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BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

In re Application of	)	
	)	
LA PROMESA FOUNDATION	)	File No. BMPFT-20190910AEW
W224CK, Vestavia Hills, Alabama	)	Facility ID # 156965
	)	
For Construction Permit to	)	
Move to Channel 214	)	

TO: Honorable Marlene H. Dortch
Secretary of the Commission

ATTN: Chief, Audio Division, Media Bureau

PETITION FOR RECONSIDERATION

La Promesa Foundation (LPF), licensee of FM Translator Station W224CK, Vestavia Hills, Alabama, by its attorney, pursuant to Section 405 of the Communications Act of 1934, as amended, 47 U.S.C. §405, and Section 1.106 of the Commission's Rules, 47 C.F.R. §1.106, hereby respectfully submits this Petition for Reconsideration of the October 21, 2019 letter ruling of the Audio Division, Media Bureau, dismissing the above-captioned application for modification of construction permit File No. BPFT-20171018AAN. In support whereof, the following is shown:

1. The Commission gave descriptive public notice of its October 21 action in a ***Public Notice, Broadcast Actions, Report No. 49599,*** released October 24, 2019. As this petition as well

as a corrective amendment are being filed within thirty days of the release of said descriptive public notice, this reconsideration request is timely filed pursuant to Section 1.106(f).

2. As it turned out, LPF inadvertently did not include an interference study with the above-captioned application as filed on September 10, 2019 to justify W224CK's proposed move of more than three adjacent channels, from Channel 224 to Channel 214. At paragraph 8 of *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, MB Docket No. 18-119, Report and Order, FCC 19-40, 2019 WL 2071703, (May 9, 2019), the Commission stated:

> We agree with NAB that "a simple engineering statement of mitigation of interference at the requested frequency" is sufficient as a threshold standard to permit the translator applicant to request a channel change [of more than three channels] as a minor modification

3. LPF's simultaneously filed amendment contains the attached computer-generated map (Exhibit A) which demonstrates that W224CK's currently-authorized 60 dBu contour receives substantial destructive interference from co-channel stations WTDR-FM, Talladega, Alabama and W224CN, Leeds, Alabama, encompassing a total of 31,667 persons. Said amendment also contains a second computer-generated map (Exhibit B) showing that W224CK's operation within its 60 dBu contour would be substantially interference-free on Channel 214, with only 6,521 persons within its proposed 60 dBu contour to be affected by interference.

4. Because of this showing, LPF qualifies under the new FM Translator rules and policies adopted on May 9, 2019 to relocate W224CK to tenth-adjacent channel 214. The public interest, convenience and necessity would be well served by grant of this petition, acceptance of the amendment, and grant of the above-captioned application as amended.

WHEREFORE, it is urged that this Petition for Reconsideration **BE GRANTED**, that the above-captioned application on behalf of FM Translator Station W224CK, Vestavia Hills, Alabama **BE REINSTATED**, and that said application as amended **BE ACCEPTED FOR FILING, PROCESSED AND GRANTED.**

