

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

In re Applications of)
)
Radio Training Network, Inc.) BNPFT-19991020AAG
Oldsmar, Florida) Facility ID #106676
)
The Moody Bible Institute of Chicago) BNPFT-19991020AAF
Tampa, Florida) Facility ID #106675
)
Faith Pleases God Church Corporation) BNPFT-20000302ABP
Clearwater, Florida) Facility ID #122931
)
FM Translator Group 028)
FCC 14-102)

To: The Commission

**JOINT PETITION TO DENY
AND REQUEST FOR APPROVAL OF SETTLEMENT AND GRANT OF
APPLICATIONS**

Radio Training Network, Inc. (hereafter “RTN”) and The Moody Bible Institute of Chicago (hereafter “MBI”), by their undersigned counsel, hereby respectfully submit this “Joint Petition To Deny and Request for Approval of Settlement and Grant of Applications” (hereafter the “Petition”).

1. On July 15, 2014, the Commission released its *Memorandum Opinion And Order in Comparative Consideration of Five Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational Reserved Band FM Translator Stations*, FCC 14-102 (hereafter the “Order”). At paragraph 12 in the Order, FM Translator Group 28, the Commission tentatively approved the above-captioned application by RTN based on giving RTN credit for two points for diversity of ownership based on the fact the RTN application as filed in

1999 indicated that the principal community contours of the proposed FM translator station at Oldsmar, Florida, did not overlap with those of any other station in which any party to RTN held an attributable interest. That was true in 1999. However, RTN subsequently modified the facilities of its station WCIE, New Port Richey, Florida, in 2013 in a manner that resulted in the service contours of WCIE covering Oldsmar, Florida, the proposed community of license. Accordingly, RTN was not entitled to its two diversity points at the time the Commission's Order was released and should not have been awarded the two diversity points or been picked as the tentative winning applicant based on points in FM Translator Group 28. RTN by and through its undersigned counsel stipulates and agrees that this is true and correct. Thus, the Commission should modify its determination in the Order consistent with the facts noted herein and the tentative approval of the RTN application should be rescinded and the applications of RTN and Moody as amended should be granted as provided below.

2. RTN and Moody have reached a settlement whereby each applicant has amended its respective application to remove the mutual-exclusivity that exists between them. RTN has modified its proposed output channel from FM channel 217 to 220. Moody has amended its FM output channel from 217 to 215. See FCC files BNPFT-19991020AAG and BNPFT-19991020AAF. As amended, the two applications may both be approved by the Commission under its rules and policies.

3. The remaining application by Faith Pleases God Church Corporation (FPGCC) should be dismissed as inadvertently accepted by the Commission. The RTN and Moody applications were both filed on October 20, 1999, in response to an "A cut-off list" issued by the Commission on September 20, 1999. See Attachment A hereto. That cut-off list set the date of October 20, 1999, as the deadline for the filing of applications that would be in conflict with a

pending application by Best Media, Inc. for channel 217 at Safety Harbor, Florida. See, FCC file BPFT-19990520TG. RTN and Moody submitted their co-channel applications in a timely manner on October 20, 1999. However, the FPGCC application was not filed until March 2, 2000, or over four (4) months after the deadline set in the A cut-off list.¹ As an untimely filed application in conflict with the Best Media, Inc. application, and those of RTN and Moody, the FPGCC should not have been accepted for filing in March of 2000 and should have been summarily dismissed by the Commission. Moreover, it should not be considered in connection with FM Translator Group 28 in this proceeding.

4. In addition, the FPGCC application must be dismissed as inconsistent with, and in violation of, the interference protection requirements of §74.1203 of the Commission's rules.² Noncommercial FM station WCIE operates on FM channel 218 at New Port Richey, Florida as a C0 facility. The current 60 dbu contour for WCIE entirely encompasses the proposed transmitter site and service area for the FPGCC FM translator which specifies operation on first adjacent FM channel 217. See Attachment B hereto³. Accordingly, the FPGCC application proposes an operation that would cause interference to the reception of WCIE in violation of the requirements of interference protection requirements of §74.1203 of the Commission's rules and must be dismissed.⁴

Wherefore, RTN and Moody respectfully request that the above-captioned application by Faith Pleases God Church Corporation be dismissed, and that the above-captioned applications by RTN and Moody be granted as a universal settlement in FM Translator Group 28.

