

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC

6 December 2021

Applications of)
)
UNIVERSITY OF WYOMING)
)
For NEW Reserved Channel NCE Broadcast Station) FCC File No. 0000167729
Facility ID 762743 in Kemmerer, WY)
)
For NEW Reserved Channel NCE Broadcast Station) FCC File No. 0000167730
Facility ID 762746 in Kemmerer, WY)

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Attn: Media Bureau, Audio Division

INFORMAL OBJECTION

Triangle Access Broadcasting, Inc. (“Triangle”), pursuant to 47 C.F.R. §73.3587, objects to the grant of applications that are part of a multiple applications scheme. On November 9, 2021, University of Wyoming (“UW”) submitted the captioned applications for construction permits for new NCE broadcast stations in the reserved band. Triangle objects on the grounds that UW has submitted alternate technical proposals in violation of the Commission's longstanding Multiple Applications Rule, applicable to all broadcast stations.¹ Each application for a new facility specifies a same-class FM station serving the same community, Kemmerer, WY.²

¹ See 47 C.F.R. §§ 73.3520 (“Multiple Applications Rule”) and 73.1001(a).

² From the history of the Multiple Applications Rule (*see, e.g., Amendment of § 1.364*, 17 FR 6155 (1952)), “Class” refers to the type of service (e.g., AM, FM, TV), and not to the § 73.210 station class, even though the § 73.210 station classes are also the same in this case.

Multiple applications create advantages for applicants who have had proposals determined to be mutually exclusive with other applicants who are blocked from submitting similar alternate proposals. They also interfere with the Commission's goals of competition and diversity because, for example, in the case that alternate proposals fall into separate MX groups, then diversity tie breaker points would fall similarly to the same applicant because they represent a snapshot at application filing. Such diversity points would not be available in a future window towards a second grant if the applicant had succeeded with its original application to serve a community.

In the interests of efficiency, fairness, and protecting the NCE window's reliance on application secrecy, as well as because of the plainly written Multiple Applications Rule, the Bureau should declare the highest file number 0000167730 as a multiple application and DISMISS it before further consideration of UW's other application.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Steven L. White", with a long, sweeping horizontal stroke extending to the right.

Steven L. White
Director; *Triangle Access Broadcasting, Inc.*

7813 Highlandview Cir
Raleigh, NC 27613-4109

Certification of Steven L. White

I, Steven L. White, declare under penalty of perjury that I have reviewed the foregoing Informal Objection and, to the best of my knowledge, the facts set forth therein are true and correct.

By: [Electronically Signed]____
Steven L. White

Dated: December 6, 2021

Certificate of Service

I, Steven L. White, certify that a true and correct copy of the foregoing Informal Objection was sent, this 6th day of December, 2021, by first-class, postage paid mail to the following:

Derek Teslik or Joshua Turiel (Counsel to Applicant)
Gray Miller Persh LLP
2233 Wisconsin Ave NW Ste 226
Washington, DC 20007-4119

By: 

Steven L. White