

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

In re Application of)	
)	
All Pending Translator Applications	)	File No.
	)	Facility ID
For Pending Construction Permits for	)	<i>Refer to Appendix A</i>
New FM Translator Stations)	
)	

To: The Commission

**CONSOLIDATED REPLY TO OPPOSITION
TO APPLICATION FOR REVIEW**

August 10, 2018 Common Frequency, Inc, and Prometheus Radio Project (“Petitioners”) filed Application for Review (“Review”) concerning 328 translator applications. Counsel for Dome Broadcasting, Inc., Alexandra Communications, Inc., Immaculate Heart Media, Inc., and Villages Communications, Inc. filed common-worded Oppositions for those parties (“Dome, et al” or “Dome”). Counsel for Bustos Media Holdings, LLC, Carlos A. Duharte, El Sembrador Ministries, Holy Family Communications, Punjabi American Media, LLC, Real Presence Radio, Redemption Strategies Broadcasting, LLC, Silver State Broadcasting, LLC, and Steckline Communications, Inc. filed Consolidated Opposition for those parties (“Bustos, et al” or “Bustos”). Fletcher, Heald, & Hildreth, PLC filed Joint Opposition for Victoria RadioWorks, LLC, Family Stations, Inc., Christian Broadcasting System, Ltd., Willamette Broadcasting Co., Inc., Packer Radio Greenville, Inc., Packer Radio WION, LLC, Bott Communications, Inc., OMG FCC Licenses LLC., Truth Broadcasting Corporation, WLBE 790, Inc., and Community Broadcasting, Inc. (“Victoria, et al” or “Victoria”). Petitioners assert these Oppositions chiefly lodge complaints

of perceived filing protocol technicalities to dismiss the Review. This Reply addresses to those Oppositions in consolidated fashion. The three groupings of Oppositions are discussed below.

I. DOME, ET AL, OPPOSITIONS

Dome, et al, states Petitioners failed to comply with Sections 1.16, 1.52, 1.49, and 1.115 of the Commission's rules.¹ This is analyzed as follows:

(1) Dome claims an application for review must include a declaration in support thereof per Section 1.16. Signer Paul Bame has done so on the Application for Review form which states:

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Such statement, above, is sufficient to pass muster for declaration.

(2) Dome states per Section 1.52 the signers must provide address, suggesting Petitioners have not supplied that. Dome provides precedent from a Video Division case regarding *Channel 61 Associates, LLC* to bolster its claim.² First, the closing of the pleading provides contact "P.O. Box 42158, Philadelphia, PA 19101, 215-727-9620" which suffices. An address also appears in the signed electronic form for Application for Review. Second, the cited case is in not within the same forum. The case cited from Dome is from the Video Division, not the Audio Division, and is not a Commission-level judgment

¹ Comments of Dome et al, page 2.

² Channel 61 Associates, LLC, 31 FCC Rcd 1340 (2016).

(3) Dome states per Section 1.49(c) the pleading is deficient summary. Petitioners assert the the Review pleading does provide summary, but not labeled as “Summary.” Section 1.49(c) does not state a pleading section must prefaced with title “Summary” but merely stipulates a *summary*, presumably towards the beginning of the pleading. The pleading *is summarized* within paragraphs two and three. The contents of this summary is further distilled below:

- Commission should review and review decision
- This is based upon Section 405(a)
- The reconsideration items must be judged upon material merit.
- Commission is in violation of the Administrative Procedure Act.
- The Objection letter decision did not comport to fact
- The decision was gauged arbitrary and capricious.
- The Commission is required to address this.
- The Commission contravened the Local Community Radio Act (“LCRA”).
- The Petitions originally filed 994 Informal Objections concerning failure to judge the LCRA.
- The Commission misjudged the LCRA.
- Petitions timely filed Reconsideration.
- The basis for Reconsideration was flawed.

The above comprises an intact summary for the petition with historical perspective included.

(4) Dome states the Review violates Section 1.115(b)(2). The actual rule is quoted as follows:

- (2) The application for review shall specify with particularity, from among the following, the factor(s) which warrant Commission consideration of the questions presented:
- (i) The action taken pursuant to delegated authority is in conflict with statute, regulation, case precedent, or established Commission policy.
 - (ii) The action involves a question of law or policy which has not previously been resolved by the Commission.
 - (iii) The action involves application of a precedent or policy which

- should be overturned or revised.
- (iv) An erroneous finding as to an important or material question of fact.
 - (v) Prejudicial procedural error.

First, the Review may utilize from one to five factors, as Section 1.115(b)(2) specifies “factor(s)” which could be one, *or more*, to qualify. In paragraph one of the Review, Petitioners state, “Review is being sought because decision is in conflict with statute.” This is directly in-line with Section 1.115(b)(2)(i), which states “the action taken pursuant to delegated authority is in conflict with statute.” Petitioners heed 1.115(b)(1) by presenting the questions in bold headings.

³ Petitioners then elaborate:

Within its judgement, the Commission omits discussion of a key tenet of Section 405(a) of the Communications Act pertinent to qualification within this case. By statute, the Petitioners’ pursuit of Reconsideration is gauged appropriate, and the Commission is required to address the Petition on material merit.⁴

Petitions present the questions Dome shades the Section 1.115(b)(2) prequalification as a need to ostentatiously present all these factors within an extensive writing exercise. The example case Dome presents excludes reasoning per Section 1.115(b)(2); this case is not pertinent to the Review, which does present Section 1.115(b)(2)(i) as a reason for filing.

(5) Under Part III of their Opposition, Dome et al states Petitioners fail to demonstrate any facts specific to the Dome et al applications, or state why dismissal is in the public interest. This is untrue. The Attachment the Reconsideration provides an analysis of each application that is perceived to not comport to the LCRA (See Attachment 1 in the Reply for a copy of this).

³ The question within the Review is concisely presented in paras. 2 and 3, regarding standing under Section 405(a), which satisfies Section 1.115(b)(1).

⁴ Review, p 1.

The Review delves into the reasoning why the application should not have been granted in the public interest under *Part II(2)* (“Multiple Objections is in the public interest”). Dome states Petitioners should have affidavits from locals within the application jurisdictions. Such demonstration need not pertain to a reconsidered objection of aggrieved parties. Dome mentions that Petitioners do not qualify to be aggrieved party, but then does not substantiate that claim.

Dome then provides subjective commentary, summarizing (Dome, et al, page 4) the Review as “gibberish” and “hogwash” without presenting any specific analysis to counter the arguments central to the Review. It then offers conjecture that AM stations are “real radio stations” and states LPFM is “utterly failing” (although the latter may bolster Petitioner’s viewpoint -- e.g. due to boxing-in from translators, translator short-spacing, and prevention of upgrading LPFM, some LPFM facilities are not sustainable). Petitioners provided copious factual references to the LPFM Proceeding that contradicted the Objection Denial Order. Dome does not contest any of this.