¹ There was an "A cut-off list" issued on February 2, 2000, with a deadline of March 3, 2000. See, Report No: 2000-01. FM TRANSLATOR-B00STER APPLICATIONS READY AND AVAILABLE FOR PROCESSING. Cut-Off: March 3, 2000. However, the RTN and Moody applications were not included in this list and mutually-exclusive applications to the RTN and Moody applications were not solicited in the notice.

² 47 C.F.R. 1203.

³ Official Notice is requested of FCC files BPED-20130515ACP and BLED-20131112AVZ.

⁴ The RTN and Moody engineering amendments provide protection to WCIE under §74.1203.

Respectfully submitted,

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Date: August 14, 2014

ATTACHMENT A



PUBLIC NOTICE

Federal Communications Commission
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News media information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
<ftp.fcc.gov>

FM TRANSLATOR-BOOSTER APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Report No. 99-8

Released: September 20, 1999
Cut-off: October 20, 1999

Notice is hereby given that the applications listed in the attached appendix are accepted for filing. They will be considered to be ready and available for processing after October 20, 1999.

In order to be considered with a listed application, any application which would be in conflict with an application appearing in the attached appendix must be substantially complete and tendered for filing at the office of the Secretary of the Commission not later than the close of business on October 20, 1999. Petitions to deny any application on this list must be on file not later than the close of business on October 20, 1999.

Applications marked with an asterisk* are in conflict with applications which have previously been accepted for filing. No application which would be in conflict with an application so marked* will be accepted for filing. Applications marked with an asterisk* are subject only to petitions to deny. Petitions to deny such applications must be on file not later than the close of business on October 20, 1999.

F C C

Attachment

APPENDIX

BPFT-990415TD	NEW-T Houston William Marsh Rice University REQ: 91.500 MHz; Channel No. 218D TRANSLATOR FOR KTRU, HOUSTON, TX	TX
BPFT-990503TB	NEW-T Bellevue Educational Media Foundation REQ: 91.900 MHz; Channel No. 220D TRANSLATOR FOR KLOV, WINCHESTER, OR	NE
BPFT-990504TA	NEW-T Battle Mountain Calvary Chapel of Twin Falls, Inc. REQ: 91.900 MHz; Channel No. 220D TRANSLATOR FOR KEFX, TWIN FALLS, ID	NV
BPFT-990504TC	NEW-T Happy Camp Pacific Cascade Communications Corporation REQ: 89.500 MHz; Channel No. 208D TRANSLATOR FOR KVIP, REDDING, CA	CA
BPFT-990505TD	NEW-T Tracy University of the Pacific REQ: 90.700 MHz; Channel No. 214D TRANSLATOR FOR KUOP, STOCKTON, CA	CA
BPFT-990506TA	NEW-T Edmond Calvary Chapel of Twin Falls, Inc. REQ: 90.500 MHz; Channel No. 213D TRANSLATOR FOR KEFX, TWIN FALLS, ID	OK
BPFT-990506TB	NEW-T Dillon Hi-Line Radio Fellowship, Inc. REQ: 90.900 MHz; Channel No. 215D TRANSLATOR FOR KGFC, GREAT FALLS, MT	MT
BPFT-990506TC	NEW-T Clarkston Walla Walla College REQ: 89.700 MHz; Channel No. 209D TRANSLATOR FOR KGTS, COLLEGE PLACE, WA	WA

