation formula set forth in 47 C.F.R. Section 73.827(a) or an alternative technical arrangement agreed to by both the applicant and the affected FM translator or FM booster station.	
9. TV Channel 6 Interference (Channel 201-220). The applicant certifies that the proposed facility complies with 47 C.F.R. Section 73.825.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 13]
10. National Environmental Policy Act. The applicant certifies, based on its completion of Worksheets 2 and 3 and its review of the instructions to this application, that the proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the attached General Environmental and RF Exposure Worksheets, an Exhibit is required.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 14]

THE FOLLOWING PREPARER'S CERTIFICATION MUST BE COMPLETED AND SIGNED.

PREPARER'S CERTIFICATION

I certify that I have prepared Section V (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name WILLIAM T. GODFREY, JR		Relationship to Applicant (e.g., Consulting Engineer) CONSULTING ENGINEERS	
Signature		Date 11/13/2013	
Mailing Address KESSLER AND GEHMAN ASSOCIATES, INC. 507 NW 60TH STREET, SUITE C			
City GAINESVILLE		State or Country (if foreign address) FL	Zip Code 32607-2055
Telephone Number (include area code) 3523323157		E-Mail Address (if available) BILL@KESSLERANDGEHMAN.COM	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 2

Description: EDUCATIONAL OBJECTIVES

THE APPLICANT IS A FLORIDA NONPROFIT CORPORATION, INCORPORATED IN 2000. A COPY OF ITS ARTICLES OF INCORPORATION IS ATTACHED.

ITS EDUCATIONAL OBJECTIVES INCLUDE THE FOLLOWING:

- 1. TO PROVIDE RELIGIOUS INSTRUCTION AND MORAL TEACHING.**
- 2. TO TEACH PARENTS AND CHILDREN PRINCIPLES FOR STRENGTHENING THE HOME.**
- 3. TO HELP MEMBERS OF THE COMMUNITY DISCOVER SOLUTIONS TO THE PERSONAL, SOCIAL, RELATIONAL AND HEALTH PROBLEMS TYPICAL OF CONTEMPORARY TIMES.**
- 4. TO PROVIDE OPPORTUNITY FOR AND TO PROMOTE DISCUSSION OF ALL AREAS OF FAMILY, CONTEMPORARY SOCIAL, RELIGIOUS AND PERSONAL LIFE ISSUES.**
- 5. TO TEACH THE IDEALS OF CITIZENSHIP, INTEGRITY, PERSONAL RESPONSIBILITY, MORAL RECTITUDE AND SPIRITUAL MATURITY.**

TO FURTHER THOSE EDUCATIONAL OBJECTIVES, THE APPLICANT PROPOSES TO PRESENT A VARIETY OF PROGRAMMING TO INFORM, ENTERTAIN, STIMULATE AND EDUCATE THE AUDIENCE

IN CAPE CORAL AND THE SURROUNDING PROPOSED SERVICE AREA. THE PROGRAMMING WILL BE DIRECTED TO LISTENERS OF ALL BACKGROUNDS AND AGES IN AN EFFORT TO INSTILL A SENSE OF HARMONY AND COOPERATION AMONG ALL MEMBERS OF THE COMMUNITY.

SUBJECT MATTER COVERED BY PROGRAMMING WILL INCLUDE FAMILY DEVELOPMENT, CHILD REARING AND EDUCATION, HEALTH INFORMATION AND RELIGION. PROGRAMS WILL BE DEVELOPED AND SELECTED SO AS TO BE RESPONSIVE TO THE NEEDS AND INTERESTS IN THE PROPOSED SERVICE AREA.

Attachment 2

Description

Articles of Incorporation

Exhibit 10

Description: ESTABLISHED COMMUNITY PRESENCE

Attachment 10

Exhibit 11

Description: INTERFERENCE

THE APPLICANT CERTIFIES THAT THE PROPOSED FACILITY COMPLIES WITH ALL PERTINENT DISTANCE SEPARATION REQUIREMENTS OF 47 C.F.R. SECTION 73.807. PLEASE SEE ATTACHED ENGINEERING TECHNICAL STATEMENT AND SUPPORTING EXHIBITS.

Attachment 11

Description

Engineering Technical Statement and Supporting Exhibits

Exhibit 14

Description: NATIONAL ENVIRONMENTAL POLICY ACT

THE APPLICANT CERTIFIES THAT THE PROPOSED FACILITY IS EXCLUDED FROM ENVIRONMENTAL PROCESSING UNDER 47 C.F.R. SECTION 1.1306. PLEASE SEE THE ENGINEERING TECHNICAL STATEMENT ATTACHED IN EXHIBIT 11 FOR VERIFICATION.

Attachment 14

FORM 318, EXHIBIT 2

ARTICLES OF INCORPORATION

Of

GET A LIFE! FOUNDATION, INC.

A NON-PROFIT CORPORATION

The undersigned incorporator, in order to form a non-profit corporation under the laws of the state of Florida, in compliance with Chapter 617, F.S., adopt the following Articles of Incorporation:

ARTICLE I

The name of the corporation is:

GET A LIFE! Foundation, Inc.

ARTICLE II

The principal place of business and mailing address of the corporation shall be:

13367 NW 14th Street

Pembroke Pines, FL 33028

ARTICLE III

The purpose for which the corporation is organized is to promote optimal spiritual, physical, and emotional well-being according to Biblical principles with the goal of helping existing churches develop and grow their

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SECRETARY OF STATE
TALLAHASSEE, FLORIDA

congregations, helping newly forming churches develop the necessary infrastructure to support growth and nurture of their congregations, and helping the public at large to strive for a higher quality of spiritual life.

This corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

ARTICLE IV

The manner in which the Directors of the corporation will be elected or appointed shall be stated and set forth in the by-laws.

ARTICLE V

The number of initial directors of the corporations is three (3). Their names and address are as follows:

Roger P. Lucas, Ph.D.

13367 NW 14th Street

Pembroke Pines, FL 33028

Teresa L. Lucas, R.N.

13367 NW 14th St.

Pembroke Pines, FL 33028

Simon Witter, M.D.

11641 Spoonbill Lane

Fort Myers, FL 33913

ARTICLE VI

The initial registered agent and street address of the registered agent of the corporation is:

Teresa L. Lucas

13367 NW 14th Street

Pembroke Pines, FL 33028

ARTICLE VII

The name and address of the incorporator of the corporation is:

Roger P. Lucas

13367 NW 14th Street

Pembroke Pines, FL 33028

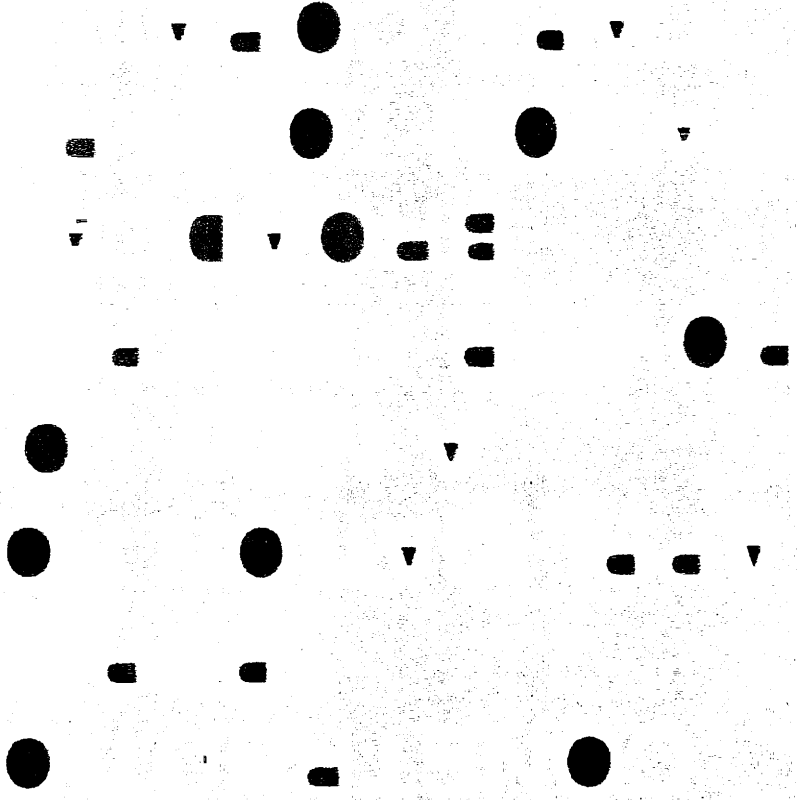
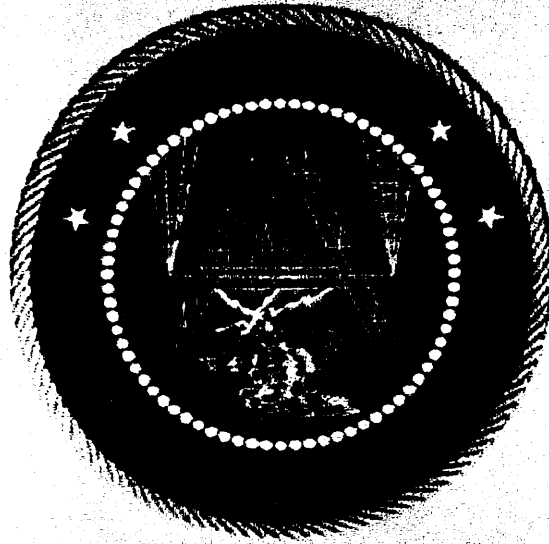
ARTICLE VIII

Additional provisions for the operation of the corporation are as follows:

Upon the dissolution of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or shall be distributed to the federal government, or to a state or local government, for a public purpose.

No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Section 501(h) of the Internal Revenue Code), and this corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of, or in opposition to, any candidate for public office.

FORM 318, EXHIBIT 11



Prepared For:

• Get A Life! Foundation

• 1813 El Dorado Parkway West

Cape Coral, FL 33914-7614

Prepared By:

William T. Godfrey, Jr.

Engineering Associate

Kessler & Gehman Associates

507 NW 60th Street, Suite C

Gainesville, FL 32607-2055

352-332-3157 Extension 4

bill@kesslerandgehman.com

www.kesslerandgehman.com

Prepared On:

November 13, 2013

Proposed Parameters:

Channel: 299 (107.7 MHz)
ERP: 67 W
HAAT: 37.3 m
Waiver: No
Antenna: Omni
Terrain: 3 Arc Second

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1.0 PURPOSE OF LPFM APPLICATION

Get A Life! Foundation, Inc. (GALF) is incorporated under the laws of the State of Florida as a non-profit corporation. The specific objectives and purposes of GALF are to refer church members of all faiths, church leaders of any denomination, and the community to resources related to Biblical principals and issues with respect to physical, emotional and spiritual health. GALF sponsors seminars and workshops open to church members of all faiths, church leaders of any denomination, and the public, where ideas about physical, emotional and spiritual health according to Biblical principals and related issues are expressed and shared with others. GALF also sponsors seminars and workshops open to church leaders of any denomination, and any other interested persons, wherein leaders are trained in principles of church growth and discipleship.

