

FEDERAL COMMUNICATIONS COMMISSION

445 12th Street SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: <http://www.fcc.gov/mb/audio/>

PROCESSING ENGINEER: Dale Bickel
TELEPHONE: (202) 418-2700
FAX: (202)-418-1411 MAIL STOP: 2-B450
INTERNET ADDRESS: dale.bickel@fcc.gov

July 15, 2008

Central Florida Educational Foundation, Inc.
1065 Ranier Drive
Altamonta Springs, FL 32714

Space Coast Progressive Alliance
P.O. Box 412.
Melbourne, FL 32902

Mr. John R. Plotnicky
P.O. Box 321284
Cocoa Beach, FL 32932-1284

Mr. Willie T. Burton, Jr.
1418 Angiers Dr. NE
Palm Bay, FL 32905

In re: WPOZ (FM), Union Park, FL
Central Florida Educational Foundation, Inc.
Facility ID No. 9876
Application BMPED-20070907AEU

Dear applicants:

This letter refers to construction permit application BMPED-20070907AEU, which was filed by Central Florida Educational Foundation, Inc. ("CFEF") and seeks to modify construction permit BMPED-20070828ACD for its noncommercial station WPOZ (FM), Union Park, FL.¹ By letter dated September 27, 2007, The Space Coast Progressive Alliance ("Space Coast") filed an informal objection against this modification application, seeking its dismissal. The staff has also received two other letters from proponents of Space Coast's later-filed noncommercial educational FM (NCE) application (file number BNPH-20071019ANH), from Willie T. Burton and John R. Plotnicki which may be counted as informal objections.²

¹ By separate letter dated July 15, 2008, we denied Sancta Familia Academy, Inc.'s ("Academy") October 9, 2007 petition for reconsideration against the grant of construction permit BMPED-20070828ACS. Academy's petition for reconsideration, in a footnote, also asked that the present modification be dismissed. However, no informal objection or other pleading was directly filed against the present modification application by Academy. We found that the underlying permit BMPED-20070828ACS was properly granted and that Academy's arguments could not prevail. The arguments considered and dismissed therein also could pertain to this modification application. Consequently, insofar as Academy's October 9, 2007 petition for reconsideration against construction permit BMPED-20070828ACD can be considered an informal objection against CFEF's modification application BMPED-20070907AEU, it is denied.

² We also received several e-mails in opposition to the modification application for WPOZ, on various grounds. These e-mails were not filed as letters through the Office of the Secretary. Because we address the substantive issues in this letter, we need not consider these complaints individually. But because none of these letters and e-mails appears to have been served on

The informal objection letters are of similar sentiment. Space Coast objects because it believes that the WPOZ modification would frustrate diversity and localism and would not be in the public interest insofar as it would preclude local programming, for which the need is stressed. Space Coast states that Melbourne Beach, FL does not receive any quality NCE service with local news and weather, or that provides local community access to the airwaves. Mr. Plotnicky supports Space Coast's proposal, and he believes that the WPOZ application "seems to be an organized attempt to eliminate new stations in the upcoming NCE application window rather than maximizing services to the public." Mr. Burton acknowledges that he is a member of Space Coast, and echoes Mr. Plotnicky's belief.

However, Space Coast, Mr. Burton, and Mr. Plotnicky have all chosen the wrong forum in which to object to the staff's processing of CFEF's application before that of Space Coast. By public notice dated August 9, 2007, the Commission announced the procedures that would be used in the filing of NCE window applications.³ That public notice clearly stated that minor change applications could be filed up through September 7, 2007, and that subsequent NCE window applicants could be precluded by prior filed minor change applications.⁴ Space Coast was thereby on notice of the exact situation about which it now complains, that its NCE application for a new station is precluded by an earlier, acceptable minor change filing. Yet there is no evidence that Space Coast, Mr. Burton, or Mr. Plotnicky filed any appeal against the August 9, 2007 public notice: indeed, none of the objectors complain on that issue until it was first raised in Space Coast's September 27, 2007 informal objection. Consequently, the complaints of Space Coast, Mr. Burton, and Mr. Plotnicky regarding the timing of CFEF's application and the NCE application filing window merit no further consideration.

Merits of Space Coast's proposed new NCE service. Space Coast's goal is to obtain a construction permit for a new NCE station that would provide a new local service, with unique programming, to the Melbourne Beach area. According to Space Coast, failure to dismiss CFEF's modification of construction permit application would preclude its efforts toward initiating a new local NCE service at Melbourne Beach, FL.