(6) Dome states, “The public interest would not be served by reserving the spectrum for some future day when LPFM stations might come along.” The Commission record demonstrates reasoning contrary to this sentiment.⁵

(7) Dome, et al, provides preclusionary studies for LPFM that is specious in presentation. For example, within the Lancaster, New York application, it is purported that since

⁵ See Review p 11: MM Docket 99-25 (Creation of a Low Power Radio Service) states the FCC’s documented interpretation of the LCRA is to prevent disparities for future secondary service licensing opportunities in spectrum impacted areas.

two LPFM channels are open in Lancaster, Dome's proposed translator may pass LPFM preclusion studies.⁶ Upon closer inspection, we see translators W201BE, W227BW, W235BC, W239BA, W243DX, W255DH.C, W262CM, W263DC, W275BB, W284AP, W291CN, W295BW, W297AB (see Attachment 2-A) are all permitted/licensed within the Lancaster (Buffalo) vicinity. However, there are **zero licensed LPFM facilities in the Buffalo vicinity**. Furthermore, one of the two open channels -- channel 286 -- receives ample 60 dBu (Longley-Rice) incoming co-channel interference from CFLZ-FM Niagara Falls, ON (see Attachment 2-B). Thus, Dome is asserting that since there are 13 translators in the Buffalo area, and one LPFM channel open, a 14th translator to the area should be sanctioned under the LCRA. This interpretation is flawed. The purpose of the LCRA is not to simply protect one LPFM channel per metropolitan area. LCRA Section 5(2) asserts that decisions be based on the needs of the community. The FCC interpretes Section 5(2) to mean that the ratio of secondary service spectrum should be skewed towards LPFM in urban areas. This is stipulated within the LPFM Preceding,⁷ and further emphasized within the Objection Denial letter decision.⁸ Dome's preclusion study, in this example, does not comport to LCRA Section 5.

II. BUSTOS, ET AL, OPPOSITIONS.

(1) Bustos states that the Review does not comply with Section 1.115(b). Petitioners delved into this issue above with Dome (see I(4) above). This information is not difficult to ascertain from the Review. Petitioners utilize Section 1.115(b)(2)(i) as the basis for requesting

⁶ Dome Opposition for W238DD, Lancaster, NY, p 5.

⁷ "We believe that LPFM stations can best serve the needs of local communities in areas with significant populations where LPFM service is practical and sustainable." *Creation of a Low Power Radio Service*, Fourth Report and Order and Third Order on Reconsideration, 27 FCC Rcd 3364, 3382, para. 39 (2012).

⁸ "LPFM stations, with limited coverage and other resource constraints, are better suited to serve more densely populated areas." *In re: "All Pending Translator Applications."* Letter Decision 1800B3-TSN, DA 18-597. June 8, 2018.

review. Following with Section 1.115(b)(3),⁹ Petitioners call attention to the Audio Division's misinterpretation of qualification for filing Reconsideration with Part I of the Review ("I. Reconsideration is Appropriate Under Section 405(a)"). Following from Section 1.115(b)(4),¹⁰ Petitioners request to "reverse the letter decision, and address Applicants' contravention of the Local Community Radio Act."¹¹ Petitioners were qualified under statute of 405(a) of the Communication Act to filing Review. If this is not completely obvious, motion for leave is requested here to underscore this question nunc pro tunc.

(2) Bustos states in Opposition para. 7 that "/s/" is insufficient for a pleading signature according to Section 1.52. However "/s/" is acceptable as an alternate typed signature. Furthermore, there is an electronic-typed signature on the Application for Review form. Both forms of signatures are sanctioned under Section 1.52, which states "If filed electronically, a signature will be considered any symbol executed or adopted by the party with the intent that such symbol be a signature, including symbols formed by computer-generated electronic impulses."

(3) Bustos states in Opposition para. 8 "Section 73.3513(a)(3) of the FCC's Rules states that applications, amendments and related statements of fact filed on behalf of a corporation must be signed by "an officer, if the applicant is a corporation". Bustos misconstrues the rules. Section 73.3512(a)(3) pertains to only **applications, not pleadings**. The representatives need not be attorneys or officers on pleadings. Representation on pleadings is guided by Section 1.22 which states "Any person, in a representative capacity, transacting business with the

⁹ Section 1.115(b)(3) The application for review shall state with particularity the respects in which the action taken by the designated authority should be changed.

¹⁰ Section 1.115(b)(4) The application for review shall state the form of relief sought and, subject to this requirement, may contain alternative requests.

¹¹ *Review*, p. 2.

Commission, may be required to show his authority to act in such capacity.” In other words, the Commission may call upon petitioners to demonstrate in what capacity the signer’s authority is.

(4) Bustos states in para. 11-12 Petitioners lack standing to file against translators due to locality: “None of the Objectors allege that electrical interference would be caused by the station which will result from a grant of any the above-captioned applications.” As party aggrieved within Reconsideration, Petitioners are not claiming “party-in-interest.” The three separate ways to gain standing under Section 405(a) are: (a) any party thereto (party-in-interest), (b) whose interests are adversely affected thereby, or (c) any other person aggrieved. The first two are incorporated under Section 1.106(b). Bustos omits mention of the third, which qualifies Petitioners’ standing by Section 405(a) as parties aggrieved.

(5) Bustos states in para. 13 that Petitioner’s arguments more appropriately belong in a notice and comment ruling proceeding:

Official notice can be taken by the Commission that at least Common Frequency and Prometheus Radio Project have participated in MB Docket 13-249, pursuant to which the approximately 328 pending FM translator long form 349 applications they object to were filed. Objectors should have filed for either an administrative or judicial stay of the various filing windows pursuant to Docket 13-249. That is where the relief they seek could have been adjudicated.

Prometheus **timely filed** a Petition for Emergency Partial Stay and Processing Freeze Pending Review of Petition for Reconsideration and Petition for Reconsideration.¹² Upon the filing of the Informal Objections, the Commission had not responded to those pleadings over a year after filing. Shortly after filing the Informal Objections, the Commission was motivated to engage the matter. As a formality, the Stay was then dismissed as moot because it was not

¹² *Stay Petition* filed on April 3, 2017 and *Reconsideration Petition* filed on April 10, 2017 regarding *Revitalization of the AM Radio Service*, Second Report and Order, 32 FCC Rcd 1724 (2017).

timely addressed by the Commission, and the Reconsideration was denied without referencing any LCRA Section 5 precedent or filing statistics.

REC Networks in timely-filed AM Revitalization comments reminded that “the LCRA is still in effect”¹³ yet the Commission capriciously does not mention the LCRA subsequently in the proceeding.

There is question of how the Commission can render decisions comporting to the LCRA without referencing filing LPFM/translator statistics and only using theoretical assumptions that diverge from what they have indicated earlier within the LPFM Proceeding. Above, Dome, for example, clearly shows one LPFM channel open in Buffalo in light of the 14th translator being licensed, and no LPFM facilities currently licensed there. Petitioners demonstrated similar circumstances concerning Pittsburgh, PA within Review.¹⁴ If the FCC believes this comports to LCRA Section 5, then LCRA Section 5 is meaningless. Petitioners have followed the traditional protocols and have yet to have the facts addressed. It is in the public interest to demonstrate incontrovertible fact that is in conflict with FCC decision. Bustos further states:

They are not entitled to the relief they seek with respect to individual applications such as those captioned above, where they have not alleged any specific issues relative to the basic qualifications of any of the above-captioned applications, nor have they alleged any violations of FCC rules or policies by the facilities proposed in the above-captioned application. Therefore, Petitioners have failed to state a claim upon which relief can be Granted.

To the contrary, within the Reconsideration Attachment, **Petitioners list each application and provided rationale for perceived conflict for each application.**¹⁵ This is included again here in Attachment 1. Petitioners are specific in referencing LCRA Section 5.