GALF shall use the proposed Low Power FM (LPFM) station to provide the community with many educational programs such as spiritual topics of prayer, the Cross of Jesus, the power of the Holy Spirit, the person and ministry of Jesus Christ and subjects related to how Bible studies are conducted. The proposed LPFM station will broadcast educational programming that will promote physical, emotional and spiritual well-being according to Biblical principals as well as issues relating to churches and to the community. In addition to religious programming, health education programming, music programming and children's stories, GALF also plans to use the LPFM station to provide outreach programs to encourage members to get involved with the needs of the community. GALF pledges to operate the proposed LPFM station a minimum of 12 hours a day, utilizing a minimum of 8 hours a day for local programming.

2.0 STATION TRANSMITTER AND STUDIO LOCATION

The proposed transmitter site shall be located on the church property (Seventh-day Adventist Church of Cape Coral) in walking distance of the studio, which shall be located inside the church. The antenna shall be mounted at the top level of a new 120 ft above ground level (AGL) tower. The studio's physical address and the transmitter site's geographical coordinates are:

2.1 **Studio Site Physical Address**

The studio and transmitter shall be located at the following physical address:

1813 El Dorado Parkway West
Cape Coral, FL 33914-7614

2.2 **Transmitter Site Geographic Coordinates (NAD27)**

The following North American Datum 27 (NAD 27) coordinates identify the location of the proposed LPFM antenna site:

N. Latitude 26° 33' 00.6"
W. Longitude 082° 00' 45.2"

See Appendix A (NAD83 to NAD27 Conversion)

2.3 **Antenna Structure Registration (ASR) – NOT REQUIRED**

The antenna support structure that will mount the proposed LPFM antenna shall be a 120 ft AGL tower which will be located less than 500 feet from the studio site. GALF has reasonable assurance that it can build the tower at the proposed site. An Antenna Structure Registration (ASR) is not required since there are no airports within 8 kilometers (5 miles) of the proposed site as demonstrated from the FCC's TOWAIR program depicted in Appendix B of this report.

3.0 **ANTENNA AND SITE ELEVATIONS (Rounded on 318 Form)**

3.1 **Height of Site AMSL**

6.6 ft / 2.0 m

3.2 **Overall Height of Structure AGL**

120.0 ft / 36.6 m

3.3 **Overall Height of Structure AMSL**

126.6 ft / 38.6 m

3.4 **Antenna Height Radiation Center AGL**

120.0 ft / 36.6 m

3.5 **Antenna Height Radiation Center AMSL**

126.6 ft / 38.6 m

3.6 **Antenna Height Above Average Terrain (HAAT) – 3 Second Terrain**

122.2 ft / 37.3 m (Refer to Appendix C for HAAT Calculations)

4.0 **LPFM EFFECTIVE RADIATED POWER**

Pursuant to 47 C.F.R. Section 73.811(a) – Maximum Facilities: LPFM stations will be authorized to operate with maximum facilities of 100 watts Effective Radiated Power (ERP) at an antenna Height Above Average Terrain (HAAT) of 30 meters. An LPFM station with an antenna HAAT that exceeds 30 meters will not be permitted to operate with an ERP greater than that which would result in an F(50,50) 60 dBuV/m contour of 5.6 km. In no event will an ERP less than one watt be authorized. No facility will be authorized in excess of one watt ERP at 450 meters HAAT.

Since the calculated antenna HAAT is 37.3 m (7.3 m greater than 30.0 m AAT) as demonstrated in **Appendix C** of this document, the applicant proposes to operate with an ERP of 67 W, as calculated in Appendix D, in order to meet the LPFM maximum power and antenna height requirements pursuant to 47 C.F.R. Section 73.811(a) of the FCC Rules. The proposed antenna HAAT of 37.3 m and ERP of 67 W produces an F(50,50) 60 dBuV/m service contour of 5.6 km. Therefore, the proposed power and height combination meets the FCC's LPFM power and antenna height requirements pursuant to Section 73.811(a) and Section 73.811(b) of the FCC rules.

5.0 **FREQUENCY SEARCH PRESELECTION OVERVIEW**

5.1 **Channels Found With No Spacing Violations**

Pursuant to 47 C.F.R. Section 73.807 (Minimum Distance Separation between Stations) of the FCC Rules, the following table depicts a channel which is available for the assignment of an LPFM station at the proposed location:

ERP	Channel	Comments
67 W	299	Channel 299 (107.7 MHz) at the proposed location meets the minimum spacing requirements pursuant to 47 C.F.R. Section 73.807 of the FCC Rules.

5.2 **Channels Found Requiring a Second Adjacent Channel Waiver**

Not applicable – the proposed Channel 299 LPFM facility is fully-spaced with all stations; therefore, the table below is not applicable.

The following table displays the channels that are short spaced with existing second adjacent channel facilities but not with any co-channel or first adjacent channel facilities:

Channel	2 nd Adjacent Stations	Overlap (too close by)
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

6.0 **ALLOCATION ANALYSIS & 2nd ADJACENT CHANNEL WAIVER REQUEST**

Not Applicable - As indicated in Section 5, the channel available for an LPFM facility at the proposed site will not require a waiver of the second adjacent channel separations as allowable pursuant to Section 73.807(e)(1) of the FCC Rules.

6.1 **LPFM Spacing Study - 3 Second Terrain Data Used**

An LPFM station will not be authorized initially unless the minimum distance separations pursuant to Section 73.807 of the FCC Rules are met. **Appendix E** in this report depicts the results of a channel spacing study which demonstrates that the proposed LPFM facility complies with the distance separation requirements pursuant to Section 73.807 of the FCC Rules.

