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February 3, 2011

FILED/ACCEPTED

FEB - 3 2011

Federal Communications Commission
Office of the Secretary

James A. Koerner
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*not admitted in MD

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals, TW-A325
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Station W57DU-D
Facility ID No. 168417
Brownsville, FL

Dear Ms. Dortch:

On behalf of Word of God Fellowship, Inc., there are transmitted herewith an original and four (4) copies of a Petition for Reconsideration, seeking reversal of the action taken by letter dated January 7, 2011 canceling the license for the above-referenced station.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,



Robert L. Olender
Counsel for
Word of God Fellowship, Inc.

DJ 2-15-11

Before the
Federal Communications Commission
Washington, DC 20554

FILED/ACCEPTED

FEB - 3 2011

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
WORD OF GOD FELLOWSHIP, INC.¹)
)
Station WMLD-LD)
Facility ID No. 168417)
Brownsville, FL)

File No. BDISDTL-20090629ACN

To: FCC Secretary
Attn: Chief, Video Division
Media Bureau

PETITION FOR RECONSIDERATION

Word of God Fellowship, Inc. (“WOGF”), by its attorneys, and pursuant to Section 305 of the Communications Act of 1934, as amended² and Section 1.106 of the Rules and Regulations³, hereby seeks reconsideration of the action taken by letter dated January 7, 2011 from Hossein Hashemzadeh, Associate Chief, Video Division, Media Bureau to Luna Digital Television, LLC (“Luna”) canceling the license for Station W57DU-D and deleting the call sign. The cancellation and deletion were based upon the mistaken belief that the station had been off the air for twelve consecutive months, and thus subject to the automatic expiration provisions of the Communications Act. As

¹ As noted herein, the name of the licensee and the call sign of the station were changed prior to the determination of which reconsideration is sought.

² 47 U.S.C. § 405.

³ 47 C.F.R. § 1.106.

demonstrated herein, those automatic expiration provisions did not apply in this case since the station did resume broadcasting within the twelve month period.

As noted, the action of which reconsideration is sought was dated January 7, 2011. This petition, filed within 30 days, is timely.

Luna was the licensee of Station W57DU-D, Facility ID No. 168417, Brownsville, Florida, operating on Channel 57. Since this is an out-of-core channel, Luna sought displacement relief to substitute Channel 39. That displacement application (File No. BDISDTL-20090629ACN) was granted November 2, 2009. On November 12, 2009, Luna took Channel 57 off the air and so notified the Commission (File No. BLSTA-20091116AEC). An extension of the silent STA was requested by Luna on April 21, 2010 (File No. BLESTA-20100421AAN), but was never acted upon until the cancellation of the license.

Station W57DU-D was sold, and the authorizations were assigned to WOGF in a transaction that was consummated April 20, 2010 (File No. BALDTL-20100222ABK). On July 1, 2010, an application for modification of the displacement construction permit was granted (File No. BMPDTL-20100611AAE). A further modification of the displacement construction permit, to move to a new transmitter site, was granted December 13, 2010 (File No. BMPDTL-20101008ACO). The station's call sign was changed to WMLD-LD, effective December 20, 2010.⁴

Recognizing that the station had to return to the air prior to November 12, 2010, WOGF took steps to do so. Attachment A hereto is a Declaration of Henry Turner, Director of Engineering for WOGF outlining the details. As noted therein, WOGF

⁴ Although the January 7, 2011 letter refers to the station as W27DU-D, since the call sign was changed prior to that action, the instant petition will refer to the station by its new call sign.

sought and obtained permission from Mako Communications, LLC, licensee of Station W16CC (now W16CC-D), to use its broadband antenna on the antenna structure (ASR No. 1018585) owned by American Tower, Inc. This permission was granted August 30, 2010. Attachment B hereto is a Declaration of Howard Mintz, counsel for Mako Communications, LLC attesting to such authority.

Mr. Turner then contacted Elettronika America seeking to borrow a transmitter with which to put the station on the air on Channel 39 pursuant to the displacement construction permit. Attachment C hereto is a Declaration of Maria Quintero, President and General Manager of Elettronika America attesting to the conversations which led up to the loan of the transmitter. As noted in the Howard Mintz Declaration, American Tower, the owner of the antenna structure, also sought confirmation that Mako Communications, LLC had approved the use of its antenna. Attachment D hereto is a Declaration of Ruben Navarro, the Elettronika America engineer who actually installed the transmitter, and placed the station in operation on October 29, 2010, and notified WOGF of the successful operation.

Thus, the station was on the air, pursuant to the displacement construction permit, on Channel 39, as of October 29, 2010. Because Mako Communications, LLC then wished to convert to digital operation, the station was taken off the air, and the borrowed transmitter was returned to Elettronika America on November 15, 2010.

WOGF acknowledges that the Commission should have been advised of the station's resumption of operation, on the displacement channel. The failure to do so was apparently a communication failure between WOGF and its consulting engineer. The

Commission also should have been advised of the station's subsequent off-air status, which began November 15, 2010.

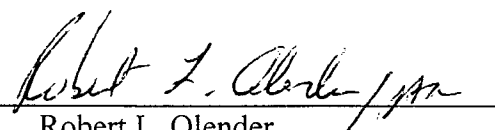
Accordingly, the basis for the January 7, 2011 letter canceling the license was erroneous; the station did resume broadcasting prior to the one year anniversary of being taken off the air by the predecessor licensee.