We well recognize the value that new radio services can have on localism and diversity of programming. However, programming, diversity, localism, and related non-technical considerations have no bearing on the matter at hand. The primary matter to be addressed here is the application of the first come / first served process used for NCE minor change applications, which is purely a mechanistic process based on filing date without consideration of other factors. In this instance, we conclude in this letter that CFEF's modification application was timely filed first, that the application is acceptable for filing and merits grant. Space Coast's application was filed second in time ("in queue"). Having established that sequence, Space Coast's queue application is subject to dismissal upon grant of this modification application.

CFEF, we include them as an attachment to this letter, for reference.

³ *Media Bureau Announces NCE FM New Station and Major Change Filing Procedures for October 12-October 19, 2007 Window; Limited Application Filing Freeze to Commence September 8, 2007*, Public Notice, DA 07-3521, 22 FCC Rcd 15050, released August 9, 2007.

⁴ Specifically, the August 9, 2007 *Public Notice* clearly states that the filing freeze commencing September 8, 2007 was "designed to provide sufficient time for applicants and consulting engineers to verify the availability of spectrum and perfect applications, while minimizing expenditures on facility proposals that otherwise could be blocked by minor change filings immediately prior to opening of the window."

Conclusion. Accordingly, the informal objections of Space Coast, John R. Plotnicky, and Willie Burton, Jr. ARE DENIED. Application BMPED-20070907AEU, being found acceptable for filing, IS GRANTED.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dale E. Bickel".

Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Wood, Maines and Nolan, Chartered
Fletcher, Heald and Hildreth
Sancta Familia Academy, Inc.



Space Coast Progressive Alliance

THE FUTURE OF THE AMERICAN EXPERIMENT IS IN YOUR HANDS

September 24, 2007

Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554
ATTN: Audio Division

Application Objection to WPOZ Minor Change Construction Permit, WPOZ
Facility ID: 9876
FCC Registration Number: 0001801588
File No.: BMPED – 20070907AEU

Dear Commissioner:

The Space Coast Progressive Alliance is a not-for-profit community group now filing for a non-commercial educational FM station. We write in objection to the proposed modification requested by WPOZ FM.

The basis for our objection is that WPOZ will not serve the public interest in regard to our community's most vital issues. Our station mission will serve Melbourne, Florida as the community of license. The frequency we seek is adjacent to the applied for facility modification. A Commission grant of the WPOZ application will eliminate the creation of our new community radio station based on technical parameters.

Melbourne, Florida, does not receive a quality signal from any NCE station with primarily locally produced news and public affairs programming. WPOZ is one of several religious stations licensed to the same foundation and the majority of its programming is music and all content is of a religious nature.

The proposed changes to WPOZ would waste a valuable public asset and give it to a very narrowly focused station at the loss of diversity and localism. WPOZ's studio, located in Altamonte Springs, is over 80 miles from the main post office in downtown Melbourne, Florida. The conditions, issues, and situation in Altamonte Springs are completely different from the local issues facing residents of Melbourne. The WPOZ expansion would not provide meaningful service to Melbourne residents who are already served by several other religious stations. The proposed changes would actually establish a barrier for any station to exclusively serve the particular needs of the Melbourne community.

Our residents need access to the airwaves to address local issues and concerns from those of us who live here. The proposed WPOZ expansion causes serious concerns for our community and will not benefit our community on issues most vital to the future. The proposed increase in power and antenna height will not better serve the community of license in true areas of need..

The Space Coast Progressive Alliance has polled community members in the planned coverage area. Continuing concerns include:

1. Lack of locally produced news programming: The main source of local news is an Orlando TV station. Local newspapers cannot be timely when there is critical news. The local news about



Melbourne requires a local voice. Residents in this area should not get substandard service because the airwaves are dominated by an out-of-town radio station.

2. Lack of public airwaves access:

Currently local stations do not devote enough airtime to local events, activities and meaningful political debate. Commercial stations (primarily owned by the three largest broadcast corporations) do not cover candidate forums. Progressive non-profit groups get almost no coverage of events and news and local hosts are completely dismissive of groups that do not agree with their views. There is a wealth of talent of diverse views that have no outlet on what are considered local airwaves. Area schools get no meaningful coverage outside of the banter of local talk shows which use the local paper for talking points and screen or cut off calls of dissent. This illustrates how commercial stations have little or no meaningful local intent or interest. We believe local residents should be provided reasonable access to public airwaves. Concentration of ownership, combined with corporate based programming decisions has severely limited access to the airwaves by a large number of citizens.

