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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re: }
Public Media of New England, Inc. }
Application for a New LPFM }
Station at Haverhill, MA }

BNPL – 20131113AKZ
Facility Id: 193811

Accepted/Filed

APR 1 2014

TO: Office of Secretary
Attn: Chief, Audio Division

FCC Office of the Secretary

**PETITION FOR EXPEDITED RECONSIDERATION AND
REINSTATEMENT *NUNC PRO TUNC***

Public Media of New England, Inc. (“PMNE”), by its attorneys and pursuant to Section 1.106 of the Commission’s Rules, hereby requests that the Commission reconsider its dismissal of the above-referenced application (the “Application”).¹ As demonstrated below, PMNE has prepared the attached amendment to the Application which addresses the basis for the dismissal of Application. Therefore, PMNE respectfully requests that the above-referenced application be reinstated *nunc pro tunc*.²

In particular, the Application was dismissed due to apparent deficiencies in the evidence supporting the second adjacent-channel waiver request associated with the Application. While the Application included a signal strength plot of the proposed antenna, which demonstrated that no interference would occur, the Application did not include a “vertical plane pattern to show compliance with the non-interference

¹ This petition is timely filed within 30 days of the date of public notice. See Public Notice Report No. 48202.

² See Public Notice, Statement of Future Policy on Incomplete and Patently Defective Construction Permit Applications, 49 Fed. Reg. 47,331 (1984). See also *James River Broadcasting Corp. v. FCC*, 399 F.2d 581(D.C. Cir. 1968).

requirement.”³ Thus, while Application provided evidence that the proposed facility specified in the Application was in full compliance with Section 73.807 of the Commission’s rules, the Dismissal Letter requested more information in connection with this showing.

In response, PMNE has prepared the attached minor amendment to the Application to address the concerns expressed in the *Dismissal Letter*. In particular, the attached amendment includes the supporting evidence requested by the Commission’s staff, and establishes that the proposed facility specified in the Application complies with the second-adjacent channel waiver standard articulated in Section 73.807(e) of the Commission’s rules.

Accordingly, Public Media of New England, Inc., respectfully requests reconsideration of the Commission’s action dismissing the above referenced application and requests expedited reinstatement and acceptance *nunc pro tunc*.

Respectfully submitted,

Public Media of New England, Inc.

By: 

Howard M. Liberman

Lee G. Petro

DRINKER BIDDLE & REATH LLP

1500 K Street N.W.

Suite 1100

Washington, DC 20005-1209

(202) 842-8800

Its Attorneys

April 1, 2014

³ *Dismissal Letter*, dated March 19, 2014 (1800B3).

Federal Communications Commission

FCC MB - CDBS Electronic Filing

Account number: 93612

Description: AMENDMENT TO HAVERHILL APPLICATION

Application Reference Number: 20131113AKZ

Successfully filed at Apr 1 2014 1:32PM

Based on the information supplied, no fee is required.

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Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0920 (April 2013)	FOR FCC USE ONLY
FCC 318		
APPLICATION FOR CONSTRUCTION PERMIT FOR A LOW POWER FM BROADCAST STATION		FOR COMMISSION USE ONLY FILE NO. - 20131113AKZ
Read INSTRUCTIONS Before Filling Out Form		

Section I - General Information

1.	Legal Name of the Applicant PUBLIC MEDIA OF NEW ENGLAND, INC.		
	Mailing Address 189 WARD HILL AVENUE		
	City HAVERHILL	State or Country (if foreign address) MA	Zip Code 01835 - 6973
	Telephone Number (include area code) 9783742111	E-Mail Address (if available)	
	FCC Registration Number: 0023051089	Call Sign NEW	Facility Identifier 193811
2.	Contact Representative (if other than applicant) HOWARD M. LIBERMAN		Firm or Company Name DRINKER BIDDLE & REATH, LLP
	Telephone Number (include area code) 2028428876		E-Mail Address (if available) HOWARD.LIBERMAN@DBR.COM
3.	Application Purpose <input type="radio"/> New station <input type="radio"/> Major change in licensed facility <input type="radio"/> Minor change in licensed facility <input type="radio"/> Major modification of construction permit <input type="radio"/> Minor modification of construction permit <input checked="" type="radio"/> Amendment to pending application		
	(a) File number of original construction permit: -		
	(b) Station location: HAVERHILL MA		
	If an amendment, submit as an Exhibit a listing by Section and Question Number the portions of the pending application that are being revised.		[Exhibit 1]

NOTE: The failure to include an explanatory exhibit providing full particulars in connection with a "No" response may result in dismissal of the application. See General Instructions, Paragraph I for additional information regarding the completion of explanatory exhibits.

Section II - Legal

New LPFM station applicants must complete all questions in Section II. Major and minor change applicants must complete only questions 1, 4, 6, 7 and 9.

