

POSTED
10/24/13

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

2013 OCT 24 A 6:07

In the Matter of)
)
In re Application of Radio Training) BNPFT19970915TG
Network, Inc.)
)

ACCEPTED/FILED

OCT 22 2013

TO: The Secretary, Federal Communication Commission
Attn: Media Bureau

Federal Communications Commission
Office of the Secretary

**PETITION FOR RECONSIDERATION
AND REQUEST FOR WAIVER OF THE FILING DEADLINE**

Radio Training Network ("RTN"), files this Petition for Reconsideration of the Commission action released on September 11, 2013 ("the Order") dismissing RTN's pending application for a new translator in Brevard, NC. RTN also seeks a waiver of the August 30, 2013, filing deadline to file its long form application. RTN attempted to timely file the long form application but was unable to do so due to technical difficulties with the Commission's electronic filing system. RTN seeks reconsideration based on Commission precedent granting limited waivers where technical difficulties occurred that were neither under the applicant's control nor the result of reasonably foreseeable factors.

Background

The original construction permit for the Brevard, NC translator was filed over 15 years ago, in 1997. (Declaration of Ted A. McCall, ¶ 2, attached as Exhibit A) (hereinafter "McCall ¶ ____"). In the spring of 2013, RTN filed a short form amendment to that permit application, which was filed through the FCC's electronic filing system and

was accepted. (McCall ¶ 3). The long form 349, which is the subject of this Petition, was due to be filed August 30, 2013. (McCall ¶ 4).

RTN had at least 21 other applications to file on August 30, 2013, nine of which were long form applications for new translators — all of these long form applications were for applications originally filed in 2003. (McCall, ¶¶ 6, 9).

On August 30, 2013, when RTN attempted to electronically file the long form 349 for Brevard, NC, the FCC's system refused to accept the form. (McCall, ¶ 4). After multiple attempts to electronically file the form, Ted McCall sent the form via email to the attention of FCC representative Rob Gates, indicating that the FCC's system would not accept the filing. (McCall, ¶ 5, Exhibit 1). At that point, Mr. McCall was not able to take any further action to file the Brevard long form, but continued the electronic filing process for the other 21 applications. All of those applications were successfully submitted and no difficulties were encountered in the filing process. (McCall, ¶ 9).

Also on August 30, 2013, having been notified of Mr. McCall's unsuccessful attempts to file the Brevard long form, Emily Knapp, a paralegal at Gammon and Grange, P.C., also attempted to file the long form. (Declaration of Emily Knapp, ¶¶ 2, 3, attached as Exhibit B (hereinafter "Knapp ¶ ____"); McCall ¶ 5). She was unsuccessful in her efforts to file the form Mr. McCall had created and so created a new long form with the information that was provided by Mr. McCall and made several attempts to electronically file the form, all of which also were unsuccessful. (Knapp ¶ 4; McCall ¶¶ 7, 8). Ms. Knapp also tried to call the FCC for assistance, but was unable to reach anyone. (Knapp ¶ 3).

Having been unsuccessful in electronically filing the long form and having provided the form to the FCC via email, with notation of the filing issues, there was no further action to be taken by RTN. (McCall, ¶ 10). On September 11, 2013, the Brevard, NC construction permit was dismissed. (McCall, ¶ 10).

The Technical Difficulties Experienced by RTN Were Neither Within Its Control Nor Reasonably Foreseeable.

RTN diligently attempted to comply with all requisite filing requirements. The filing difficulties it experienced were not within RTN's control, as evidenced by the fact that RTN successfully filed 21 other applications that same day, nine of which were long forms. Clearly, the issue was not RTN's ability to make the requisite long form filing. RTN's inability to file was beyond its control and, as such, reinstatement of the dismissed application and a waiver of the filing deadline are warranted.