3. The lack of local weather information: This topic overlaps some of the above, but in essence once severe weather passes Altamonte Springs, the station there stops reporting details as severe weather approaches our area. Obviously they are serving their community of license, but it doesn't help our community when a station such as WPOZ requests changes that could preclude live local broadcasts by a local station.

The FCC point system to protect localism in broadcasting is an important step forward for communities of all sizes everywhere. Based on that point system, consider these facts about the SCPA application:

1. Our non-profit has no other broadcast interests. None of our board has any other broadcast interests.
2. 100% of our board lives within 25 miles of our community of license. All of our board members are involved in a variety of local community groups representing a broad spectrum of interests.
3. Our application will maximize use of the limited NCE spectrum to the best ability of current engineering standards while protecting existing stations.

New applicants for NCE stations need adequate time to complete detailed engineering studies. Minor changes such as those proposed by WPOZ dramatically increase the complexity of those studies and make spectrum efficient applications difficult, if not impossible, in the time remaining. This minor change should be treated like a new station application since they are effectively competing with a new geographic region. Stations such as WPOZ have had years to process minor changes, yet this one was filed on Sept. 7th, 2007. This minor change application seems to be an organized attempt to eliminate or cripple new stations in the upcoming NCE application window rather than maximizing services to the public.

It is in the best public interest, convenience, and necessity that the WPOZ application for minor change referenced above is denied. Please make a prompt decision to deny the minor change referenced in this letter.

Sincerely,



William Whitehead, President
(321) 727-8098
Space Coast Progressive Alliance
PO Box 412
Melbourne, FL 32902

9876

Office of the Secretary
Federal Communications Commission
445 12th St. SW
Washington, DC 20554

October 7, 2007
1418 Anglers Dr. NE
Palm Bay, FL 32905

2007 OCT 18 P 2:59

Attn.: Audio Division

Ref: Objection to WPOZ Application for Expansion
Facility ID: 9876
FCC Registration No.: 0001801588
File No. : BMPED- 20070907AEU



Dear Secretary:

The purpose of this letter is to request that you deny WPOZ the change requested above. The expansion of WPOZ would extend their coverage and eliminate the ability for a local entity to operate in the additional coverage area due to protection guidelines.

I am a member of the Space Coast Progressive Alliance (SCPA) and support it's efforts to construct and maintain a local community licensed radio station. We wish to be served by a community oriented licensed educational radio station providing local news, culture, and events. The expansion of WPOZ will only restrict diversity of our public airwaves. Their change request, filed September 7, 2007, is an obvious attempt to eliminate new stations rather than serve the public.

I respectfully request that the WPOZ request be denied.

Sincerely,

Willie T. Burton, Jr.

POSTED
10-16-07

9876

Received & Inspected

OCT 03 2007

FCC Mail Room

Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554
ATTN: Audio Division

2007 OCT -3 P 3:10

Re: Informal Objection, Application for Minor Change Construction Permit,
WPOZ

Facility ID: 9876

FCC Registration Number: 0001801588

File No.: BMPED - 20070907AEU

September 26, 2007

Dear Madam or Sir:

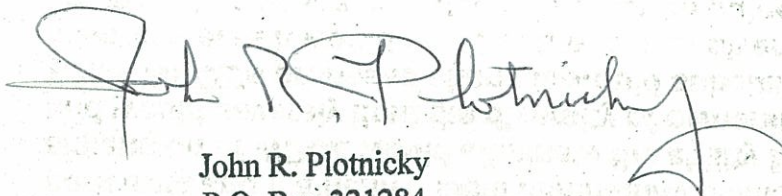
Please accept this strong objection to the minor change referenced above. The WPOZ station does not serve the needs of my local community and this expansion would eliminate a worthy applicant that is wishing to fulfill these needs. Please support community radio and deny the application for a minor change in the WPOZ facility.

I am a civic minded citizen that is not served by any community licensed educational radio station featuring local news, culture, issues, and events. I support the efforts of the Space Coast Progressive Alliance (SCPA) to construct and maintain a local community licensed radio station. The expansion of WPOZ would eliminate the ability for a local entity to operate and would severely limit the diversity of ownership of the public airwaves. While WPOZ's proposed changes would substantially give them a larger coverage area it would do so at the loss of diversity and localism in the additional coverage area due to protection guidelines.