BPFT-990507TA	NEW-T Apple Valley Calvary Chapel of Twin Falls, Inc. REQ: 89.900 MHz; Channel No. 210D TRANSLATOR FOR KEFX, TWIN FALLS, ID	CA
BPFT-990510TA	NEW-T Bay City Paulino Bernal Evangelism REQ: 90.300 MHz; Channel No. 212D TRANSLATOR FOR KCZO, CARRIZO SPRINGS, TX	TX
BPFTB-990510TD	NEW-T Cordelia CBM Napa, L.L.C. REQ: 99.300 MHz; Channel No. 257D BOOSTER FOR KVYN, ST. HELENA, CA	CA
BPFT-990511TA	NEW-T Aberdeen Pensacola Christian College, Inc. REQ: 90.700 MHz; Channel No. 214D TRANSLATOR FOR WPCS, PENSACOLA,	WA
BPFT-990511TB	NEW-T Traverse City Pensacola Christian College, Inc. REQ: 88.100 MHz; Channel No. 201D TRANSLATOR FOR WPCS, PENSACOLA, FL	MI
BMPFT-990512TA	K202CN Missoula Educational Media Foundation REQ: 89.500 MHz; Channel No. 208D TRANSLATOR FOR KLOV, WINCHESTER, OR	MT
BPFT-990513TA	NEW-T Shattuck Ellis County Translator Committee REQ: 88.300 MHz; Channel No. 202D TRANSLATOR FOR KJIL, COPELAND, KS	OK
BPFT-990514TA	NEW-T Olivehurst Calvary Chapel of Twin Falls, Inc. REQ: 91.300 MHz; Channel No. 217D TRANSLATOR FOR KAWZ, TWIN FALLS, ID	CA
BPFT-990514TB	NEW-T Nevada City Calvary Chapel of Twin Falls, Inc. REQ: 88.700 MHz; Channel No. 204D TRANSLATOR FOR KAWZ, TWIN FALLS, ID	CA

BPFT-990514TC	NEW-T	Los Gatos	CA
		Calvary Chapel of Twin Falls, Inc.	
	REQ:	88.100 MHz; Channel No. 201D	
		TRANSLATOR FOR KAWZ, TWIN FALLS, ID	
BPFT-990517TA	NEW-T	Hickory Point	IL
		Living Way Ministries, Inc.	
	REQ:	91.300 MHz; Channel No. 217D	
		TRANSLATOR FOR KTLW, LANCASTER, CA	
BPFT-990517TB	NEW-T	Surprise	AZ
		Living Way Ministries, Inc.	
	REQ:	90.700 MHz; Channel No. 214D	
		TRANSLATOR FOR KTLW, LANCASTER, CA	
BPFT-990517TC	NEW-T	Newport	RI
		Executive Committee/Trustees of Boston University	
	REQ:	91.500 MHz; Channel No. 218D	
		TRANSLATOR FOR WBUR, BOSTON, MA	
BPFT-990517TD	K211AI	Tonasket, Oroville & Ellisford	WA
		North Okanogan Christian Translator	
	HAS:	90.100 MHz; Channel No. 211D	
	REQ:	89.300 MHz; Channel No. 207D	
		TRANSLATOR FOR KMBI, SPOKANE, WA	
BPFT-990518TA	NEW-T	Truckee	CA
		Calvary Chapel of Twin Falls, Inc.	
	REQ:	90.900 MHz; Channel No. 215D	
		TRANSLATOR FOR KAWZ, TWIN FALLS, ID	
BPFT-990518TB	NEW-T	Black Canyon City	AZ
		Calvary Chapel of Twin Falls, Inc.	
	REQ:	90.100 MHz; Channel No. 211D	
		TRANSLATOR FOR KAWZ, TWIN FALLS, ID	
BPFT-990518TC	NEW-T	South Lake Tahoe	CA
		California State University, Sacramento	
	REQ:	90.100 MHz; Channel No. 211D	
		TRANSLATOR FOR KKTO, TAHOE CITY, CA	
BPFT-990519TA	NEW-T	Bishop	CA
		Paulino Bernal Evangelism	
	REQ:	91.700 MHz; Channel No. 219D	
		TRANSLATOR FOR KCZO, CARRIZO SPRINGS, TX	

