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

In re: Application of	)	
	)	
ROOFTOP PRODUCTIONS	)	Facility ID No. 197136
NEW LPFM for	)	BNPL - 20131114AJR
Seattle, Washington	)	

To: Chief, Audio Division, Media Bureau

**PETITION FOR RECONSIDERATION**

This Petition for Reconsideration is being filed by Rooftop Productions ("Rooftop") regarding its application for LPFM. On November 14, Rooftop submitted an application for new LPFM for Seattle, WA. Application was then received for processing and assessed as a singleton LPFM application. On December 4, 2013 the FCC dismissed BNPL - 20131114AJR due to violation of Section 73.807. Rooftop contends that since the application is a singleton, and the error was due to a typographical error of entering in faulty coordinates, the application deserves reconsideration in the public interest.

**Applicant's Full Intention Was To Apply For Engineering-Compliant Site**

On August 20, 2013, Rooftop contacted Engineering Consultant Todd Urick for procurement of a preliminary engineering study for an open channel to apply for in Seattle, Washington. On August 29, Mr. Urick prepared an engineering study for

channel 206 in Seattle. This is included in Attachment A. An affidavit from Urick concerning this report submitted to Rooftop is included in Attachment B.

At the time of FCC window, Rooftop was new to the FCC application process. Rooftop took Mr Urick's information and attempted to fill out the FCC form as best as possible. Rooftop specified ASRN #1280723 for Question 3, Section VI within Form 318, referring to a site that complies with Section 73.807 (See ASR Record Attachment C). However, within Question 2, Section VI of the form, Rooftop entered the wrong coordinates of the specified ASRN specified in Question 3. Rooftop attests that this was the intended site for its application. In fact, it timely- received reasonable assurance from the tower owner for applying for this site specifically for LPFM (see Attachment D).

In specific situations where the application is a singleton, typographical errors appear to be curative in nature because they are in the public interest. For example, Pike Place Market Preservation and Development Authority (File No. BNPL-20131114AUD, Fac ID No. 195173 NEW-LP, Seattle, WA) filed for a LPFM in which their consultant made a typographical error when entering the coordinates of the proposed transmitter site.

Upon filing a Petition for Reconsideration, their application was reinstated nunc pro tunc within the public interest. Rooftop is requesting similar reconsideration for its proposed application for a new community-run arts, music, and public affairs radio station for Seattle, WA. An engineering amendment has been concurrently filed within CDBS.

Respectfully Submitted by

Greg D'Elia

Greg D'Elia  
Representative  
Rooftop Productions  
5315 21st Avenue SW  
Seattle, WA 98106

# ATTACHMENT A: PRELIMINARY ENGINEERING STUDY

## FM Station Parameters

Proposed APP 206 L1 Dom - L1 Int, 0.013 kW 82 M HA  
 Seattle, WA 123.9 M COR AMSL -  
 Lat= 47 39 52.5, Lng= 122 20 47.3

Fac ID # 191493, FCC Sec. 73.212 Rounded ERP = 0.013 kW  
 Average Protected F(50-50)= 5.62 km

Data Date: 08-28-13, Job Date: 08-29-13

ASR 1280723, Overall Height 34.7

Snoqualmie Educational Radio Project  
 REFERENCE  
 47 39 52.5 N. CLASS = L1 Int = L1  
 122 20 47.3 W. Current Spacings to 2nd Adj.  
 ----- Channel 206 - 89.1 MHz -----  
 DISPLAY DATES  
 DATA 08-28-13  
 SEARCH 08-29-13

Call	Channel	Location	Azi	Dist	FCC	Margin
*KNHC	LIC-D 208C1	Seattle WA	126.9	22.47	72.5	-50.0
**K206CJ	APP-D 206D	Issaquah WA	122.0	33.29	38.5	-5.2
K206CJ	LIC 206D	Issaquah WA	122.5	32.10	31.5	0.6
KMIH	LIC 205D	Mercer Island WA	136.7	14.05	12.5	1.6
K206DM	LIC 206D	Bremerton WA	248.8	35.08	31.5	3.6
VACANT	GR 06	Victoria BC	334.0	137.70	133.0	5.2
CHEKTV	GR 06Z2	Victoria BC	334.0	137.70	133.0	5.2
K258BJ	CP 205D	Everett WA	14.0	30.38	20.5	9.9
K206DL	LIC-D 206D	Granite Falls/evereWA	39.9	56.28	31.5	24.8
K206DL	CP -D 206D	Granite Falls/evereWA	39.9	56.28	31.5	24.8
KAOS	LIC 207A	Olympia WA	211.0	83.89	55.5	28.4
K207AZ	LIC-D 207D	Gig Harbor WA	204.4	50.08	14.5	35.6
K207AP	LIC-D 207D	Sumner & Lake TappsWA	166.2	51.73	14.5	37.2
NEW	PRO -? 205C1	Victoria BC	319.8	136.49	97.5	39.0
AL4713	205C1	Victoria BC	319.8	136.49	97.5	39.0
K205DF	LIC 205D	Enumclaw WA	142.4	62.38	20.5	41.9
KPLK	CP -D 205A	Sedro-woolley WA	2.2	97.58	55.5	42.1
KPLK	LIC-D 205A	Sedro-woolley WA	2.2	97.58	55.5	42.1
K206CU	LIC-D 206D	Mount Vernon WA	3.5	78.29	31.5	46.8