The Commission has granted similar relief as a matter of equity in the past. *See, e.g., McLeod USA, Inc., 14 FCC Rcd 17659* (WTB, PSPWD 1999) (waiver granted to LMDS applicant unable to file long-form application electronically due to technical difficulties); *Metricom, Inc., 12 FCC Rcd 15157* (WTB, Comm. Wir. Div. 1997) (waiver granted when applicant experience technical difficulties, stating "while we have no reason to believe the Commission was responsible for these technical difficulties, we do not believe Metricom should be penalized for what appears to have been a good faith effort to complete its filing electronically"); *Mountain Solutions, Ltd., 14 FCC Rcd 4020* (WTB, Comm. Wir. Div. 1999) (waiver of long-form filing deadline granted because late filing involved de minimis amount of time and applicant was actively engaged in submitting its application at the filing deadline).

Having made numerous attempts to file the document – both from the RTN office and from legal counsel’s office, using a completely new copy of the application – and having successfully filed 21 other applications on the same day, RTN has demonstrated that it acted conscientiously in pursuing this matter. Further, rather than miss the deadline entirely, RTN took the action of seeking assistance from the FCC and providing the application via email to the FCC.

RTN still does not know why the long form could not be electronically filed on August 30, 2013. One possible reason may relate to the fact that the original permit dates back to 1997, prior to the use of the current electronic system; however, RTN experienced no difficulties in electronically filing the short form amendment in the spring of 2013 and, thus, could not have reasonably foreseen that there would be difficulties associated with filing the long form. As such, the situation encountered by RTN does not fall within that class of cases where late filing was the result of the applicant’s own error or failure to plan. *See* Public Notice, “FCC Overrules *Calder Television Associates, Ltd.*,” 58 *Rad. Reg. 2d (P & F)* 1706, 1707 (1985)(“The Commission will no longer consider as unusual or compelling . . . requests for waiver based upon claims that copying machines, delivery services, or even, in most cases, inclement weather or illness, was responsible for the tardy filing.”)

Reinstating RTN’s Application and Waiving the Late Filing Deadline Will Not Prejudice Other Applicants or Otherwise Compromise the Integrity of the Commission’s Processes.

Under Section 27.310 of the Commission’s rules, the Commission may waive a requirement if “the unique facts and circumstances of a particular case render application

of the rule inequitable, unduly burdensome or otherwise contrary to the public interest.”
47 C.F.R. § 27.310.

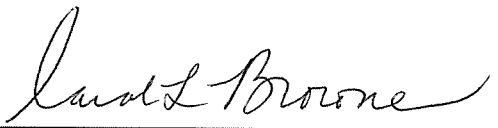
While recognizing that a waiver is not a matter of right, RTN notes that the circumstances of this situation are indeed unique and in no way establish a precedent for other filings. Moreover, there are no other parties or processes that would be prejudiced by granting reinstatement. Finally, a waiver of the filing deadline would in no way compromise the Commission’s electronic filing process, but would remedy an inequity by recognizing that there are unique situations in which an applicant’s best efforts to comply with that process are not successful.

Conclusion

For all the foregoing reasons, RTN respectfully requests that the Commission reinstate the application, waive the filing deadline, and allow the filing of RTN’s long form application.

Respectfully submitted,

Radio Training Network, Inc.

By 

A. Wray Fitch III, Esq.
Carol L. Browne, Esq.
Its Counsel

Gammon & Grange, P.C.
8280 Greensboro Drive, 7th Floor
McLean, VA 22102
703/761-5013

Dated: October 22, 2013

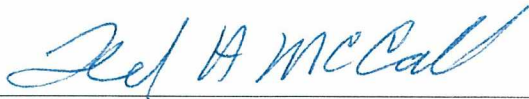
EXHIBIT A

DECLARATION OF TED A. McCALL

I, TED A. McCALL, make the following in connection with the Petition for Reconsideration and Request for Waiver of the Filing Deadline of RADIO TRAINING NETWORK, INC., BNPFT19970915TG. I hereby state under penalty of perjury:

1. I am the Engineering Director for Radio Training Network, Inc. ("RTN") and have held that position for more than ten years. In that role, I am responsible for RTN's filings with the Federal Communication Commission ("FCC") with respect to the various applications and permits applicable to the stations RTN operates. I have made between 150-200 filings with the FCC and am familiar with the electronic filing process.
2. RTN has a pending application for a translator in Brevard, NC, as the result of a permit application that was filed in 1997. Processing on that application subsequently was frozen and then it became mutually exclusive ("MX") with other 2003 applications as part of the Auction 83 filing window.
3. In July of 2013, I electronically filed a short form amendment in connection with the Brevard, NC translator application. I experienced no technical difficulties in filing that short form amendment.
4. The long form 349 application for the Brevard, NC translator was due on August 30, 2013, and was to be filed by 11:59 p.m. I prepared that long form application and first attempted to file it at approximately 3:00 p.m. on August 30, 2013. In response to my filing, however, I received the following message: "This amendment has internal data pointer inconsistencies and cannot be filed. It appears that the 'Amendment' purpose was selected in Section 1 instead of having been appropriately selected on the pre-form. Contact the FCC if you need assistance."
5. I was unable to determine what was causing the filing problem and at 3:20 p.m. sent an email to both the FCC and the office of Gammon & Grange, P.C. (G & G), RTN's legal counsel, to notify them of the problem. With that email, I provided a copy of the long form. See Exhibit 1. In response to my email, I received a call from Emily Knapp, one of G & G's paralegals, and, after I explained the difficulties I had encountered, she offered to help with the filing. I received no response to my email from the FCC.
6. During this same long form filing window, I also successfully filed 21 other applications that had to be filed by August 30, 2013.
7. I received a subsequent call from Ms. Knapp indicating that she, too, had been unsuccessful in filing the long form. At this point, Ms. Knapp stated that she would try to create and file a new long form.

8. Ms. Knapp called back sometime later and told me that her efforts to file the new long form also were unsuccessful. At this point I told her to take no further action, described that I had provided the long form to the FCC via email, and told her that I thought it was a glitch in the FCC's system related to the fact that RTN's original application was filed on paper.
9. I continued to work on the other 9 long forms that had to be filed and was successful in filing all of them prior to the deadline.
10. I took no further action to file the Brevard, NC long form and received no communication regarding the permit application until September 11, 2013, when I received an FCC Activity Alert notifying me that the original permit application was dismissed.



Ted A. McCall



Date

EXHIBIT 1

Wray Fitch - System will not accept long form for 19970915TG

From: Ted McCall <Tedm@HisRadio.net>
To: Robert Gates <Robert.Gates@fcc.gov>
Date: 8/30/2013 3:21 PM
Subject: System will not accept long form for 19970915TG
CC: Wray Fitch <AWF@GG-Law.com>
Attachments: Long Form 349 for 19970915TG.pdf

Rob and Wray

The CDBS will not accept the long form app for 19970915TG for Brevard NC. I get error about Minor amendment selection.

This amendment has internal data pointer inconsistencies and cannot be filed. It appears that the 'Amendment' purpose was selected in Section 1 instead of having been appropriately selected on the Pre-form. Contact the FCC if you need assistance. Value is:

Attached is a copy of the 349 form ready to file. It is in CDBS account 480773.

Ted McCall

Engineering Director
Radio Training Network, Inc

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0405 (October 2009)	FOR FCC USE ONLY
FCC 349		FOR COMMISSION USE ONLY FILE NO.
APPLICATION FOR AUTHORITY TO CONSTRUCT OR MAKE CHANGES IN AN FM TRANSLATOR OR FM BOOSTER STATION		-
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Applicant RADIO TRAINING NETWORK, INC.		
	Mailing Address P.O. BOX 7217		
	City LAKELAND	State or Country (if foreign address) FL	ZIP Code 33807 - 7217
	Telephone Number (include area code) 8636443464		E-Mail Address (if available) GOSRAD@AOL.COM
	FCC Registration Number: 0001843341	Call Sign 970915TG	Facility Identifier 88564
2.	Contact Representative (if other than Applicant) A. WRAY FITCH III		Firm or Company Name GAMMON & GRANGE, P.C.
	Mailing Address 8280 GREENSBORO DRIVE, 7TH FLOOR		
	City MCLEAN	State or Country (if foreign address) VA	ZIP Code 22102 - 3807
	Telephone Number (include area code) 7037615013		E-Mail Address (if available) AWF@GG-LAW.COM
3.	If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114): ☐ Governmental Entity ☒ Noncommercial Educational Licensee/Permittee ☐ Other		
	☐ N/A (Fee Required)		
4.	Facility information:		
	a. ☒ FM Translator ☐ FM Booster		
	b. Community or communities to which the proposed facility will be licensed:		
	Community(ies)	State	
	BREVARD	NC	
5.	Application Purpose		
	☐ New station ☐ Major Modification of construction permit		
	☐ Major Change in licensed facility ☐ Minor Modification of construction permit		
	☐ Minor Change in licensed facility ☐ Major Amendment to pending application		
	☐ Minor Amendment to pending application		
	a. File number of original construction permit: -		
	If an amendment, submit as an Exhibit a listing by Section and Question Number the portions [Exhibit 1] of the pending application that are being revised.		

NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided. See General Instruction J.

Section II - Legal

1.	Certification. Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.	☒ Yes ☐ No
2.	Applicant is: ☐ an individual ☐ a general partnership ☐ a for-profit corporation ☐ a limited partnership ☒ a not-for-profit corporation ☐ a limited liability company (LLC/LC) ☐ other a. If "other", describe nature of applicant in an Exhibit. [Exhibit 2]	
3.	a. Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary station being rebroadcast. See 47 C.F.R. Section 74.1232(d). b. Applicant certifies that the FM translator's (a) coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 60 dBu contour is contained within the lesser of: (i) the 2 mV/m daytime contour of the AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the AM primary station's transmitter site.	☐ Yes ☐ No ☒ N/A See Explanation in [Exhibit 3] ☐ Yes ☐ No ☒ N/A See Explanation in [Exhibit 4]
NOTE: If No to a. and b., and no waiver has been requested in an Exhibit, this application is unacceptable for filing. See 47 C.F.R. Section 74.1232(d). If Yes to (a) and No to (b) applicant is prohibited from receiving any support, before or after construction, either directly or indirectly from the commercial primary station being rebroadcast or from any person or entity having any interest whatsoever, or any connection with the primary FM station. Interested and connected parties include group owners, corporate parents, shareholders, officers, directors, employees, general and limited partners, family members and business associates. See 47 C.F.R. Section 74.1232(e).		
4.	The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee/permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).	☐ Yes ☐ No ☒ N/A See Explanation in [Exhibit 5]
5.	For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted. If No, this application is unacceptable for filing.	☐ Yes ☐ No ☒ N/A
6.	Character Issues. Applicant certifies that neither applicant nor any party to the application has or has had any interest in or connection with: a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or b. any pending broadcast application in which character issues have been raised.	☒ Yes ☐ No See Explanation in [Exhibit 6]
7.	Adverse Findings. Applicant certifies that, with respect to the applicant, any party to the application, and any non-party equity owner in the applicant, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination. If the answer is "No," attach as an Exhibit a full disclosure concerning the persons and matters	☒ Yes ☐ No See Explanation in [Exhibit 7]

	involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and a description of the disposition of the matter. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 C.F.R. Section 1.65, the applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding which the application or Section 1.65 information was filed, and date of filing; and (ii) the disposition of the previously reported matter.	
8.	Alien Ownership and Control. Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.	☒ Yes ☐ No See Explanation in [Exhibit 8]
9.	Program Service Certification. Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	☒ Yes ☐ No
10.	Local Public Notice. Applicant certifies compliance with the public notice requirements of 47 C.F.R. Section 73.3580.	☒ Yes ☐ No
11.	Auction Authorization. If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable. An exhibit is required unless this question is inapplicable.	☐ Yes ☐ No ☒ N/A See Explanation in [Exhibit 9]
12.	Anti-Drug Abuse Act Certification. Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	☒ Yes ☐ No
13.	Equal Employment Opportunity (EEO). If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.	☐ Yes ☐ No ☒ N/A

I 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. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing JAMES L CAMPBELL	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 8/28/2013

SECTION III - PREPARER'S CERTIFICATION

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name TED MCCALL	Relationship to Applicant (e.g., Consulting Engineer) ENGINEERING DIRECTOR	
Signature	Date 8/28/2013	
Mailing Address 2420 WADE HAMPTON BLVD		
City GREENVILLE	State or Country (if foreign address) SC	Zip Code 29615 -

Telephone Number (include area code)
8642926040

E-Mail Address (if available)
TEDM@HISRADIO.NET

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).

