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

2012 NOV -7 A 6:04

In re Applications of:		
ANNISTON SEVENTH-DAY ADVENTIST CHURCH	File No.:	BNPED-20100226ABT
	Facility Id.:	184996
Application for a New NCE FM Station at Anniston, Alabama		
BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY	File No.:	BNPED-20100226AFB
	Facility Id.:	184885
Application for a New NCE FM Station at Anniston, Alabama		
NCE Reserved Allotment Group #1		

FILED/ACCEPTED

NOV -5 2012

Federal Communications Commission
Office of the Secretary

To: Office of the Secretary
Attn: Chief, Audio Division
Media Bureau

PETITION FOR RECONSIDERATION

The Board of Trustees of Jacksonville State University ("JSU"), by and through its attorneys, hereby submits its Petition for Reconsideration of the Media Bureau's letter decision reinstating and granting the application of the Anniston Seventh-Day Adventist Church ("ASDA"), and dismissing the JSU application, *Anniston Seventh-Day Adventist Church*, DA 12-1588, released October 4, 2012 (the "Letter Decision"). With respect thereto, the following is submitted:

In a prior decision (*Anniston Seventh-Day Adventist Church,* DA 12-809, released May 23, 2012), the Media Bureau properly dismissed ASDA's application based on its failure to meet the threshold requirement of providing for first and/or second NCE service to at least ten percent of the population within its proposed 60 dBu contour. This level of service is required

because the channel in question is located within the non-reserved FM band but has been reserved for noncommercial educational ("NCE") use through a rule making proceeding. *See* 47 C.F.R. § 73.202(a)(1). Moreover, the Commission has specifically advised prospective applicants for such channels that the threshold first and second NCE requirements apply at the application stage as well as at the allotment stage. *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, 18 FCC Rcd 6691, 6705 (2003). Nevertheless, ASDA failed to make any attempt meet this basic qualifying requirement until after its application had been dismissed pursuant to the prior decision. Instead, in response to JSU's Petition to Deny, which pointed out ASDA's shortfall, ASDA chose to stick with its original, non-compliant proposal and to argue against the wisdom of the Commission's settled policy instead. Indeed, despite the fact that ASDA took an opportunity to amend its application to correct another error by reversing its previously designated site co-ordinates with the prior reference co-ordinates, it made no effort to correct is first and/or second service shortfall. It was not until after the Commission's adverse decision dismissing its application following its first amendment that ASDA decided belatedly to seek to amend its application to come into compliance with the Commission's basic qualification standards.

The fundamental, threshold nature of the first and/or second NCE service requirement had previously been made quite clear by the Commission. Indeed, the Commission specifically stated that "[r]eserved allotments will be conditioned on the construction and licensing of an NCE station that provides the requisite level of first and second NCE service." *Id.* Nevertheless, the *Letter Decision* determined that ASDA should be allowed one chance to amend its application pursuant to Section 73.3522 of the Commission's rules, accepted its allegedly