6.2 **Second Adjacent Channel Short Spacing - Waiver Not Required**

Not required – proposed station is fully spaced pursuant to Section 73.807 of the FCC Rules. Second adjacent waiver calculations are not included in **Appendix F** since the proposed channel is fully spaced.

7.0 INTERFERENCE TO TRANSLATOR OR BOOSTER INPUT SIGNALS

Pursuant to the requirements of 47 C.F.R. Section 73.827(a), **Appendix G** lists the following FM Boosters and FM Translator stations which are located within 10 km of the proposed Channel 299 LPFM site and are subject to potential third adjacent-channel interference to the reception of the FM Booster and FM Translator station's input channel from their parent station from the proposed LPFM facility:

FM Boosters

- NONE

FM Translators

- NONE

There are no FM Boosters or FM translators with third-adjacent (CH 296) input channels to the proposed LPFM facility (CH 299); therefore, the proposed LPFM facility will not cause interference to the input signals of surrounding FM translator and/or FM booster stations.

8.0 TELEVISION CHANNEL 6 (TV6) STATIONS

Channel 6 interference is not a factor for LPFM stations operating on channels 221 - 300 and therefore is not applicable to the application for further analysis.

9.0 AM STATION PROXIMITY

This rule part protects the operations of AM broadcast stations from nearby tower construction that may distort the AM antenna patterns. All parties holding or applying for Commission authorizations that propose to construct or make a significant modification to an antenna tower or support structure in the immediate vicinity of an AM antenna, or propose to install an antenna on an AM tower, are responsible for completing the analysis and notice process described in the FCC Rules, and for taking any measures necessary to correct disturbances of the AM radiation pattern, if such disturbances occur as a result of the tower construction or modification or as a result of the installation of an antenna on an AM tower. In

the event these processes are not completed before an antenna structure is constructed, any holder of or applicant for a Commission authorization is responsible for completing these processes before locating or proposing to locate an antenna on the structure, as described in the FCC Rules.

There are no AM stations within 3.2 km of the proposed coordinates as demonstrated in the FCC's AM Query Study below:

Search Parameters	
Search radius:	3.20 km
Center lat / lon:	N 26 33 0.60 W 82 0 45.20
Lower Frequency	530
Upper Frequency	1700
*** 0 AM Records within 3.20 km distance of 26° 33' 0.60 " N, 82° 0' 45.20" W ***	

10.0 INTERNATIONAL COORDINATION

The proposed LPFM facility is not within 320 km of an International border and therefore, does not require international coordination.

11.0 NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

11.1 General Environmental Requirements

The proposed support structure and antenna will not:

- Require high intensity white lighting.
- Is not located in an official designated wilderness area or wildlife preserve.
- Does not threaten the existence or habitat of endangered species.
- Does not affect districts, sites, buildings, structures or objects significant in American history, architecture, archaeology, engineering

or culture that are listed in the National Register of Historic Places or are eligible for listing.

- Does not affect Indian religious sites.
- Is not located in a floodplain
- Does not require construction that involves significant changes in surface features (e.g., wetland fill, deforestation or water diversion).

11.2 Radio Frequency Radiation (RFR) Compliance

The proposed Channel 299 LPFM facility will not have a significant environmental impact and complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments pursuant to §1.1307 of the FCC Rules and the FCC's Office of Engineering and Technology Bulletin 65, Edition 97-01 (OET-65).

The LPFM transmitter, transmission line and antenna system shall produce an ERP of 67 W (circular polarization). Assuming the maximum lobe of radiation were oriented directly toward the ground, the proposed LPFM facility's power density six feet above the ground would be 0.004 mW/cm². A power density of 0.004 mW/cm² equates to 0.37% of the Maximum Permissible Exposure (MPE) limits for Occupational/Controlled Exposure and 1.87% of the MPE limits for General Population/Uncontrolled Exposure authorized by the American National Standards Institute (ANSI). Since operation of the proposed LPFM facility will not exceed 5.0% of the MPE limit for Occupational/Controlled Exposure or General Population/Uncontrolled Exposure at any point on the ground, the proposed facility is not considered a "significant contributor" to the RF exposure environment pursuant to OET Bulletin 65, Edition 97-01. Therefore, contributions of exposure from other sources were not accounted for in this analysis. It is safe to conclude that the emissions will be insignificant and well within the maximum allowable requirements.

12.0 RADIO READING SERVICE

LPFM stations must satisfy the second-adjacent channel minimum distance separation requirements with respect to any third-adjacent channel FM station that, as of September 20, 2000, broadcasts a radio reading service via a subcarrier frequency pursuant to Section 73.807(a)(2) of the FCC Rules. Referring to **Appendix E** in this document, it can be seen that the proposed LPFM station satisfies the third-adjacent channel Radio Reading requirements pursuant to Section 73.807(a)(2) of the FCC Rules.

13.0 NOTIFICATIONS

The proposed facility is not within the affected areas of the following installations and stations pursuant to 73.1030 of the FCC Rules.

