

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

In re MX Group No. 28	)	
	)	
Free Radio Santa Nella	)	File No. 0000167151
	)	Facility ID 766527
Application for NEW Noncommercial	)	
Educational FM Station at	)	
Santa Nella, California	)	
	)	

**OPPOSITION TO INFORMAL OBJECTION**

Free Radio Santa Nella (“FRSN”) here files *Opposition to Informal Objection* (“Opposition”) to Albert David’s (“Mr. David”) *Informal Objection* (“Objection”) regarding application for construction permit for a new noncommercial educational FM station at Santa Nella, California, FCC File No. 0000167151. The Media Bureau’s *Memorandum Opinion and Order*, FCC 22-61, released August 2, 2022, named FRSN as the MX Group 28 tentative selectee and accepted FRSN’s application for filing.<sup>1</sup> Mr. David appears to be a citizen of Berwyn, Illinois concerned about the technical proposal of this new FM facility proposed for Central California.

**OVERVIEW**

FRSN received the *Objection* dated August 8, 2022, with Supplement -- a statement of erratum -- dated August 9, 2022 via courtesy electronic mailing from Mr. David upon the dates of him writing the *Objection* and *Supplement*. Although a copy was sent via email, there was no

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<sup>1</sup> Paragraph 22-24. *Threshold Fair Distribution Analysis of 27 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion & Order, FCC-22-61. (August 4, 2022).

certificate of service indicating a physical copy of the pleading sent to the applicant via mail. Mr. David's grievance within FRSN's technical proposal is that between the 340- and 350-degree azimuth the antenna radiation pattern varies more than 2 dB per 10 degrees, which would not comport to FCC rules.

## DISCUSSION

While Mr. David's observation appears to be correct, the *Objection* is considered moot. It is the FCC's policy that it shall accept amendments to pending applications as long as those amendments do not enhance the comparative standing of the application.<sup>2</sup> Concurrent to this *Opposition* being filed, FRSN has filed an amendment with FCC's LMS rectifying the antenna pattern. It is noted that this correction does not enhance the claims to its Section 307(b) Fair Distribution of Service analysis (in fact, the service count remains the same). Therefore, it is an FCC-permitted amendment.

## CONCLUSION

Since Mr. David's *Objection* is moot, it should be denied.

Submitted By,

/s/

Rob Roy  
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Sacramento, CA 95841  
916-344-3739  
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**August 10, 2022**

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<sup>2</sup> See Page 11, "Any changes made after the Application Deadline may potentially diminish, but cannot enhance, an applicant's comparative position and point total." *Media Bureau Announces NCE FM New Station Filing Procedures and Requirements for November 2-9, 2021*, Public Notice DA 21-885, released July 23, 2021.

## **CERTIFICATE OF SERVICE**

I certify the following was sent First Class Mail, US Postal Service to Albert David:

Albert David  
2632 Kenilworth Ave.  
Berwyn, IL. 60402

on August 10, 2022

This Opposition was filed electronically in FCC LMS Petition Portal August 10, 2022.

Signed,

/s/

Rob Roy

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