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	<input checked="" type="radio"/> Yes <input type="radio"/> No
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<p>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.</p>	
<p>2. Eligibility. Each applicant must answer "Yes" to one and "No" to two of the three following certifications. An applicant should not submit an explanatory exhibit in connection with these Question 2 "No" responses.</p> <p>The applicant certifies that:</p>	
<p>a. it is a nonprofit educational organization; or</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
<p>b. it is a Tribe or Tribal organization; or</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>c. it is a state or local government or a non-government entity that proposes a noncommercial public safety radio service to protect the safety of life, health, or property.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>If the answer to 2c is "Yes" and the applicant is submitting multiple applications, is this application the "priority" application? <i>See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80 (2000).</i></p>	<p><input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A</p>
<p>Note: An applicant that answers "Yes" to 2a. must include an exhibit that describes the applicant's educational program and how its proposed station will be used to advance its educational program. If the applicant is incorporated, the exhibit must include the state and date of applicant's incorporation. If the applicant is unincorporated, the exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.</p>	<p>[Exhibit 2]</p>
<p>An applicant answering "Yes" to 2b. must include an exhibit that specifies whether the applicant is a Tribe or Tribal organization, and describes its proposed noncommercial service. If the applicant is a Tribal organization and is incorporated, the exhibit also must state which Tribe or Tribes own or control the applicant, and specify the state and date of applicant's incorporation. If the applicant is a Tribal organization and is not incorporated, the exhibit must state which Tribe or Tribes own or control the applicant, and specify the state in which the applicant is registered or otherwise recognized and the date of such registration or recognition.</p>	
<p>An applicant that answers "Yes" to 2c. must include an exhibit that describes the applicant's public safety radio program and how the proposed station will be used to protect the safety of life, health or property. If the applicant is a non-governmental entity and is incorporated, the exhibit must include the state and date of applicant's incorporation. If the applicant is a non-governmental entity and is not incorporated, the exhibit must include the state in which it is registered or otherwise recognized and the date of such registration or recognition.</p>	
<p>3. Parties to the Application.</p>	
<p>a. List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If a corporation or partnership holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for each individual or entity. Attach additional pages if necessary.</p> <p>(1) Name and address of party. (2) Citizenship. (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's equity/debt plus standard. (4) Percentage of votes. (5) Percentage of total assets (equity plus debt). [Enter Parties/Owners Information]</p>	
<p style="text-align: center;">Parties to the Application</p> <p>List separately each party to the application including, as applicable, the applicant, its officers, directors, five percent or greater stockholders, non-insulated partners, members, and all other persons and entities with attributable interests. If a corporation or partnership holds an attributable interest in the applicant, list separately, as applicable, its officers, directors, five percent or greater stockholders, non-insulated partners, and board members. Create a separate row for</p>	

each individual or entity. Attach additional pages if necessary.

- (1) Name and address of party.
- (2) Citizenship.
- (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, or investor/creditor attributable under the Commission's equity/debt plus standard.
- (4) Percentage of votes.
- (5) Percentage of total assets (equity plus debt).

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
TIMOTHY J. COCO 52 WOODROW AVE. HAVERHILL, MA 01830	US	OFFICER & DIRECTOR	33.3	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
ANITA M. PURCELL 58 PINEDALE AVE. HAVERHILL, MA 01830	US	OFFICER & DIRECTOR	33.3	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
WILLIAM D. COX, JR. 8 RICHMOND ST. HAVERHILL, MA 01830	US	OFFICER & DIRECTOR	33.3	0

(1) Name and Address	(2) Citizenship	(3) Positional Interest	(4) Percentage of Votes	(5) Percentage of total assets
PUBLIC MEDIA OF NEW ENGLAND, INC. 189 WARD HILL AVENUE, HAVERHILL, MA 01835-6793	US	APPLICANT	0	100

b. Applicant certifies that equity and financial interests not set forth above are non-attributable.	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 3]
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4. Community-Based Criteria. The applicant certifies that:

- | | |
|--|---|
| a. it is a nonprofit educational organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application. | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| b. it is a nonprofit educational organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site specified in this application. | <input checked="" type="radio"/> Yes <input type="radio"/> No |
| c. it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. See 47 C.F.R. Sections 73.853(c) and 73.7000. | <input type="radio"/> Yes <input checked="" type="radio"/> No |
| d. it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station. | <input type="radio"/> Yes <input checked="" type="radio"/> No |

Note: An applicant should **not** submit an explanatory exhibit in connection with these Question 4 "No" responses.

5. Ownership.	
a. Applicant certifies that it and all parties to the application comply with the multiple ownership limits set forth in Section 73.855 of the Commission's rules. <i>See</i> 47 C.F.R. Section 73.855.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 4]
b. Applicant certifies that it and all parties to the application comply with the cross-ownership limits set forth in Section 73.860 of the Commission's rules. <i>See</i> 47 C.F.R. Section 73.860.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 5]
c. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to media interests of immediate family members.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 6]
d. Applicant certifies that it and all parties to the application comply with the Commission's policies relating to investor insulation and the non-participation of non-party investors or creditors.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 7]
6. Character Issues. The applicant certifies that neither the 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.	<input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 8]
7. Adverse Findings. The applicant certifies that no adverse finding has been made and no adverse final action has been taken by any court or administrative body as to the applicant, any party to this application, or any non-party equity owner in the applicant, 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 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 the date of filing; and (ii) the disposition of the previously reported matter.	<input checked="" type="radio"/> Yes <input type="radio"/> No [Exhibit 9]
8. Unlicensed Operation. The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.	<input checked="" type="radio"/> Yes <input type="radio"/> No
9. Anti-Drug Abuse Act Certification. Applicant certifies that neither the 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.	<input checked="" type="radio"/> Yes <input type="radio"/> No

Section III - Point System Factors

New station and major change applicants must complete the following questions.

Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modifications of authorized LPFM stations. Mutually exclusive applicants will be awarded a point for each of the following:

1. Established community presence.	
a. Nonprofit educational organizations. The applicant certifies that, for a period of at least two	<input checked="" type="radio"/> Yes <input type="radio"/> No

<p>years prior to the date of this application, it has existed as a nonprofit educational organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.</p>	<p>[Exhibit 10]</p>									
<p>An applicant claiming a point under 1a. must submit an exhibit documenting its established community presence. <i>See</i> instructions.</p>										
<p>b. Tribes and Tribal organizations. The applicant certifies that it is a Tribe and that its Tribal Lands are within the service area of the proposed LPFM station; or that it is a Tribal organization owned or controlled by a Tribe (or Tribes) and its (or their) Tribal Lands are within the service area of the proposed LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>									
<p>c. Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>									
<p>2. Local program origination. The applicant pledges to originate locally at least eight hours of programming per day.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>									
<p>3. Main studio. The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>									
<p>The applicant claiming a point under 3. must provide the proposed address and telephone number for the main studio.</p>										
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3" data-bbox="170 1008 1226 1071"> <p>Address: 189 WARD HILL AVE</p> </td> </tr> <tr> <td data-bbox="170 1071 641 1134"> <p>City HAVERHILL</p> </td> <td data-bbox="641 1071 1071 1134"> <p>State or Country (if foreign address) MA</p> </td> <td data-bbox="1071 1071 1226 1134"> <p>Zip Code 01835-6973</p> </td> </tr> <tr> <td data-bbox="170 1134 641 1207"> <p>Telephone Number (include area code) 9783742111</p> </td> <td colspan="2" data-bbox="641 1134 1226 1207"> <p>E-Mail Address (if available) TCOCO@WHA.V.NET</p> </td> </tr> </table>		<p>Address: 189 WARD HILL AVE</p>			<p>City HAVERHILL</p>	<p>State or Country (if foreign address) MA</p>	<p>Zip Code 01835-6973</p>	<p>Telephone Number (include area code) 9783742111</p>	<p>E-Mail Address (if available) TCOCO@WHA.V.NET</p>	
<p>Address: 189 WARD HILL AVE</p>										
<p>City HAVERHILL</p>	<p>State or Country (if foreign address) MA</p>	<p>Zip Code 01835-6973</p>								
<p>Telephone Number (include area code) 9783742111</p>	<p>E-Mail Address (if available) TCOCO@WHA.V.NET</p>									
<p>4. Local program origination and main studio. The applicant certifies that it qualifies for a point under both the local program origination and the main studio criteria.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>									
<p>5. Diversity of ownership. The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>									
<p>6. Tribes or Tribal organizations. The applicant certifies it is a Tribe proposing to locate its transmitting antenna site on its Tribal Lands, or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>									

Section IV - Involuntary Time-Share Information

New station and major change applicants must complete the following questions.

<p>This information will be used only for selection among mutually exclusive applications for new LPFM stations and major modification of authorized LPFM stations and only in the event that two or more applications are tied after the point analysis. <i>See</i> 47 C.F.R. Section 73.872.</p>	
<p>1. Established Community Presence: Provide the date on which the applicant qualified 4/11/2011 (mm/dd/yyyy) as local. <i>See</i> 47 C.F.R. Section 73.853(b).</p>	
<p>Applicant certifies that it has remained local at all times since this date.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>

Section V - Certification

The applicant certifies that the statements in this application are true, complete, and correct to the best of its knowledge and belief, and are made in good faith.

The applicant acknowledges that all certifications and attached Exhibits are considered material representations.

The applicant acknowledges that the submission of false or misleading statements will subject the applicant to fines, revocation of license(s), and applicable criminal penalties.

The applicant hereby waives 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 licensee or otherwise, and requests 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 TIMOTHY J. COCO	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 3/28/2014

Section VI - LPFM Engineering, Tech Box

TECHNICAL SPECIFICATIONS

Applicants must list technical specifications accurately. Contradictory 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: 251	
2. Antenna Location Coordinates: (NAD 27) Latitude: Degrees 42 Minutes 46 Seconds 23 <input checked="" type="radio"/> North <input type="radio"/> South Longitude Degrees 71 Minutes 6 Seconds 1 <input checked="" type="radio"/> West <input type="radio"/> East	
3. Antenna Structure Registration Number: 1007182 <input type="checkbox"/> Not Applicable <input type="checkbox"/> Notification filed with FAA	
4. Antenna Location Site Elevation Above Mean Sea Level: 85 meters	
5. Overall Tower Height Above Ground Level: 183 meters	
6. Height of Radiation Center Above Ground Level: 107 meters	
7. Power and height limitations. By checking "Yes", the applicant acknowledges that it will be authorized to operate within the parameters defined in 47 C.F.R. Section 73.811 as calculated based on the data specified herein.	<input checked="" type="radio"/> Yes <input type="radio"/> No

An explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.

8. a. Interference. The applicant certifies that the proposed facility complies with all pertinent distance separation requirements of 47 C.F.R. Section 73.807.	<input type="radio"/> Yes <input checked="" type="radio"/> No See Explanation in [Exhibit 11]
--	--

<p>Note: New station applications that fail to meet all of the co-channel and first-adjacent channel separation requirements set forth in 47 C.F.R. Section 73.807 will be returned and will not be provided an opportunity to file a curative amendment.</p>	
<p>An applicant seeking a waiver of second-adjacent channel minimum distance separation requirements must submit an exhibit demonstrating that the proposed station operations will not result in interference to any authorized radio service. See instructions for additional information.</p>	
<p>b. Interference to Translator or Booster Input Signals. The applicant certifies that the proposed facility complies with all pertinent requirements of 47 C.F.R. Section 73.827(a).</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A See Explanation in [Exhibit 12]</p>
<p>Note: Where Section 73.827(a) is applicable, an applicant must certify that the proposed facility complies with the distance separation requirements set forth in that section or demonstrate that "no actual interference" would occur based on either the signal strength ratio showing or minimum distance separation formula set forth in 47 C.F.R. Section 73.827(a) or an alternative technical arrangement agreed to by both the applicant and the affected FM translator or FM booster station.</p>	
<p>9. TV Channel 6 Interference (Channel 201-220). The applicant certifies that the proposed facility complies with 47 C.F.R. Section 73.825.</p>	<p><input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A See Explanation in [Exhibit 13]</p>
<p>10. National Environmental Policy Act. The applicant certifies, based on its completion of Worksheets 2 and 3 and its review of the instructions to this application, 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 attached General Environmental and RF Exposure Worksheets, an Exhibit is required.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No See Explanation in [Exhibit 14]</p>

THE FOLLOWING PREPARER'S CERTIFICATION MUST BE COMPLETED AND SIGNED.

