



Federal Communications Commission
Washington, D.C. 20554

February 19, 2015

In Reply Refer to:
1800B3-ATS

Mr. William Berle
The Los Angeles Social Justice Radio Project
9120 Langdon Avenue, Suite 1
North Hills, CA 91343

In re: The Los Angeles
Social Justice Radio Project
New LPFM, Los Angeles, California
Facility ID No. 196949
File No. BNPL-20131114BHE

Petition for Reconsideration

Dear Mr. Berle:

We have before us the Petition for Reconsideration filed by The Los Angeles Social Justice Radio Project ("SJRP") seeking reconsideration of the Media Bureau ("Bureau") decision¹ dismissing its application for a new LPFM station at Los Angeles, California ("Application"). For the reasons set forth below, we deny the Petition.

Background. As discussed in the *Staff Decision*, Calvary Chapel of Costa Mesa, Inc., and KLVE-FM License Corp filed petitions to deny the Application on the grounds that SJRP lacked reasonable assurance of site availability because the proposed transmitter location was situated within the Chatsworth Nature Preserve, where local zoning rules would preclude the construction of a tower. SJRP responded that the coordinates identified in the Application were erroneous and filed an amendment on November 24, 2014, which identified a new location ("Revised Site") several hundred feet from the site identified in the Application. The Bureau rejected SJRP's explanation and found that SJRP had not demonstrated that: 1) the Revised Site was the site which it originally intended to identify in the Application, and 2) that it had reasonable assurance of site availability at the Revised Site at the time it filed the Application.²

In the Petition, SJRP explains that it discovered the Revised Site in September of 2014 and obtained permission from its owner, Richard Hill, to use the site for its proposed transmitter.³ SJRP provides a letter from Hill ("Hill Letter"), in which he confirms that he is the owner of the Revised Site and that he gave SJRP permission in September of 2014 to use the site for its proposed transmitter.⁴ Thus, SJRP argues that it has demonstrated that it had reasonable assurance of site availability.

Discussion. The Commission will consider a petition for reconsideration only when the petitioner shows either a material error in the Commission's original order, or raises additional facts, not

¹ *The Los Angeles Social Justice Radio Project*, Letter, Ref 1800B3-ATS (MB Jan. 13, 2015) ("*Staff Decision*").

² *Id.* at 3-4.

³ Petition at 2.

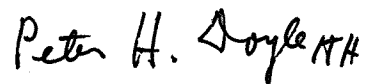
⁴ *Id.* at Attachment 1.

known or existing at the time of the petitioner's last opportunity to present such matters.⁵ SJRP fails to meet this burden.

SJRP's reliance on Hill's permission to use the Revised Site is misplaced because it was not obtained until September of 2014. SJRP was required to have reasonable assurance of site availability *at the time it filed the Application*, which was November of 2013.⁶ SJRP has not demonstrated that it had reasonable assurance of site availability at that point in time at either the Chatsworth Nature Preserve, which it identified in the Application, or at the Revised Site. Accordingly, we will deny the Petition.

Conclusion/Actions. Accordingly, for the reasons set forth above, IT IS ORDERED, that the Petition for Reconsideration filed on February 12, 2015, by The Los Angeles Social Justice Radio Project IS DENIED.

Sincerely,

A handwritten signature in black ink that reads "Peter H. Doyle" followed by a stylized set of initials "HH".

Peter H. Doyle
Chief, Audio Division
Media Bureau

⁵ See 47 C.F.R. § 1.106(c), (d). See also *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964), *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 387 U.S. 967 (1966).

⁶ *Light City Lighthouse, Inc.*, Letter, 28 FCC Rcd 441 (MB 2013) (reasonable assurance of site availability required at the time the initial application is filed); *Prophecy Media Group, LLC*, Letter 24 FCC Rcd 13607 (MB 2009) (same).