

DE
FEDERAL COMMUNICATIONS COMMISSION
Federal Communications Commission

Office of the Secretary Marlene. Dortch

2011 AUG 17 7:55 AM
15 August 2011

Good Morning:

1. Please file these documents relating to the Original Application for a Construction Permit (BNPED20071022AWJ).
2. The undersigned again notes that this Permit Expired on 14 August 2011 at 3AM.

Thank you


Richard Snyder

P.O. Box 374

Davidsonville, MD 21035

FILED/ACCEPTED

AUG 15 2011

**Federal Communications Commission
Office of the Secretary**

Hand Delivery

IN THE FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

Petition to Deny; Petition for Reconsideration; Informal Objection

- 1. On 3 August 2011 the likely respondent's most recent Petition was granted.**
- 2. "Salisbury University Foundation" requested a waiver of the Main Studio Rule, claiming for economic reasons that it wished to (re)broadcast its' own station on the new frequency, using satellite transfer (satellite receivers).**
- 3. A copy of the Authorization granted is attached as Exhibit One.**
- 4. Prior to this time, Salisbury had attempted to assign its' construction permit for the proposed station to serve Dover, Delaware (WDDE), to an internet news service.**
- 5. The "assignment" (accepted or filing) also claimed economic reasons for the proposed transfer claiming that the transferee could better afford to develop the station, since it (Salisbury) was having financial difficulties. (A last minute filing)**
- 6. During this period, the Third Circuit issued its' decision in *Prometheus*, which was closely followed by the Commission's statement with regards "eligible entities".**
- 7. The undersigned filed several documents objecting to the proposed transfer, only one of which appears to have been recorded in connection with that "transfer". (See Exhibit Two for return receipts, and including a filing hand-delivered and receipted-for on a copy of the filing.)**
- 8. This particular filing requests Denial of the previously granted Main Studio Rule waiver and related proposed Satellite operation... for reasons later stated herein.**
- 9. It further invokes a Petition for Reconsideration with respect to the invalidity of**

(2)


this current grant of authority and even the transfer (now apparently abandoned).

10. A Petition for Reconsideration is allowed when the law or facts are found to have been incorrectly decided...or if *new facts not previously known* come to light.
11. At approximately 9 AM on 14 August 2011, the objectionor (me) parked his car next to tower ASR # 1034028 which Salisbury proposed to use. (Exhibits Three).
12. An examination of the site and the taking of photos took about ten minutes. At about that time, I was approached by a man who identified himself as Norman Dill. He stated he was the "caretaker" of the property and had been getting ready to mow the grass. He stated that some workers had been at the tower from about Tuesday to Friday. He knew this as he pointed out his home..maybe a hundred yards from the tower, and within good visibility from his house. He said that nothing was done after that. I asked him if he knew anything about the satellite receivers which would be needed for the applicant to be able to affect the use of the tower for use as a radio station. He agreed that there were no satellite receivers either connected or lying on the property or anywhere nearby. I personally noted that there were several cables inside the locked fence which had not been connected, and were simply lying on the paved area beneath the tower.
13. A few minutes later, another "neighbor" came on the property in a golf cart along with another person. Neither of these people were identified to me and they indicated they were simply curious as to what I was doing there.
14. After indicating the purpose of my visit, and that I had spoken with the owner who knew about my possibly coming over, we parted, and the time was then about 9:25.

(3)

15. What is clear from my personal visit and corroborated by the caretaker, was that although perhaps some initial steps had been taken to try to “activate” the tower for the purposes of either a test run, or for the purposes of the actual filing of a license to cover, the process was *totally incomplete*..the satellite receivers were not even there. In other words, the Authorization granted and shown as Exhibit One, was *not* complied with....and expired automatically at “3 AM 14 August 2011.”
16. This “new information” discerned as of approximately 9:15 AM on 14 August 2011 was verified by me....some *six hours* after the permit was automatically cancelled.
17. The original applicant for this NCE FM station had (3) years to build. It failed to do so. It tried to get rid of the permit at the last minute...That did not work. It got an emergency approval for satellite broadcast and Main Studio Waiver...yet it still *failed to build* as required by the original CP, and reaffirmed by Exhibit One.
18. The Commission is not authorized to grant an extension. The permit is cancelled.
19. There are also ample court decisions which verify that such excuses as economic hardship (entirely failed to be demonstrated) and “public interest” and other “extraordinary reasons”....none of which were shown in the filings in attempt to transfer to the Johnny-Come-Lately group with “superior finances”, have not been shown. Even if the permit had not expired, the spurious reasons for waiver could not stand up on reexamination....or in Court.

Under the penalties of perjury, I submit this affidavit as being true to my own personal knowledge and belief.