PREPARER'S CERTIFICATION

I certify that I have prepared Section V (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.

<p>Name DAVID J. DOUGHERTY</p>	<p>Relationship to Applicant (e.g., Consulting Engineer) TECHNICAL CONSULTANT</p>	
<p>Signature</p>	<p>Date 3/28/2014</p>	
<p>Mailing Address SKYWAVES CONSULTING LLC PO BOX 4</p>		
<p>City MILLBURY</p>	<p>State or Country (if foreign address) MA</p>	<p>Zip Code 01527-0004</p>
<p>Telephone Number (include area code) 2023706357</p>	<p>E-Mail Address (if available) DAVE@SKYWAVES.COM</p>	

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).

Exhibits**Exhibit 1****Description:** EXHIBIT ONE

THIS AMENDMENT IS BEING SUBMITTED IN RESPONSE TO THE DISMISSAL LETTER, DATED MARCH 19, 2014, PROVIDING ADDITIONAL INFORMATION IN CONNECTION WITH SECTION IV, QUESTION 8(A), AND EXHIBIT 11.

THERE ARE NO OTHER CHANGES TO THE APPLICATION.

Attachment 1

Description
<u>Revised Comprehensive Technical Statement</u>

Attachment 2

Description
<u>PMNE Articles of Organization</u>
<u>PMNE Amendment-Articles of Organization</u>
<u>PMNE Educational Program</u>
<u>PMNE Program Schedule</u>

Attachment 10

Description
<u>Articles of Organization</u>
<u>Amendment-Articles of Organization</u>
<u>PMNE Consent Resolution</u>

Exhibit 11**Description:** INTERFERENCE

PLEASE SEE THE ATTACHED COMPREHENSIVE TECHNICAL STATEMENT, WHICH CONTAINS ALL TECHNICAL DATA REQUIRED TO SUPPORT THE APPLICATION.

Attachment 11

Description
<u>COMPREHENSIVE TECHNICAL STATEMENT</u>

Exhibit 12**Description:** TRANSLATOR AND BOOSTER INPUT INTERFERENCE

PLEASE SEE THE COMPREHENSIVE TECHNICAL STATEMENT ATTACHED TO EXHIBIT 11.

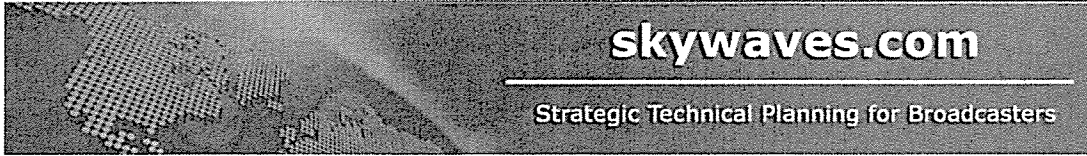
Attachment 12

Exhibit 14

Description: ENVIRONMENTAL

PLEASE SEE THE COMPREHENSIVE TECHNICAL STATEMENT ATTACHED TO EXHIBIT 11.

Attachment 14



Comprehensive Technical Statement

In Support of

Public Media of New England, Inc.

Amendment to Application for New LPFM Station

BNPL-20131113AKZ

**98.1 MHz, Channel 251L1
Haverhill, MA**

Second Adjacent Interference Waiver Requested

Introduction

Public Media of New England, Inc. proposes a new LPFM station to serve Haverhill, MA on 98.1 MHz, channel 251L1.

The following table lists all conflicts whose distance falls within 25 km of the required separation:

facid	adj	chan	lpclass	rrs	status	call	st	city	kW	da	haat	brg	km	req	Δ
1901	2	253B	B		LIC	WBZ-FM	MA	BOSTON	9	N	349	191	52.71	67	-14.29
25869	0	251B	B		LIC	WCTK	MA	NEW BEDFORD	47	N	155	173	128.68	112	16.68
22889	1	250D	T1		LIC	W250AB	NH	MANCHESTER	0.3	N	34	310	38.45	21	17.45
73215	1	252C3	C3		LIC	WLNH-FM	NH	LACONIA	0.7	Y	547	345	85.49	67	18.49

The proposed site meets all spacing requirements with respect to all other operating facilities, construction permits, allocations, and applications, with the exception of WBZ-FM, FCC Facility ID # 1901. A second adjacent waiver is requested. Full details supporting the waiver request are included.

Amendment

This amendment provides additional details with regard to the vertical pattern of the proposed antenna, field strength calculations, and further clarifications regarding the second adjacent waiver request. No other changes have been incorporated into this document.

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Second adjacent channel waiver request (revised)

The antenna will be mounted 107 m above ground, which results in a Height Above Average Terrain of 151 m. The expected ERP is 3.9 Watts. At this power, the distance to the 94 dBu free-space signal level is 277 m.

The proposed facility would be short spaced to second adjacent Class B WBZ-FM, which is protected to 54 dBu. The WBZ signal at the proposed site is 59.76 dBu. At 500 m beyond the site, well beyond the limit of the proposed 94 dBu free-space signal, the WBZ-FM signal falls to 59.53 dBu. The permissible interfering signal is 40 dB higher, or 99.76 dBu at the tower and 99.53 dBu at a distance of 500 m beyond it.

Interference considerations:

The following aerial photo was obtained from Bing Maps:



Nearby residences are one- to three-story structures with living space up to five meters above ground. These residences are all sited more than two meters below the tower base, such that the upper levels are at most three meters above the base elevation of the tower.

A road to the southeast of the tower is, at its highest point, at least one meter lower than the tower base. Assuming a two meter antenna height for passing vehicles, the receive antennas would be one meter above the tower base elevation.