¹³ MB Docket 13-249, Comments of REC Networks, <https://ecfsapi.fcc.gov/file/7521066977.pdf>

¹⁴ Review, p 16.

¹⁵ Within the Reconsideration *Appendix* it lists “D. LPFMs 73.807(c) short spaced; E. Post-window possible LPFM channels this location without translator; F. Post-window possible LPFM channels this location, with translator; G Market type channel-point precluded. SL:spectrum-limited SA:spectrum-available see recnet.com/2018-lcra-study H to N Same as A to G”

The FCC has traditionally required the applicant to demonstrate upholding the LCRA rather than providing an open list of channels available to the applicants. The Commission historically has abided by LCRA, first with post-Auction No. 83 filing obligations for applicants to demonstrate LCRA compliance, and then implicit requirements for Mattoon waiver-request translator applicants. To capriciously annul LCRA obligation within application processing policy is unequal treatment regarding applications filed previously, and violation of the Administrative Procedure Act.

Bustos presents *KGAN Licensee, LLC*, 30 FCC Rcd 7664, n. 18 (2015), for example, suggesting it “is generally inappropriate to address arguments for a change in rules in an adjudicatory proceeding...” **That is not the case here.** Petitioners are not asking for any rule changes -- they are simply stating the FCC is not following their own rules, established processing policies, and precedent. **It would be inane for Petitioners to pursue rulemaking that merely seeks the Commission follow established rules, policies, and precedent.** The proper route for this is through adjudication. Petitioners are clear on the relief requested -- it is to address the Reconsideration on material merit,¹⁶ for which Petitioners have requested relief.¹⁷

III. VICTORIA, ET AL, OPPOSITIONS.

Victoria, et al, states Petitioners “rely on a very broad reading of Section 405(a), which confers standing upon ‘persons aggrieved.’ Application does not specifically identify how Common Frequency and Prometheus are ‘aggrieved.’” To the contrary, Petitioners spent one page (Review, page 6) delving into reasoning.

¹⁶ Page 1 and 21 of Review.

¹⁷ See Attachment C. This is taken from Reconsideration, for which, if not transitively taken into consideration as the effective relief requested, leave is requested here to incorporate the relief directly into the Review nunc pro tunc (since the Review asks for the Reconsideration to be reversed, effectively reviving all aspects of it).

Victoria also believes Petitions are actually aggrieved “by the Commission’s AM Revitalization proceeding and related FM translator auctions – not the Translator Applications themselves.” Victoria goes on to state:

...[Petitioners] proper remedy was to seek reconsideration of the FCC’s proceedings that adopted and implemented the FM translator auctions. Failing to timely challenge the proper proceeding, Common Frequency and Prometheus have instead chosen the onerous undertaking of attacking 328 individual applications for FM translators. Doing so requires an individual standing showing for each application, which Common Frequency and Prometheus plainly have failed to provide.

First, it is not conclusive that Commission’s AM Revitalization proceeding needed to make new rules concerning LCRA processing. A proceeding was not needed for LCRA adherence within Mattoon waivers -- it evolved out of processing policy. Moreover, the FCC has always left it the applicant’s responsibility for compliance demonstration. As an established statute, the FCC may reveal guidance or preferred demonstration concerning their processing policy associated with the mandate.

Second, as stated above, REC Networks did file timely comments regarding the LCRA, and Prometheus did file Reconsideration and Stay, which was not replied to until after both construction permits were being granted and the Petitioners’ Informal Objections were submitted. Intervention was rendered moot via the Commission’s decision not to timely respond. Involvement at the Proceeding-level was thus thwarted.

Lastly, the Commission decided to address the Informal Objection on material merit, **thus establishing the precedent that individual applications are challengeable regarding LCRA compliance via a petitioning route. For the Commission to change their minds about hearing the Review based upon the reasoning Victoria posits, the Commission**

would also have to walk-back its judgement in addressing the Informal Objections on material basis.

Victoria goes on to claim that Petitioners have not specifically identified how the contested translators complicate LPFM opportunities. Again, as stated above, Petitioners **listed each application and provided rationale for perceived conflict for each application in Reconsideration Appendix, attached again here in Attachment 1.**

Victoria bemoans the existence of the “parties aggrieved” standing option, inferring that Petitioners should embrace the more common means of standing better covered in case history under Section 1.106(b). Victoria delving into Section 1.106(b) standing qualification is thus superfluous.

Victoria suggests that in order to air grievance over translator applicant contravention of federal statute, that people from every locality across the United States should file hundreds of *petitions to deny* with the FCC. This is not practical or processable within the Commission’s judicial capacity nor advocated with respect to administrative efficiency. Furthermore, if only a few translator applications were petitioned against, it sets up a quagmire where those applications are in limbo, possibly for years, while other permits are built. If the petitioners ended up victorious, a muddled legal quandary exists for those translator permittees that have not licensed (the LCRA technically requires a compliance showing *up to the licensing phase*).¹⁸ Petitioners are thus pursuing the cleanest route for the Commission to examine this issue with the highest efficiency of order and resource.

¹⁸ LCRA Section 5 is worded “when licensing new FM translator stations...” H.R. 6533 — 111th Congress: Local Community Radio Act of 2010.

Victoria posits the Petitioner's injury-in-fact is not "distinct" nor "palpable". Petitioners assert qualification of standing in more than one capacity. Petitioners, as 501(3)(c) nonprofits, perform multiple functions within proceeding commenting, advocacy, applicant/licensee representation, and collaborators. Within that context, they have associative and organizational standing. The injury-in-fact in the contest is traceable within the Article III rubric:

(A) Petitioners claim associative and organization standing:

(1) Associative standing: (a) Petitioners maintain co-operation and investment with LPFM licensees in all municipalities. Recent exemplification includes Petitioners co-filing a rulemaking reply comment for Docket 18-119 in coalition with a total of 100 members -- LPFM licensees all over the United States.¹⁹ (b) There is a roster of individuals from all localities who approach Petitioners' organizations on an ongoing basis who become members for assistance in applying for LPFM facilities. These members have vested rights through the LCRA to apply for *ensured* LPFM channels. Section 5 of LCRA, as interpreted by the FCC, permits the Commission to "account for the present disparities between the two services"²⁰ and "ensure future LPFM licensing opportunities."²¹ This is because "the statutory mandate [is] to ensure some minimum number of LPFM licensing opportunities in as many local

¹⁹ ECFS Reply Comments of LPFM Coalition *In the Matter of Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, MB Docket No. 18-119. September 5, 2018.

²⁰ Para 17. *Creation of a Low Power Radio Service*, Fourth Report and Order and Third Order on Reconsideration, MM Docket No. 99-25. March 19, 2012.

²¹ Para 29. *Creation of A Low Power Radio Service*, Third Further Notice of Proposed Rule Making, MM Docket No. 99-25. July 12, 2011.

communities as possible”²² This is how the LCRA was implemented until translator applicants ceased demonstration of LCRA compliance.

(2) Petitioners have representative capacity because the intended applicants for the LPFM channels would have standing in their own right, the protected interests are germane to the organization’s purpose, and neither the claim asserted nor the relief requested requires the participation of the individual prospective applicants.²³

(3) Organization standing: The LCRA is consistent with the organizations’ missions. The nonprofits have participated with prior proceedings associated with the LCRA.

