

Sterling Communications, Inc.

219 Dodd Road
Ringgold, Georgia 30736
(706) 965-2355

April 22, 2004

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

RE: K221DH (BPFT-20040116AFV) VCY America, Inc.

Dear Ms. Dortch:

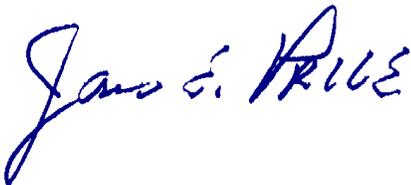
Please find enclosed an original and four copies of a request for a Petition for Reconsideration for a translator in Ripon, WI.

Please stamp and return the copy of page one of this request labeled "Stamp & Return Copy". A self-addressed postage prepaid envelope is enclosed.

If you or any members of your staff have any questions regarding the instant request, please contact the undersigned directly.

Thank you for your cooperation in this matter.

Sincerely,
STERLING COMMUNICATIONS, INC.

A handwritten signature in blue ink that reads "James E. Price". The signature is written in a cursive, flowing style.

James E. Price
Technical Consultant

JEP/mlc

Enclosures
cc: Vic Eliason, Vice-President

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

In the Matter of)
VCY America, Inc.)
Petition for Reconsideration of)
Dismissal of)
Application For Minor Change)
K221DH Ripon, WI)
TRANSLATOR BPFT-20040116AFV)

PETITION FOR RECONSIDERATION

April 22, 2004

To the Associate Chief, Audio Division Media Bureau

I. INTRODUCTION

1. By letter dated April 21, 2004, the Commission dismissed the application of VCY America, Inc. for a minor change in an FM Translator at Ripon, Wisconsin.

The letter stated that the application was in violation of Section 74.1235(b) of the Commission's Rules which states that 80 watts is the maximum allowable ERP for FM translators located East of the Mississippi River with an antenna height above average terrain (HAAT) from 48 to 57 meters. The letter states that because the proposal is for an ERP of 89 Watts at an HAAT of 53 meters on the 300 degree azimuth, the application will be dismissed.

II. BACKGROUND

2. The Ripon, Wisconsin, application was filed as a minor change on January 16, 2004. The applicant did not seek any changes in the authorized ERP or HAAT of the station. The applicant sought to change from a two-bay horizontal-only polarization to a single bay circularly polarized antenna system. The translator is grandfathered per §74.1235(j) of the Rules. §74.1235(j) states that "FM translator stations authorized prior to June 1, 1991, with facilities that do not comply with the ERP limitation of paragraph (a) or (b) of this section, as appropriate, may continue to

PETITION FOR RECONSIDERATION, Cont'd

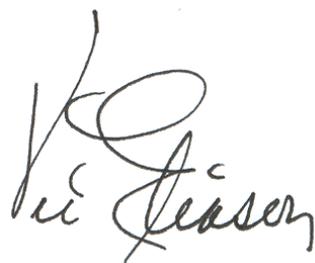
operate, provided that operation is in conformance with §74.1203 of this part regarding interference. Applications for major changes in FM translator stations must specify facilities that comply with paragraph (a) or (b) of this section, as appropriate." The translator has been operational since 1988 as per file BLFT-19880817TC.

III. DISCUSSION

3. The Ripon, Wisconsin application is in compliance with §74.1235(j) of the Rules and no violation has occurred.

4. Therefore, for the reasons shown, it is respectfully requested that the application of VCY America, Inc. for a minor change FM Translator to continue to serve the community of Ripon, Wisconsin (BPFT-20040116AFV) be reinstated "nunc pro tunc" in the Commission's processing line. Since the original filing of the minor change application, the applicant, Ripon Baptist Church, Inc., has assigned control of K221DH to VCY America, Inc., see attached file BALFT-20040304ACP. The Assignment was granted on April 15, 2004.

Respectfully Submitted,

A handwritten signature in black ink that reads "Vic Eliason". The signature is written in a cursive style with a large, stylized initial "V".

Vic Eliason
Vice President
VCY America, Inc.