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Taller structures exist in the area, such as the school to the southwest of the tower site. None of these buildings is more than 3 stories high. All are sited at elevations that are more than 25 m below the tower base elevation. Assuming a worst-case height of 10 m for the highest occupiable level of a three story commercial building, that is more than 15 m below the tower base elevation.

Therefore, the most restrictive factor is the upper levels of the nearby residences, at three meters above the tower base elevation.

Calculation of interfering signal levels:

Assuming an imaginary plane at three meters above the tower base elevation, the antenna height was reduced by three meters from the actual 107 m to 104 m for the interference calculations.

The proposed antenna is a one-bay Shively model 6812B. The antenna manufacturer's vertical pattern is attached. This pattern provides a graph and a tabulation of the vertical pattern at one degree intervals.

The depression angle and slant range were calculated for each meter of distance from the base of the tower out to a distance of 500 m along the imaginary plane. The relative field at the calculated vertical angle was determined using linear interpolation of the manufacturer's data. That calculated field was used to determine the effective radiated power at the depression angle.

The signal was determined using the free-space field intensity formula:

$$dBu = 106.93 + dBk - 20 * \text{Log}_{10}(dkm)$$

(dBk is the calculated effective radiated power at the depression angle and dkm is the slant range.)

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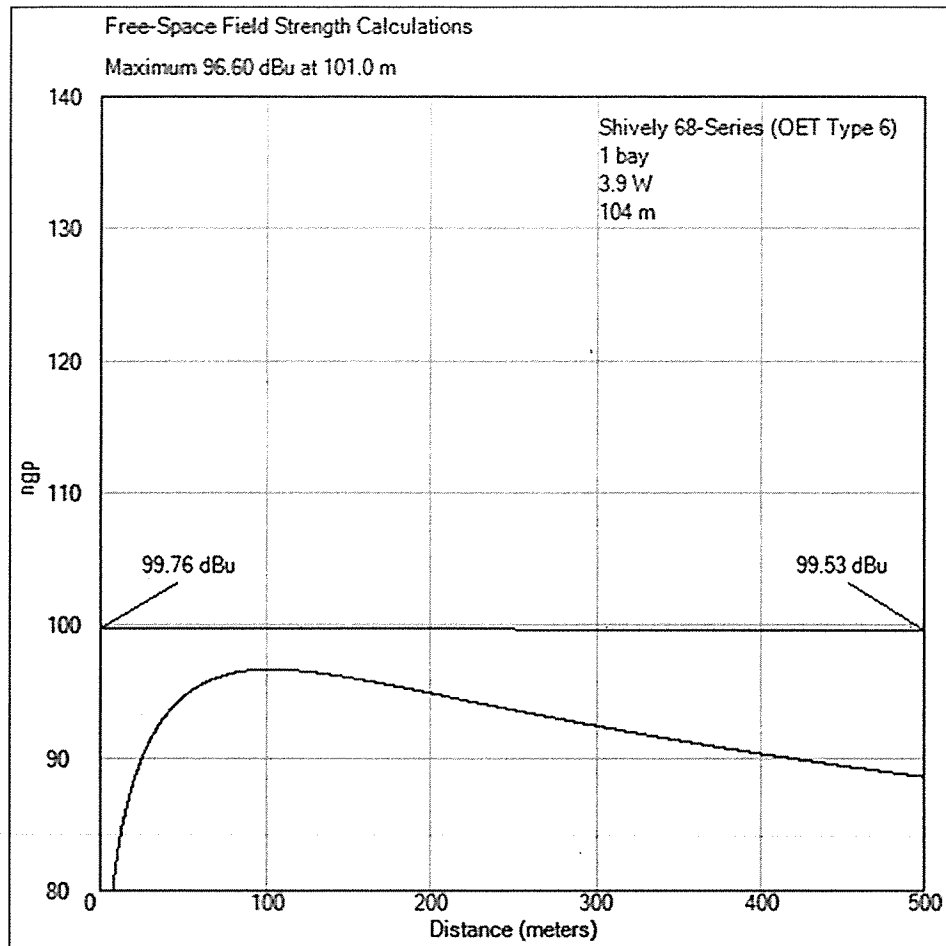
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The following graph was developed with the vertical pattern of the antenna, assuming a receive antenna height of 3 m (actual proposed height of 107 m reduced to 104 m as discussed above):



The proposed antenna will produce a maximum signal of 96.60 dBu, which is 3 dB less than the allowable 40 dB U/D ratio appropriate for a second adjacent interference situation. (The red line indicates 40 dB above the signal strength of WBZ-FM, as discussed above.)

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The following tabulation provides the data behind the graph for 51 to 150 m from the tower base, beyond which limits the signal clearly continues to fall in each direction:

dist	d-angle	s-range	hfld	dbk	dBu	dist	d-angle	s-range	hfld	dbk	dBu
51	63.88	115.8	0.455	-30.93	94.72	101	45.84	145.0	0.707	-27.10	96.60
52	63.43	116.3	0.462	-30.80	94.82	102	45.56	145.7	0.710	-27.06	96.60
53	63.00	116.7	0.469	-30.66	94.92	103	45.28	146.4	0.714	-27.02	96.60
54	62.56	117.2	0.476	-30.54	95.01	104	45.00	147.1	0.717	-26.98	96.60
55	62.13	117.6	0.482	-30.43	95.09	105	44.73	147.8	0.720	-26.94	96.60
56	61.70	118.1	0.489	-30.31	95.17	106	44.45	148.5	0.724	-26.90	96.60
57	61.27	118.6	0.495	-30.20	95.25	107	44.19	149.2	0.727	-26.86	96.59
58	60.85	119.1	0.501	-30.09	95.32	108	43.92	149.9	0.730	-26.82	96.59
59	60.43	119.6	0.507	-29.98	95.40	109	43.66	150.7	0.733	-26.79	96.58
60	60.02	120.1	0.514	-29.87	95.47	110	43.39	151.4	0.736	-26.75	96.58
61	59.61	120.6	0.520	-29.77	95.53	111	43.14	152.1	0.739	-26.71	96.57
62	59.20	121.1	0.526	-29.67	95.60	112	42.88	152.8	0.742	-26.68	96.57
63	58.79	121.6	0.532	-29.57	95.66	113	42.63	153.6	0.745	-26.64	96.56
64	58.39	122.1	0.538	-29.47	95.72	114	42.37	154.3	0.748	-26.61	96.55
65	57.99	122.6	0.544	-29.38	95.78	115	42.12	155.1	0.751	-26.58	96.54
66	57.60	123.2	0.550	-29.29	95.83	116	41.88	155.8	0.753	-26.55	96.53
67	57.21	123.7	0.555	-29.20	95.88	117	41.63	156.5	0.756	-26.52	96.52
68	56.82	124.3	0.560	-29.12	95.93	118	41.39	157.3	0.759	-26.49	96.51
69	56.44	124.8	0.566	-29.03	95.97	119	41.15	158.0	0.761	-26.46	96.50
70	56.06	125.4	0.571	-28.95	96.01	120	40.91	158.8	0.764	-26.43	96.49
71	55.68	125.9	0.576	-28.87	96.05	121	40.68	159.6	0.767	-26.40	96.47
72	55.30	126.5	0.582	-28.79	96.09	122	40.45	160.3	0.769	-26.37	96.46
73	54.93	127.1	0.587	-28.72	96.13	123	40.22	161.1	0.772	-26.34	96.45
74	54.57	127.6	0.592	-28.64	96.17	124	39.99	161.8	0.774	-26.31	96.44
75	54.20	128.2	0.597	-28.57	96.20	125	39.76	162.6	0.777	-26.29	96.42
76	53.84	128.8	0.602	-28.49	96.24	126	39.54	163.4	0.779	-26.26	96.41
77	53.48	129.4	0.607	-28.42	96.27	127	39.31	164.1	0.782	-26.23	96.39
78	53.13	130.0	0.612	-28.35	96.30	128	39.09	164.9	0.784	-26.20	96.38
79	52.78	130.6	0.617	-28.28	96.33	129	38.88	165.7	0.786	-26.18	96.37
80	52.43	131.2	0.622	-28.21	96.36	130	38.66	166.5	0.789	-26.15	96.35
81	52.09	131.8	0.627	-28.15	96.38	131	38.45	167.3	0.791	-26.12	96.34
82	51.75	132.4	0.631	-28.08	96.41	132	38.23	168.0	0.793	-26.10	96.32
83	51.41	133.1	0.636	-28.02	96.42	133	38.02	168.8	0.796	-26.07	96.31
84	51.07	133.7	0.640	-27.96	96.44	134	37.82	169.6	0.798	-26.05	96.29
85	50.74	134.3	0.644	-27.91	96.46	135	37.61	170.4	0.800	-26.03	96.27
86	50.41	135.0	0.649	-27.85	96.48	136	37.41	171.2	0.802	-26.01	96.25
87	50.09	135.6	0.653	-27.79	96.49	137	37.20	172.0	0.804	-25.98	96.23
88	49.76	136.2	0.657	-27.74	96.51	138	37.00	172.8	0.806	-25.96	96.22
89	49.44	136.9	0.661	-27.68	96.52	139	36.80	173.6	0.808	-25.94	96.20
90	49.13	137.5	0.665	-27.63	96.53	140	36.61	174.4	0.810	-25.92	96.18
91	48.81	138.2	0.669	-27.58	96.54	141	36.41	175.2	0.812	-25.90	96.16
92	48.50	138.9	0.673	-27.52	96.56	142	36.22	176.0	0.814	-25.88	96.14
93	48.20	139.5	0.677	-27.47	96.57	143	36.03	176.8	0.816	-25.86	96.12
94	47.89	140.2	0.681	-27.42	96.57	144	35.84	177.6	0.818	-25.84	96.10
95	47.59	140.9	0.685	-27.37	96.58	145	35.65	178.4	0.820	-25.82	96.08
96	47.29	141.5	0.689	-27.32	96.59	146	35.46	179.3	0.821	-25.80	96.06
97	46.99	142.2	0.693	-27.27	96.60	147	35.28	180.1	0.823	-25.78	96.04
98	46.70	142.9	0.697	-27.23	96.60	148	35.10	180.9	0.825	-25.76	96.02
99	46.41	143.6	0.700	-27.19	96.60	149	34.91	181.7	0.827	-25.74	96.00
100	46.12	144.3	0.704	-27.14	96.60	150	34.73	182.5	0.828	-25.72	95.98

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Tower Information

The proposed location is a developed communications tower, ASR #1007182.

Translator/ Booster Input Interference

The proposed site is used by translator W260AS, FCC Facility ID # 153138. According to the CDBS records, W260AS rebroadcasts WMSJ, FCC Facility ID # 17483, receiving the signal directly off-air. WMSJ operates on channel 207, which is not adjacent to the proposed channel 251.

There are no other translators within 10 km of the proposed site.

There are two other translators within 20 km of the proposed site. Neither rebroadcasts an FM station with a direct off-air feed.

There are no boosters within 50 km of the proposed site.

Data Sources

Distances were calculated using the FCC method defined in 73.208 of the Commission's Rules.

The facility data used in preparing the application was current as of June 17, 2013. Compliance with all spacing requirements was confirmed as of September 30, 2013.

The USGS03 terrain data set was used in calculating signal and interference levels.