(B) The injury in fact is cognizable:

(1) Economic Injury: The multitude of applications contravening the LCRA is directly detrimental to the normal business of the organization. Petitioners’ business is predicated upon the sheer number of LPFM applicants, which is hinged upon the reserved availability of LPFM channels that the FCC is obligated to allot via the “account[ing] for the present disparities” between services.

(2) Statutory Injury: Both the First Amendment and LCRA rights of members associated with desiring to pursue LPFMs within their localities are deprived. The the erosion of LCRA spectrum balance set for LPFM set by LPFM Proceeding precedent encroaches

²² Para 12. *Ibid.*

²³ At 343. *Hunt v. Washington Apple Advertising Commission*, 432 U.S. 333 (1977).

upon the member rights of established affiliated LPFMs affiliated with Petitioners' organizations.

(3) Procedural injury: The oversight of the FCC to not process Prometheus's Stay and Reconsideration concerning on a timely basis was a deprivation of judicial due process.²⁴ The fact that the FCC refuses to rely any analytical filing return statistics, acknowledge precedent correctly, or explain the capricious sunseting of processing policies within response to Reconsideration and Objection is an abuse of process. The notion Objectors have no recourse if the FCC cognizantly errs in dismissal judgement without factual justification is reason for appeal in the public interest.

(C) Injury is actual and imminent: Petitioners provide filing numbers and maps in Objection, with gross example concerning Pittsburgh, elucidating that the Commission's current policy deviated from established precedent and previous policy. The information demonstrates the current processing of translators conclusively precludes spectrum that was perceived slated for LPFM under LCRA.

(D) Injury is concrete and particularized: The loss of LPFM spectrum reserved under LCRA was reappropriated with violation of the Administrative Procedure Act. This loss deprives members applying new LPFM facilities of First Amendment free speech airwaves access and ensured spectrum via LCRA Section 5. The injury is "particularized" because Petitioners participated within previous proceedings where commenting and petitioning was pursued for which the

²⁴ *Supra*, note 12..

Commission did not adhere to procedural process or acknowledge violation of the Administrative Procedure Act.

(E) Injury is distinct and palpable: (a) In addition to aforementioned in “D”, the Petitioner’s business is predicated on the proper upholding of LCRA. As co-engaged builders of LPFM facilities, unensured spectrum for LPFM substantially curtails their business. The loss of income is a direct result of this. (b) The individuals aimed at applying for new facilities, whom Petitioners represent, incur a non-economic loss through deprivation of affiliated rights under statute. (c) Individual short-spaced LPFM facilities with connection to the Petitioners have fringe coverage curtailed via lack of enforcement of LCRA.

(F) Injury is traceable: Processing precedent requires applicants to provide proof of LCRA Section 5 compliance. The absence of this demonstration permits licensing of a facility that uses spectrum ensured under Section 5 for LPFM. Petitioners detail perceived LPFM preclusionary effects to each individual translator application within the Reconsideration Attachment. The traceable link is then drawn from each individual application to the collective injury, the total loss of spectrum.

(G) Relief sought to redress injury: The rescinding of application grant pending a LCRA compliance demonstration prevents the injury from occurring. Relief was requested in the closing of the Petition for Reconsideration, attached here for reference in Attachment 3. Victoria states Petitioners’ “injury would not be redressed by the reconsideration” because other previous applications were granted previous to these. This is akin to stating nobody should be prosecuted for stealing since so much merchandise has already been taken.

IV. CONCLUSION.

Petitioners have successfully contested Opposition arguments and request that the Commission dismiss the captioned Oppositions.

Respectfully Submitted by,

/s/

Todd Urick
for Common Frequency, Inc

/s/

Paul Bame
for Prometheus Radio Project

September 8, 2018

P.O. Box 42158
Philadelphia, PA 19101
215-727-9620

CERTIFICATE OF SERVICE.

Copies sent to the respective Contact Representatives listed below by first-class mail on September 10, 2018. See the captioned application appendix to associate contact representatives with applications.

Gary S. Smithwick, Esq. Smithwick & Belendiuk, P.C. 5028 Wisconsin Avenue, NW Suite 301
Washington DC 20016

Dennis J. Kelly Law Office of Dennis J. Kelly Post Office Box 41177 Washington DC 20018

Davina Sashkin, Esq. Fletcher, Heald & Hildreth, PLC 1300 North 17th Street 11th Floor
Arlington VA 22209

/s/

Todd Urick

APPENDIX A

Smithwick & Belendiuk, P.C.

BNPFT-20180424ABC 202780 Patillas, PR	COMMUNITY BROADCASTING, INC.
BNPFT-20180503AAK 202621 Leesburg-Eustis, FL	WLBE 790, INC.
BNPFT-20180420AAJ 202845 High Point, NC	TRUTH BROADCASTING CORPORATION
BNPFT-20180420AAH 202844 Davidson, NC	TRUTH BROADCASTING CORPORATION
BNPFT-20180420AAF 202843 Freeport, UT	TRUTH BROADCASTING CORPORATION
BNPFT-20180424AAI 203229 Astoria, OR	OMG FCC LICENSES LLC
BNPFT-20180502AAE 202879 Reeds Spring,	MOBOTT COMMUNICATIONS, INC.
BNPFT-20180425AAL 202467 Ionia, MI	PACKER RADIO WION, LLC
BNPFT-20180426AAN 202466 Greenville, MI	PACKER RADIO GREENVILLE, INC.
BNPFT-20180507ABY 202474 Keizer, OR	WILLAMETTE BROADCASTING CO., INC.
BNPFT-20180418AFX 203144 Florence, KY	CHRISTIAN BROADCASTING SYSTEM, LTD.
BNPFT-20180427ABN 203025 San Francisco, CA	FAMILY STATIONS, INC.
BNPFT-20180502AAU 202971 New York, NY	FAMILY STATIONS, INC.
BNPFT-20180508AAV 202874 Port Lavaca, TX	VICTORIA RADIOWORKS, LLC

Law Office of Dennis J. Kelly

BNPFT-20180430AAL 202811 Liberal, KS	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180502ACM 203222 Winchester, NV	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180502AAV 203048 Greenville, SC	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180502ABI 202080 Fargo, ND	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180503AAD 202081 Bemidji, MN	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180501AAE 202969 Austin, MN	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180502ABP 202953 Fresno, CA	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180507ACC 202250 Chili, NY	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180418AHZ 203234 Moreno Valley, CA	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180430AAM 202945 Palo Alto, CA	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180427ABZ 202944 Beaverton, OR	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180427ABY 202943 Beaverton, OR	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180427ABY 202943 Beaverton, OR	BUSTOS MEDIA HOLDINGS, LLC, ET AL
BNPFT-20180418ABI 202942 Auburn, WA	BUSTOS MEDIA HOLDINGS, LLC, ET AL