Stations such as WPOZ have had years to process minor changes, yet this one was filed on Sept. 7th, 2007. This minor change application seems to be an organized attempt to eliminate new stations in the upcoming NCE application window rather than maximizing services to the public.

I feel it is in the best public interest, convenience, and necessity that the WPOZ application for minor change referenced above is denied.

Sincerely,



John R. Plotnicky
P.O. Box 321284
Cocoa Beach, FL 32932-1284

From: Cataluntz@wmconnect.com [mailto:Cataluntz@wmconnect.com]
Sent: Friday, September 28, 2007 6:21 PM
To: KJMWEB
Subject: Application for Minor Change Construction Permit, WPOZ

29 September 2007

Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554
ATTN: Audio Division

Re: Informal Objection, Application for Minor Change
Construction Permit, WPOZ
Facility ID: 9876
FCC Registration Number: 0001801588
File No.: BMPED - 20070907AEU

Dear Madam or Sir:

I raise a strong objection to the referenced change. WPOZ does not serve the needs of my local community and this expansion would not only eliminate a worthy applicant that wishes to fulfill these needs, but also effectively blocks the other stations now serving the area. WPOZ serves a limited religious market and does not address other issues in the community. WPOZ now causes significant interruption of the signal from the existing WFIT, 89.5, the NPR affiliate in Melbourne. Please support community radio and deny the application for this change to the WPOZ facility.

As an involved citizen who is not currently served by any community educational radio station featuring local news, culture, issues, and events, I support the efforts of the Space Coast Progressive Alliance (SCPA) to construct and maintain a local community radio station. The requested expansion of the signal coverage of WPOZ would eliminate the ability for any other local entity to operate. It would severely limit the diversity of ownership of the public airwaves, effectively giving WPOZ a monopoly.

Stations such as WPOZ have had years to process minor changes, yet this one was filed on 7 September 2007. The timing of this application seems to be more than coincidental to the upcoming Non-Commercial Educational (NCE) application window.

It would be in the best public interest to deny the referenced application by WPOZ

Sincerely,

Carol Luntz
2180 Golf Isle Drive # 1101
Melbourne, FL 32935

321-254-4610

10/11/2007 9:01:02 AM - Email Acknowledgement sent to robselkow@hotmail.com.

robselkow@hotmail.com wrote on 10/9/2007 7:05:40 PM :

Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554
ATTN: Audio Division
Re: Application Objection for WPOZ
Facility ID: 9876
FCC Registration Number: 0001801588
File No.: BMPED - 20070907AEU

Dear Commissioner Adelstein,

I'm writing in regard to an application for a the minor change requested by WPOZ FM (File# above). WPOZ provides no meaningful service to Melbourne which is sixty miles away. WPOZ is one of several music-intensive stations with little or no public service outside of church announcements and Bible vignettes. The traffic information provided is for the Central Florida area, 40 miles inland. The coastal area in which I live is not covered. I have listened to WPOZ for some time, giving special attention to content related to Brevard County where I live.

The requested 'minor change' by WPOZ could prevent at least one local applicant seeking a non-commercial permit. I have lived in Melbourne for almost 40 years and as the area has grown there has been a significant decline in meaningful service. Local news has all but disappeared. Local musicians get no airplay from any commercial stations, and what little local talk shows exist, all mimic nationally syndicated shows such as Rush Limbaugh and Bill O'Reilly.

I am very involved in local civic organizations. I have attended The City of Melbourne Citizen Academy, I have supported the NAACP, National Organization for Women and the Space Coast Progressive Alliance. I have spoken before the Brevard County School Board, the Melbourne City Council and have been a public supporter of Daily Bread soup kitchen, an outreach of Our Lady of Lourdes Church.

Our area desperately needs a local community radio station with local news and coverage of local issues. I ask the commission to prevent the requested modification by WPOZ until the October application window closes and a decision is made on which local organization will get this newly opened frequency.

The expansion would also reduce community support for WCIF-Melbourne, operated by the First Baptist Church of Melbourne which carries local church services as well as programs such as Focus on the Family, In Touch with Chuck Swindol and a nice selection of uplifting music programs.

The WPOZ modification request was filed on Sept.7th, 2007 (the last day to do so). The timing will cut out new stations filing for NCE status during the upcoming Non-Commercial Educational (NCE) application window rather than maximizing services to the public.

I feel it is in the best public interest, convenience, and necessity that the WPOZ application for minor change referenced above be denied.