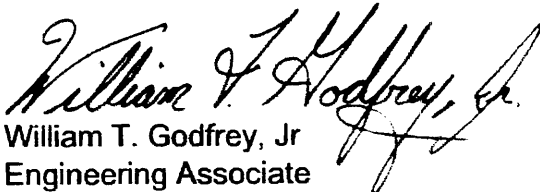
- 73.1030(a) National Radio Astronomy Observatory Quite Zone at Green Bank, WV.....**Okay**
- 73.1030(a) Arecibo Observatory, Puerto Rico, Radio Astronomy Coordination Zone.....**Okay**
- 73.1030(b) Table Mountain Quiet Zone, Boulder, CO.....**Okay**
- 73.1030(c) Monitoring Station at ALLEGAN, MI..... **Okay**
- 73.1030(c) Monitoring Station at ANCHORAGE, AK..... **Okay**
- 73.1030(c) Monitoring Station at BELFAST, ME..... **Okay**
- 73.1030(c) Monitoring Station at CANANDAIGUA, NY..... **Okay**
- 73.1030(c) Monitoring Station at DOUGLAS, AZ..... **Okay**
- 73.1030(c) Monitoring Station at FERNDALE, WA..... **Okay**
- 73.1030(c) Monitoring Station at VERO BEACH, FL..... **Okay**
- 73.1030(c) Monitoring Station at GRAND ISLAND, NE..... **Okay**
- 73.1030(c) Monitoring Station at KINGSVILLE, TX..... **Okay**
- 73.1030(c) Monitoring Station at LAUREL, MD..... **Okay**
- 73.1030(c) Monitoring Station at LIVERMORE, CA..... **Okay**
- 73.1030(c) Monitoring Station at POWDER SPRINGS, GA..... **Okay**
- 73.1030(c) Monitoring Station at SANTA ISABEL, PR..... **Okay**
- 73.1030(c) Monitoring Station at HONOLULU, OAHU, HI..... **Okay**

14.0 CONCLUSION

The engineering conducted and discussed in this report demonstrates that Channel 299 (107.7 MHz) is available for the proposed LPFM facility. The proposed LPFM facility is well within compliance on all regulatory matters and a construction permit should therefore be issued to GALF.

15.0 CERTIFICATION

This technical statement was prepared by William T. Godfrey, Jr., Engineering Associate with the firm Kessler and Gehman Associates, Inc. having offices in Gainesville, Florida, and has been working with the firm in the field of radio and television broadcast consulting since 1998. Mr. Godfrey was a graduate from the University of North Florida and a Distinguished Military Graduate from the University of Florida. As a Professional in the field of Telecommunications he states under penalty of perjury that the information contained in this report is true and correct to the best of his knowledge and belief.


William T. Godfrey, Jr.
Engineering Associate

Kessler and Gehman Associates, Inc.



Kessler and Gehman Associates
Consultants • Broadcast • Wireless

APPENDIX A – NAD83 TO NAD27 CONVERSION

Antenna Location Coordinates. The proposed antenna site must be specified using North American Datum 27 (NAD 27) coordinates. The latitude and longitude Coordinates for all points in the United States for this LPFM service are based upon the 1927 North American Datum (NAD 27). The National Geodetic Survey is in the process of replacing NAD 27 with the more accurate 1983 North American Datum (NAD 83) and updating current topographic maps. In addition, coordinates determined by use of the satellite-based Global Positioning System already reflect the NAD 83 datum. To prevent intermixing of data from these two sources, the Commission has announced that, until further notice, all LPFM applicants are to furnish coordinates based on NAD 27 datum on all submissions and the Commission will continue to specify NAD 27 coordinates in its data bases and authorizations.

Output from NADCON for station NAD83 to NAD27 Conversion

North American Datum Conversion

NAD 83 to NAD 27

NADCON Program Version 2.11

Transformation #: 1 Region: Conus

	Latitude	Longitude
NAD 27 datum values:	26 23 0.58411	82 00 45.22429
NAD 83 datum values:	26 23 1.86000	82 00 44.35000
NAD 27 - NAD 83 shift values:	-1.27589	0.67429 secs.
	-39.268	12.667 meters
Magnitude of total shift:		43.479 meters




[NCS HOME PAGE](#)

APPENDIX B – FCC TOWAIR Study

Antenna Structure Registration (ASR) filing determination was calculated from the FCC's structure registration tool:

<http://wireless2.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp>

Results: Structure does not require registration.


Federal Communications Commission

[Home](#) | [Search](#) | [Updates](#) | [Filing](#) | [Initiatives](#) | [For Consumers](#)

Antenna Structure Registration

FCC > [WTB](#) > [ASR](#) > [Online Systems](#) > TOWAIR

TOWAIR Determination Results

[New Search](#)
[Printable Page](#)

*** NOTICE ***

TOWAIR's findings are not definitive or binding, and we cannot guarantee that the data in TOWAIR are fully current and accurate. In some instances, TOWAIR may yield results that differ from application of the criteria set out in 47 C.F.R. Section 17.7 and 14 C.F.R. Section 77.13. A positive finding by TOWAIR recommending notification should be given considerable weight. On the other hand, a finding by TOWAIR recommending either for or against notification is not conclusive. It is the responsibility of each ASR participant to exercise due diligence to determine if it must coordinate its structure with the FAA. TOWAIR is only one tool designed to assist ASR participants in exercising this due diligence, and further investigation may be necessary to determine if FAA coordination is appropriate.

DETERMINATION Results

Structure does not require registration. There are no airports within 8 kilometers (5 miles) of the coordinates you provided.

Your Specifications

NAD83 Coordinates	
Latitude	26-33-01.9 north
Longitude	082-00-44.6 west
Measurements (Meters)	
Overall Structure Height (AGL)	36.6
Support Structure Height (AGL)	36.6
Site Elevation (AMSL)	2.0
Structure Type	
LTOWER - Lattice Tower	

APPENDIX C – Height Above Average Terrain (HAAT) Calculation

The Height Above Average Terrain (HAAT) was calculated using a 3-arc second terrain database; therefore, the applicant requests that the FCC also calculate the HAAT using 3 second terrain so that the applicant can operate with an ERP of 67 W. (See Appendix D for ERP calculation).