Reference station has protected zone issue:  
 All separation margins include rounding

\* AND \*\* See Notes Below

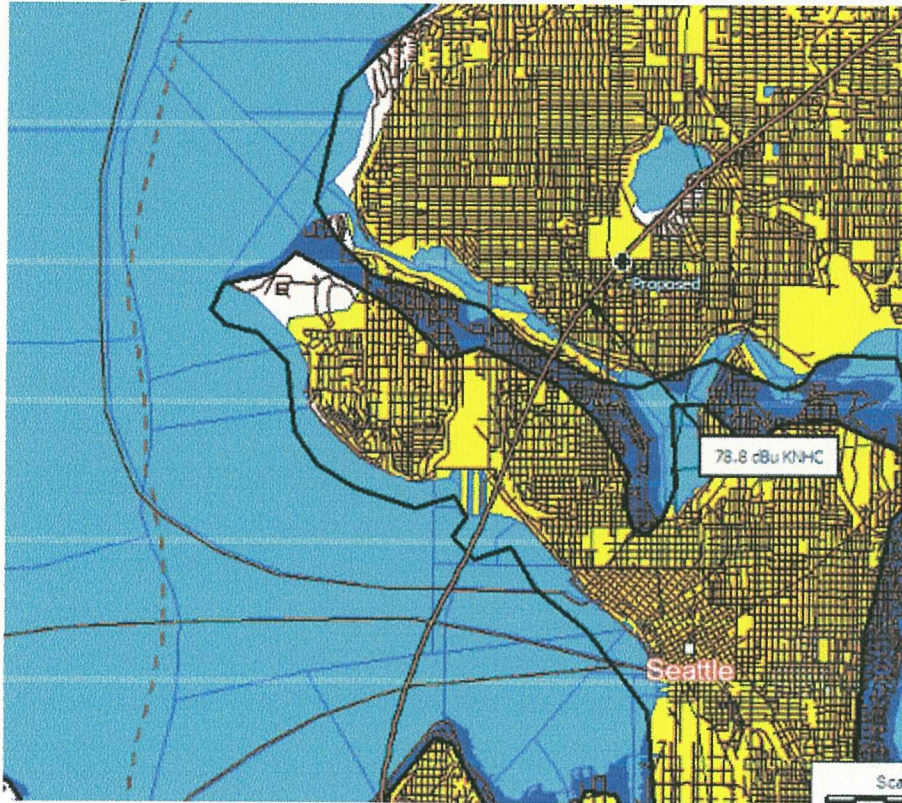
\* WAIVER REQUEST Applicant requests a waiver for a location which is short-spaced on a second-adjacent channel with KNHC

The incoming F(50,50) signal level from KNHC is 78.8 dBu

The undesired-to-desired ratio method defines a second-

adjacent channel interference zone where the proposed-station signal level exceeds by 40 dBu. The proposed wattage is 13 w.

With the proposed antenna radiation center located 30 meters above the ground, the interference zone of 29 clears the ground and does not infringe on occupied structures, thus no population will be subject to interference from the proposed station according to the undesired-to-desired ratio method.

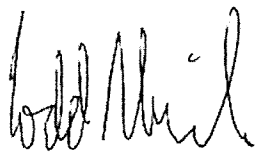


\*\* DA 13-1385 states proposed LPFM facilities only need to protect broadcast applications "filed prior to the date of this Notice" (June 17, 2013). Modification for K206CJ (BPFT 20130808AAG) was submitted 08/08/2013, thus is not protected from new LPFM proposals.

**ATTACHMENT B: AFFIDAVIT FROM TODD URICK CONCERNING  
ENGINEERING STUDY**

I, Todd Urick, hereby affirm that on August 20, 2013 Greg D'Elia contacted me via email wanting to know if there was an available LPFM radio channel available in Seattle, Washington. After an introductory email, we had a conversation via instant messaging regarding his intended proposal. On August 29, I prepared a preliminary engineering study for Channel 206 in Seattle Washington using Vsoft FM Commander and Probe 4. This was forwarded to Rooftop for information to include on their FCC LPFM application. On November 12, I additionally followed up with Mr. D'Elia reminding him of the application protocol and review whether he obtained site assurance with ATT Towers.

I certify under penalty of perjury that the statement above is all true to the best of my knowledge.



