

Albert David
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708-921-8091

March 12, 2022

Federal Communications Commission
Washington D.C. 20554

cc: Rachel Kaub
705 Gurley Avenue
Gallup, NM 87301
and via email to: KGLPRADIO@KGLP.ORG

Jason Bennett
7017 South Yale #444
Tulsa, OK 74136
and via email to: jason@fmexpansion.com

Re: Gallup Public Radio Application for new NCE FM Construction Permit
File No. 0000166066
Facility ID No. 767163
Informal Objection

Good morning,

I am writing to file an informal objection to Gallup Public Radio's application for a construction permit for a new Noncommercial Educational FM station at 91.9 MHz FM (FM Channel 220) in Zuni Pueblo, New Mexico, file number 0000166066.

47 C.F.R. § 73.3520 states “Where there is one application for new or additional facilities pending, no other application for new or additional facilities for a station of the same class to serve the same community may be filed by the same applicant, or successor or assignee, or on behalf of, or for the benefit of the original parties in interest. Multiple applications may not be filed simultaneously.” Gallup Public Radio's application is in violation of 47 C.F.R. § 73.3520, as was originally filed to serve the same community of license (Black Rock, New Mexico) and the same class (A) as application file number: 0000166063, facility ID: 767164. Though Gallup Public Radio's has since amended this application (0000166066) to change its community of license to Zuni Pueblo, New Mexico, this does not negate the fact that it was filed as a duplicate application in violation of 47 C.F.R. § 73.3520. As 47 C.F.R. § 73.3520 refers specifically to the application itself for new or additional facilities, this violation cannot be cured by an amendment to change the community of license after the application was

filed, as the filing itself of the duplicate application was a prohibited act. An additional fact to note is that both facilities are proposed to broadcast from the same coordinates (35 07' 04.0" N / 108 44' 38.0" W), making the amended change a trivial act that does nothing to address the abuses that 47 C.F.R. § 73.3520 is intended to prevent. As the application with the higher file number, 0000166066 should therefore be dismissed as a duplicate application.

Actions like Gallup Public Radio performed in this case, if allowed by the commission, would give the entity submitting multiple applications an advantage over other applicants whose applications find themselves in a mutually exclusive group, and then find themselves blocked from modifying their application to move to a vacant frequency resolve the conflict, due to the other application of the entity who submitted multiple applications. Such tactics run counter to the Commission's goals of diversity and competition. As such, Gallup Public Radio's application (file number 0000166066) should be dismissed.

Sincerely,

A handwritten signature in black ink that reads "Albert David". The signature is written in a cursive, slightly slanted style.

Albert David