Respectfully submitted,

LA PROMESA FOUNDATION

By_____
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Its Attorney

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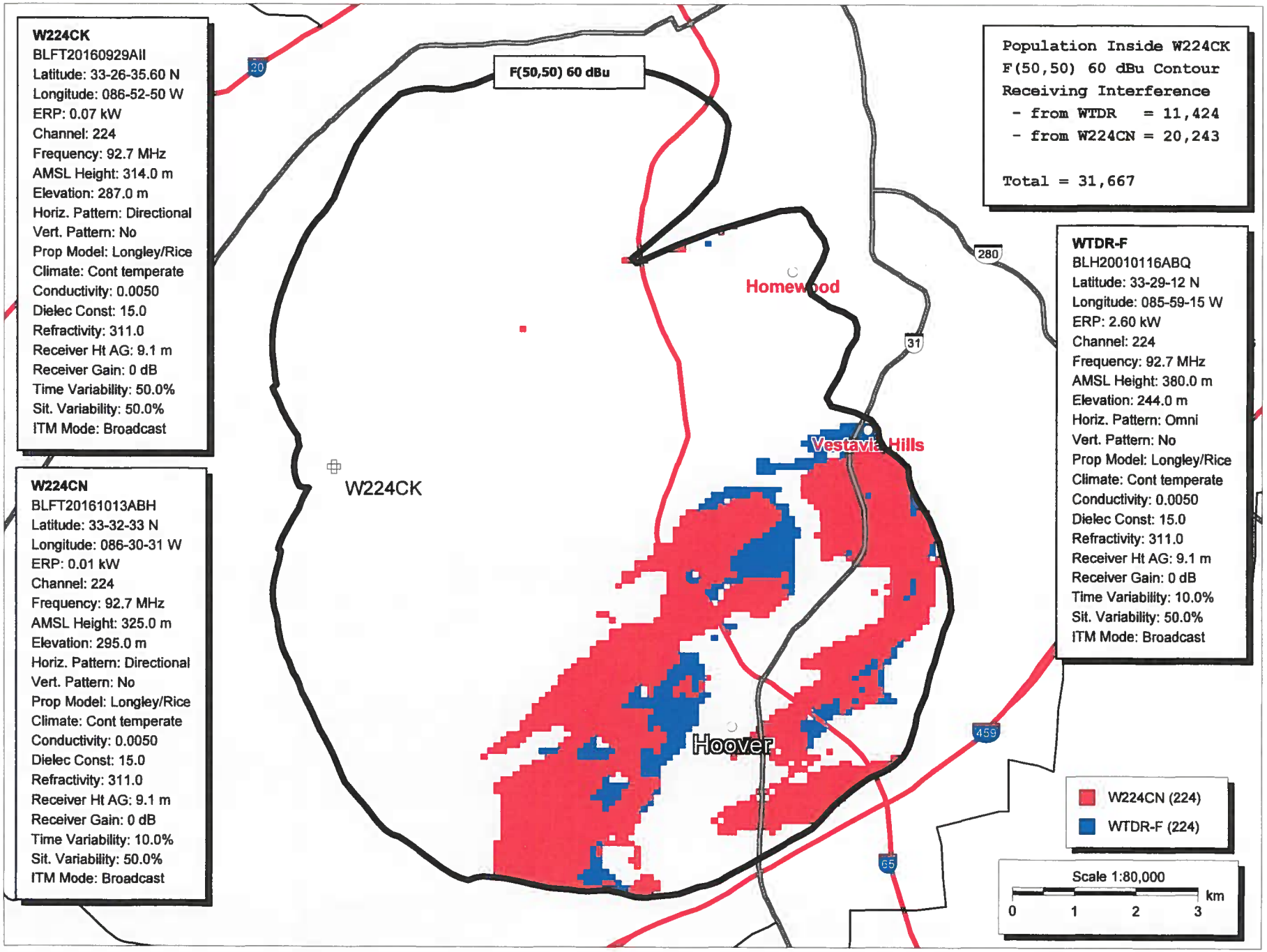
W224CK
BLFT20160929AII
Latitude: 33-26-35.60 N
Longitude: 086-52-50 W
ERP: 0.07 kW
Channel: 224
Frequency: 92.7 MHz
AMSL Height: 314.0 m
Elevation: 287.0 m
Horiz. Pattern: Directional
Vert. Pattern: No
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 311.0
Receiver Ht AG: 9.1 m
Receiver Gain: 0 dB
Time Variability: 50.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast
W224CN
BLFT20161013ABH
Latitude: 33-32-33 N
Longitude: 086-30-31 W
ERP: 0.01 kW
Channel: 224
Frequency: 92.7 MHz
AMSL Height: 325.0 m
Elevation: 295.0 m
Horiz. Pattern: Directional
Vert. Pattern: No
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 311.0
Receiver Ht AG: 9.1 m
Receiver Gain: 0 dB
Time Variability: 10.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast
F(50,50) 60 dBu
Population Inside W224CK
F(50,50) 60 dBu Contour
Receiving Interference
- from WTDR = 11,424
- from W224CN = 20,243
Total = 31,667
WTDR-F
BLH20010116ABQ
Latitude: 33-29-12 N
Longitude: 085-59-15 W
ERP: 2.60 kW
Channel: 224
Frequency: 92.7 MHz
AMSL Height: 380.0 m
Elevation: 244.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 311.0
Receiver Ht AG: 9.1 m
Receiver Gain: 0 dB
Time Variability: 10.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast
Homewood
Vestavia Hills
W224CK
Hoover
20
280
31
459
65
W224CN (224)
WTDR-F (224)
Scale 1:80,000
km
0
1
2
3