Todd Urick  
28631 Sloan Canyon Road  
Castaic, California 91384

December 18, 2013  
on date



## Attachment C: ASR RECORD FOR PROPOSED SITE

ASR Registration Search

**Registration 1280723**

[? HELP](#)

[New Search](#) [Return to Results](#) [Printable Page](#) [Reference Copy](#) [Map Registration](#)

Registration Detail			
Reg Number	1280723	Status	Constructed
File Number	A0811275	Constructed	06/15/2006
EMI	No	Dismantled	
NEPA	No		

Antenna Structure			
Structure Type	POLE - Any type of Pole		
Location (in NAD83 Coordinates - <a href="#">Convert to NAD27</a> )			
Lat/Long	47-39-51.9 N 122-20-51.8 W	Address	4901 Aurora Ave
City, State	Seattle , WA		
Zip	98103	County	KING
Center of AM Array		Position of Tower in Array	

Heights (meters)	
Elevation of Site Above Mean Sea Level	Overall Height Above Ground (AGL)
93.9	34.7
Overall Height Above Mean Sea Level	Overall Height Above Ground w/o Appurtenances
128.6	33.8

Painting and Lighting Specifications	
None	

FAA Notification	
FAA Study	2011-ANM-2230-OE
FAA Issue Date	08/30/2011

Owner & Contact Information	
FRN	0003291192
Owner Entity Type	Limited Liability Company

Owner	
New Cingular Wireless PCS, LLC Attention To: FCC GROUP 2200 N. GREENVILLE AVE., 1W RICHARDSON, TX 75082	P: (972)234-7003 F: (972)301-6893 E: FCCMW@ATT.COM

Contact	
Youngblood, Reginald Attention To: FCC GROUP 2200 N. GREENVILLE AVE., 1W RICHARDSON, TX 75082	P: (972)234-7003 F: (972)301-6893 E: FCCMW@ATT.COM

Last Action Status			
Status	Constructed	Received	01/04/2013
Purpose	Notification	Entered	01/04/2013
Mode	Interactive		

Related Applications	
01/04/2013	<a href="#">A0811275</a> - Notification (NT)
01/04/2013	<a href="#">A0811274</a> - Modification (MD)
11/25/2012	<a href="#">A0800482</a> - Admin Update (AU)

**ATTACHMENT D: TOWER ASSURANCE: Letter to Jeff Durbin/ATT Towers  
RE: Woodland Park Tower, and Response Email Below**

From: Gregory G D'Elia [mailto:gregoryd@gmail.com]  
Sent: Thursday, November 14, 2013 6:51 AM  
To: Jeff.Durbin@att.com  
Subject: Site Reasonable Assurance for "WOODLAND PARK" #11440,  
Seattle WA

Dear Mr. Durbin

Our nonprofit Rooftop Productions is applying for a Low Power FM radio channel with the FCC. We went to the ATT Towers website and looked at open elevations for the WOODLAND PARK ATT Tower and it suffices for our needs. I was wondering if you could provide the following reasonable assurance validation so that if our application is successful with the FCC we could apply with ATT for possible use of this tower (below is a template email for your convenience). The filing window ends Thursday so we would need RA ASAP if possible. Thank you very much.

Sincerely  
Gregory D'Elia

TEMPLATE Response:

Dear Mr D'Elia,

This is validation that AT&T towers has a tower for lease at 4901 AURORA AVENUE NORTH (ATT TOWER 11440). We understand that your nonprofit Rooftop Productions is applying for a non-commercial LPFM radio station. We would be open to leasing space pending AT&T's application process and tower study if your nonprofit is successful with their application.

Feel free to contact me if you have any questions.

Thank you,

Jeff Durbin  
PNW Region Account Manager  
AK, ID, N.Cal, N. Nev, OR, WA  
AT&T Towers  
16221 NE 72nd Way  
Redmond, WA 98052  
425-516-9246  
jeff.durbin@att.com

Thank you for your assistance and support.  
Gregory D'Elia  
206 734-6283



----- Forwarded message -----  
From: DURBIN, JEFFREY D <jd508r@att.com>  
Date: Thu, Nov 14, 2013 at 11:44 AM  
Subject: RE: Site Reasonable Assurance for "WOODLAND PARK"  
#11440, Seattle WA  
To: Gregory G D'Elia <gregoryd@gmail.com>

Gregory,

AT&T Towers is fine with this letter of reasonable assurance.

Jeff Durbin  
PNW Region Account Manager  
AK, ID, N.Cal, N. Nev, OR, WA  
AT&T Towers  
16221 NE 72nd Way  
Redmond, WA 98052  
425-516-9246  
jeff.durbin@att.com

Please use the most up-to-date site lease application  
Search our towers at [www.atttowers.com](http://www.atttowers.com)

We now have collocation opportunities on AT&T DAS venues!

Please send payments to:  
AT&T Mobility  
c/o AT&T Collocation AR  
PO BOX 5086  
Carol Stream, IL 60197-5086