Results are as follows:

HAAT Calculation

Latitude: 26-33-00.60 N
Longitude: 082-00-45.20 W
Broadcast Type: ☐ TV ☒ FM
Number Of Radials: 8
Update Average Terrain
Average Terrain: 1.348 m
HAAT: 35.3 m
AMSL Height: 36.6 m

Transmitter Properties

Transmitter | Antenna | Info

Transmitter Parameters

Identification: LPFM
Latitude: 26-33-00.60 N
Longitude: 082-00-45.20 W
Frequency: 107.70 MHz
Channel: 299
FM Broadcast Mode: Analog
HAAT: 35.3 m Calc HAAT
ERP: 0.067 kW
Base Elevation: 2.00 m
Antenna Height AG: 36.6 m Calc GCP
Specify Xmitter Height AMSL
Get Elevation ☒ Auto
To Ref From Ref
Load From FCC Database
Class: Max L1
Print Transmitter Info
Property Files
Import
Export
Broadcast Type: ☒ TV ☐ DTV ☒ FM ☐ Other
Propagation Model: Don't Calculate Signal

APPENDIX D – FM Propagation Curves Calculation

The Effective Radiated Power (ERP) was calculated from the FCC's FM Propagation Curves Calculator tool:

<http://transition.fcc.gov/mb/audio/bickel/curves.html>

Results are as follows:

The screenshot shows the FCC's FM and TV Propagation Curves Calculator results page. At the top, there is a navigation bar with the FCC logo, the text 'Federal Communications Commission', and a breadcrumb trail: 'FCC > MB > Audio Division > FM and TV Curves Calculations'. A 'FCC site map' link is also present. The main heading is 'Results – FM and TV Propagation Curves Calculations'. Below this, the 'Results of Calculation' section displays 'Effective Radiated Power (ERP) = 0.067 kW' and 'Unrounded ERP = 0.067 kilowatts'. Two buttons are provided: 'Back to Numeric Entries' and 'Back to Initial Selections'. A section titled 'For input data from Pages 1 and 2:' lists the input parameters: HAAT entered = 37.30 meters, Distance entered = 5.640 kilometers, Field Strength entered = 60.000 dBu, and the calculation method: 'Find the ERP, given a Distance to the Contour and a Field Strength F(50,50) curves for service contours FM and NTSC analog TV Channels 2 through 6'. A 'NOTE' section follows, stating that while this ERP will produce the desired contour at the given distance for the given HAAT, the ERP / HAAT combination might not comply with the limits for the FM station class or be equivalent in terms of F(50, 50) service when compared to another ERP / HAAT. It suggests that equivalence may be evaluated by comparing the distances to the 60 dBu (1 mV/m) contour, using the F(50,50) curves.

FCC Federal Communications Commission
Audio Division
(202) 418-2700
FCC > MB > Audio Division > FM and TV Curves Calculations
FCC site map

Results – FM and TV Propagation Curves Calculations

Results of Calculation

Effective Radiated Power (ERP) = 0.067 kW

Unrounded ERP = 0.067 kilowatts

[Back to Numeric Entries](#) [Back to Initial Selections](#)

For input data from Pages 1 and 2:

HAAT entered = 37.30 meters
Distance entered = 5.640 kilometers
Field Strength entered = 60.000 dBu
Find the ERP, given a Distance to the Contour and a Field Strength
F(50,50) curves for service contours
FM and NTSC analog TV Channels 2 through 6

NOTE: While this ERP will produce the desired contour at the given distance for the given HAAT, please be aware that the ERP / HAAT combination might not comply with the limits for the FM station class or be equivalent in terms of F(50, 50) service when compared to another ERP / HAAT. Equivalence may be evaluated by comparing the distances to the 60 dBu (1 mV/m) contour, using the F(50,50) curves.

APPENDIX E – Channel 299 Spacing Study – 3 Second Terrain Data

Minimum separation requirements for LPFM stations are depicted in §73.807 of the FCC Rules. The proposed LPFM station is in compliance with the required co-channel, and first- and second-adjacent channel separations. The proposed LPFM station also meets the minimum separation requirements with respect to authorized FM translator stations, cutoff FM translator applications, and FM translator applications filed prior to the release of the Public Notice announcing the LPFM window period.

Kessler and Gehman Associates, Inc. Telecommunications Consulting Engineers LPFM Channel Study Get A Life Foundation							
REFERENCE				CLASS - L1		DISPLAY DATES	
26 33 00.6 N.				Current Spacings to 2nd Adj.		DATA	11-09-13
82 00 45.2 W.				Channel 299 - 107.7 MHz		SEARCH	11-09-13
Call	Channel	Location	Azi	Dist	FCC	Margin	
ALLO	USE	300C2 Coral Cove	FL 329.9	70.63	79.5	-8.9	
WSRZ-FM	LIC	300C2 Coral Cove	FL 326.2	80.27	79.5	0.8	
W299BJ	LIC	299D Naples	FL 149.4	43.66	25.5	18.2	
W298AV	LIC	298D Englewood	FL 326.7	55.92	20.5	35.4	
WCIW-LP	LIC	300L1 Immokalee	FL 103.9	61.05	13.5	47.6	
WFLU-LP	LIC	300L1 Miles City	FL 123.1	78.98	13.5	65.5	
W299AU	LIC	299D Zolfo Springs	FL 11.5	105.14	25.5	79.6	
W299AU	APP	299D Zolfo Springs	FL 11.5	105.14	25.5	79.6	
WEAT	LIC	300C1 West Palm Beach	FL 82.1	181.46	99.5	82.0	
WAMR-FM	LIC-D	298C1 Miami	FL 109.4	191.35	99.5	91.9	
ALLO	USE	298C1 Miami	FL 115.0	195.66	99.5	96.2	
ALLO	USE	300C1 West Palm Beach	FL 83.8	196.27	99.5	96.8	
Coordinates updated from LIC record BLH6033							
WXGL	LIC	297C1 St. Petersburg	FL 339.2	176.79	72.5	104.3	
W299AU	APP-D	298D Zolfo Springs	FL 23.2	128.87	20.5	108.4	
WMFM	CP	300C1 Key West	FL 166.3	213.57	99.5	114.1	
One Step Application							
ALLO	USE	300C1 Key West	FL 166.3	213.57	99.5	114.1	
One Step Application							
WWMA-LP	LIC	300L1 Avon Park	FL 21.9	128.88	13.5	115.4	
ALLO	USE	300C1 Key West	FL 174.4	222.44	99.5	122.9	
1571787	APP	299D Lake Wales	FL 13.7	160.20	25.5	134.7	
637651	APP	299D Lake Wales	FL 13.7	160.20	25.5	134.7	
WMGF	LIC	299C Mount Dora	FL 14.4	271.31	129.5	141.8	
ALLO	USE	299C Mount Dora	FL 14.4	271.47	129.5	142.0	
Coordinates updated from LIC record BLH870526KB							
1562850	APP	298D Lake Wales	FL 19.4	157.85	14.5	143.4	
All separation margins include rounding							