BPFT-990519TB	NEW-T	Santa Fe	NM
		Paulino Bernal Evangelism	
	REQ:	91.900 MHz; Channel No. 220D	
		TRANSLATOR FOR KCZO, CARRIZO SPRINGS, TX	
BPFT-990519TE	NEW-T	Eagle Pass	TX
		Paulino Bernal Evangelism	
	REQ:	88.100 MHz; Channel No. 201D	
		TRANSLATOR FOR KCZO, CARRIZO SPRINGS, TX	
BPFT-990519TF	NEW-T	Bishop	CA
		Star Communications	
	REQ:	91.300 MHz; Channel No. 217D	
		TRANSLATOR FOR WJFM, BATON ROUGE, LA	
BPFT-990520TA	NEW-T	Greenville	TX
		KEGG Communications	
	REQ:	89.700 MHz; Channel No. 209D	
		TRANSLATOR FOR KVTI, DALLAS, TX	
BPFT-990520TD	NEW-T	Lawrence	MA
		Best Media Inc.	
	REQ:	88.500 MHz; Channel No. 203D	
		TRANSLATOR FOR WMWM, SALEM, MA	
BPFT-990520TG	NEW-T	Safety Harbor	FL
		Best Media Inc.	
	REQ:	91.300 MHz; Channel No. 217D	
		TRANSLATOR FOR WVIJ, PORT CHARLOTTE, FL	
BPFT-990520TH	NEW-T	Leonardo	NJ
		Best Media, Inc.	
	REQ:	88.100 MHz; Channel No. 201D	
		TRANSLATOR FOR WSHU, FAIRFIELD, CT	
BPFT-990520TM	NEW-T	Champaign	IL
		Pensacola Christian College, Inc.	
	REQ:	88.100 MHz; Channel No. 201D	
		TRANSLATOR FOR WPCS, PENSACOLA, FL	
BPFT-990520TO	NEW-T	Massapequa	NY
		Best Media Inc.	
	REQ:	89.500 MHz; Channel No. 208D	
		TRANSLATOR FOR WSHU, FAIRFIELD, CT	

