

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In Re:)
)
LEVIN/SCHWAB PARTNERSHIP) BNP20140715ABO
) Facility ID 161348
For a Construction Permit for a)
New AM Station on 1500 kHz at)
Culver City, California)

To: The Secretary
Attn: Chief, Media Bureau

PETITION FOR RECONSIDERATION

Ontario Broadcasting, LLC ("Ontario"), by its attorney, hereby petitions for reconsideration of the action of the Chief, Audio Services Division, Media Bureau ("Chief ASD") by letter dated November 2, 2016 ("Letter Ruling"), granting the above-referenced application of Levin/Schwab Partnership ("LSP") for a new AM station in Culver City, California.

Ontario had argued in an Informal Objection that LSP's application was not grantable because the proposed daytime facilities would not provide 5 mv/m coverage to the entire community of Culver City as required by section 73.24(i) of the Commission's Rules and that LSP had failed to show that waiver of this coverage requirement would serve the public interest. The Chief ASD) dismissed Ontario's deficient daytime coverage argument with the statement that "[t]he Commission has indicated that it will, in fact, regard daytime community coverage of at least 80 percent to constitute acceptable daytime coverage for AM stations."

The Commission has in fact done no such thing¹.

The Commission's proposals for modifying daytime coverage requirements are discussed at paragraphs 15 to 20 of the AM Revitalization R & O. And at paragraph 19 of the R & O the Commission states unequivocally that after considering arguments in favor of relaxation of the daytime coverage requirements for new stations as well as existing one, it had concluded that relaxing the requirements for new stations would not be in the public interest. The clarity of the Commission's decision in this regard is reflected in the fact that the only change that the AM Revitalization R & O it made to subparagraph (i) of Section 73.24 which continues to require 100% 5 mv/m coverage of a licensee's community was to "redesignate [the subparagraph] as (h)."

In view of the fact that the Commission reaffirmed rather than relaxed the daytime 100% city coverage requirement for new stations in the AM Revitalization R & O, the Chief ASD's conclusion that LSP's application did not need to comply with that requirement was clearly erroneous as was his conclusion that a waiver of Section 73.24(i) was not necessary in order for LSP's application to be granted. Accordingly, the Chief ASD should reconsider his

1 The Chief ASD cited paragraph 23 of *AM Revitalization First R&O*, 30 FCC Rcd 12 ("AM Revitalization R & O") to support his claim that the Commission had relaxed the 100% coverage requirement of Section 73.24(i). However paragraph 23 of the AM Revitalization R&O deals only with *nighttime* coverage requirements.

action in the Letter Ruling and on reconsideration that LSP's application should be dismissed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Tillotson", with a stylized flourish at the end.

David Tillotson
4606 Charleston Terrace, N.W.
Washington, DC 20007
Tel: 202 625-6241
Email: dtlaw67@starpower.net
*Attorney Ontario Broadcasting,
LLC*

December 1, 2016

NOTE This Petition for Reconsideration is an exact duplicate of a Petition that the undersigned filed and served by mail on November 11, 2016. Having not received back via mail a receipted copy of the filing, the undersigned checked in CDBS to see whether there was a record of the Petition have been filed. Finding none, the Petition for Reconsideration is being refiled in time to be received before the deadline for filing it.

CERTIFICATE OF SERVICE

I, David Tillotson, hereby certify that a copy of the foregoing PETITION FOR RECONSIDERATION has been sent via first class United States mail, postage pre paid, the 30th day of November, 2016, to:

John C. Trent, Esq.
PUTBRESE HUNSAKER & TRENT, P.C.
200 SOUTH CHURCH STREET
Woodstock, VA 22264

With a courtesy copy via email to:

Peter Doyle at peter.doyle@fcc.gov

A handwritten signature in black ink, reading "David Tillotson" with a stylized flourish at the end.

David Tillotson