Radio Reading Service study for Channel 299 (3 Second Terrain Data)

LPFM stations must satisfy the second-adjacent channel minimum distance separation requirements with respect to any third-adjacent channel FM station that, as of September 20, 2000, broadcasts a radio reading service via a subcarrier frequency. WCKT-FM (below) is a 3rd adjacent station that does not provide a Radio Reading Service and therefore is not protected on its 3rd adjacent channel pursuant to Section 73.807(a)(2).

Kessler and Gehman Associates, Inc. Telecommunications Consulting Engineers LPFM Channel Study Radio Reading Service Spacing Study						
REFERENCE			CLASS = L1		DISPLAY DATES	
26 33 00.6 N.			Current Spacings to 3rd Adj.		DATA 11-09-13	
82 00 45.2 W.			Channel 299 - 107.7 MHz		SEARCH 11-09-13	

Call	Channel	Location	Azi	Dist	FCC	Margin

WCKT	LIC 296C2	Lehigh Acres	FL 139.1	34.28	52.5	-13.2
ALLO	USE 296C2	Lehigh Acres	FL 120.9	39.22	52.5	-13.3
ALLO	USE 300C2	Coral Cove	FL 329.9	70.63	79.5	-8.9
WSRZ-FM	LIC 300C2	Coral Cove	FL 326.2	80.27	79.5	0.8
W299BJ	LIC 299D	Naples	FL 148.4	43.66	25.5	13.2
W298AV	LIC 298D	Englewood	FL 326.7	55.92	20.5	35.4
1550772	APP 296D	Port Charlotte	FL 355.5	48.20	7.5	40.7
1568863	APP 296D	Port Charlotte	FL 355.5	48.20	7.5	40.7
WCIW-LP	LIC 300L1	Immokalee	FL 103.9	61.05	13.5	47.6
WFLU-LP	LIC 300L1	Miles City	FL 123.1	78.98	13.5	65.5
W299AU	LIC 299D	Zolfo Springs	FL 11.5	105.14	25.5	79.6
W299AU	APP 299D	Zolfo Springs	FL 11.5	105.14	25.5	79.6
WEAT	LIC 300C1	West Palm Beach	FL 82.1	191.46	99.5	82.0
WAMR-FM	LIC-D 298C1	Miami	FL 109.4	191.35	99.5	91.9
ALLO	USE 298C1	Miami	FL 115.0	195.66	99.5	96.2
ALLO	USE 300C1	West Palm Beach	FL 83.8	196.27	99.5	96.8
Coordinates updated from LIC record			BLH6033			
WXGL	LIC 297C1	St. Petersburg	FL 339.2	176.79	72.5	104.3
W299AU	APP-D 298D	Zolfo Springs	FL 23.2	128.87	20.5	108.4
WMFM	CP 300C1	Key West	FL 166.3	213.57	99.5	114.1
One Step Application						
ALLO	USE 300C1	Key West	FL 166.3	213.57	99.5	114.1
One Step Application						
WWMA-LP	LIC 300L1	Avon Park	FL 21.9	128.88	13.5	115.4
ALLO	USE 300C1	Key West	FL 174.4	222.44	99.5	122.9
1571787	APP 299D	Lake Wales	FL 13.7	160.20	25.5	134.7
637651	APP 299D	Lake Wales	FL 13.7	160.20	25.5	134.7
WMGF	LIC 299C	Mount Dora	FL 14.4	271.31	129.5	141.8
ALLO	USE 299C	Mount Dora	FL 14.4	271.47	129.5	142.0
Coordinates updated from LIC record			BLH870526KB			
1562850	APP 298D	Lake Wales	FL 19.4	157.85	14.5	143.4
WAOA-FM	LIC 296C1	Melbourne	FL 35.9	218.34	72.5	145.8

All separation margins include rounding						

APPENDIX F - SHORT SPACING WAIVER CALCULATIONS

Short Spacing Undesired-to-Desired Ratio Calculation to second-adjacent channel facility: **N/A – Proposed LPFM station is fully spaced**

APPENDIX G – TRANSLATOR AND BOOSTER PROXIMITY

The proposed transmitter site proximity to FM boosters and translators was determined using the FCC's FMQuery tool:

<http://www.fcc.gov/encyclopedia/fm-query-broadcast-station-search>

Results are as follows:

Boosters within 10km of the proposed LPFM transmitter site: 0

Search Parameters	
Service:	FB
Search radius:	10.00 km
Center lat / lon:	N 26 33 0.60 W 82 0 45.20
Lower Channel	200
Upper Channel	300
*** 0 FM Records within 10.00 km distance of 26° 33' 0.60 " N, 82° 0' 45.20" W ***	

Translators within 10km of the proposed LPFM transmitter site: 0

Search Parameters	
Service:	FX
Search radius:	10.00 km
Center lat / lon:	N 26 33 0.60 W 82 0 45.20
Lower Channel	200
Upper Channel	300
*** 0 FM Records within 10.00 km distance of 26° 33' 0.60 " N, 82° 0' 45.20" W ***	

EXHIBIT B

Federal Communications Commission Applications

Account number: 778009

Errors:

You already have an amendment prepared for this application. You may not file more than one amendment to an application on the same day. To start another amendment for this application, either Delete the existing ('READY') amendment or prepare a new amendment on the next official business day.

[Modify](#)

[Return to Menu](#)

EXHIBIT C

FORM 318, EXHIBIT 10

DECLARATION OF ROGER LUCAS

I am the founder, President and member of the board of directors of Get a Life! Foundation, Inc., applicant for a new low power FM station at Cape Coral, Florida.

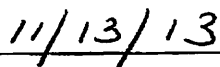
Get a Life! Foundation was formed on December 7, 2000, and has maintained its headquarters within 20 miles of the antenna site for the proposed station continuously since that date.

At all times during the two-year period prior of the filing of our application, all of the members of the board of directors of the applicant corporation have resided within 20 miles of the antenna site for the proposed station.

The foregoing is true to the best of personal knowledge and belief, and is given under the penalty of perjury.



Roger Lucas



Date

APPENDIX 2



**Federal Communications Commission
Washington, D.C. 20554**

February 6, 2014

DA 14-145
In Reply Refer To:
1800B3-PPD

Mr. Eric Huang
Chinese Culture and Art Heritage Foundation
1654 46th Avenue
San Francisco, CA 94122

**In Re: Application for Construction Permit
for a Low Power Broadcast FM
Station**

New-LP, San Francisco, CA
Facility ID Number: 92984
Chinese Culture and Art Heritage
Foundation
File Numbers: BNPL-20140130ADE
and BNPL-20140130ADK

Dear Mr. Huang:

This letter concerns the Chinese Culture and Art Heritage Foundation's ("CCAHF") Form 318 application for a construction permit for a low power broadcast FM ("LPFM") station in San Francisco, CA, File No. BNPL-20140130ADE ("LPFM Application") and CCAHF's amended Form 318 application, BNPL-20140130ADK ("Amendment"). For the reasons discussed below, the Media Bureau ("Bureau") will accept the LPFM Application as timely filed, but will return the Amendment.

Following the close of the LPFM window on November, 15, 2013,¹ CCAHF contacted the Bureau to request the acceptance of the LPFM Application and Amendment. CCAHF contends that it had successfully filed an application on November 14, 2013 ("November Application"). It also claims that it attempted to amend the November Application on November 15, 2013, by first deleting the November Application and then creating and filing a replacement application ("Amended Application") which incorporated the amendment. CCAHF was unable to complete and file the Amended Application prior to the close of the LPFM window.

The Bureau's internal Consolidated Database System's ("CDBS") records confirm that the Bureau timely received the November Application.² The Bureau has also confirmed that due to CDBS limitations, the November Application could not be routinely amended on November 15, 2013. In these circumstances, CCAHF's only option for amending the November Application on the last day of the LPFM window was to create and file a replacement application and delete the November Application.

¹ See *Media Bureau Extends Low Power FM Filing Window*, Public Notice, 28 FCC Rcd 15763 (2013).

² According to the Bureau's CDBS records, the November Application was assigned the file number 20131114BQQ.

Because there is clear evidence the November Application had been timely filed, the Bureau accepted the LPFM Application on January 30, 2014.³

However, there is no evidence that the Amendment, which the Bureau also provisionally accepted on January 30, 2014, was timely filed. Accordingly, the Amendment will be returned. We note, though, under the rules, LPFM applicants are now allowed to file minor amendments to their Form 318 applications.⁴ Accordingly, CCAHF may resubmit the Amendment, but CCAHF may not rely on any post-window amendment to improve its comparative qualifications.⁵

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

³ The LPFM Application will be reassigned its original file number in the near future.

⁴ See *Media Bureau Provides Further Guidance on the Processing of Form 318 Applications Filed in the LPFM Window*, Public Notice, 28 FCC Rcd 16366 (2013).

⁵ See Instructions for FCC Form 318, Section IIIA.

CERTIFICATE OF SERVICE

I, Donald E. Martin, hereby certify this 29th day of December, 2014, that I have caused a copy of the foregoing document to be served by United States first class mail upon the following (the applicants in LPFM MX Group 83):

Foothills Public Radio, Inc.
3017 SE 17th Place
Cape Coral, Florida 33904

Dunbar Gospel Association of Southwest Florida
3155 Edison Avenue
Fort Myers, Florida 33916

Fort Myers Community Broadcasters, Inc.
14300 Riva Del Lago Drive, Unit 2005
Fort Myers, Florida 33907

Gulf Harbor Public Radio, Inc.
14561 Dory Lane
Fort Myers, Florida 33908


Premier International Cares, Inc.
2055 Central Avenue
Fort Myers, Florida 33901

Restoration Center, Inc.
2311 Williams Drive
Fort Myers, Florida 33901

Peter Doyle, Esquire *
Chief, Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

James Bradshaw *
Deputy Chief, Audio Division, Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

* Served by electronic mail.


Donald E. Martin