WAPA RADIO

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- - - - - URGENT PETITION TO RECONSIDER - - - - - - - -

November 17, 2016

Mr. Peter Doyle
Chief AM Branch
FEDERAL COMMUNICATIONS COMMISSION
445 M Street N.W.
Washington, D. C. 20554

RE: **URGENT PETITION TO RECONSIDER AM BRANCH DECISION TO CANCEL THE LICENSE FOR WA2XPA, WI2XSO, WI3XSO EFFECTIVE MAY/2017**

W.B.P.

Dear Mr. Doyle:

I respectfully request you to reconsider IN AN URGENT MANNER the decision to permanently shut down our am synchronous boosters WA2XPA, WI2XSO, and WI3XSO thru letters dated November 7, 2016. The license cancellation date will be May 8, 2017 (less than six months from now). Please consider the following facts in your re-consideration:

1. You state that WA2XPA, WI2XSO and WI3XSO licenses were experimental for a 5 (five) year period but at the same time you accept that the boosters have been on the air for 17 years, 14 years and 13 years respectively. **They have been licensed all the time by the FCC. The FCC has granted several CP's for each of the stations and never argued about the 5 (five) year term.**

2. **The original construction permit and/or license for each of the boosters NEVER stated these licenses would be cancelled after five years,** and indeed never that argument was raised until now when you use it to justify cancelling the license in the three cancellation letters.

For example: the original CP for WI2XSO dated December 8, 1997 (19 years ago) specifies that:

"the authority to contruct the facilities described herein ***is expressly subject to the outcome of any future RULEMAKING*** *regarding synchronous AM facilities."* ***Until now, no rulemaking has been made on AM synchronous boosters.***

The original license for WI2XSO dated June 16, 1999 (17 years ago) does not either specify any five year term for the operation of the licensed facility. But, It does specify that we can renew annually the license for the synchronous booster.

"Experimental synchronous facilities are granted for one year operation only. If licensee wishes to continue experimental operations beyond the one year period, an application for renewal of license must be filed. The renewal application must contain a report providing details and progress of the experimental operation. Based on the information contained in the report, the Commission will determine of the renewal of the license should be granted."

3. **Although the CP and licenses specify the license can be terminated without notice or hearing that action is subedited to the outcome of a Rulemaking process which has not been made by the FCC.**

"The authority to construct the facilities described herein is <u>expressly subject to the outcome of any future rulemaking regarding synchronous AM facilities. As a result, this permit,</u> as well as subsequent program operation, may be terminated or modified without notice or right to hearing.

4. Not even in your letters dated November 18, 2009 and/or July 27, 2011 where you deny the new booster application for Guayama, P. R. you mention that the facilities licensed for Arecibo, Ponce, and Aguadilla were limited to the experimental term of five years. It is now that you pretend to state that the boosters were not licensed under the MO&O 87-6 but under the Part 5 (Experimental Radio Service) to argument the boosters were only licensed for a five year period. The FCC never tried to cancel these licenses before although they had 17, 14, and 13 years respectively on the air.

5. The synchronous boosters were licensed using the FCC 301, 302 and 303 forms for each CP, LICENSE and/or Renewal requested. Those are the normal forms for AM stations, not ExperiemEntal Radio Service licensing forms. Never the FCC instructed the licensee to use any experimental licensing forms specifying the 5 year period. From CDBS application files you can observe the operations of WA2XPA, WI2XSO, and WI3XSO were modified and great number of times, and obviously renewed year after year and the FCC never raised the 5 year term argument, until now.

6. **Under the renewal form used year after year for WA2XPA, WI2XSO, and WI3XSO, the FCC requests the licensee to certify that the station has not been silent and adherence to the minimum operating schedule and broadcasting the programming intended to be received by the public.** The synchronous boosters rebroadcasted WAPA and/or WISO respectively all these years adhering to the minimum operating schedule. Never in the construction permits, licenses, and/or renewals the FCC specified that the synchronous boosters had to limit their operations and rebroadcasting of their respective main stations.

7. **WA2XPA** filed for Construction Permits (301) on 2002, 2003, 2010, 2012, 2016 and all of them were granted and subsequently licensed by the FCC.

WI2XSO filed for Construction Permits (301) on 1997, 2000, 2002, and 2006 and all of them were granted and subsequently licensed by the FCC

WI3XSO filed for construction permits (301) on 2002, 2003, 2009, 2010 and all of them were granted and subsequently licensed by the FCC.

