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September 4, 2020

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

**WGBH Educational Foundation**  
**W247DO (Facility ID 72093), Beacon Hill, MA**  
**File Number 0000115764**  
**Reply to Opposition of Beanpot License Corp.**

Dear Ms. Dortch:

WGBH Educational Foundation (“WGBH”), licensee of FM Translator Station W242AA, Beacon Hill, Massachusetts, hereby respectfully submits this reply to Beanpot License Corp.’s (“Beanpot”) August 24, 2020 letter opposing WGBH’s decision to surrender for cancellation its construction permit, File Number 0000115764.

WGBH has been licensed to transmit from its W242AA FM translator station since January 1992. On June 3, 2020, WGBH applied for a construction permit to relocate W242AA’s transmitting antenna to an adjacent building and move its operations from channel 242 to channel 247. The Commission granted the construction permit on June 24, 2020. However, after receiving input from potentially affected full-power station WJFD-FM (“WJFD”), WGBH chose to surrender its construction permit less than two months later on August 18, 2020, and continue operating on channel 242, as it has done for many years.

Despite the fact that WGBH has long operated its translator station on channel 242, Beanpot attempts to oppose WGBH’s surrender of the channel 247 construction permit. At the outset, Beanpot cites no Commission rule or precedent allowing a party to oppose a translator licensee’s decision to surrender a construction permit. Beanpot styles its letter as an opposition, but it cites no authority that would allow it to intervene in this instance, and it is not clear that any exists.

Even if Beanpot were entitled to oppose WGBH’s filing surrendering the construction permit, substantively Beanpot’s claims concerning WGBH’s surrender of construction permit File Number 0000115764 are entirely misplaced. Beanpot relies on Commission decisions

involving rules that do not apply to translator stations and appears to misconstrue the purpose of WGBH's filing.

Alleging some sort of procedural defect in WGBH's request, Beanpot cites to two Commission decisions that discuss licensee requests to amend the FM Table of Allotments to accommodate a change in the community of license for a full-power station authorization.<sup>1</sup> Neither decision is relevant. The process discussed in both decisions applies only to full-power stations; in fact, the Commission has expressly stated that FM translators, as a secondary service, are not subject to such rulemaking procedures.<sup>2</sup> All of Beanpot's arguments concerning the Table of Allotments, the Commission's processes, and "implied STAs" concern rules that do not apply to WGBH's W242AA licensed translator station or to WGBH's cancellation of a short-lived construction permit concerning the station's channel of operation.

There is also no gamesmanship here. Information provided by WJFD has demonstrated to WGBH that it would not be practical for WGBH to build out on channel 247.<sup>3</sup> Regardless of the timeliness of WJFD's filing, WGBH is committed to avoiding harmful interference, and its surrender on August 18 of its construction permit presented the best path forward.

WGBH's August 18 request was entirely consistent with the Commission's rules, and WGBH has appropriately surrendered construction permit File Number 0000115764. WGBH is entitled to continue to operate on channel 242 at its currently licensed facilities, as it has done for many years.

Please direct any questions in this matter to the undersigned.

Respectfully submitted,



Matthew S. DelNero

Counsel to WGBH

Educational Foundation

cc: Barry A. Friedman  
Scott Woodworth  
Robert Gates

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<sup>1</sup> See Brian M. Madden, Esq., Letter, 25 FCC Rcd 4765 (MB 2010); *Streamlining of Mass Media Applications, Rules, and Processes*, Memorandum Opinion and Order, 14 FCC Rcd 17525 (1999).

<sup>2</sup> See *Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, First Report and Order, 14 FCC Rcd 5272, 5278 n.23 (1999) (citing 47 C.F.R. § 74.1233) ("FM translators, as a secondary service, are exempted from local service obligations and, therefore, may request community of license changes as minor changes.").

<sup>3</sup> See WJFD-FM, Inc. Petition for Reconsideration and Interference Complaint, LMS File No. 0000115764 (filed July 27, 2020).