

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

In the Matter of

Filing Instructions for Cross-Service FM Translator)	
Auction Filing Window for AM Broadcasters to be)	
Open July 26 – August 2 2017)	AU Docket No. 117-143
)	
)	
)	DA 17-533
)	
)	

PETITION FOR RECONSIDERATION IN PART

By Edward A. Schober, PE, Zip2, LLC, Radiotechniques Engineering, LLC, Winchester Radio Broadcasters, LLC, City Commons, LLC VA Series A

1. Edward A. Schober, is a licensed professional engineer employed by Radiotechniques Engineering LLC, a New Jersey limited liability company that provides engineering services to broadcasting stations. He is also a member in Winchester Radio Broadcasters, LLC, owner of WXVA(AM), Winchester, VA. He is a member of City Commons, LLC VA series A which is the licensee of W275BV. He is the sole member of Zip2, LLC, licensee of WKGE, Johnstown, PA and permittee of W267CM. He is also the licensee and of one FM Translator W250AK. He is an auction winner for a new AM station in Enola, PA and has an expired construction permit (under reconsideration) for an FM translator for which his AM auction facility is the primary station. Mr. Schober has over thirty-seven years experience in advising broadcast radio station clients in areas of RF engineering, station design, FCC technical representation and propagation studies. Mr Schober is a member of the AFCCE, and a senior life member of the IEEE and senior member of the SBE. Mr Schober's contact information is:

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2. Mr Schober strongly favors the implementation of the proposed auction window for cross service translators, however he requests limited reconsideration of the eligibility criterion contained in this notice.

3. Section II paragraph 5 of the June 6, 2017 public notice limits eligibility to file an application for a translator to AM stations for which no applications were applied for a cross service FM translator in either of the 2016 modification windows. Mr. Schober understands and agrees with the premise that the FCC has determined that providing additional translators to AM stations that took advantage of the previous opportunity may put stations that did not have the resources to purchase an existing authorization at a strong disadvantage in this auction. The blanket nature of the eligibility restriction, unfortunately is unfair to certain licensees who applied in the previous windows.

4. Mr Schober requests that the FCC reconsider the eligibility limitation for station licensees who participated in the previous windows for only those meeting the following conditions:

- Applicants who filed applications that were defective, conflicting or otherwise not grantable and were dismissed, and no modification was granted.
- Applicants whose applications were dismissed to resolve application conflicts.
- Applicants who lost at auction.
- Applicants whose licenses were granted but silenced due to interference. (Conditioned on returning the outstanding license)
- Applicants whose licenses were granted but silenced due to changes in full power FM stations. (Conditioned on returning the outstanding license)
- Applicants whose licenses were substantially limited (reduced power or height) due to interference or changes in full power FM stations. (Conditioned on returning the outstanding license)
- Applicants whose construction permit remains tolling due to environmental issues, local approvals, unresolved petitions or informal objections. (Conditioned on return of the outstanding construction permit)
- Applicants whose construction permit or underlying construction permit expired while awaiting approval of federal, state or local government action.

5. The first five conditions, obviously, as a matter of equity and fairness should not disqualify the licensee of an AM station from applying in this window. These applicants were simply unsuccessful in the relatively expensive process of acquiring and moving an FM translator to their AM signal. They have no benefit received from their unsuccessful attempts to acquire an FM translator at the first opportunity. It would be grossly unfair to deny them an opportunity to acquire a translator simply because they had attempted, and failed, to acquire one in the previous window.

6. Between the time of the initial window and now, the FCC has substantially modified the rules for location of a cross service FM translator. In the sixth case cited, an AM licensee that ended up with a the facility that is substantially reduced from that it had applied for should have the opportunity to

exchange it for a facility that is more adequate, but which, for reasons defining a minor change, it is otherwise not eligible. Perhaps permitting major change applications in the window would be an acceptable option.

7. In the seventh and eighth cases cited, bureaucratic delays in resolving issues of environmental, petitions, objections, complaints, procedural missteps, etc. have resulted in an applicant for an FM translator to remain without a licensed facility. To deny a fresh start to these applicants who have been awaiting action on a buildable facility an opportunity to break the bureaucratic logjam is unfair. Many of these construction permits that were moved were very near expiration at the time when the applications were filed.

8. Additionally, Mr. Schober requests reconsideration of the exclusion of AM stations that took advantage of the 2016 modification windows. He proposes that instead of exclusion, the FCC consider applications in the second 2017 Auction Window from applicants who filed in the 2016 windows only if they are not in conflict with any other auction window application. Many rural stations would highly benefit from translators in more than one village, and denying them the opportunity to provide this service seems shortsighted, particularly when the AM station covers a wide area, and the village may have several frequencies available, but is too small to support a station of its own.

9. In summary Mr. Schober petitions for reconsideration that eligibility to apply in this and the second auction window be extended to the eight classes of AM licensees who applied to move FM translators in either of the two 2016 windows. He also requests that the FCC consider applications in the second 2017 Auction Window from any AM stations that filed in the 2016 modification windows on the condition that their application does not conflict with any application which is filed by a station that did not use the 2016 modification window.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Edward A. Schober". The signature is written in a cursive, flowing style.

Edward A. Schober, PE

10 June 2017