Sincerely,

Rob Selkow
1711 Hickory St
Melbourne, FL 32901
321-749-8492

Climb to the top of the charts! Play Star Shuffle: the word scramble challenge with star power.
http://club.live.com/star_shuffle.aspx?icid=starshuffle_wlmailtextlink_oct

9876

9/29/2007 11:59:52 AM - Email Acknowledgement sent to d_g_lindemann@yahoo.com.

d_g_lindemann@yahoo.com wrote on 9/29/2007 11:58:51 AM :

Office of the Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554
ATTN: Audio Division
Re: Informal Objection, Application for Minor Change
Construction Permit, WPOZ
Facility ID: 9876
FCC Registration Number: 0001801588
File No.: BMPED ? 20070907AEU

BMPED-20070907AEU

Dear Madam or Sir:

Please accept this strong objection to the minor change referenced above. The WPOZ station does not serve the greater needs of my local community and this expansion would eliminate a worthy applicant that is wishing to fulfill these needs. Please support community radio and deny the application for a minor change in the WPOZ facility.

I am a civic minded citizen that is not served by any community educational radio station featuring local news, culture, issues, and events. I support the efforts of the Space Coast Progressive Alliance (SCPA) to construct and maintain a local community radio station. The expansion of WPOZ would eliminate the ability for a local entity to operate and would severely limit the diversity of ownership of the public airwaves. While WPOZ's proposed changes would substantially give them a larger coverage area, it would do so at the cost of losing diversity and localism in the additional coverage area, due to protection guidelines.

Stations such as WPOZ have had years to process minor changes, yet this one was filed on Sept. 7th, 2007. This minor change application seems to be an organized attempt to eliminate new stations in the upcoming Non-Commercial Educational (NCE) application window rather than maximizing services to the public.

I feel it is in the best public interest, convenience, and necessity that the WPOZ application for minor change referenced above be denied.

Please support local diversity and local programming on the NCE radio airwaves by denying this application.

Sincerely,

David G. Lindemann
2100 Country Club Road
Melbourne, Florida 32901

RECEIVED

2008 JAN - 7 P 3:18

RADIO SERVICES DIVISION

Susan Fisenne

From: Wendy Chambers
Sent: Monday, October 01, 2007 3:58 PM
To: Susan Fisenne
Subject: FW: Informal Objection, Application for Minor Change Construction Permit, WPOZ

For your review. Thanks.

Wendy S. Chambers
Supervisory Consumer Advocacy & Mediation Specialist Consumer Inquiries & Complaints
Division Gettysburg Consumer Center Consumer & Governmental Affairs Bureau
(717) 338-2771 (office)
(717) 338-2719 (fax)

-----Original Message-----

From: Susan Martin [mailto:zulu2@cfl.rr.com]
Sent: Monday, October 01, 2007 11:38 AM
To: dtayloratateweb
Cc: progressiveradioproject@yahoo.com
Subject: Re: Informal Objection, Application for Minor Change Construction Permit, WPOZ

October 1, 2007

FCC Commissioner Deborah Taylor Tate
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554
ATTN: Audio Division

Re: Informal Objection, Application for Minor Change Construction Permit, WPOZ Facility
ID: 9876 FCC Registration Number: 0001801588 File No.: BMPED - 20070907AEU

Dear Madam:

I am writing to protest the request for WPOZ to expand its transmitting range across much of Florida. Their expansion, if granted, would effectively eliminate the possibility of our area having a local non-commercial radio station, because it would fall within the WPOZ transmitting range.

The Space Coast Progressive Alliance is seeking a license to operate a real community radio station in our area. The Non-Commercial Educational application by SCPA would recognize and serve the needs and interests of the this area with educational and local news and information relevant to our community. The wonderful potential for radio can really be fulfilled through local non-commercial community stations. They can cover cultural events, local politics, local issues and concerns. It can address the diverse cultures within its geographical boundaries by broadcasting news and music of those groups. I would support the application of Space Coast Progressive for such a station, over the expansion request of WPOZ.

WPOZ has no interest in the people of our community, its needs, nor its issues. Based in Altamont Springs, at least 75 miles away, its 'community' is a world apart. I find nothing educational or relevant to my community in their programming. Granting the request of WPOZ would effectively continue the trend of a few large stations/owners being allowed to dominate the airwaves, and leaving little room for local diversity of ownership.

Please consider the real implications of expanding the range of WPOZ in terms of local community radio needs. Please deny the WPOZ application.

Sincerely,
Susan Martin