Fletcher, Heald & Hildreth, PLC

BNPFT-20180501AAN 202524 Wildwood, FL	VILLAGES COMMUNICATIONS, INC.
BNPFT-20180509ADL 202831 Wilmington, DE	IMMACULATE HEART MEDIA, INC.
BNPFT-20180509ADK 202819 Minnetonka, MN	IMMACULATE HEART MEDIA, INC.
BNPFT-20180509ADH 202826 Lake Forest, IL	IMMACULATE HEART MEDIA, INC.
BNPFT-20180509ADF 202821 Punta Gorda, FL	IMMACULATE HEART MEDIA, INC.
BNPFT-20180509ACY 202818 Cloverdale, IL	IMMACULATE HEART MEDIA, INC.
BNPFT-20180509ACW 202816 Green Bay, WI	IMMACULATE HEART MEDIA, INC.
BNPFT-20180509AAJ 202829 Naples, FL	IMMACULATE HEART MEDIA, INC.
BNPFT-20180509AAH 202817 Naples, FL	IMMACULATE HEART MEDIA, INC.
BNPFT-20180507ADL 202836 Rocklin, CA	IMMACULATE HEART MEDIA, INC.
BNPFT-20180507ADK 202815 Round Rock, TX	IMMACULATE HEART MEDIA, INC.
BNPFT-20180507ADJ 202827 Pewaukee, WI	IMMACULATE HEART MEDIA, INC.
BNPFT-20180503AAY 202635 Dayton, WA	ALEXANDRA COMMUNICATIONS, INC.
BNPFT-20180420ABD 202038 Tillamook, OR	ALEXANDRA COMMUNICATIONS, INC.
BNPFT-20180418ADG 201992 Lancaster, NY	DOMO BROADCASTING, INC.

ATTACHMENT 1

Captioned Applications

Column	A	B	C	D	E	F	G			
	File number	Facility ID	City, State	LPFMs 73.807(c) short spaced	Post-window possible LPFM channels this location, without translator	Post-window possible LPFM channels this location, with translator	Market type channel-point precluded. SL:spectrum-limited SA:spectrum-available see recnet.com/2018-lcra-s			
	H to N	Same as A to G								
20180425AAW	202782	Spokane, WA	0	3	2 SA	20180425AAU	202690 Millington, TN	0	4	4
20180502AAU	202971	New York, NY	0	0	0	20180419ACS	202793 San Luis Obispo, CA	0	4	3
20180502AAL	202287	Shreveport, LA	0	12	11 SA	20180502ABI	202080 Fargo, ND	0	12	11
20180420AAG	202142	Fairbanks, AK	0	43	40	20180420AAH	202844 Davidson, NC	0	1	1
20180507ACG	203211	Waterloo, IA	1	11	10	20180419ACZ	202404 Marion, IN	0	2	2
20180507ABM	202301	Albany, NY	0	0	0 SA	20180423AAB	202824 Longview, TX	0	2	2
20180507ABS	202553	Stockton, CA	0	0	0 SA	20180503ACD	203231 Lewistown, PA	0	3	2
20180507ADB	203149	Norfolk, VA	0	0	0 SA	20180425AAL	202467 Ionia, MI	0	3	3
20180502ABZ	202708	Chattanooga, TN	0	0	0 SA	20180509AAF	202934 Montrose, PA	0	5	5
20180426ABB	202762	Bridgeport, CT	0	0	0 SA	20180426AAN	202466 Greenville, MI	0	6	5
20180427AAC	202588	Liverpool, NY	0	0	0 SA	20180426ABJ	202676 Leland, NC	0	10	9
20180509ACF	202612	Orange Park, FL	0	1	1 SA	20180426AAI	202367 Stillwater, OK	0	9	9
20180507ACH	203291	Brandon, FL	0	1	0 SA	20180503AAD	202081 Bemidji, MN	0	21	20
20180507AAK	202121	New Orleans, LA	0	1	1 SA	20180501ABT	202421 Sodus, NY	0	5	3 SA
20180507ABV	202549	Lexington, KY	0	1	0 SA	20180426AAX	202672 Fayetteville, AR	0	6	4 SA
20180501AAX	202918	St. Louis, MO	0	1	0 SA	20180509AAB	202801 Wauchula, FL	0	11	10 SA
20180424ABF	202855	Little Rock, AR	0	1	1 SA	20180509AAP	202758 Springfield, OH	0	4	2 SL
20180418AHQ	202276	Bellevue, WA	0	1	0 SA	20180508ABC	202864 Grass Valley, CA	0	4	3
20180423AAO	202424	Miami, FL	0	1	0 SA	20180502AAE	202879 Reeds Spring, MO	0	4	3
20180418AFX	203144	Florence, KY	0	1	1 SA	20180501AAO	202628 Cumberland, MD	0	7	6
20180507ABJ	202127	Pueblo, CO	0	2	0 SA	20180509AAQ	202578 Brunswick, GA	0	6	5
20180507ACM	203288	Titusville, FL	0	2	1 SA	20180501ABU	202519 Front Royal, VA	0	6	4
20180420AAU	203058	Manteca, CA	0	2	2 SA	20180420AAK	202483 Eureka, CA	0	6	6
20180507ACZ	202738	Baton Rouge, LA	0	3	2 SA	20180507ACB	202939 Martinsville, VA	0	8	7
20180507ADJ	202827	Pewaukee, WI	0	3	2 SA	20180418AIF	202799 Delano, CA	0	5	5
20180502AAW	202602	Cocoa, FL	0	4	2 SA	20180507AAT	203141 Canton, GA	0	6	6
20180420AAJ	202845	High Point, NC	0	4	3 SA	20180508AAT	203007 Wenatchee, WA	0	8	6
20180418ABH	203208	Coolidge, AZ	0	5	4 SA	20180509ABP	202651 Wailuku, HI	0	23	22
20180424ABA	202534	Lafayette, LA	0	5	5 SA	20180507ABW	202575 Sioux City, IA	0	14	9
20180426AAZ	202671	Athens, AL	0	5	4 SA	20180425AAY	203188 Saratoga Springs, NY	0	6	4
20180508ABP	202966	Orange, TX	0	6	5 SA	20180425AAB	202365 College Station, TX	0	14	12
20180503ABT	202772	Charleston, SC	0	7	5 SA	20180502AAJ	202363 Lacrosse, WI	0	6	6
20180501AAI	202559	Pocomoke City, MD	0	11	10 SA	20180430ABT	202259 Davenport, IA	0	13	12
20180507AAM	202571	Oklahoma City, OK	0	0	0 SA	20180508ABZ	202071 Twin Falls, ID	0	15	14
20180507ABU	202548	Denver, CO	0	0	0 SA	20180426ABH	202784 Topeka, KS	0	11	11
20180507AAL	202573	Tulsa, OK	0	0	0 SA	20180430AAV	202510 Centralia, WA	0	11	11
20180507AAU	202302	Memphis, TN	0	0	0 SA	20180426AAW	202757 Canyon, TX	0	15	13
20180507ACQ	203138	Louisville, KY	0	0	0 SL	20180425AAE	202720 Wisconsin Rapids, WI	0	21	20
20180503ABS	202786	Syracuse, NY	0	0	0 SA	20180509AAI	202451 Burnsville, NC	0	11	10 SA
20180502AAQ	202962	Memphis, TN	0	0	0 SA	20180508ACT	202361 Boone, IA	0	16	13
20180501ABJ	202685	St. Louis, MO	0	0	0 SA	20180430AAZ	202979 Terre Haute, IN	0	8	6
20180501AAM	202657	Durham, NC	0	1	1 SA	20180503ACE	202748 Columbia, TN	0	12	10
20180502AAH	202184	York, PA	0	1	0 SA	20180508AAL	202667 Alice, TX	0	15	12
20180424AAS	203241	Covington, KY	0	1	0 SA	20180508ABI	202616 Holcomb, KS	0	25	23
20180418AHO	202978	Monroe, NC	0	1	0 SA	20180509AAY	202585 Venice, FL	0	6	5
20180420AAQ	203205	Smithfield, NC	0	1	1 SA	20180418ABS	202046 Watertown, NY	0	6	6
20180418ABI	202942	Auburn, WA	0	1	0 SA	20171206ABY	200312 Laredo, TX	0	6	6
20180503ABV	202727	Des Moines, IA	0	2	1 SA	20180501AAL	202798 Los Lunas, NM	0	21	21
20180501AAP	202286	Lafayette, LA	0	2	2 SA	20180507ABA	202567 Rochester, MN	0	9	9
20180418ADG	201992	Lancaster, NY	0	2	2 SA	20180502ABL	202188 Florence, AL	0	9	8
20180509AAL	202555	Baton Rouge, LA	0	3	1 SA	20180502ABD	202516 New Iberia, LA	0	16	13 SA
20180426AAQ	202783	Macon, GA	0	3	1 SA	20180503ABZ	202730 Kingsport, TN	0	7	5 SA
20180507ABR	202552	Spokane, WA	0	4	3 SA	20180425AAC	202366 College Station, TX	0	14	11
20180426AAK	202658	Corpus Christi, TX	0	4	3 SA	20180503AAY	202635 Dayton, WA	0	17	16
20180508AAM	202358	Ormond Beach, FL	0	5	4 SA	20180503AAC	202719 la Belle, FL	0	20	19
20180508ABU	203039	Elizabeth City, NC	0	6	5 SA	20180508ABB	202972 Montrose, CO	0	10	10
20180427ABC	202606	Honolulu, HI	0	7	6 SA	20180501AAQ	202265 Twin Falls, ID	0	22	21
20180418AFR	202126	Edison, NJ	0	0	0 SL	20180508ACA	202560 Washington, NC	0	10	9 SA
20180502ABG	202425	Glen Gardner, NJ	0	0	0 SL	20180507ABO	202582 Gadsden, AL	0	10	6