Section III-A - Engineering

TECHNICAL SPECIFICATIONS

Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

TECH BOX

1.	Channel: 248											
2.	Primary Station:											
	Facility ID Number		Call Sign		City			State				
	54856		WLFJ-FM		GREENVILLE			SC				
3.	Delivery Method (Select One): ☒ Off-air ☐ Microwave ☐ Satellite ☐ Via ☐ Other											
4.	Antenna Location Coordinates: (NAD 27)											
	Latitude:											
	Degrees 35 Minutes 10 Seconds 47 ☒ North ☐ South											
	Longitude:											
	Degrees 82 Minutes 40 Seconds 47 ☒ West ☐ East											
5.	Antenna Structure Registration Number: ☒ Not Applicable ☐ Notification filed with FAA											
6.	Antenna Location Site Elevation Above Mean Sea Level:										1109 meters	
7.	Overall Tower Height Above Ground Level:										35 meters	
8.	Height of Radiation Center Above Ground Level:										25 meters(H) 25 meters(V)	
9.	Effective Radiated Power:										0.008 kW(H) 0.008 kW(V)	
10.	Transmitting Antenna:											
	Before selecting Directional "Off-the-Shelf", refer to "Search for Antenna Information" under CDBS Public Access (http://licensing.fcc.gov/prod/cdb/public/prod/cdb_pa.htm). Make sure that the Standard Pattern is marked Yes and that the relative field values shown match your values. Enter the Manufacturer (Make) and Model exactly as displayed in the Antenna Search.											
	☐ Nondirectional ☐ Directional Off-the Shelf ☒ Directional composite											
	Manufacturer PSI Model PSIFMT-1A-3DB											
	Rotation: 290 degrees ☐ No Rotation											
	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value	Degrees	Value
	0	0.949	10	0.965	20	0.968	30	0.957	40	0.962	50	0.967
	60	0.977	70	0.975	80	0.969	90	0.932	100	0.822	110	0.73
	120	0.62	130	0.501	140	0.466	150	0.436	160	0.521	170	0.662
	180	0.699	190	0.644	200	0.523	210	0.449	220	0.489	230	0.556
	240	0.644	250	0.784	260	0.893	270	0.964	280	0.996	290	0.993
	300	1	310	0.991	320	0.973	330	0.954	340	0.938	350	0.935
	Additional Azimuths											

Relative Field Polar Plot

11.	For FM Boosters and Fill-in translators only.	
a.	FM Fill-in translators. Applicant certifies that the FM translator's (a) coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 60 dBu contour is contained within the lesser of: (i) the 2 mV/m	☐ Yes ☐ No ☒ N/A

	daytime contour of the AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the AM primary station's transmitter site.	See Explanation in [Exhibit 10]
	b. FM Boosters. Applicant certifies that the FM Booster station's service contour is entirely within the primary station's protected coverage contour.	☐ Yes ☐ No ☒ N/A
		See Explanation in [Exhibit 11]
12.	Interference. The proposed facility complies with all of the following applicable rule sections. Check all that apply: Overlap Requirements. ☒ a) 47 C.F.R. Section 74.1204 Exhibit Required. Television Channel 6 Protection. ☐ b) 47 C.F.R. Section 74.1205 with respect to station(s) Exhibit Required.	☒ Yes ☐ No See Explanation in [Exhibit 12] [Exhibit 13] [Exhibit 14]
13.	Unattended operation. Applicant certifies that unattended operation is not proposed, or if this application proposes unattended operation, the applicant certifies that it will comply with the requirements of 47 C.F.R. Section 74.1234.	☒ Yes ☐ No See Explanation in [Exhibit 15]
14.	Multiple Translators. Applicant certifies that it does not have any interest in an application or an authorization for an FM translator station that serves substantially the same area and rebroadcasts the same signal as the proposed FM translator station.	☒ Yes ☐ No See Explanation in [Exhibit 16]
15.	Environmental Protection Act. Applicant certifies that the proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an Exhibit is required. By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic exposure in excess of FCC guidelines.	☒ Yes ☐ No See Explanation in [Exhibit 17]
PREPARER'S CERTIFICATION ON PAGE 4 MUST BE COMPLETED AND SIGNED.		

