

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Application for Construction Permit)	
For A Low Power FM Broadcast)	File No. BPL-20131108AEQ
Station)	
(Minor Change in Licensed Facility))	Facility ID# 135682

PETITION FOR RECONSIDERATION

WTL Communications, Inc. (WTL), licensee of Low Power FM facility KJCR-LP, Grants Pass, OR, FCC ID# 135682, hereby petitions the Commission, pursuant to Section 1.106 of the Commission's rules, to reconsider its dismissal of the above-referenced application.¹ As explained below, WTL has amended the application to address the concerns noted by the Commission staff in its Dismissal Letter. As a result of the curative amendment, WTL respectfully requests that the above-referenced application be reinstated ***nunc pro tunc*** and granted by the Commission.

By letter of February 27, 2014, the Deputy Chief, Audio Division, Media Bureau (Gary Loehrs for James D. Bradshaw), dismissed the above-referenced application. In the dismissal letter the Commission staff stated the following....

"The application supplies a second adjacent short-spacing waiver request that does not adequately demonstrate that the intervening terrain assures that the KIFS signal will be non-existent in the KJCR-LP's interference area. However, terrain elevation profiles have never been authorized for the purpose of reducing the primary service contour of a full-service FM station. The applicant fails to provide any documentation to the contrary. The waiver request does not establish by using methods of propagation prediction of the proposed operation that interference to KIFS will not occur."

The applicant would like to address the statement in the Commission's letter

¹ This petition is being filed within 30 days of the Public Notice of the dismissal of the Application and is thus timely filed.

See 47 CFR 1.106(f)

that states,

“However, terrain elevation profiles have never been authorized for the purpose of reducing the primary service contour of a full-service FM station.”

With all due respect, the applicant would like to point out that on June 13, 2013 the Commission granted a minor modification Construction Permit (BMPL-20130403AAM) to KJCR-LP that used identical methodology. That application presented a waiver request that was identical to the request presented in the application addressed by the Dismissal Letter (BPL-20131108AEQ). BMPL-20130403AAM was granted on the basis of the terrain elevation profile presented therein, with no further information required or requested by the Commission.² Applicant submits that this previous approval substantively establishes that the staff statement in the Dismissal Letter is erroneous.

However, in response to the concerns presented in the Dismissal Letter, the applicant has submitted an amended application with substantial additions to the waiver request using Longley/Rice propagation methodology that definitively establish the validity of its intervening terrain methodology. The exhibit reveals, by using methods of propagation prediction of the proposed operation (per 47 C.F.R. 73.807(e)(1)), that interference to 2nd adjacent station KIFS will not occur.

(Applicant would also point out that the owners of KIFS (the 2nd adjacent station under consideration herein), in recognition of the obstructive intervening terrain, now, and have for years, relied on the rebroadcast of their signal to the Grants Pass area over a co-owned fill-in FM translator, K225AC.)

In accord with the FCC Rule 47 C.F.R. 73.807(e)(1), which states,

² Subsequently, permit BMPL-20130403AAM, which modified permit BPL-20120417AAQ, was cancelled when BPL-20120417AAQ expired on 10/25/2013 as a matter of law. The applicant had been unable to build out the construction permit by the expiration deadline due to unforeseen construction challenges. Those challenges have since been resolved and the applicant stands ready to proceed with construction, pending FCC approval.

“(e)(1) Waiver of the second-adjacent channel separations. The Commission will entertain requests to waive the second-adjacent channel separations in paragraphs (a) through (c) of this section on a case-by-case basis. In each case, the LPFM station must establish, using methods of predicting interference taking into account all relevant factors, including terrain-sensitive propagation models, that its proposed operations will not result in interference to any authorized radio service. The LPFM station may do so by demonstrating that no actual interference will occur due to intervening terrain or lack of population. The LPFM station may use an undesired/desired signal strength ratio methodology to define areas of potential interference.”,

the applicant, through it's supporting documentation, submits that it has demonstrated that no actual interference will occur to KIFS due to presence of intervening terrain. A curative amendment addressing the issues expressed in the Dismissal Letter and establishing an acceptable application has been filed.

Accordingly, WTL respectfully requests that the application, as amended and resubmitted, be reinstated ***nunc pro tunc*** and granted.

Respectfully submitted,

WTL Communications, Inc.

By _____

Grace J. Snyder, President