April 22, 2004

**UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

(FOR CHIEF, AUDIO DIVISION, MEDIA BUREAU)

DATE: 04/15/2004

<input checked="" type="checkbox"/> CONSENT TO ASSIGNMENT: <input type="checkbox"/> CONSENT TO TRANSFER:	FROM: RIPON BAPTIST CHURCH, INC. <hr/> TO: VCY AMERICA, INC.
Licensee/Permittee: (for transfer only)	

<u>CLASS</u>	<u>SIGN</u>	<u>CALL</u> <u> </u>	<u>FACILITY</u> <u> </u>	<u>ID</u>	<u>FILE#</u>	<u>STATION</u>	<u>LOCATION</u>	<u>AUXILIARY</u> <u>STATIONS</u>
FX	K221DH		56488	BALFT-20040304ACP	RIPON, WI			ALL CURRENTLY AUTHORIZED AUXILIARY STATIONS

Under authority of the Communications Act of 1934, as amended, the consent of the Federal Communications Commission is hereby granted to the transaction indicated above.

The Commission's consent to the above is based on the representations made by the applicants that the statements contained in, or made in connection with, the application are true and that the undertakings of the parties upon which this transaction is authorized will be carried out in good faith.

The actual consummation of voluntary transactions shall be completed within 90 days from the date hereof, and notice in letter form thereof shall promptly be furnished to the Commission by the buyer showing the date the acts necessary to effect the transaction were completed. Upon furnishing the Commission with such written notice, this transaction will be considered completed for all purposes related to the above described station(s).

FCC Form 323, Ownership Report, must be filed within 30 days after consummation, by the licensee/permittee or assignee.

ADDITIONAL REQUIREMENTS FOR ASSIGNMENTS ONLY:

Upon consummation the assignor must deliver the permit/license, including any modifications thereof to the assignee.

It is hereby directed that, upon consummation, a copy of this consent be posted with the station authorization(s) as required by the Commission's Rules and Regulations.

It is hereby directed that, upon consummation, a copy of this consent be posted with the station authorization(s) as required by the Commission's Rules and Regulations.

The assignee is not authorized to construct nor operate said station(s) unless and until notification of consummation in letter form has been forwarded to the Commission.

FEDERAL COMMUNICATIONS COMMISSION

445 12th Street, SW
Washington, DC 20554
APR 21 2004

MEDIA BUREAU
OFFICE OF BROADCAST LICENSE POLICY
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV/MB/AUDIO/

PROCESSING ENGINEER: WILLIAM H. WILSON, JR.
TELEPHONE: (202) 418-2797
MAIL STOP: 1800B3
E-MAIL: William.Wilson@FCC.GOV
FACSIMILE: (202) 418-1410

James E. Price
Sterling Communications, Inc.
219 Dodd Road
Ringgold, GA 30736

In re: K221DH Translator, Ripon, WI
Ripon Baptist Church
BPFT-20040116AFV
Facility ID: 56488

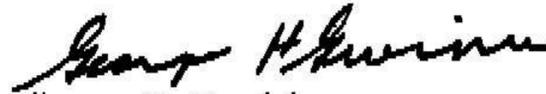
Dear Mr. Price:

This refers to the above-captioned application for minor changes to Translator K221DH at Ripon, WI.

Effective Radiated Power (ERP) Violation. Our study reveals that the application violates 47 C.F.R. § 74.1235(b). Specifically, the rule states that the maximum allowable ERP is determined for each of the twelve distinct radials spaced 30° apart starting at 0° based on the height above average terrain (HAAT) for the appropriate location of the translator; and that 80 watts is the maximum allowable ERP for FM translators located East of the Mississippi River with a HAAT from 48 meters to 57 meters. The proposal is for an ERP of 89 watts at a HAAT of 53 meters on the 300 degree azimuth. Because the proposed ERP value exceeds the maximum allowable value, the application will be dismissed.

Application Dismissed. In light of the above violation, Application BPFT-20040116AFV is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

for 
James D. Bradshaw
Deputy Chief, Engineering
Audio Division
Media Bureau

cc: Ripon Baptist Church