Section IV – Noncommercial Educational Point System Factors – New and Major Change Applications on Reserved Channels Only (used to select among mutually exclusive applications for new stations and major modifications) **NOTE:** Applicants will not receive any additional points for amendments made after the close of the application filing window.

Preliminary Matter: Does this application provide fill-in service only?		☐ Yes ☒ No
1.	Established Local Applicant: Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 C.F.R. Section 73.7000, that its governing documents require that such localism be maintained, and that it has placed documentation of its qualifications as an established local applicant in a local public inspection file and has submitted to the Commission copies of the documentation.	☐ Yes ☐ No
2.	Diversity of Ownership: Applicant certifies that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized radio station (including AM, FM, and non-fill-in FM translator stations, commercial or noncommercial) in which any party to the application has an attributable interest as defined in 47 C.F.R. Section 73.3555, that its governing documents require that such diversity qualification in a	☐ Yes ☐ No

	local public inspection file and has submitted to the Commission copies of the documentation.	
3.	State-wide Network: Applicant certifies that (a) it has NOT claimed a credit for diversity of ownership above; (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation.	☐ Yes ☐ No
4.	Technical Parameters: Applicant certifies that the numbers in the boxes below accurately reflect the new (increased) area and population that its proposal would serve with a 60 dBu signal measured in accordance with the standard predicted contours in 47 C.F.R. Section 73.713(c) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include the area of proposed increase only (exclude the station's existing service area). (Points, if any, will be determined by FCC)	☐ Yes ☐ No
	New (increased) area served in square kilometers (excluding areas of water):	
	Population served based on the most recent census block data from the United States Bureau of Census using the centroid method:	
Tie Breakers		
5.	Existing Authorizations. a. By placing a number in the box, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, existing authorizations for the following number of relevant broadcast stations. FM translator applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial and FM translator stations other than fill-in stations. (number of attributable commercial and non-commercial licenses and construction permits) b. (Fill-in Applicants Only.) By placing a number in the box, the applicant certifies that, in addition to the station identified in 5(a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, existing authorizations for the following number of FM translators.	
6.	Pending Applications. a. By placing a number in the box, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date filing, pending applications for new or major changes to the following number of relevant broadcast stations, AM and FM, commercial and non-commercial and FM translator stations other than fill-in stations. (number of attributable commercial and non-commercial applications) b. (Fill-in Applicants Only.) By placing a number in the box, the applicant certifies that, in addition to the station identified in 5(a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, existing authorizations for the following number of FM translators.	

Section VI – Certification

I 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. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)	
Typed or Printed Name of Person Signing JAMES L CAMPBELL	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 8/28/2013

Exhibits**Attachment 13**

Description

<u>Channel Space and Waiver Request</u>
<u>Site Topo Map</u>
<u>Site Aerial Photo with 115 Meter Interference Limit</u>
<u>Aerial Photo</u>

Exhibit 17

Description: ENVIROMENTAL AND RF EXPOSURE COMPLIANCE

THE PROPOSED TRANSLATOR SITE IS ON AN EXISTING TOWER WITH OTHER COMMUNICATION FACILITIES AND WILL NOT INVOLVE ANY NEW CONSTRUCTION.

THIS FACILITY HAS AN ERP OF LESS THAN 50 WATTS AND IS CATEGORICALLY EXCLUDED FROM RF EXPOSURE STUDY.

Attachment 17

Exhibit 13

Radio Training Network Inc.

P O Box 7217

Lakeland, FL 33807-7217

Channel Spacing Report for Channel 248

ComStudy 2.2 search of channel 248 (97.5 MHz Class D) at 35-10-47.0 N, 82-40-47.0 W.

