

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

Application for New Noncommercial)
Educational FM Station at)
Easton, Pennsylvania) File No. BNPED-20071018AWI
(Facility ID No. 174811))

To: Marlene Dortch, Secretary
Federal Communications Commission

PETITION FOR RECONSIDERATION

Penn Jersey Educational Radio Corporation (Penn Jersey), through its attorneys and pursuant to Section 1.106 of the rules, hereby requests reconsideration of the September 10, 2008 dismissal by the staff of the above-referenced application for a new noncommercial educational FM station at Easton, Pennsylvania (Staff Action).¹ The Staff Action is based on the claim that the Penn Jersey proposal violates Section 73.510(a) of the rules with respect to its proposed directional antenna. Simultaneously herewith, Penn Jersey is filing a corrective amendment specifying minor modifications of Penn Jersey's technical proposal so as to satisfy the concerns set forth in the Staff Action. The amendment includes a request for nunc pro tunc acceptance thereof.

¹ A copy of the staff dismissal letter is attached hereto. Public Notice of the Staff Action appeared in the Public Notices released September 15, 2008 (Broadcast Actions, Report No. 46821); therefore this Petition is timely filed.

WHEREFORE, for the foregoing reasons, Penn Jersey respectfully requests grant of reconsideration, acceptance nunc pro tunc of the corrective amendment and reinstatement of the above-referenced application.

Respectfully submitted,

**PENN JERSEY EDUCATIONAL RADIO
CORPORATION**

By: Malcolm G. Stevenson
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October 14, 2008

FEDERAL COMMUNICATIONS COMMISSION
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SEP 10 2008

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Penn Jersey Educational Radio, Inc.
P.O. Box 191
Sergeantsville, NJ 08557

In re: NEW(FM), Easton, PA
Facility ID #174811
Penn Jersey Educational Radio, Inc.
BNPED-20071018AWI

Dear Applicant:

This letter refers to the above-captioned application for a new non-commercial educational FM facility to serve Easton, PA.

An engineering study of the application reveals that the proposed directional antenna violates 47 C.F.R. § 73.510(a). Section 73.510(a) states that noncommercial educational stations must comply with 47 C.F.R. § 73.316(b). Specifically, Section 73.316(b)(2) states that “[d]irectional antennas used to protect short-spaced stations pursuant to § 73.213 or § 73.215 of the rules, that have a radiation pattern which varies more than 2 dB per 10 degrees of azimuth will not be authorized.” It has been the Commission’s longstanding policy to apply the 2 dB/10° limitation to noncommercial educational stations protected under the analogous contour overlap section, 47 C.F.R. § 73.509. The proposal violates this policy. The proposed radiation pattern varies by as much as 2.10 dB per 10 degrees between the azimuths of 280° T and 290° T. It is necessary to note that these azimuths are in the direction of a station where a directional antenna is necessary to prevent any prohibited overlap.

In light of the above, Application BNPED-20071018AWI is unacceptable for filing, and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Malcolm G. Stevenson, Esq.
Charles W. Loughery, Engr.

CERTIFICATE OF SERVICE

I, Mary Kay McMahon, an Administrative Assistant in the law offices of Schwartz, Woods & Miller, do hereby certify that I have, on this 14th day of October, 2008, sent by hand delivery, a copy of the foregoing **PETITION FOR RECONSIDERATION** to:

Rodolfo F. Bonacci
Federal Communications Commission
Mass Media Bureau, Room, 2-A234
445-12th Street, S.W.
Washington, D.C. 20554



Mary Kay McMahon