Form 318 Tech Box Data

Class	LP100
Channel	251
Coordinates (NAD-27)	42 46 23 N Lat 71 06 01 W Lon
ASR	1007182
Site Elevation AMSL	85 m
Overall Tower Height AGL	183 m
Radiation Center AGL	107 m
Power/height certification	YES
Environmental	YES - Exhibit 11 (This document)

Additional Information

Coordinates (WGS-84)	42 46 23.0 N Lat 71 05 59.0 W Lon
Height above average terrain	151 m (FCC online HAAT calculator)
Estimated ERP	3.9 W-H + 3.9 W-V
Antenna type	Omnidirectional
Manufacturer / Model	SHI 6812B-1

International

The FM Agreements with Canada and Mexico require evaluation and potential coordination of any proposal within 320 km of the border.

However, Paragraph 4.4 of the February 1991 Working Agreement with Canada, as amended in 2007, provides that LPFM coordination is required only for proposals in which the 34 dBu f(50,10) contour would cross the border.

The distance to the nearest point along the US/Canada border is 251 km. The maximum extent of the proposed 34 dBu f(50,10) contour is 28.6 km. It is clear that the 34 dBu f(50,10) contour will not cross the border. Coordination with Canada is not required.

The distance to the nearest point along the US/Mexico border is 3,010 km. Coordination with Mexico is not required.

Quiet Zones

The proposed site is outside the National Radio Quiet Zone (National Radio Astronomy Observatory Notification Area) in West Virginia.

The proposed site is outside the Arecibo Observatory notification area in Puerto Rico.

The proposed site is not within a 100 km extension of the Table Mountain Radio Receiving Zone in Colorado.

Protected Monitoring Stations

The nearest Protected Monitoring Station is 247 km distant, in Belfast, ME.

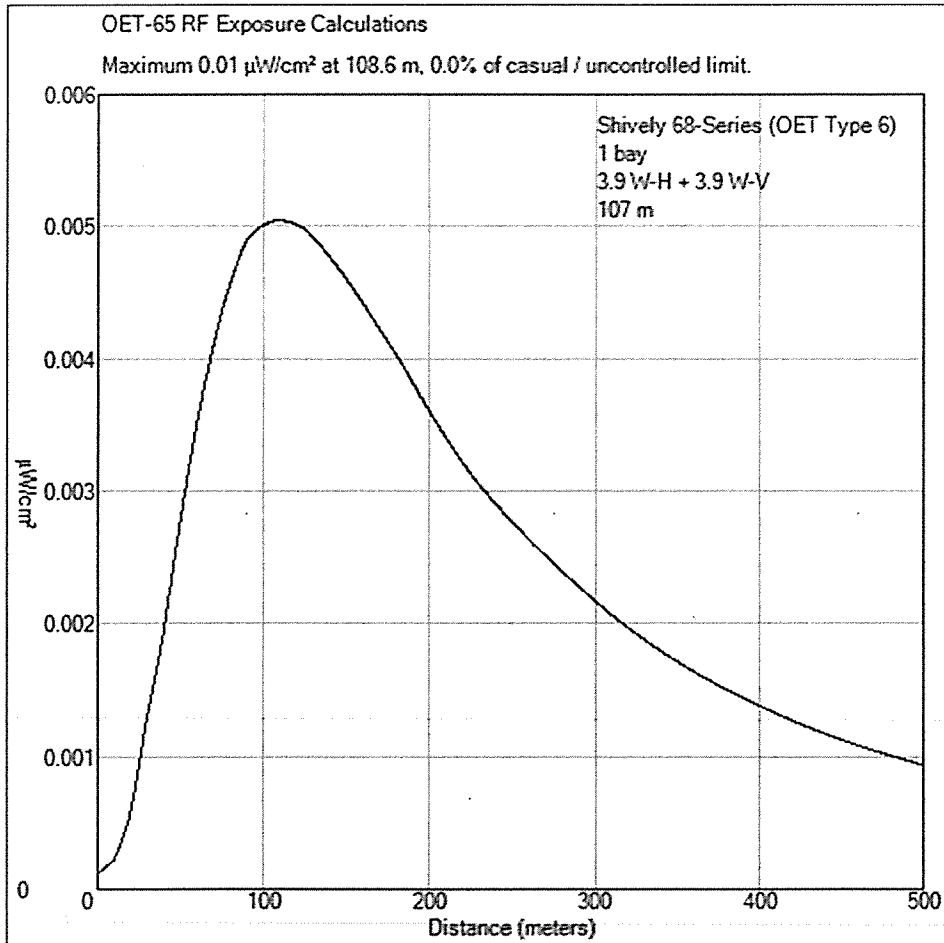
Environmental

The antenna will be mounted 107 m above ground on an existing 183 m tower. No construction or excavation will be performed.

RF Exposure

The antenna will be mounted 107 m above ground.

Based on the estimated 3.9 W ERP, the distance to the 200 $\mu\text{W}/\text{cm}^2$ limit for casual / uncontrolled exposure in the horizontal lobe of the antenna will be 1.1 m.



The maximum RF exposure using the formula in OET-65 is 0.01 $\mu\text{W}/\text{cm}^2$. This is a very small fraction of 1% of the limit for casual / uncontrolled exposure.

Even with other users on the tower, any additional exposure from the proposed operation would be insignificant.

