

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

In re Application of

Eternity Media Group LLC

For An Application New FM Translator  
At North Augusta, Georgia

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File No. BNPFT-20180822AAO  
Facility ID No. 200658

TO: Marlene Dortch, Secretary  
Attn: Media Bureau, Audio Division

**INFORMAL OBJECTION**

J.J. & B Broadcasting, Inc., ("JJ&B"), was an Applicant and active participant in FCC Auction 99 for a new FM Translator Station at Augusta, Georgia, Facility ID 200034, FCC File No. BPNFT-20170726ALN. JJ&B hereby objects to the above captioned application and in support of such objection, it is alleged:

1. JJ&B and Eternity Media Group, LLC ("Eternity") participated in FCC Auction 99 which concluded on May 18, 2018. Eternity was the winning auction bidder with an auction bid of \$40,000.00 and JJ&B was the runner-up bidder with a bid of \$36,000.00.

2. Pursuant to the terms and condition of FCC Public Notice DA 18-541, (released May 18, 2018) ("Public Notice"), prior to **midnight ET on July 2, 2018, all winning bidders** had to submit electronically a long-form application FCC Form 349. The Commission specifically states in the Public Notice that "[a]n applicant that fails to submit the required long-form application before the specified deadline and fails to **establish good cause** for any late-filed submission shall be deemed to have **defaulted**

and shall be subject to the payments set forth in section 1.2104(g) of the Commission's rules" (emphasis added).

3. Eternity failed to file its required FCC Form 349 by the July 2<sup>nd</sup> deadline. The filing was made some 51 days later and an explanation of the late filing was filed eight days after the application. Their "explanation" is presumably a "waiver request" and this request is simply insufficient to waive Sections 73.3573(f)(5)(i) and 73.5005(a) of the Rules, as well as the requirements set forth in the Public Notice. Eternity is represented by engineer Alan Kilgore. Mr. Kilgore is known to Commission staff and to the radio community. Mr. Kilgore knew what the filing deadline was and he simply missed it. While we sympathize with Mr. Kilgore's personal situation (caretaker for elderly parent) and to Eternity's plight, Eternity should not get a pass here.

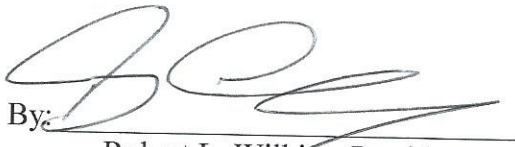
4. The Commission has said, that "[a]n applicant for waiver faces a high hurdle, even at the starting gate. 'When an applicant seeks a waiver of a rule, it must plead particularity the facts and circumstances which warrant such action.' *Rio Grande Family Radio Fellowship, Inc. v. FCC.*" *WAIT Radio v. FCC*, 418 F. 2d 1153, 135 U.S. App. DC 317 (DC Cir., 1969).

5. Eternity has failed to overcome the "high hurdle," which it must overcome in order to obtain a waiver and its Application must be DENIED and DISMISSED. As a result of the dismissal, JJ&B, as auction runner-up should have the opportunity to have its

short form application BNPFT-20170726ALN REINSTATED. Further, JJ&B should have the opportunity to file a long-form 349 application and to pay the runner-up bid of \$36,000.00.

Respectfully submitted,

J.J. & B Broadcasting, Inc.

By:   
Robert L. Wilkins, President  
7924 Lasley Forest Road  
Lewisville, NC 27023

Date: September 7, 2018

Copy Mailed to:

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