7a. Never the FCC said "hey, you've going over the five year period for an experimental license and the request is dismissed". The FCC continued granting me applications to relocate, increase power, install directional antennas and make other changes to the boosters, inducing me to continue investing on AM synchronous booster although it now alleges (in the license cancellation letters) that the AM boosters could only be licensed for FIVE years

7b. I have invested over a million dollars throughout the years, and decades of work to improve the synchronous booster system. And now, unexpectedly and hastily the AM branch orders to shut down all of our three AM boosters in SIX MONTHS. Contrary to what stated by Honorable Commissioner Ajit Pai, my experiments were legitimate, so legitimate that they have led to prove the entire US that AM EXPERIMENTAL BOOSTERS are feasible to revitalize AM. Other stations licensed experimental boosters decided to turn them off voluntarily because they couldn't deal with the frequency and audio synchronization. **It seems the FCC is in a hurry to shut down my boosters** because other broadcasters, engineer consulting firms, AM equipment developers, and specialists in AM transmission have been applauding the system developed by me in Puerto Rico. **All others that experimented with boosters before us voluntarily ceased their operations after failing in the attempt. But Blanco-Pi developed a system that has been applauded by engineers and specialists in AM transmission as for example Dr. King from Kintronics, Labs. Who published a paper in support of AM synchronous boosters and that made a presentation before the NAB and the FCC.**

8. The license cancellation letters make reference to Part 5 Experimental Radio Service to try to establish a 5 (five) year maximum license for AM synchronous boosters but the Commission never treated AM synchronous boosters as being licensed under this section. Experimental Radio Service expressly states under 5.59 that the forms to be used for a CP under this section is form 309, for license to cover form 309, and for renewal form 311. The FCC never requested Blanco-Pi to use these forms. Instead forms 301, 302, and 303 WERE ALWAYS USED. So, the Commission never licensed AM synchronous boosters under section Part 5 (experimental radio service).

(b) *Applications for broadcast experimental radio license*—(1) *Application for new authorization or modification of existing authorization.* An application for a construction permit for a new broadcast experimental station or modification of an existing broadcast experimental station must be submitted on FCC Form 309.

(2) *Application for a license.* An application for a license to cover a construction permit for a broadcast experimental station must be submitted on FCC Form 310.

(3) *Application for renewal of license.* An application for renewal of station license for a broadcast experimental station must be submitted on FCC Form 311. Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license to be renewed.

8. **The October 29, 2013 Notice of Proposed Rulemaking (AM revitalization) Section G (Comments/Submission of Further Proposals) the Commission states it was considering making synchronous boosters permanent.**

"We recognize that there are other ideas that have been proposed to assist in revitalizing AM radio. These include: changes to nighttime skywave protection for Class A AM stations; **adopting rules to permit the permanent licensing of AM synchronous transmission systems**... " The FCC in 2013 told AM broadcasters they intended to analyze permanently licensing AM synchronous boosters as a feasible proposal. Thus, the Commission made me expect a Rulemaking on synchronous boosters for making them permanent.

9. Experiments with synchronous AM booster go back as early as 1949 but really no station in the US was able to report having achieved success in those experiments until Blanco-Pi began back in 1987 experimenting on his first station in Puerto Rico, WMTI-AM Morovis that was licensed a booster for Manati, P. R, and later when using GPS 10Mhz. signal to synchronize WAPA and WISO boosters.

Even a station from a competing broadcaster decided to use the synchronous booster technology after Blanco-Pi showed it worked. **WI2XAC booster station for WIAC has been on the air for 10 years. WIAC's booster coverage contours extend the coverage contours of the main station too. <u>As of this date no license cancellation letter has been sent by the FCC to WI2XAC.</u>** But, my three synchronized boosters were ordered to shut down more than a week ago by three cancellations letters all sent out to me the same day, November 7, 2016.

10. **Less than a year ago the FCC granted a modification to the tower of WA2XPA (BPEX20150911AA granted on 02/10/2016. The modification has been made to the tower, the proof has been made, and we are prepared to file the 302 before the deadline Feb/2017 and now the Commission says shut down the station on May/2016. Even we reported the FCC we were going to change the tower because of corrosion and the FCC never instructed us not to do it because the license would be cancelled. We invested too in erecting a new Rohn 55G Tower less than a year ago for WA2XPA, and now the FCC seems to say: "leave all your booster towers, buildings and equipment as a monument to our work with AM synchronous boosters. That's really unfair.**

11. **The MO&O 87-6 upon which our boosters were granted does not specify that AM boosters had to be inside any of the station's contours.** THE FCC never raised this issue until dismissing the application for a fourth synchronous booster in Guayama. **Even the reconsideration decision on the Guayama booster accepts that MO&O 87-6 didn't prohibit AM synchronous**

boosters to be outside the main station coverage contours. Indeed MO&O Docket 87-6 encourages broadcasters to explore this emerging technology to improve or expand service areas.