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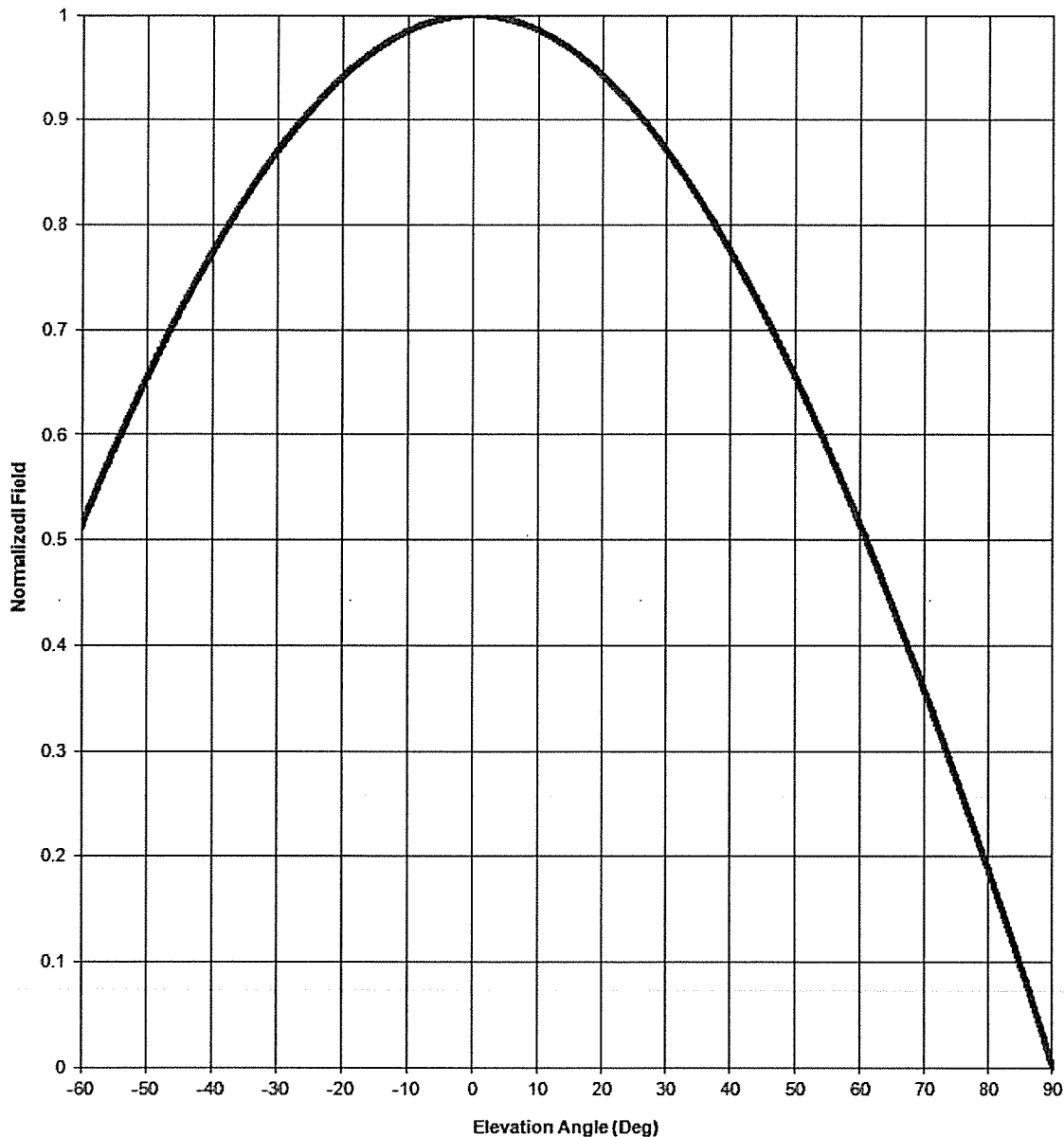
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Elevation pattern



Antenna model: 6812b, single bay

Test frequency: 98.1 MHz

Gain (maximum):

Power	dB
0.46	-3.39 dB

Document No. 6812b 1-bay fw (130701)

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Degrees	Rel. Field
1	1.000
2	0.999
3	0.999
4	0.998
5	0.996
6	0.995
7	0.993
8	0.991
9	0.988
10	0.985
11	0.982
12	0.979
13	0.975
14	0.971
15	0.967
16	0.963
17	0.958
18	0.953

Degrees	Rel. Field
19	0.948
20	0.942
21	0.936
22	0.930
23	0.924
24	0.917
25	0.910
26	0.903
27	0.895
28	0.887
29	0.879
30	0.871
31	0.862
32	0.854
33	0.845
34	0.835
35	0.826
36	0.816

Degrees	Rel. Field
37	0.806
38	0.796
39	0.785
40	0.774
41	0.763
42	0.752
43	0.741
44	0.729
45	0.717
46	0.705
47	0.693
48	0.680
49	0.667
50	0.654
51	0.641
52	0.628
53	0.614
54	0.600

Degrees	Rel. Field
55	0.586
56	0.572
57	0.558
58	0.544
59	0.529
60	0.514
61	0.499
62	0.484
63	0.469
64	0.453
65	0.437
66	0.422
67	0.406
68	0.390
69	0.373
70	0.357
71	0.341
72	0.324

Degrees	Rel. Field
73	0.307
74	0.290
75	0.273
76	0.256
77	0.239
78	0.221
79	0.204
80	0.186
81	0.168
82	0.151
83	0.133
84	0.114
85	0.096
86	0.078
87	0.059
88	0.040
89	0.021
90	0.000

Elevation Pattern Tabulation


Antenna model: 6812b, single bay

Relative Field at 0° Depression = 1.000

CERTIFICATE OF SERVICE

I, Nellie Martinez-Redicks, a Secretary in the law firm of Drinker Biddle & Reath, LLP, hereby certify that on this 1st day of April, 2014, I caused a copy of the foregoing "**Petition for Reconsideration**" to be served by hand delivery, upon the following:

James D. Bradshaw, Deputy Chief
Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 2-A234
Washington, D.C. 20554



Nellie Martinez-Redicks 8