

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In re)	
)	
Application of)	File No. BNPL-20131114BFN
)	
Foundation for a Beautiful Life)	
)	
Facility ID No. 196541)	
For New Low Power FM Station)	
)	
Cupertino, CA)	
)	

To: Chief, Audio Division
Media Bureau

SECOND PETITION FOR RECONSIDERATION

Foundation For A Beautiful Life (“Foundation”), by its attorneys, pursuant to Section 1.106 of the Commission’s Rules, 47 C.F.R. 1.106, hereby submits its Second Petition for Reconsideration. This Second Petition is unrelated to the Petition previously granted by the Bureau.¹ This Second Petition is filed in response to the November 10, 2014, letter sent by the Bureau to the Foundation and two other applicants.² In the letter, the Bureau advised the Foundation and other two applicants that each of our applications would be granted and each would be assigned an equal number of hours in a time-share arrangement to operate the proposed station.

The Foundation submits this Second Petition, because the Foundation application is no longer mutually exclusive with any other application in MX Group 42, and therefore, the

¹ On July 9, 2014, the Bureau granted a Petition for Reconsideration, filed by the Foundation on February 4, 2014, in which the Foundation demonstrated that the Commission had dismissed its application in error.

² Letter to the Foundation, Center for Careers and Training and San Jose Peace and Justice Center from James Bradshaw, Deputy Chief, Audio Division, Media Bureau, November 10, 2014.

Foundation requests that its application be granted without any time-share requirement. In support of this request the Foundation provides the following information:

On July 9, 2014, the Commission issued Public Notice No. 14-96, announcing that five applicants were in MX Group 42, including the Foundation. Three applicants were listed as tied with 5 points each: the Foundation; San Jose Peace and Justice (“San Jose Peace”); and the Center for Careers and Training (“Center for Careers”). The fourth applicant, South Bay Radio, with only 4 points, was ineligible to aggregate and time-share. Its application should now be dismissed.³ The fifth applicant, San Jose Food Not Bombs, has already been dismissed because of a defective application. It has filed a petition for reinstatement; but even if reinstated, it has only 4 points and therefore may no longer compete.⁴

The three tied applicants had 90 days to enter into an aggregation agreement or a voluntary time-share agreement.⁵ That date expired on October 7, 2014, and none of the three tied applicants elected to file an agreement to aggregate points to break the tie or to enter into a joint time-share agreement. With the period to file a time-share agreement expired, that leaves for consideration, the three tied applicants.

Foundation’s application: (1) is on Channel 225, an adjacent channel from both San Jose Peace and Center for Careers, which are on Channel 224, and (2) complies with all spacing requirements. With the dismissal of the application of San Jose Food Not Bombs, the Foundation’s application becomes a Singleton application and should now be granted as a full time license.⁶

Foundation therefore requests that the Commission grant its request for reconsideration, reverse or rescind the letter advising the three applicants that they must share time, and grant the Foundation’s application as a full time license.

Respectfully submitted,

FOUNDATION FOR A BEAUTIFUL LIFE

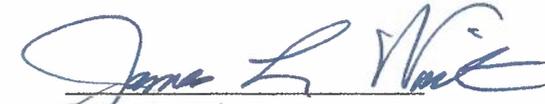
³ § 73.872 of the Commission’s Rules.

⁴ *Id.*

⁵ Public Notice, FCC 14-96, released July 9, 2014.

⁶ We assume that, as the Commission’s rules provide, the Commission will now grant involuntary time-share licenses to San Jose Peace and the Center for Careers.

By its Attorneys,



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