Captioned Applications

20180502ABQ	202064 Vineland, NJ	0	0	0 SL	20180418AHG	202094 St. Louis, MI	0	9	7
20180430ABO	202321 Asbury Park, NJ	0	0	0 SL	20180502AAR	203164 Springhill, LA	0	13	12
20180426ABD	202670 Ann Arbor, MI	0	0	0 SL	20180501AAE	202969 Austin, MN	0	21	19
20180420ABN	202050 Carson City, NV	0	1	1 SL	20180504ABC	203178 Sierra Vista, AZ	0	12	12
20180508AAI	203263 North Palm Beach,	0	3	2 SL	20180423ABB	202139 Cedar Rapids, IA	0	18	16
20180509ACZ	203269 Humacao, PR	0	0	0 SL	20180427ABD	202438 Milan, TN	0	15	14
20180508ABH	202322 Lakewood Townshi	0	0	0 SL	20180430AAL	202811 Liberal, KS	0	22	21
20180507ABL	202307 Akron, OH	0	0	0 SL	20180507AAA	202724 Shawnee, OK	0	9	9
20180507ABP	202300 Providence, RI	0	0	0 SL	20180503ACA	203008 Huntsville, AR	0	15	10 SA
20180507AAQ	202574 Harrisburg, PA	0	1	1 SL	20180418ABO	202175 Buffalo, NY	0	15	14 SA
20180509AAK	202926 Eldersburg, MD	0	1	0 SL	20180420ABD	202038 Tillamook, OR	0	10	8
20180420AAW	202203 Beaver Falls, PA	0	3	2 SL	20180420AAD	202269 Fostoria, OH	0	10	9
20180418AAE	202892 Draper, UT	0	4	4 SL	20180508ACV	202360 Keokuk, IA	0	14	14
20180418ADE	202991 Elyria, OH	0	4	2 SL	20180430ABP	202345 Casper, WY	0	27	25
20180509AAV	203061 Boulder, CO	0	0	0	20180418AFG	202213 Key West, FL	0	32	27
20180508AAF	203145 Burlington, NJ	0	0	0	20180507AAG	202802 Mayfield, KY	0	14	14
20180509ACO	202742 Mckeesport, PA	0	0	0	20180504ABF	202967 Great Falls, MT	0	20	16
20180508ACJ	203238 Medford, MA	0	0	0	20180503AAP	202592 Bemidji, MN	0	27	23
20180504AAL	202952 Barceloneta-Manat	0	0	0	20180503ABK	202807 Bemidji, MN	0	27	23
20180430ABI	202403 Weymouth, MA	0	0	0	20180419ACF	202150 Glencoe, MN	0	12	10
20180501AAW	202219 Fall River, MA	0	0	0	20180419ACP	202619 Lamesa, TX	0	10	8
20180501ABN	202426 Norwalk, CT	0	0	0	20180502AAS	203166 Crockett, TX	0	16	15
20180424ABC	202780 Patillas, PR	0	0	0	20180507ADD	202933 East Helena, MT	0	17	15
20180418AHZ	203234 Moreno Valley, CA	0	0	0	20180418AFL	202055 Grand Island, NE	0	22	21
20180418AHU	202277 Bellevue, WA	0	0	0	20180426AAR	202681 Manning, SC	0	14	13
20180418ADT	202458 Farmington Hills, M	0	0	0	20180419ACJ	202393 Ripon, WI	0	15	15
20180419ACT	203172 Arecibo, PR	0	0	0	20180418AFS	202927 Soldotna, AK	0	27	27
20180509ADK	202819 Minnetonka, MN	0	1	1	20180425AAQ	202906 Hagata, GU	0	36	31
20180502AAO	202318 East Missoula, MT	0	1	0	20180508ABW	202949 Big Rapids, MI	0	17	15
20180501AAN	202524 Wildwood, FL	0	1	0	20180424AAI	203229 Astoria, OR	0	16	16
20180426AAO	203226 Waterbury, CT	0	1	1	20180502ACC	202506 Ukiah, CA	0	21	16
20180427AAK	202154 Ashland, OR	0	1	1	20180502ABM	203228 Escanaba, MI	0	23	22
20180427AAN	202886 Lubbock, TX	0	1	0	20180426AAA	203059 Coffeyville, KS	0	25	25
20180427AAW	202435 Altoona, PA	0	1	1	20180508ADF	203189 Kenai -Soldotna, AK	0	32	29
20180427AAX	202434 Altoona, PA	0	1	1	20180508ADH	203220 Kenai -Soldotna, AK	0	31	28
20180430AAW	202135 Pottsville, PA	0	1	1	20171213AAG	200479 Greenville, MS	0	28	24
20180509ADH	202826 Lake Forest, IL	0	1	0	20180501AAB	202954 Laurinburg, NC	0	24	22
20180507ADK	202815 Round Rock, TX	0	2	2	20180508AAV	202874 Port Lavaca, TX	0	29	27
20180507ABI	202128 Pueblo, CO	0	2	0	20180425AAG	202565 Logan, UT	0	24	20
20180502AAM	202323 Binghamton, NY	0	2	2	20180509ACR	203180 Hobart, OK	0	26	23
20180507AAV	202806 Longview, TX	0	3	2	20180418ABB	202486 Grand Rapids, MN	0	23	21
20180507ACF	203159 Fort Atkinson, WI	0	3	2	20180504AAE	202299 Hot Springs, SD	0	25	24
20180427AAU	202436 Gettysburg, PA	0	3	3	20180503ABB	202778 Junction City, KS	0	30	30
20180424AAV	203167 Hampton, VA	0	3	3	20180504ABE	202957 Butte, MT	0	28	28
20180420AAV	202932 Goshen, IN	0	3	3	20180507ACI	203254 Minocqua, WI	0	30	27
20180507ABY	202474 Keizer, OR	0	4	4	20180503AAZ	202777 North Platte, NE	0	30	27
20180425AAH	202898 Idaho Falls, ID	0	4	3	20180508ACS	202362 Emmetsburg, IA	0	35	33
20180423AAZ	202870 Forest City, NC	0	4	4	20180424ACB	202863 Hampton, SC	0	22	20
20180423AAR	202468 Cleburne, TX	0	8	7	20180509ABQ	203069 Dodge City, KS	0	34	30
20180509ABL	202760 West Palm Beach, F	0	0	0	20180508ABE	202617 Ulysses, KS	0	29	28
20180509ADL	202831 Wilmington, DE	0	0	0	20180508AAN	202193 Juneau, AK	0	41	36
20180502AAP	202153 Detroit, MI	0	0	0	20180508ABY	202194 Juneau, AK	0	41	36
20180507AAV	202304 San Antonio, TX	0	0	0	20180418AIG	202359 Rock Springs, WY	0	51	46
20180507AAH	203012 San Fernando, CA	0	0	0	20180419ACB	202148 Montevideo, MN	0	38	34
20180502ACM	203222 Winchester, NV	0	0	0	20180504AAG	202931 Yuma, AZ	0	39	38
20180430ABF	202857 Juana Diaz, PR	0	0	0	20180508ABN	202921 Marysville, UT	0	42	38
20180424ABG	202877 Beacon, NY	0	0	0	20180508ABM	202920 Joseph, UT	0	42	38
20180424ABH	202878 Peekskill, NY	0	0	0	20180508ABD	203242 Alva, OK	0	43	38
20180418AHD	202809 Utica, NY	0	0	0	20180509ABS	203068 Pratt, KS	0	44	42
20180418ABC	202411 Lacey, WA	0	0	0	20151215AGW	156815 Seward, AK	0	58	55
20180321AAA	201517 Tuscaloosa, AL	0	0	0	20180504ABG	202847 Yuma, CO	0	49	45
20180508AAU	203181 Mebane, NC	0	1	1	20180418AAI	202853 Craig, CO	0	57	52
20180509ACG	202611 Sauk Rapids, MN	0	1	1	20180419ACH	202409 Huron, SD	0	58	53
20180509ACT	202589 Sauk Rapids, MN	0	1	1	20180508AAW	203015 Williston, ND	0	62	57
20180507AAO	203171 St. George, UT	0	1	1	20180423ABK	202531 Afton, WY	0	52	49
20180509AAU	202584 Punta Gorda, FL	0	2	2	20180420ABR	202155 Oakes, ND	0	57	52
20180426ABE	202986 Montgomery, AL	0	2	2	20180508AAK	202240 Ketchikan-Bear Valle,	0	74	69

