

RE: Request of Equinox Broadcasting Corporation
For Reconsideration of The Dismissal of:
FCC File No., BNPFT-20030829AEK
Application for a New FM Translator Station
for Endwell, NY (Facility ID# 141544)

To: Robert Gates, Engineer

REQUEST FOR RECONSIDERATION

'Equinox Broadcasting Corporation' ("EBC"), the applicant for a new FM translator station on Channel 296 at Endwell, New York, requests reconsideration of its dismissal of the above-referenced application. As mentioned below, EBC is amending the application to address any technical deficiencies. As the Commission is aware, on August 29, 2003, EBC filed a Long Form application (part of the FM Translator Auction No. 83 Non-Mutually Exclusive Applications list, June 30, 2003) on FCC Form 349 for a new FM translator station on Channel 296 at Endwell, New York. An error in the CDBS system caused all of the exhibits in Section III-A of Form 349 to not display in the CDBS Public Access system. These exhibits are viewable if one goes into the EBC CDBS account (CDBS account # 865986) and looks under the title "LF WCDW TRANSLATOR, ENDWELL, NY 107.1" which was filed on 8/29/2003 at 4:39AM. On April 30, 2004, the Commission notified EBC that it was dismissing the application. The Commission's letter noted that its review of the application revealed that it is in violation of Section 74.1204(a) of the Commission's Rules with respect to the licensed facilities of second-adjacent channel station WBBI, Endwell, New York. Section 74.1204(a) of the Commission's rules states that an application for an FM translator station will not be accepted if the proposed operation would involve prohibited overlap of predicted field strength contours with any other authorized station. Section 74.1204(d) of the Commission's Rules provides an exception to the above assuming an application can demonstrate that no interference will occur due to intervening terrain, lack of population, or such other factors as may be applicable. A Section 1204(d) study was one of the missing exhibits noted above. An amendment containing the missing exhibits along with a minor change has been included to show that there is an absence of population within the interference contour, that contour which is 40 db below the appropriate contour (of WBBI) that overlaps the proposed site for this translator. EBC will show, using a recently revised topographic map, that there is no population within the interference contour of this proposed translator. Accordingly, with the amendment to the above-referenced application, the Commission's technical requirements should be satisfied. Equinox Broadcasting Corporation respectfully requests reconsideration of the Commission's action dismissing the Endwell FM translator application and its acceptance.

Sincerely,

Kevin Fitzgerald,
Equinox Broadcasting Corp. Technical Consultant
Dated: May 28, 2004

