



Federal Communications Commission
Washington, D.C. 20554

April 19, 2016

In Reply Refer to:
1800B3-JDB

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In re: **Juan Alberto Ayala**
W228DF, Orlando, Florida
File No. BMPFT-20160209ABW
Facility ID No. 156373

Informal Objection

Dear Counsel:

We have before us the above-referenced application (Modification Application) filed by Juan Alberto Ayala (Ayala) for a minor modification to its authorized FM translator station W228DF, Four Corners, Florida, and the Informal Objection (Objection) filed February 19, 2016 by Clear Channel Broadcasting Licenses, Inc. (CCBL).¹ For the reasons discussed below, we grant the Objection and dismiss the Modification Application.

Background. In the Modification Application, Ayala proposes to rebroadcast primary station WMGF(FM), Mount Dora, Florida, licensed to CCBL. The Modification Application also specifies a revised transmitter site, antenna height and directional antenna. In the Objection, CCBL argues that the Modification Application should be dismissed because Ayala violates Section 74.1284 of the Commission Rules.² Specifically, CCBL states that Ayala did not have, and does not have authorization to rebroadcast WMGF on the subject translator station.³ Ayala has not responded to the Objection.

Discussion. Pursuant to Sections 309(d) and (e) of the Act,⁴ informal objections must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact calling for further inquiry regarding whether grant of the Modification Application would be *prima facie* inconsistent with Section 309(a) of the Act.⁵ This section provides that we are to grant an application if, upon consideration of the application and pleadings and other such matters of which we may officially take notice, we find that the public interest, convenience, and necessity will be served by the granting of such application.

¹ The Objection also included a Petition for Revocation of Construction Permit (Petition) for Ayala's underlying permit BMPFT-20150416AAR (Permit). We take no action on the Petition at this time.

² Objection at 4; 47 CFR § 74.1284(b) (Section 74.1284(b)).

³ Objection at 4.

⁴ 47 U.S.C. § 309(e).

⁵ *Id.* § 309(a).

Section 74.1284(b) states that a translator station “shall not rebroadcast the programs of any AM or FM broadcast station...without obtaining prior consent of the primary station whose programs are proposed to be retransmitted.” Furthermore, the instructions to FCC Form 349, Section II – Legal, Question 5, indicate that an applicant “proposing to rebroadcast the signal of a primary station which it does not own must obtain written permission of that station prior to retransmission of that signal.” In addition, FCC Form, Section II – Legal, Question 5, requires an applicant to certify that it has obtained written authority from the licensee of the primary station to rebroadcast that station. Ayala certified “Yes” to this question. Ayala provides no explanation for this apparent inconsistency. Accordingly, we must conclude that the proposal violates Section 74.1284(b) and is unacceptable for filing. For the reasons stated above, we will grant the Objection and dismiss the Modification Application. However, at this point we take no action on CCBL’s allegations regarding Ayala’s Permit. We will address those claims in a separate decision.

Conclusion/Actions. For the reasons set forth above, IT IS ORDERED that the Informal Objection filed February 19, 2016 by Clear Channel Broadcasting Licenses, Inc. IS HEREBY GRANTED. In addition, the Modification Application File No. BMPFT-20160209ABW IS HEREBY DISMISSED. These actions are taken pursuant to 47 C.F.R. Section 0.283.

Sincerely,

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Juan Alberto Ayala