Captioned Applications

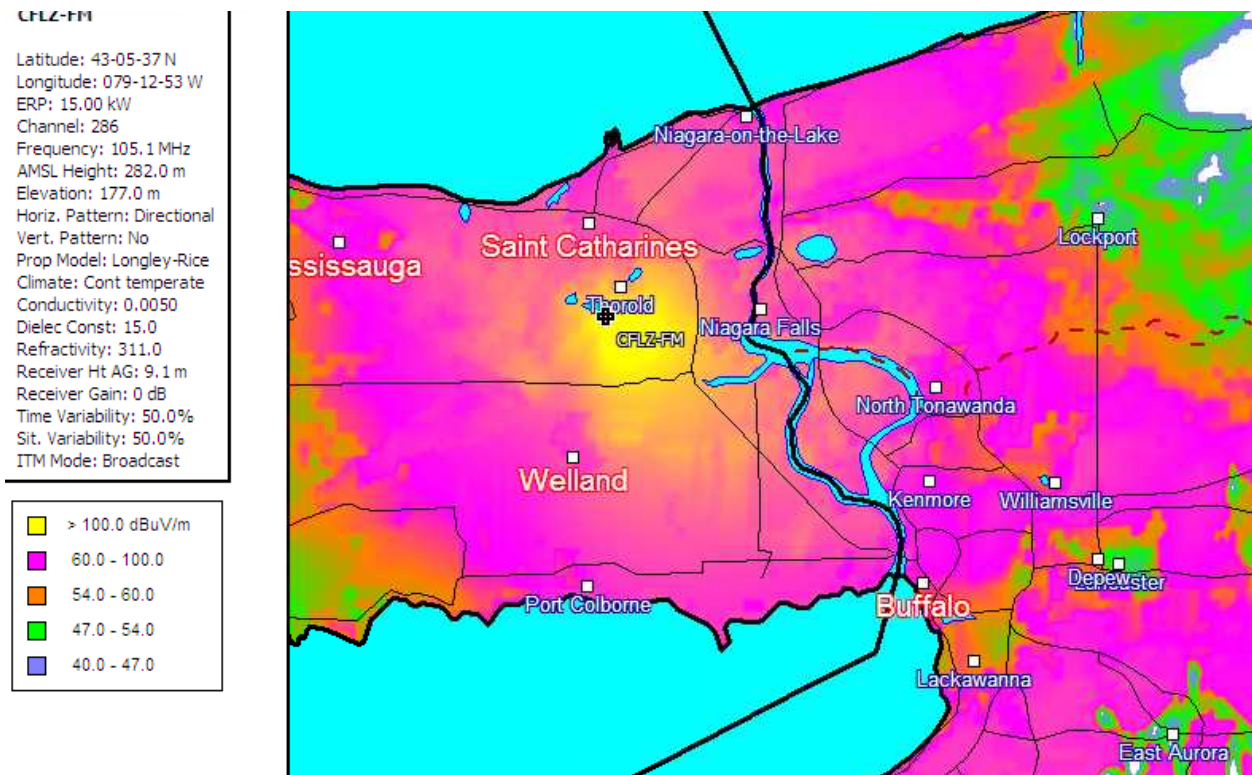
20180427ABJ	202985 Montgomery, AL	0	2	2	20180419AAO	202152 Mobridge, SD	0	82	77
20180509ACV	202816 Green Bay, WI	0	3	3	20180508ADI	203204 Ninilchik, AK	0	74	69
20180507ABN	202551 Fort Smith, AR	0	3	2	20180508ACK	202726 New Orleans, LA	0	100	95
20180507ADL	202836 Rocklin, CA	0	3	2	20180503AAM	202640 Hartford, CT	1	0	0 SA
20180420AAF	202843 Freeport, UT	0	4	4	20180418AAA	202643 Paradise Valley, AZ	1	0	0 SA
20180509AAJ	202829 Naples, FL	0	7	6	20180507ACC	202250 Chili, NY	1	2	1 SA
20180430ABS	202347 Orchard Valley, WY	0	7	6	20180427ABZ	202944 Beaverton, OR	1	0	0 SA
20180425AAS	202678 Nashville, TN	0	7	7	20180423ABH	202298 Fort Worth, TX	1	0	0 SA
20180507ADI	203163 South Bend, IN	0	7	6	20180418ADB	202810 Dallas, TX	1	0	0 SA
20180508ACR	202759 Buckeye, AZ	0	11	11	20180503AAL	202641 Meriden, CT	1	1	0 SA
20180420AAX	202116 Los Angeles, CA	0	0	0	20180425AAR	202684 West Memphis, AR	1	1	0 SA
20180418AIH	203074 West Palm Beach, F	0	0	0	20180507ACY	202739 Port Allen, LA	1	3	2 SA
20180507AAI	203176 St. George, UT	0	1	1	20180419ACU	202063 Lebanon, IN	1	4	3 SA
20180508AAO	202669 San Antonio, TX	0	1	1	20180424AAN	202422 Boynton Beach, FL	1	0	0 SL
20180509ACY	202818 Cloverdale, IL	0	2	1	20180507ABF	202312 Louisville, KY	1	0	0 SL
20180509ADF	202821 Punta Gorda, FL	0	4	4	20180508ACM	202880 Atlanta, GA	1	1	1 SL
20180418ADM	202057 Casa Grande, AZ	0	5	4	20180430AAM	202945 Palo Alto, CA	1	0	0
20180419ADA	202405 Kokomo, IN	0	6	6	20180423AAQ	203078 Tampa, FL	1	0	0
20180426AAU	202668 Amarillo, TX	0	7	6	20180419ACK	203224 South Bend, IN	1	3	2
20180418ABE	203210 Marana, AZ	0	11	9 SA	20180507AAS	202129 Sacramento, CA	1	1	1
20180508AAX	203184 Greensboro, NC	0	6	5 SA	20180430AAJ	202928 Charleston, WV	1	2	2
20180508AAS	203185 Winston-Salem, NC	0	8	7 SA	20180314AAN	200547 Durham, NC	1	3	2 SA
20180509AAC	202766 Frankenmuth, MI	0	9	6 SA	20180502AAV	203048 Greenville, SC	1	2	1 SA
20180507ABE	202568 Springfield, MA	0	1	0 SA	20180419ACA	203232 Granger, IA	1	4	4
20180507ABQ	203151 Rochester, NH	0	2	2 SA	20180502ABP	202953 Fresno, CA	1	6	4 SL
20180418ADH	202316 Golden Meadow, L	0	18	17 SA	20180508ACV	202440 Bloomington, IN	1	5	3
20180426ABK	202703 Pensacola, FL	0	2	2 SA	20180424ABD	202444 Evansville, IN	1	3	3
20180419ACX	202406 Colchester, VT	0	4	3 SA	20180508ABV	203203 Hixson, TN	1	7	7 SA
20180420ABB	202473 Gloversville, NY	0	5	4	20180503AAB	202656 Lake Placid, FL	1	11	10
20180509AAH	202817 Naples, FL	0	8	6	20180426AAP	202675 Lake Charles, LA	1	18	18
20180503AAK	202621 Leesburg-Eustis, FL	0	4	3	20180418ABG	202888 Jamestown, ND	1	54	51
20180426AAS	202895 Painesville, OH	0	5	4	20180507ACE	203286 Tampa, FL	2	0	0 SA
20180426AAL	202846 Eau Claire, WI	0	14	12	20180418ABJ	202941 Dallas, TX	2	0	0 SA
20180502AAK	202958 Springfield, IL	0	14	12	20180507ABG	202570 New Haven, CT	2	1	0 SA
20180423ACB	202535 Corry, PA	0	2	2	20180427ABY	202943 Beaverton, OR	3	0	0 SA
20180427AAY	202433 State College, PA	0	3	3	20180508ABL	202134 Camden, NJ	3	0	0 SL
20180423ABW	202216 Freeport, ME	0	3	3	20180507ABX	202849 Waukesha, WI	3	3	2
20180503ABX	202785 New Castle, IN	0	4	3	20180427ABN	203025 San Francisco, CA	7	0	0

