

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

In the Matter of	)	
	)	
California Association for Research and Education Inc.	)	NCE MX Group 99
	)	
Application for a New NCE FM Station at Upton, Kentucky	)	File No. BNPED-20071022BUZ
	)	Facility I.D. No. 176940
	)	
and	)	
	)	
Bethel Fellowship, Inc.	)	
	)	
Application for a New NCE FM Station at Cecilia, Kentucky	)	File No. BNPED-20071018AUM
	)	Facility ID No. 175963

**MEMORANDUM OPINION AND ORDER**

**Adopted: August 1, 2014**

**Released: August 4, 2014**

By the Commission:

1. The Commission has before it the Application for Review (“AFR”) filed by Bethel Fellowship, Inc. (“Bethel”) on November 28, 2011. Bethel seeks review of an October 27, 2011, Media Bureau (“Bureau”) decision<sup>1</sup> that affirmed a prior decision that: (1) denied Bethel’s Petition to Deny (“Petition”) the application of California Association for Research and Education Inc. (“CARE”) for a new noncommercial educational (“NCE”) FM station at Upton, Kentucky (“CARE Application”); (2) granted the CARE Application; and (3) dismissed Bethel’s competing application for a new NCE FM station at Cecilia, Kentucky (“Bethel Application”).<sup>2</sup> In the AFR, Bethel again argues that the Bureau erred in failing to dismiss the CARE application for failure to prosecute<sup>3</sup> and in rejecting the evidence it submitted to demonstrate that the antenna pattern proposed by CARE was “impractical and impossible to construct.”<sup>4</sup>

<sup>1</sup> Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to Daniel Steffy, California Association for Research and Education Inc., et al. (dated Oct. 27, 2011) (“Reconsideration Decision”). The letter noted that Bowling Green Community Broadcasting, Inc., an applicant that had proposed a new NCE FM facility in Westview, Kentucky and was also in the MX group that included the Bethel and CARE Applications, had not challenged the dismissal of its application. *Id.*, n 5.

<sup>2</sup> Letter from Peter H. Doyle, Chief, Audio Division, Media Bureau, to Daniel Steffy, California Association for Research and Education Inc., et al. (dated Dec. 23, 2010) (“Staff Decision”).

<sup>3</sup> AFR at 4-5. Bethel contends that CARE improperly failed to respond to the Petition to Deny, notwithstanding the Bureau’s October 14, 2010 letter requesting that it do so.

<sup>4</sup> AFR at 6-7.

2. Upon review of the AFR and the entire record, we conclude that Bethel has failed to demonstrate that the Bureau erred. We thus uphold the Bureau's decisions for the reasons stated in the *Staff Decision* and the *Reconsideration Decision*.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended,<sup>5</sup> and Section 1.115(g) of the Commission's Rules,<sup>6</sup> the Application for Review filed by Bethel Fellowship, Inc. on November 28, 2011, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch  
Secretary

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<sup>5</sup> 47 U.S.C. § 155(c)(5).

<sup>6</sup> 47 C.F.R. § 1.115(g).