CALL	CITY	ST CHN CL	DIST	SEP	BRNG	CLEARANCE
WHZT	WILLIAMSTON	SC 251 C1	53.44	0.00	172.7	-6.34 dB**
WHZT	WILLIAMSTON	SC 251 C0	61.40	0.00	207.2	-5.12 dB**
NEW	BALFOUR	NC 247 D	26.09	0.00	42.1	0.52 dB
W249AR	ASHEVILLE	NC 249 D	45.49	0.00	0.7	3.85 dB
W249CB	GREENVILLE	SC 249 D	37.01	0.00	137.3	3.30 dB
WFHC-LP	HENDERSONVILLE	NC 247 LP100	29.55	13.00	35.3	4.43 dB
NEW	LAKE TOXAWAY	NC 249 D	28.17	0.00	259.2	6.79 dB
WJXB-FM	KNOXVILLE	TN 248 C	146.20	0.00	309.5	12.41 dB
NEW	CANTON	NC 247 D	42.68	0.00	336.8	13.05 dB
NEW	CANTON	NC 247 D	46.82	0.00	3.1	13.05 dB
W247AB	GREENVILLE	SC 247 D	44.43	0.00	145.0	18.66 dB
WXBQ-FM	BRISTOL	VA 245 C	147.48	0.00	19.2	18.61 dB
W248BJ	HIAWASSEE	GA 248 D	99.08	0.00	255.6	19.96 dB
W249CC	TOCCOA	GA 249 D	96.21	0.00	221.5	20.36 dB
WPEG	CONCORD	NC 250 C	140.18	0.00	81.2	22.97 dB
WSRV	GAINESVILLE	GA 246 C	159.25	0.00	223.0	24.25 dB

** See attached Waiver request showing protection of WHZT from Interference.

WAIVER REQUEST, SECTION 74.1204

The proposed FM translator is located within the protected 60dbu contour of station, WHZT on third adjacent channel 251, Williamston, SC. The predicted F (50-50) field strength of WHZT at the proposed translator site is 65 dbu or greater. Therefore, the respective interfering contour generated by the proposed FM Translator site is 105 dbu and extends 112 meters or less from the transmit antenna. Radio Training Network Inc. proposes to use a 1 bay PSI FMT-1A-3DB Directional transmit antenna 25 Meters above ground level and collocated on an existing tower. The area surrounding the proposed translator site is woodlands in nature with no occupied buildings within 300 meters. The road way to the site is an unpaved and ends at other communication sites on Rich Mountain ridge and does not have any through traffic. See the attached aerial photos and Topo Map included that shows the nature of the area.

The interfering contour does not reach any homes, offices, or regularly traveled roadways.

Therefore, Radio Training Network Inc. Respectfully requests a waiver of C.F.R 74.1204 based on no population within the area of predicted interference.

Should any actual interference occur, then Radio Training Network, Inc will promptly suspend operation of this translator in accordance with 47 C.F.R. 74.1203.