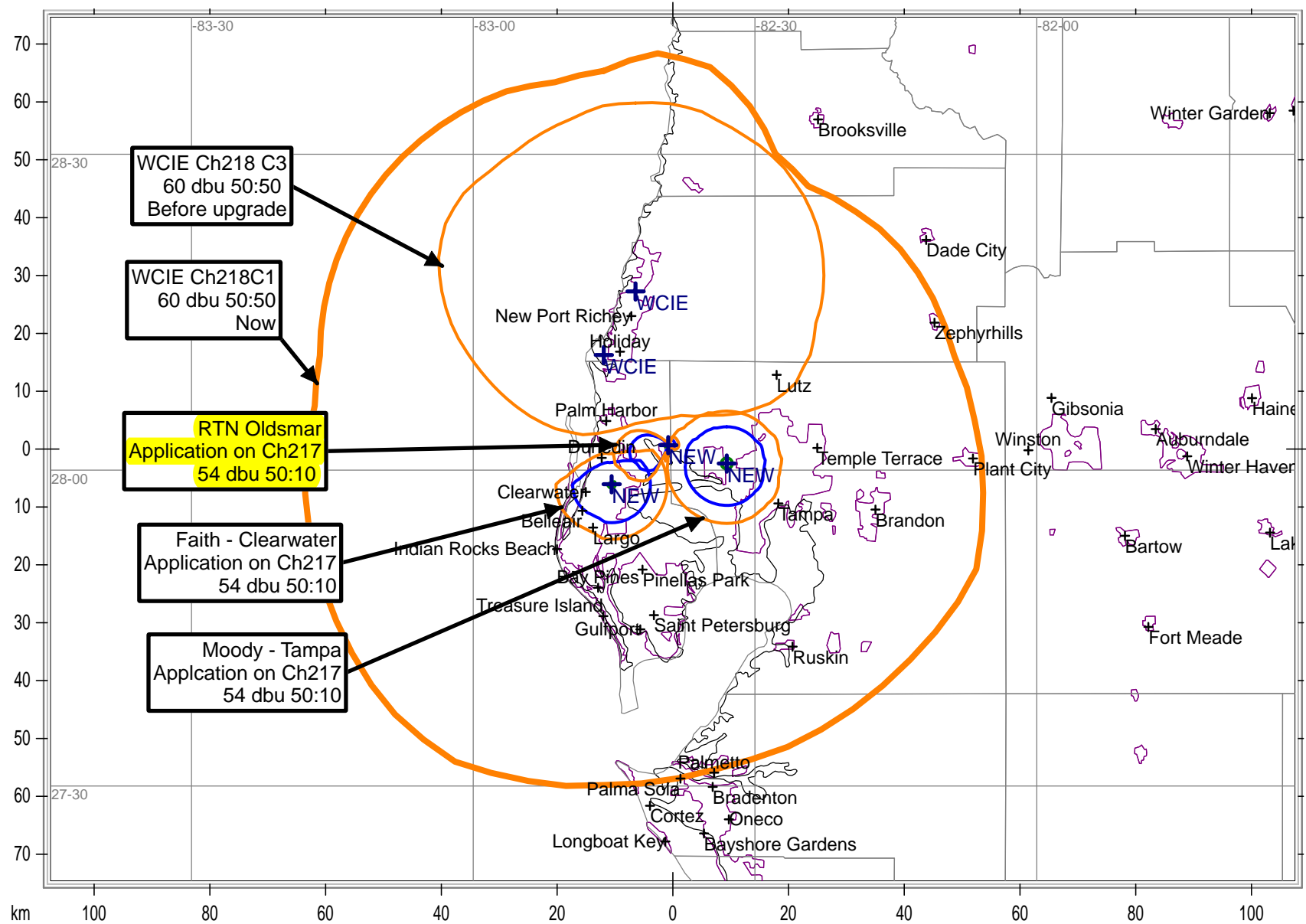
BPFT-990520TQ	NEW-T Mount Prospect Best Media Inc. REQ: 89.300 MHz; Channel No. 207D TRANSLATOR FOR WJCH, JOLIET, IL	IL
BPFT-990520TS	NEW-T Chanhassen Best Media Inc. REQ: 88.100 MHz; Channel No. 201D TRANSLATOR FOR KFAI, MINNEAPOLIS, MN	MN
BPFT-990520VA	NEW-T East Port Best Media Inc. REQ: 90.900 MHz; Channel No. 215D TRANSLATOR FOR WSHU, FAIRFIELD, CT	NY
BPFT-990520VC	NEW-T Hamtramck Best Media Inc. REQ: 89.100 MHz; Channel No. 206D TRANSLATOR FOR WGTE, TOLEDO, OH	MI
BPFT-990520VE	NEW-T Charlotte Best Media Inc. REQ: 88.100 MHz; Channel No. 201D TRANSLATOR FOR WLFJ, GREENVILLE, SC	NC
BPFT-990520VF	NEW-T Staten Island Best Media Inc. REQ: 90.700 MHz; Channel No. 214D TRANSLATOR FOR WSHU, FAIRFIELD, CT	NY
BPFT-990520VG	NEW-T Hartford Best Media Inc. REQ: 88.100 MHz; Channel No. 201D TRANSLATOR FOR WSHU, FAIRFIELD, CT	CT
BPFT-990520VH	NEW-T Stamford Best Media Inc. REQ: 91.500 MHz; Channel No. 218D TRANSLATOR FOR WSHU, FAIRFIELD, CT	CT
BPFT-990520VI	NEW-T Barker Best Media Inc. REQ: 91.300 MHz; Channel No. 217D TRANSLATOR FOR KAXF, CONROE, TX	TX

