

RECEIVED

Before

2017 MAY 30 P 3: 38

FEDERAL COMMUNICATION COMMISSION

Washington , DC

Received & Inspected

MAY 26 2017

FCC Mailroom

In the matter of:

)

)

)

DWBSK-LP

Above the Rim Inc.

)

BNPL2013111AFS

)

Facility ID No. 194157

)

TO: HONORABLE MARLENE H. DORTCH

SECRETARY OF THE COMMISSION

**PETITION FOR RECONSIDERATION OF TOLLING WAIVER**

**CLARIFICATION OF THE RECORD**

On April 7, 2017 Above The Rim Inc. (ATR) sent a request for extension of to construct Low Power FM Station WBSK-LP now (DWBSK-LP) allocated to Springfield Massachusetts by sending the required 3 copies to The Honorable Secretary Marlene H. Dortch by USPS express mail , number EL618087508US and by sending a courtesy copy to FCC staffer Ms. Victoria McCauley via email at 5:48pm on April 7, 2017, with (ATR) construction permit expiring on April 8, 2017 at 3:30am. After which time (ATR) observed that sent copies were never posted up on the FCC CDBS data base , so (ATR) had no way of confirming that said copies reached The Office of The Secretary of The Commission. As of May 10, 2017 (ATR) observed that DWBSK-LP was deleted from the FCC data base without any official response from the Commission, so I placed a call to FCC staffer Ms. Victoria McCauley.

## PETITION FOR RECONSIDERATION OF TOLLING WAIVER

Above The Rim Inc. (ATR) is respectfully requesting reconsideration of a tolling waiver denied by the Commission on May 11, 2017 in Certified letter sent On May 23, 2017. I Steve A. James as engineer and filer of record for (ATR) experienced a near fatal fire of my apartment dwelling , which was completely destroyed , this displaced me for several months during the 3 year construction period for (DWBSK-LP) which in turn placed undue hardship in (ATR) completing its construction of the Low Power FM station in a timely manner.<sup>1</sup> In evaluating a request for waiver the Commission should , "take into account considerations of hardship, equity, or more effective implementation of overall policy".<sup>2</sup> In addition , "Under the commission's rules, a waiver may be granted where particular facts would make strict compliance with the rule inconsistent with the public interest".<sup>3</sup>

<sup>1</sup>See attachments, also; <http://wwlp.com/2015/05/23/brush-fire-on-boston-road-in-springfield>

<sup>2</sup>WAIT radio v. FCC, 418F.2d 1153,1159 (D.C. Cir. 1969)

<sup>3</sup>Northeast Cellular Co. V. FCC, 897F .2d 1164,1166 (D.C. Cir. 1990), citing WAIT Radio v.FCC 418F .2d 1153 (D.C. Cir. 1969)

## IN THE PUBLIC INTEREST

Above The Rim Inc. is a not for profit charitable 501(c3) organization dedicated to bringing live broadcast of local high School basketball games to the community of Springfield Ma. The Home of The Basketball Hall of Fame. In its Report and order (2000) MM docket No. 99-26 the Commission stated , “ We believe that noncommercial licenses which are not subject to commercial imperatives to maximize audience size, are more likely than commercial licensees to serve small, local groups with particular shared interest needs and interest that may now be under served by advertisers supported commercial radio and high powered noncommercial radio stations.”<sup>4</sup> In my comments on the proposal for the creation of the low power Fm (LPFM) broadcast service (august 02, 1999) I stated “The passing of the Tele-communication Act of 1996 allowed big conglomerates to come into a community and buy up several FMS in the same market , as a result the effect is programmed radio that is formulized without any local ingredients, is this in keeping with the spirit of our nations broadcast policy.”<sup>5</sup> “With the implementation of such a service as (LPFM) more voices can have choices which directly impact their community.”<sup>6</sup>

<sup>4</sup>15 FCC No.4 , at 2213

<sup>5</sup>See attachments and comments of Steve A. James “In the matter of creation of a low power Radio service MM99-24 (August 02, 1999) MM 99-25

<sup>6</sup>See attachments and comments of Steve A. James (November 15, 1999) MM 99-25

## **CONCLUSION**

In conclusion Above The Rim Inc. (ATR) sincerely believes that it would be "In The Public Interest" to have a low power FM radio service broadcasting high school basketball games to the local Springfield , Ma. area residents non commercially, which is not being served by any full power commercial radio service locally.

