

Before The  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of:	)	
	)	
<b>RHODE ISLAND PUBLIC RADIO</b>	)	Facility ID No. 762615
	)	LMS File No. 0000161099
Application for Involuntary Time Share	)	
With WCVY (Fac ID 14229), Coventry, RI	)	
	)	

TO: Office of the Secretary  
Attn: Chief, Audio Division, Media Bureau

**Petition For Reconsideration  
And Reinstatement *Nunc Pro Tunc***

Rhode Island Public Radio (“RIPR”), by its attorney and pursuant to Section 1.106 of the Commission’s Rules, hereby respectfully petitions the Commission for reconsideration of the staff letter dated November 10, 2022,<sup>1</sup> dismissing the above-captioned application (the “Application”), and for reinstatement of the Application *nunc pro tunc*. In support of its petition, RIPR submits the following:

The Application, as amended, proposed a time share facility with Noncommercial Educational FM Station WCVY, Facility ID 14229, licensed to Coventry Public Schools at

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<sup>1</sup> Letter of Albert Shuldiner, Chief, Audio Division, to Rhode Island Public Radio, November 10, 2022 (DA 22-1183) (the “Staff Letter”), a copy of which is attached hereto for convenient reference.

Coventry, Rhode Island (the “Proposal”).<sup>2</sup>

RIPR proposed to build a separate transmission facility to serve Bradford, Rhode Island, and to operate its facility between the hours of 6:00 am and 6:00 pm daily. The Staff Letter found that the Proposal violates the contour overlap requirements of Section 73.509(a) of the Rules and is ineligible for a so-called *Raleigh* waiver, as RIPR requested.<sup>3</sup>

The amended proposal tendered herewith proposes modified facilities to serve Kingston, Rhode Island. The Comprehensive Technical Exhibit accompanying the amended proposal establishes that the proposed facilities will not violate the contour overlap requirements of Section 73.509(a).

The resubmission of the captioned application and this petition conform to Commission policy on reinstatement of dismissed applications *nunc pro tunc*, which entertains and accepts the filing of a minor curative amendment in conjunction with a petition for reconsideration within thirty days of the dismissal of the application.<sup>4</sup>

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<sup>2</sup> Under Section 73.561(b) of the Commission’s rules, action on a time share application is to be taken in connection with the license renewal application of the existing station, here, WCVY. On November 10, 2022, the same day the Staff Letter was issued, the Commission granted the WCVY license renewal application. RIPR has concurrently filed a petition for reconsideration of that action, to enable Commission processing of the Application in conjunction with the WCVY renewal application, as required by Section 73.561(b).

<sup>3</sup> *Educational Information Corporation*, 6 FCC Rcd 9 (1991).

<sup>4</sup> *Public Notice*, “Commission Statement of Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications,” FCC 84-366, released August 2, 1984, 49 Fed. Reg. 47331, 56 Rad.Reg.2d (P&F) 776 (1984).

Because the minor amendment filed concurrently herewith cures the defect found to exist in the application, and because the minor amendment is tendered within 30 days after dismissal of the application, in connection with this petition for reconsideration, it is submitted that (1) this petition should be granted under the Commission's policy on incomplete and patently defective AM and FM construction permit applications, *supra*, (2) the amendment should be accepted, and (3) the application should be reinstated *nunc pro tunc* and processed to grant.

It is so requested.

Respectfully submitted,

RHODE ISLAND PUBLIC RADIO



By: John Wells King  
Its Attorney

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November 21, 2022

CERTIFICATE OF SERVICE

I, John Wells King, principal of the law firm of Law Office of John Wells King, PLLC, do hereby certify that a copy of the foregoing *Petition For Reconsideration And Reinstatement* Nunc Pro Tunc was served this 21<sup>st</sup> day of November 2022, either by first class United States Mail, postage prepaid, or \*electronically, upon the following:

Anthony T. Lepore, Esq.  
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\*Audio Division, Media Bureau  
Federal Communications Commission  
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A handwritten signature in blue ink that reads "John Wells King". The signature is written in a cursive, flowing style with a large initial "J" and a long, sweeping underline.