BPFT-990521TM	NEW-T	Gerlach	NV
		Pacific Cascade Communications Corporation	
	REQ:	89.100 MHz; Channel No. 206D	
		TRANSLATOR FOR KVIP, REDDING, CA	
BPFT-990521VE	NEW-T	Alamogordo	NM
		Your Christian Companion, Inc.	
	REQ:	89.900 MHz; Channel No. 210D	
		TRANSLATOR FOR KCJH, STOCKTON, CA	
BPFT-990524TD	NEW-T	Kilgore	TX
		Paulino Bernal Evangelism	
	REQ:	88.300 MHz; Channel No. 202D	
		TRANSLATOR FOR KCZO, CARRIZO SPRINGS, TX	
BPFT-990524TE	NEW-T	Winslow	AZ
		Paulino Bernal Evangelism	
	REQ:	90.500 MHz; Channel No. 213D	
		TRANSLATOR FOR KCZO, CARRIZO SPRINGS, TX	
BPFT-990524TF	NEW-T	Longview	TX
		Paulino Bernal Evangelism	
	REQ:	88.100 MHz; Channel No. 201D	
		TRANSLATOR FOR KCZO, CARRIZO SPRINGS, TX	
BPFT-990524TG	NEW-T	Aberdeen	NC
		Educational Information Corporation	
	REQ:	88.300 MHz; Channel No. 202D	
		TRANSLATOR FOR WCPE, RALEIGH, NC	
BPFT-990524TK	NEW-T	Foxfire	NC
		Educational Information Corporation	
	REQ:	88.900 MHz; Channel No. 205D	
		TRANSLATOR FOR WCPE, RALEIGH, NC	
BPFT-990524TL	NEW-T	Enumclaw	WA
		Chehalis Valley Educational Foundation	
	REQ:	89.300 MHz; Channel No. 207D	
		TRANSLATOR FOR KACS, CHEHALIS, WA	
BPFT-990525TC	NEW-T	Chinook	WA
		Pacific Lutheran University, Inc.	
	REQ:	88.700 MHz; Channel No. 204D	
		TRANSLATOR FOR KPLU, TACOMA, WA	

BPFT-990525TD	NEW-T Unalaska Alaska Village Missions, Inc. REQ: 88.300 MHz; Channel No. 202D TRANSLATOR FOR WJCG, MONEE, IL	AK
BPFT-990526TH	W206AL State College Pensacola Christian College REQ: 90.300 MHz; Channel No. 212D TRANSLATOR FOR WPCS, PENSACOLA, FL	PA
BMPFT-990527TA	K218CL Kalispell Pensacola Christian College REQ: 90.500 MHz; Channel No. 213D TRANSLATOR FOR WPCS, PENSACOLA, FL	MT
BPFT-990527TB	NEW-T Tallahassee Radio Training Network, Inc. REQ: 91.900 MHz; Channel No. 220D TRANSLATOR FOR WJIS, BRADENTON, FL	FL
BPFT-990527TC	NEW-T Laveen Family Stations, Inc. REQ: 88.700 MHz; Channel No. 204D TRANSLATOR FOR KEAR, SAN FRANCISCO, CA	AZ
BPFT-990527TD	NEW-T Bolinas West Marin Community Radio, Inc. REQ: 89.300 MHz; Channel No. 207D TRANSLATOR FOR KWMR, POINT REYES STATION, CA	CA
BPFT-990528TB	NEW-T Lincoln Park Calvary Chapel of Twin Falls, Inc. REQ: 88.100 MHz; Channel No. 201D TRANSLATOR FOR KEFX, TWIN FALLS, ID	CO

ATTACHMENT B

FM Translator Group 028 all Shortspaced to WCIE Ch218C1



CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served by first class United States mail, postage pre-paid, on this 14th day of August, 2014, on the following:

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