Proposed Brevard, NC, New Translator Ch 248

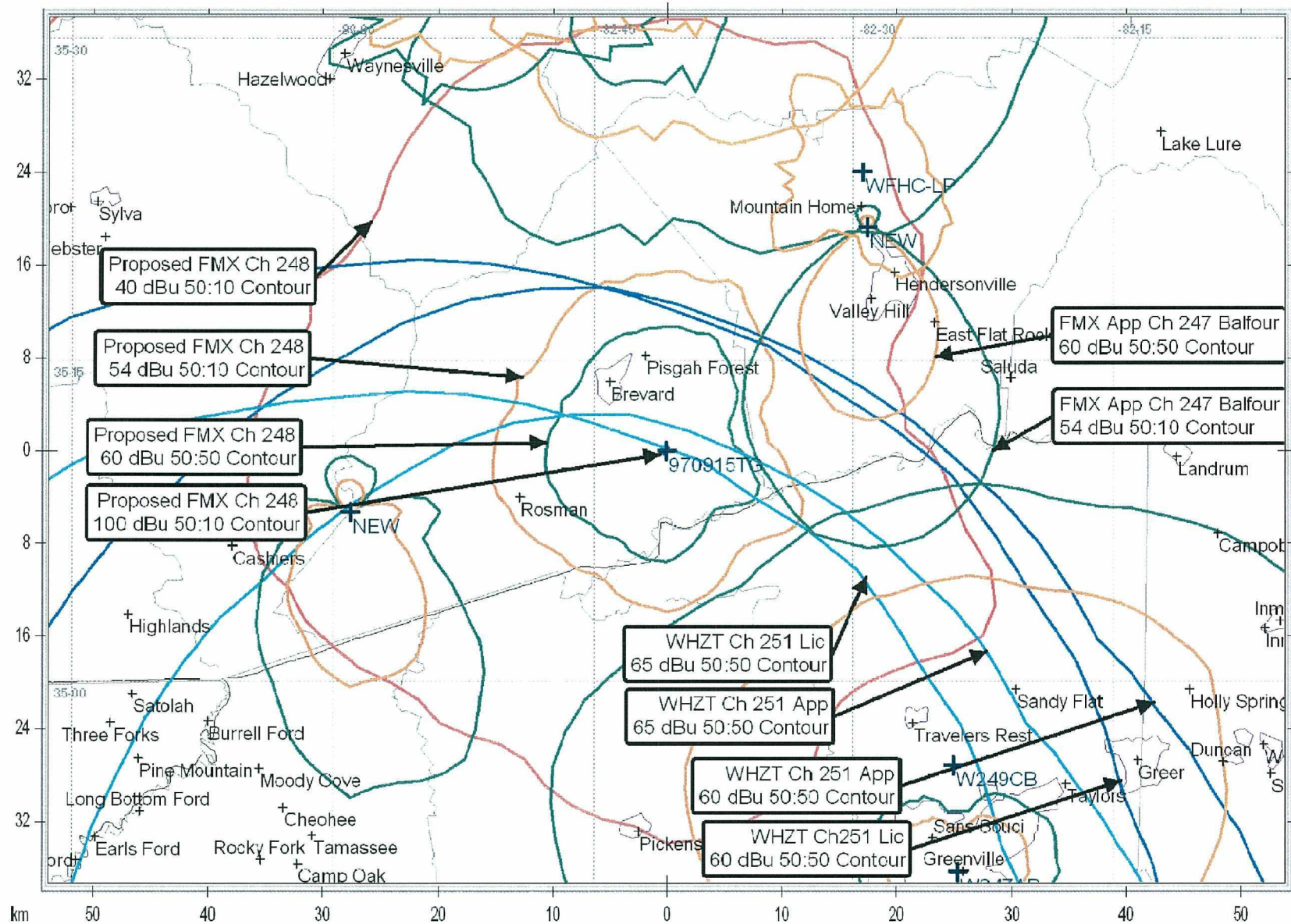


EXHIBIT B

DECLARATION OF EMILY KNAPP

I, EMILY KNAPP, make the following statement in connection with the Petition for Reconsideration and Request for Waiver of the Filing Deadline of RADIO TRAINING NETWORK, INC., BNPFT19970915TG. I hereby state under penalty of perjury:

1. I am a paralegal at the law firm of Gammon & Grange, P.C. ("G & G") and have been employed with the firm since July 2011. In that capacity, I work on matters dealing with Communications Law and the Federal Communications Commission ("FCC"). I have been involved in numerous filings with the FCC, both manual and electronic, and am familiar with the processes for both.
2. On August 30, 2013, around 3:20 in the afternoon, I received an email from G & G attorney A. Wray Fitch, III, forwarding the email sent from Ted McCall, Engineering Director, at Radio Training Network, Inc. ("RTN"). Mr. McCall explained that he was having difficulty filing a long form application for RTN with the FCC and described an error message he got from the FCC site. He also attached a copy of the completed application. I called Mr. McCall and told him I would try to file it for him.
3. I first attempted to file the form he prepared, but was unsuccessful and received the same error message that Mr. McCall had described. I then called Mr. McCall and asked some questions about how he had set up the form in an attempt to discover what might be causing the problem. I also called the FCC, but was unable to reach anyone as it was after 4:30 when I made the call.
4. At this point, I took the information from the form Mr. McCall had prepared and created a new form. I attempted to electronically file the newly created form, but was unsuccessful and received the same error message.
5. I notified Mr. McCall that I was not able to file the form and could not determine what was wrong with it. He said he believed it was a glitch in the system, as the original application was filed on paper. I then emailed Mr. Fitch to advise him on the situation.
6. I had no further involvement in any attempt to file the RTN long form after my final call with Mr. McCall.


Emily Knapp


Date