12. **Cancelling the licenses in six months to all three boosters makes the FCC to lose credibility with this action:** Commissioner Pai urges any other broadcaster to make 'legitimate' experiments with AM synchronous boosters. **Do you think that really any other AM broadcaster would like to experiment with AM synchronous boosters after what the FCC is doing to the broadcaster that invested 30 years of his life and of his son to demonstrate that AM boosters work? Is the FCC urging people to experiment with AM synchronous boosters to shut them off and cancel the licenses after they have invested lots of money in land, acquiring federal and local governmental permits, environmental studies, equipment, consulting engineerings, field engineering, labor, time experimenting, and as in our cases proof of performances for directional antennas? (WI2XSO/WI3XSO).**

13. **I even had to install a two tower directional antenna at the main station, WAPA, to allow room for WA2XPA's night operation, the Ratchet rule was applied reducing substantially WAPA's power in the protection azimuth. Is the FCC giving us back the full power non-directional operation we had at the main station before WA2XPA was granted?**

14. WA2XPA, WI2XSO, WI3XSO were rebroadcasting WAPA and WISO as the licenses specified. We are the only stations in Puerto Rico that have broadcasted consistently all of the President's addresses and press conferences entirely. The only one affiliated to CNN to have the people of Puerto Rico informed on national issues. We have been the only stations in Puerto Rico broadcasting in full the public meetings and/or hearings of the Congressionally appointed Fiscal Control Board that is dealing with Puerto Rico's bankruptcy. We have been the only station supporting statehood for Puerto Rico. Our logo even has the American Flag on it. AM branch's decision to shut down our boosters will shutdown the excellent signal the northwest/west part of the island had to be informed. **Thus, the order to shut down our boosters is in no way in the Public Interest.**

15. Puerto Rico decided on a 2012 plebiscite that it does not want to continue being a 'territory or colony' of the United States. **Is it that the FCC wants to shut off the voice of a broadcaster that supports with his media Puerto Rico being the 51st state of the U.S.?**

16. **The action of cancelling abruptly the license of our synchronous boosters is a DE-REVITALIZATION measure that would put in distress a small AM radio broadcaster.** If you don't know it we employ only 10 employees. We are a small business having less than $800,000. (eight hundred thousand dollars) in income annually. Many times the efforts to

advance the synchronous boosters were financed rents from another property I own and/or by my social security income and that of my wife.

17. Nobody has given a complaint on our operations with AM boosters, the spectrum has been used as efficiently as possible.

18. TV stations have been awarded distributed television systems in Puerto Rico just as channel 7 and 5 among others. Why AM stations cannot benefit from the same tool? Why not? AM stations are supposed to be helped in the Revitalization effort, but my AM synchronous boosters are being silenced by the FCC. Does that make sense?

I don't know if you are aware that Puerto Rico's government is in bankruptcy. Puerto Rico's economy is in crisis. The Congress appointed a Fiscal Supervision Board to deal with this crisis. In this precise and difficult moment to broadcasters, specially AM broadcasters, the FCC rushes into cancelling the licenses of our synchronous boosters. Is that AM revitalization?

I respectfully request to leave without effect the cancellation of license letters to WA2XPA, WI2XSO, and WI3XSO as well as any future license cancellation letters to WI2XAC and any other synchronous booster licensed throughout the United States and permit all AM synchronous boosters to maintain their operation until a final regulation is made on AM synchronous boosters. We respectfully request the FCC to initiate a Rulemaking process on AM synchronous boosters.

<u>In any event the action to make cease operations in six months is abusive. This is not the case of a delinquent broadcaster.</u>

BLANCO-PI IS A CUBAN INMIGRANT WHO ARRIVED THE UNITED STATES SHORT AFTER THE DICTATOR FIDEL CASTRO GOT THE POWER IN CUBA. I HAD A SMALL 1KW STATION, CMAX 1400 AM IN PINAR DEL RIO, CUBA WHICH WAS THE THIRD STATION SEIZED BY THE CASTRO GOVERNMENT BACK IN 1960. OBVIOUSLY that HAPPENED FOR ME SPEAKING OUT LOUD AGAINST THE CUBAN REVOLUTION.

NOW, in 2016 I HAVE THE SAME EXPERIENCE WITH the GOVERNMENT OF THE UNITED STATES WHEN THE FCC SHUTS DOWN all of my 3 (THREE) AM BOOSTER STATIONS, WI2XSO, WI3XSO AND WA2XPA, IN THE NEXT SIX MONTHS.

I WOULD'NT HAVE EXPECTED THIS FROM 'THE LAND OF OPPORTUNITIES AND JUSTICE FOR ALL'.

RESPECTFULLY SUBMITTED:

Wifredo G. Blanco Pi

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Emailed in addition to: Tom Wheeler, FCC Chairman; Ajit Pai, Commissioner; Mignon Clyburn, Commissioner; Jessica Rossenworcel, Commissioner; Michael O'Reilly, Commissioner; William T. Lake, Media Bureu Chief., AM REVITALIZATION FILES

Original & three copies of this URGENT PETITION TO RECONSIDER will be sent today via Express Mail to the Secretary of the FCC.