Richard Snyder

P.O. Box 374

Davidsonville, MD 21025 Mailing address

A copy of this document has been sent by first-class postage to all parties concerned.

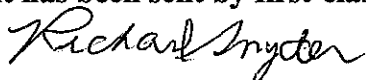


Exhibit ONE



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

SALISBURY UNIVERSITY FOUNDATION INC.
P.O. BOX 2596
SALISBURY MD 21802

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

Facility ID: 175387

Call Sign: WDDE

Permit File Number: BNPED-20110802AAZ

Grant Date: August 03, 2011

The authority granted herein has
no effect on the expiration date
of the underlying construction
permit.

This permit modifies permit no.: BNPED-20071022AWJ

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: SALISBURY UNIVERSITY FOUNDATION INC.

Station Location: DE-DOVER

Frequency (MHz): 91.1

Channel: 216

Class: A

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 39 deg 00 min 50 sec

West Longitude: 75 deg 30 min 29 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	2.10	2.10
Height of radiation center above ground (Meters):	66	66
Height of radiation center above mean sea level (Meters):	78	78
Height of radiation center above average terrain (Meters):	72	72

Antenna structure registration number: 1034028

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 Salisbury University Foundation ("SUF") requests waiver of 47 C.F.R. Section 73.1125 to operate the proposed facility as a "satellite" of co-owned noncommercial educational FM station WSDL(FM), Facility ID# 83090, Ocean City, MD. Based upon the specific representations contained therein, the waiver request IS GRANTED. SUF shall abide by each representation proffered in the waiver request.
- 2 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

Callsign: WDDE

Permit No.: BMPED-20110802AAZ

Special operating conditions or restrictions:

- 3 Pursuant to 47 CFR Sections 73.7002(c) and 73.7005(b) the permittee/licensee is required to construct and operate for a period of four (4) years of on-air operations technical facilities substantially as proposed and shall not downgrade service to the area on which the preference was based.

*** END OF AUTHORIZATION ***

EXIST ONE (A)



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

SALISBURY UNIVERSITY FOUNDATION INC.
P.O. BOX 2596
SALISBURY MD 21802

Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau

Facility ID: 175387

Grant Date: August 14, 2008

Call Sign: WDDE

This permit expires 3:00 a.m.
local time, August 14, 2011.

Permit File Number: BNPED-20071022AWJ

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: SALISBURY UNIVERSITY FOUNDATION INC.

Station Location: DE-DOVER

Frequency (MHz): 91.1

Channel: 216

Class: A

Hours of Operation: Unlimited

Special operating conditions or restrictions:

- 4 BEFORE PROGRAM TESTS ARE AUTHORIZED, permittee shall submit an affidavit from a licensed surveyor to establish that the directional antenna has been oriented at the proper azimuth.
- 5 BEFORE PROGRAM TESTS ARE AUTHORIZED, permittee/licensee shall submit an affidavit that the installation of the directional antenna system was overseen by a qualified engineer. This affidavit shall include a certification by the engineer that the antenna was installed pursuant to the manufacturer's instructions and list the qualifications of the certifying engineer.
- 6 The relative field strength of neither the measured horizontally nor vertically polarized radiation component shall exceed at any azimuth the value indicated on the composite radiation pattern authorized by this construction permit.

A relative field strength of 1.0 on the composite radiation pattern herein authorized corresponds to the following effective radiated power:

2.10 kilowatts.

Principal minima and their associated field strength limits:

190 degrees True: 0.994 kilowatts
200 degrees True: 1.041 kilowatts

*** END OF AUTHORIZATION ***

IN THE FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, DC 20554

Exhibit TWO

RESPONSE TO OBJECTION (BNPED-20110525 ADV)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Federal Communications Comm.
445 12TH ST SW
WASHINGTON, DC

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

Received & Inspected

JUN 27 2011

FCC Mail Room

3. Service Type ☐ Certified Mail ☐ Express Mail

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FCC ATT. P. Doyle
OFFICE

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

Received & Inspected

JUL 14 2011

FCC Mail Room

3. Service Type ☐ Certified Mail ☐ Express Mail

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FCC Mr. Doyle
445 12TH ST SW
WASH, DC
20054

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No

If YES, enter delivery address below:

Received & Inspected

AUG - 9 2011

FCC Mail Room

3. Service Type ☐ Certified Mail ☐ Express Mail

☐ Registered ☐ Return Receipt for Merchandise

☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

2. Article Number

(Transfer from service label)

7000 1930 0002 1992 0130

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

RECEIVED - FCC

JUL 18 2011

Federal Communications Commission
Bureau / Office



Exhibit Three
Øver