ATTACHMENT 2-A: LANCASTER, NY VICINITY TRANSLATORS

Population Report for All Contours

	Population	Housing Units	Area (sq. km)
W201BE (201) [Buffalo, NY]			
FCC F(50-50) 60.00 dBu (	134,845	67,451	70.3
W227BW (227) [Cheektowaga, NY]			
FCC F(50-50) 60.00 dBu (	154,543	82,042	115.9
W235BC (235) [Bowmansville, NY]			
FCC F(50-50) 60.00 dBu (	139,229	55,708	137.4
W239BA (239) [Niagara Falls, NY]			
FCC F(50-50) 60.00 dBu (	315,626	136,416	624.2
W243DX (243) [Buffalo, NY]			
FCC F(50-50) 60.00 dBu (	316,491	155,988	192.1
W255DH.C (255) [Buffalo, NY]			
FCC F(50-50) 60.00 dBu (	143,876	67,693	141.5
W262CM (262) [Buffalo, NY]			
FCC F(50-50) 60.00 dBu (	155,236	76,625	57.5
W263DC (263) [Tonawanda, NY]			
FCC F(50-50) 60.00 dBu (	96,922	40,412	134.7
W275BB (275) [Cheektowaga, NY]			
FCC F(50-50) 60.00 dBu (	596,919	277,856	482.3
W284AP (284) [Buffalo, NY]			
FCC F(50-50) 60.00 dBu (	517,711	238,738	324.5
W291CN (291) [Buffalo, NY]			
FCC F(50-50) 60.00 dBu (	709,069	323,061	644.9
W295BW (295) [Grand Island, NY]			
FCC F(50-50) 60.00 dBu (	70,974	31,383	107.5
W297AB (297) [Williamsville, NY]			
FCC F(50-50) 60.00 dBu (	138,859	74,412	54.7

ATTACHMENT 2-B: Channel 286 receives ample 60 dBu (Longley-Rice) incoming co-channel interference from CFLZ-FM Niagara Falls, ON -- not a viable channel for LPFM.



ATTACHMENT 3: Relief Requested (from Petition for Reconsideration)

Petitioners presented facts and undermined arguments of the *Denial* and so request that:

1. The denied Objections be reconsidered.
2. Community need be studied In translator-laden markets by third-party unbiased and scientific studies, with results determining the outcome of new translator proposals in those markets.
3. An updated LCRA interpretation be established, consistent with LCRA and former FCC precedent, including precedential studies of effects of the presently-applied translators, and future translators, which take into account population density. Ideally, LCRA interpretation would provide predictability into the future for both LPFM stations and FM translators.
4. Dismiss, rescind, or retrospectively intervene with similar measures as with Auction No. 83²⁵ to effect translator compliance with the forthcoming LCRA interpretation.
5. Permit LPFM stations to use contour-to-contour methods to demonstrate lack of interference with respect to translators.
6. Permit LPFM stations to increase HAAT and/or ERP to accomplish spectrum balancing where impermissible imbalance exists.

²⁵ The lack of retrospective intervention in Auctions No. 99 and 100 compared to said intervention in Auction No. 83; and the presence of population-density considerations in Auction No. 83 but not 99 or 100 is disparate treatment vis *Melody Music, Inc., Appellant, v. Federal Communications Commission, Appellee*, 345 F.2d 730 (D.C. Cir. 1965).