Respectfully,

Steve A. James

President

Above The Rim Inc.

tele: (413) 378-0461

email: sajames2014@gmail.com

SPRINGFIELD, Mass. (WWLP) – Two businesses were destroyed and four people are without a home Saturday night after a fire in Springfield.

Springfield Fire Spokesman Dennis Leger told 22News they were called to 940 Boston Road just after 7 o'clock Saturday night.

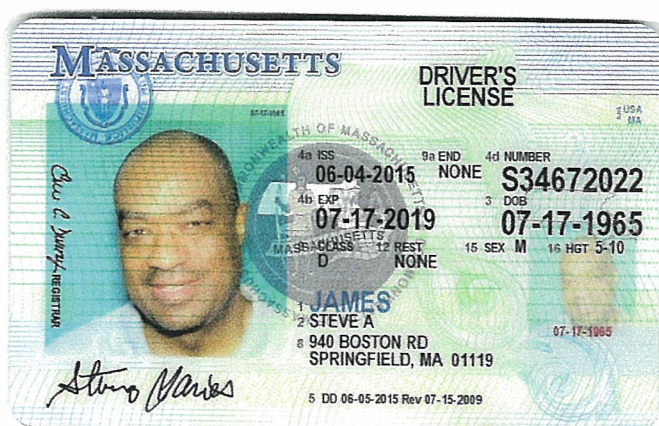
The original call was for a brush fire, but when firefighters arrived they saw a home on fire.

The building was home to four tenants and two businesses: Monica Lee Leather and the Crafter's Corner.

One firefighter was also taken to Baystate Medical Center with an elevated heart rate.

Leger called the building a total loss.

The Red Cross is helping those four people find another place to stay.



Posted On: May 24, 2015 (00:05:14)

# Fire guts businesses at 940 Boston Road in Springfield

✉

Springfield firefighters battle a blaze at 940 Boston Road Saturday night (JIM KINNEY/ THE REPUBLICAN)

By Elizabeth Roman | [eroman@repub.com](mailto:eroman@repub.com)

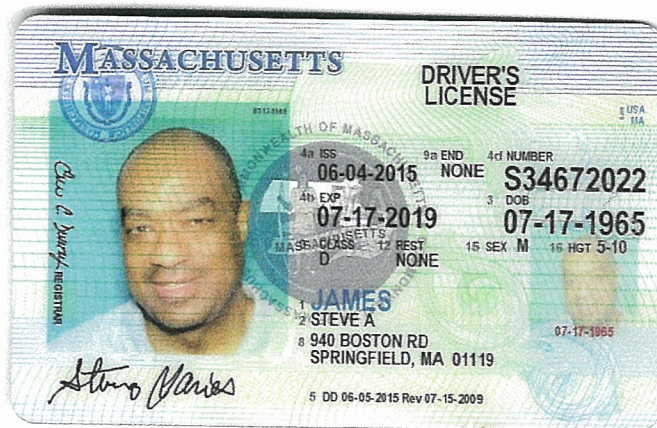
Follow on Twitter

on May 24, 2015 at 12:35 PM, updated May 24, 2015 at 1:16 PM

**SPRINGFIELD** — Fire officials assisted by the Springfield Fire Department Arson & Bomb Squad have determined a **fire at 940 Boston Road** on Saturday originated in the basement, according to Dennis Leger, aide to Fire Commissioner Joseph Conant.

"The cause of the fire is still under investigation, but it started in the basement," Leger said. The building was home to both a business and a residence. The sign outside advertised two businesses: **Monica Lee Leather** and Craftsmen's Corner. The building appeared to be two-and-a-half stories tall in the front and three-and-a-half stories tall in the rear.

