

FEDERAL COMMUNICATIONS COMMISSION  
445 TWELFTH STREET, SW  
WASHINGTON, DC 20554

MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: www.fcc.gov/mb/audio/

DEC 30 2014

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Equality Broadcasting Network  
c/o Benny Newton, President  
221 Elm Drive  
Montgomery, AL 36117

Re: NEW-LP, Montgomery, AL  
Facility ID No. 195515  
Equality Broadcasting Network  
File No. BNPL-20131112BKA

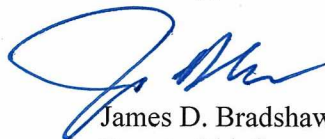
Dear Applicant:

The staff has under consideration the above-captioned application for a new low power FM (LPFM) station.

An engineering study has revealed that the proposed transmitter site specified in the application fails to meet the minimum spacing requirements of 47 C.F.R. § 73.807. Specifically, the site proposed is short-spaced to the second adjacent facilities for WJWZ(FM), Wetumpka, AL (BLH-20120507AAU). The application recognizes this short-spacing and requests a second-adjacent waiver. However, the waiver request does not adequately demonstrate that no interference will occur. The application indicates that the interference area extends 77 meters from the antenna and that "there are no occupied structures nor major roadways within 77 meters of the radiation center..." However, our review of the site shows that there is likely one or more large commercial structures within this 77 meter radius. The applicant has failed to demonstrate the complete lack of potential listeners in the interference area. Therefore, the application is unacceptable for filing and will be dismissed. Please note that an adequate demonstration of no interference should contain items such as the antenna manufacture's vertical radiation pattern, and/or any details about any nearby structures.

Accordingly, in light of the above, application BNPL-20131112BKA is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a)<sup>1</sup> and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283

Sincerely,



James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

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<sup>1</sup> Under the Public Notice entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications," FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications *nunc pro tunc* where the original application was dismissed and where a minor curative amendment was filed within thirty days. Please note that any amendment submitted for this purpose must be received within 30 days of the Public Notice of the dismissal of the application and must correct ALL acceptance defects with the application. This includes any defects that may not have been identified in the dismissal letter.