



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

February 24, 2015

*In Reply Refer To:*  
1800B3-JDB

Donald E. Martin  
P.O. Box 8433  
Falls Church, VA 22041

**In Re: Application for Construction Permit  
for a Low Power Broadcast FM  
Station**

New-LP, Cape Coral, FL  
Facility ID Number: 194145  
Get a Life! Foundation  
File Number: BNPL-20131114BVI

Dear Mr. Martin:

This letter concerns Get a Life! Foundation Inc.'s ("GaLF") Form 318 application for a construction permit for a low power FM ("LPFM") broadcast station in Cape Coral, Florida, File No. BNPL-20131114BVI ("LPFM Application"). For the reasons discussed below, the Media Bureau ("Bureau") will treat the LPFM Application as timely filed.

Following the close of the LPFM window on November, 15, 2013,<sup>1</sup> GaLF contacted the Bureau to request the acceptance of the LPFM Application. GaLF contends that it had successfully filed an application on November 14, 2013 ("Original Application"). It also claims that it attempted to amend the November Application on November 15, 2013, by first deleting the Original Application and then creating and filing a replacement application ("Amended Application"). GaLF was unable to complete and file the Amended Application prior to the close of the LPFM window.

The Bureau's internal Consolidated Database System's ("CDBS") records confirm that the Bureau timely received the Original Application.<sup>2</sup> The Bureau has also confirmed that due to CDBS limitations, the Original Application could not be routinely amended on November 15, 2013. In these circumstances, GaLF's only option for amending the Original Application on the last day of the LPFM window was to create and file a replacement application and delete the Original Application. Because there is clear evidence the Original Application had been timely filed, the Bureau hereby reinstates the Original Application.

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<sup>1</sup> See *Media Bureau Extends Low Power FM Filing Window*, Public Notice, 28 FCC Rcd 15763 (2013).

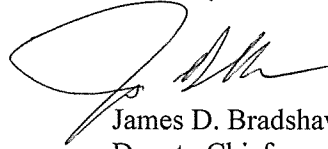
<sup>2</sup> According to the Bureau's CDBS records, the Original Application was assigned the file number 20131114BVI.

By Public Notice (“PN”) dated December 23, 2014, the Commission announced the mutual exclusivity of most pending LPFM applications filed to serve communities in Florida.<sup>3</sup> The PN provided a 90-day period for the filing of settlement agreements and/or major change amendments for all listed applications. In addition, the PN used a point system to tentatively select applications for grant, and initiated a 30-day period for filing petitions to deny against those applications tentatively selected.

However, the LPFM Application was not included in the PN, because, at the time, the LPFM Application was not included in the Commission’s CDBS engineering database. Therefore, the application did not appear to be mutually exclusive at the time Commission released the PN.

By this letter, we announce that the LPFM Application should have been included in the PN in Group 83, along with Applications BNPL-20131114BMO, BNPL-20131028AQK, BNPL-20131022AIF, BNPL-20131114ATG, BNPL-20131021AII, and BNPL-20131017AKH, all proposing operation on Channel 299 to serve either Cape Coral, FL, or Fort Myers, FL.<sup>4</sup> Furthermore, we hereby announce the acceptance for filing of the LPFM Application and provide GaLF with its 90-day period for the filing of a settlement agreement and/or a major amendment. Please refer to the PN for details regarding the requirements for the submission of either of these filings. Any such agreement or amendment must be on file no later than 6:00 pm May 26, 2015. Further action on the application will be withheld for 90 days.

Sincerely,



James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

cc: Get a Life! Foundation  
Foothills Public Radio, Inc. (BNPL-20131114BMO)  
Dennis Jackson  
Fort Myers Community Broadcasters (BNPL-20131022AIF)  
Leo Ashcraft  
Gulf Harbour Public Radio, Inc. (BNPL-20131114ATG)  
Justin W. Asher  
Restoration Center, Inc. (BNPL-20131017AKH)  
John H. Broomall, Sr.

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<sup>3</sup> See *Commission Identifies Tentative Selectees in 96 Groups of Mutually Exclusive Applications Filed in the LPFM Window; Announces a 30-day Petition to Deny Period and a 90-day Period to File Voluntary Time-Share Proposals and Major Change Amendments*, Public Notice, 29 FCC Rcd 16408 (2014).

<sup>4</sup> Subsequent to the release of the PN, two applications (BNPL-20131028AQK and BNPL-20131021AII) have been removed from Group 83 as the result of those applicants filing amendments to propose operation on channels that are no longer mutually exclusive with the rest of the group.