



**Federal Communications Commission
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DA 14-278

In Reply Refer to:

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In re: **Revival Christian Ministries, Inc.**
W283BW, New London, Connecticut
File No. BMPFT-20130528AAC
Facility ID No. 147684

Petition for Reconsideration

Dear Counsel:

Red Wolf Broadcasting Corporation (“Red Wolf”) challenges our grant of an application (“Application”) filed by Revival Christian Ministries, Inc. (“Revival”) to modify the construction permit for W283BW, New London, Connecticut (“Station”).¹ Red Wolf alleges that the facilities authorized in the Station’s modified construction permit will cause interference to the direct reception of one of Red Wolf’s stations. For the reasons discussed below, we find Red Wolf lacks standing to challenge our grant of the Application and dismiss its challenge to that grant.

Background. We granted Revival a construction permit for the Station on May 2, 2013.² Less than a month later, Revival filed the Application, which sought authority to relocate the Station’s antenna and increase the Station’s effective radiated power. We put this application on public notice on May 30, 2013,³ and granted it on July 2, 2013.⁴

¹ Red Wolf filed a Petition for Reconsideration (“Petition”) challenging our grant of the May Application on August 7, 2013. Revival and Hall Communications, Inc. (“Hall”) filed a Joint Opposition to Petition for Reconsideration (“Opposition”) on September 17, 2013. The Commission had authorized Revival to assign the Station’s license to Hall. See File No. BAPFT-20130723ADO; Broadcast Actions Report No. 48069 (rel. Sept. 9, 2013). Red Wolf filed a Reply (“Reply”) on September 27, 2013.

² See *Broadcast Actions*, Report No. 47983, Public Notice (rel. May 7, 2013).

³ See *Broadcast Applications*, Report No. 27999, Public Notice (rel. May 30, 2013).

On August, 7, 2013, Red Wolf challenged our grant of the Application. Red Wolf claims that the facilities authorized in the modified permit will cause interference to the direct reception of its station – WMRQ-FM, Waterbury, Connecticut – in violation of Section 74.1204(f) of the Commission’s rules (“Rules”).⁵ Red Wolf attaches statements from listeners of WMRQ-FM along with contour maps that identify the locations of these listeners, and calculations of the undesired-to-desired signal strength ratios (“U/D ratios”) at these locations with respect to the facilities authorized in the modified permit.⁶ Red Wolf requests that we rescind our grant of the Application.

Revival and Hall opposed the Petition. They assert that, because the Station is on a second-adjacent channel to WMRQ-FM, it is unlikely to cause interference.⁷ They also assert that it is unlikely that the signal of WMRQ-FM actually is regularly received at the locations identified by Red Wolf.⁸ In addition, they question the adequacy of the listener statements, noting that the statements are unsworn and not in the form of a declaration or affidavit.⁹

In response, Red Wolf notes that, if constructed as authorized, the translator will operate at a location a significant distance from WMRQ-FM’s tower.¹⁰ Given this, Red Wolf argues that second-adjacent channel interference would not be unusual.¹¹ Red Wolf includes statements from additional listeners that it claims will experience interference from the facilities authorized in the permit along with contour maps identifying the locations of these listeners and calculations of the U/D signal strength ratios at these locations.¹²

Discussion. The Commission will consider a petition for reconsideration only when the petitioner shows either a material error in the Commission's original order, or raises additional facts, not known or existing at the time of the petitioner's last opportunity to present such matters.¹³ A petitioner who is not a party to the proceeding must state with particularity the manner in which its interests are adversely affected by the action taken, and show good reason why it was not possible to participate in the earlier stages of the proceeding.¹⁴ As discussed below, we find Red Wolf has not met this threshold requirement.

⁴ See *Broadcast Actions*, Report No. 48025, Public Notice (rel. July 8, 2013).

⁵ Petition at 1, *citing* 47 C.F.R. § 74.1204(f).

⁶ Red Wolf claims one listener will experience interference from the facilities authorized in the modified permit. Petition at 1.

⁷ Opposition at 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ Reply at 2.

¹¹ *Id.*

¹² Reply at 3.

¹³ See 47 C.F.R. § 1.106(c), (d); *see also* *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964), *aff'd sub nom. Lorain Journal Co. v. FCC*, 351 F.2d 824 (D.C. Cir. 1965), *cert. denied*, 387 U.S. 967 (1966).

¹⁴ 47 C.F.R. § 1.106(b)(1).

Red Wolf itself acknowledges that it did not object to the Application prior to its grant. Red Wolf explains that it did not do so because “it was still gathering information on the proposed operation of W23BW when the permit was granted.”¹⁵ This, however, does not constitute a good reason for Red Wolf’s failure to participate earlier. In addition, while the Commission has accorded standing to petitioners for reconsideration who failed to file pre-grant objections when prompt staff action “effectively precludes participation during the initial consideration of an application,”¹⁶ we will not award Red Wolf such standing here. Red Wolf had more than 30 days to object to the Application but failed to do so. Moreover, while Red Wolf asserts that we have consistently rescinded grants of FM translator construction permits on Section 74.1204(f) grounds regardless of whether the full-power FM station making the interference claim objected prior to grant, that is not the case.¹⁷

Conclusion/Actions. For the reasons set forth above, IT IS ORDERED, that the Petition for Reconsideration filed by Red Wolf Broadcasting Corporation on August 7 2013, IS DISMISSED.

Sincerely,

Peter H. Doyle
Chief, Audio Division
Media Bureau

¹⁵ Petition at 2 n.3.

¹⁶ See, e.g., *Aspen FM, Inc.*, Memorandum Opinion and Order, 12 FCC Rcd 17852, 17854 (1997) (standing awarded to file petition for reconsideration without pre-grant objection when application granted five days after Public Notice of its acceptance); *Ted and Jana Tucker*, Memorandum Opinion and Order, 4 FCC Rcd 2816 (1989) (standing to file petition for reconsideration without pre-grant objection when application granted four days after Public Notice of its acceptance).

¹⁷ See *The Association for Community Education, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 12682 (2004) (refusing to treat an untimely informal objection to an FM translator application on Section 74.1204(f) grounds as a petition for reconsideration because the objector had failed to participate earlier and had not shown good reason for its failure to participate). We note that the three cases Red Wolf cites to support its claim were unpublished and thus lack any precedential value. See Petition at n.3, citing *Jacobs Radio Programming, LLC*, Letter, File Nos. BPFT-20111219AAF and BLFT-20120208AEA (dated Mar. 7, 2012), *Hope Christian Church of Marlton, Inc.*, Letter, File No. BPFT-20110711AAP (dated June 8, 2012), *Edgewater Broadcasting, Inc.*, Letter, File Nos. BPFT-20091116ADB and BMPFT-20091229AER (dated Feb. 26, 2010). See also 47 C.F.R. § 0.445(e).