EXHIBIT A

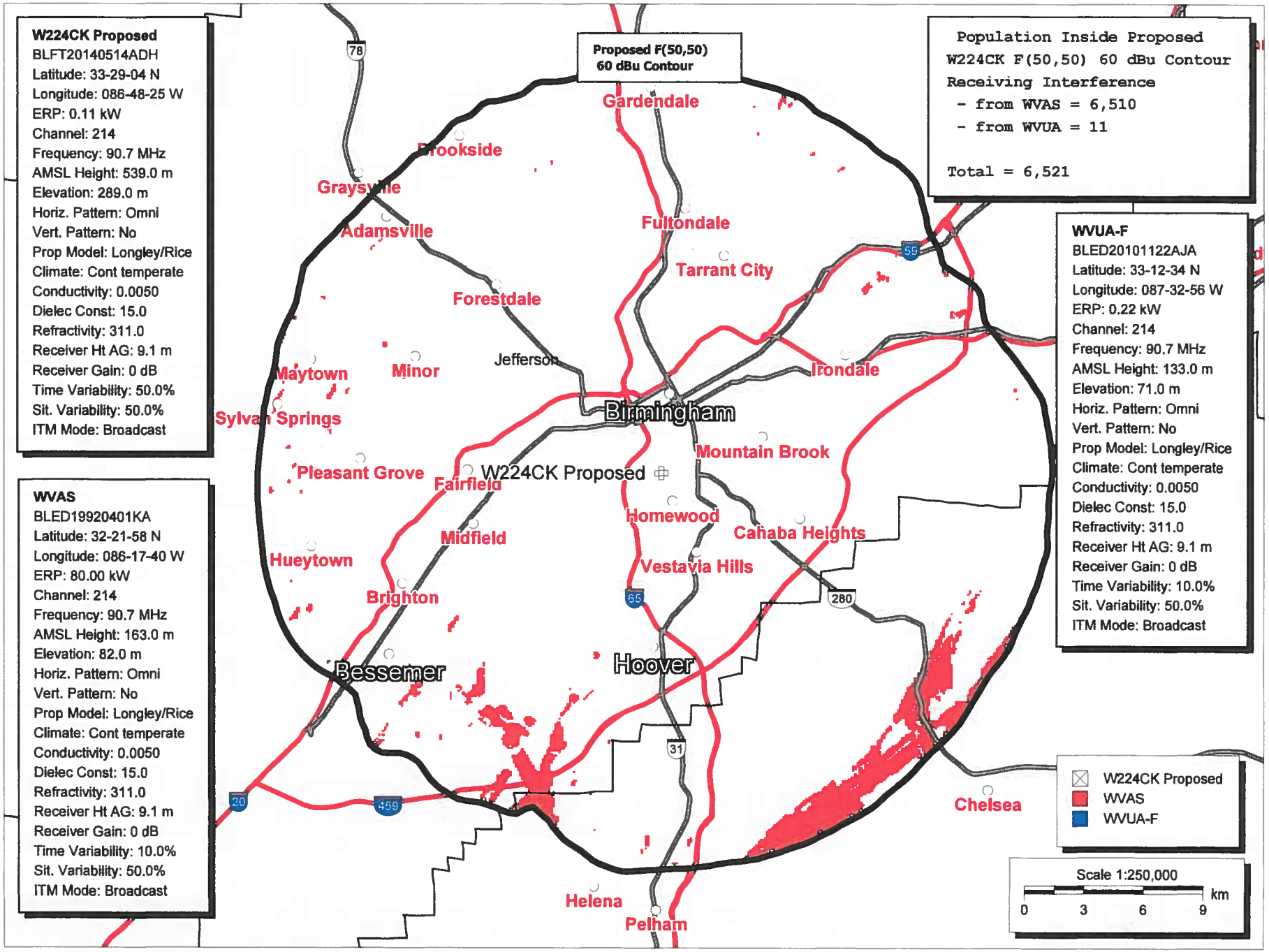
W224CK Proposed
BLFT20140514ADH
Latitude: 33-29-04 N
Longitude: 086-48-25 W
ERP: 0.11 kW
Channel: 214
Frequency: 90.7 MHz
AMSL Height: 539.0 m
Elevation: 289.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 311.0
Receiver Ht AG: 9.1 m
Receiver Gain: 0 dB
Time Variability: 50.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast
WVAS
BLED19920401KA
Latitude: 32-21-58 N
Longitude: 086-17-40 W
ERP: 80.00 kW
Channel: 214
Frequency: 90.7 MHz
AMSL Height: 163.0 m
Elevation: 82.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 311.0
Receiver Ht AG: 9.1 m
Receiver Gain: 0 dB
Time Variability: 10.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast
Proposed F(50,50)
60 dBu Contour
Population Inside Proposed
W224CK F(50,50) 60 dBu Contour
Receiving Interference
- from WVAS = 6,510
- from WVUA = 11
Total = 6,521
WVUA-F
BLED20101122AJA
Latitude: 33-12-34 N
Longitude: 087-32-56 W
ERP: 0.22 kW
Channel: 214
Frequency: 90.7 MHz
AMSL Height: 133.0 m
Elevation: 71.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 311.0
Receiver Ht AG: 9.1 m
Receiver Gain: 0 dB
Time Variability: 10.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast
Gardendale
Brookside
Graysville
Adamsville
Fultondale
Tarrant City
Forestdale
Jefferson
Maytown
Minor
Irondale
Sylvan Springs
Birmingham
Mountain Brook
Pleasant Grove
Fairfield
W224CK Proposed
Homewood
Midfield
Cahaba Heights
Hueytown
Vestavia Hills
Brighton
Bessemer
Hoover
Chelsea
Helena
Pelham
78
59
65
280
20
459
31
W224CK Proposed
WVAS
WVUA-F
Scale 1:250,000
0 3 6 9 km

EXHIBIT B