Leger said the building is a **complete loss**. There were no injuries.



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

DOCKET FILE COPY ORIGINAL

In the Matter of  
Proposal for Creation of the Low Power FM  
(LPFM) Broadcast Service  
Docket No. MM 99-25

RECEIVED

AUG 02 1999

To: Federal Communications Commission

FCC MAIL ROOM

Comments of STEVE A. JAMES

In no other community would the benefits of a LowPower (FM) be more greatly measured than the minority community, of the 11,475 commercial (AM/FM) radio and (TV) broadcast outlets in the U.S. Minorities control only (322) OR 2.8%, this is a national travesty. When you consider the spending power of just the Black community alone is in excess of 450Billion dollars yearly. The passing of the Tele-Communication act of 1996 allowed big media conglomerates to come into a community and buy up several FMS in the same markets, as a result the effect is programmed radio that is formulized without any local ingredients, is this in keeping with the spirit of our nations broadcast policy? This dictatorial form of media has created no avenue for many communities to voice their opinions on local issues such as: The crime rate, Teen Pregnancy, School Truancy, Voting, Substance abuse, The unemployment rate, and for many local business owners not being able to advertise their goods at an affordable rate has put many out of business. Not being able to address these issues and many more in a consistant format have contributed to the social and economic decline of many of these communities, this is why I am in favor of the proposals set forth by ROGER SKINNER such as:

- A) Disregarding of the 2<sup>nd</sup> and 3<sup>rd</sup> adjacent rule restrictions
- B) Increasing the maximum antenna height of (LP1000) to 100 meters
- C) Giving primary status to (LP1000) since they would serve greater voices and a contour protection of (60dbu) for such a LPFM service.
- D) Commercial (LPFM) be given preference over non-commercial (LPFM), since commercial (LPFM) will possibly hire personnel and generate taxes for the local community.
- E) I am also in favor of accepting applications electronically on first come first served basis, because this would be a newly introduced service.
- F) I am also suggesting in cases of mutually exclusive applications that the commission rule by the last four digits of an applicant's social security number and that the winning applicant's number be higher or lower at the commission discretion than all other competing applicants.
- G) I also think that where it can be shown by engineering standards in those instances that a (LP1000) is not possible in a community but a (LP100) is and that existing full power station would be restricted from a up grade of their power levels that these (LP100) be given primary status.

Sincerely,



STEVE A. JAMES  
P.O. BOX 962  
HARTFORD, CT 06143  
(860) 951-6205

No. of Copies rec'd  
List ABCDE

0+15

DOCKET FILE COPY ORIGINAL

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

RECEIVED

NOV 15 1999

FCC MAIL ROOM

In the Matter of  
(LPFM) Broadcast Service  
Docket No. MM 99-25

To: Federal Communications Commission

**Comments of STEVE A. JAMES**

The pending mergers of clear channel communication and AMFM Inc. worth an estimated \$23.5 billion dollars and a national ownership of 955 radio stations is exactly why the industry needs a diversity of ownership. There by forcing competition which in turn gives the public a better product/service i.e. phone, cable, auto industries. The merging of these two companies is a clear indication that radio for the very few has become just a big money machine with the only voice the dollar. To put this in another perspective after this mega merger is completed to conform to the FCC and Justice Department requirements clear channel will have to divest 125 of its stations, in comparison the total number of minority owned radio stations AM and FM is 305, which makes cleared channel divestment 41% of all minority owned radio stations nationally. With the implementation of such a service as (LPFM) more voices can have more choices which directly impact their community. If according to the NAB (LPFM) is to have so much interference regarding implementation of a (IBOC) system, then what about all of the many short space grandfathered full power FM stations? In my opinion while an (IBOC) system may work now, with all the technological advances in communications coming in the future, it will serve the industry well to take its time in creating a new standard for digital radio broadcasting. One that could be easily implemented and transitioned over from an analog to a digital broadcast system.

STEVE A. JAMES  
P.O. BOX 962  
HARTFORD, CT 06143

No. of Copies rec'd  
List ABCDE

7 copies