Upon reinstatement of the license, it is WOGF's intention to construct the facility at the new location specified in BMPDTL-20101008ACO, and resume broadcasting on Channel 39.

On the basis of the foregoing, it is requested that the action taken by the January 7, 2011 letter be reconsidered and reversed, and the authorizations be reinstated. Alternatively, it is requested that reinstatement be based upon exercise of the Commission's discretion pursuant to Section 312(g) of the Communications Act.⁵

Respectfully submitted,

WORD OF GOD FELLOWSHIP, INC.

By: 
Robert L. Olender
Its Attorney

Koerner & Olender, P.C.
11913 Grey Hollow Court
North Bethesda, MD 20852
(301) 468-3336

February 3, 2011

⁵ 47 U.S.C § 312(g).

ATTACHMENT A

Declaration of Henry Turner

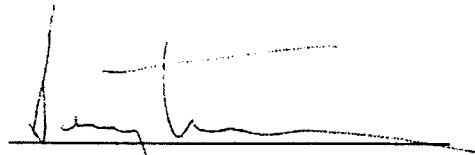
Henry Turner does hereby declare, under penalty of perjury, as follows:

I am Henry Turner, Director of Engineering for Daystar Television Network/Word of God Fellowship Inc. I was aware that Daystar had purchased LPTV station W57DU-D (Facility ID No. 168417), which at the time was silent. I was also aware that the W57DU-D was required to recommence operations prior to November 12, 2010.

I, in my capacity, as Daystar's Director of Engineering took the following steps to enable W57DU-D to go on air and transmit a broadcast signal prior to November 12, 2010.

1. I found a suitable location where W57DU-D would be located. Specifically, another LPTV owner, Mako Communications, LLC, whose facility (Facility No. 4331) was located at the Granted site with a broadband panel array; permission was obtained from Mako Communications, to use the antenna array. This was accomplished August 30, 2010, specifically; an agreement was made between Mako Communications and Daystar. W57DU-D would be co-located with Mako's station, use their antenna array and transmitter building.
2. I contacted Elletronika America, located in the area of the transmitter site, for equipment. I was able to secure a loaner transmitter on short notice. This was done the October 14, 2010.
3. I found an Engineer, specifically, Mr. Ruben Navarro, for installation of the acquired equipment. He installed the equipment from Elletronika America and placed W57DU-D on the air. On October 29, 2010, I was informed that the station was on the air and transmitting. W57DU-D was operating under the following parameters:
 - A: Above ground height of 251 meters
 - B: ACI ATS66X1 antenna at an orientation of 210 degrees
 - C: TPO of .200 KW with an ERP of 7KW
 - D: The antenna pattern of W57DU-D, using the Mako array, is wholly within the contours of the Granted Displacement construction permit BDISDTL-20090629ACN.
4. On October 29, 2010, I informed our Consulting Engineer, Mr. Rick Goetz that the station was on the air, and that the appropriate filings should be made to notify the FCC of Resumption of Services and an STA. Unfortunately, there was a breakdown of communication and this was not done.
5. Mako Communications was about to convert their station to digital and I took steps to remove the recently installed W57DU-D equipment. The equipment was removed November 15, 2010. This was done to allow Mako unencumbered access to their equipment. W57DU-D is prepared to resume operation upon FCC reinstatement of its digital authorization, BMPDTL-20101008ACO.

Dated this 2nd day of February, 2011

A handwritten signature in black ink, appearing to read 'Henry Turner', written over a horizontal line.

Henry Turner

ATTACHMENT B

Declaration of Howard Mintz

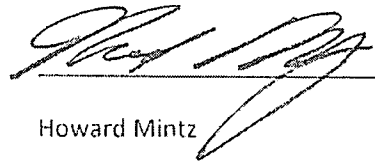
Howard Mintz does hereby declare, under penalty of perjury, as follows:

I am Howard Mintz. I am forty-two years of age and of sound mind. I serve as in house counsel for Mako Communications, LLC. Mako Communications is a Broadcast company which has, as one of its properties, LPTV station W16CC-D (recently converted to digital) located in Hallandale, FL. The transmitter site specifically is located at the American Tower property "Candelabra" (ASR No. 1018585).

I was asked by Mr. Henry Turner, Director of Engineering for Daystar Television Network/Word of God Fellowship, Inc. for permission for his company to co-locate a LPTV with W16CC-D and to share our broadband panel antenna. This permission was granted in August of 2010. Mr. Turner proposed that he would install prior to November 2010.

I was contacted by American Tower to confirm that permission had been granted. I confirmed that it had been granted.

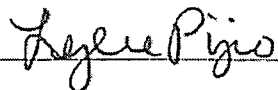
Dated this 28th day of January 2011

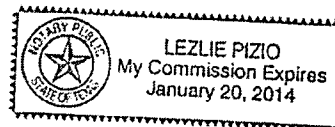

Howard Mintz

State of Texas

County of Nueces

This instrument was acknowledged before me on Jan. 28, 2011 by Howard Mintz


Notary Public's Signature



ATTACHMENT C

Declaration of Maria Quintero

Maria Quintero does hereby declare, under penalty of perjury, as follows:

I am Maria Quintero, President and General Manger of Elettronika America; a transmitter company and broadcast sales company, located in Miami, FL.

I was contacted by Henry Turner of Daystar Television Network/Word of God Fellowship, Inc. concerning the availability of a UHF digital transmitter that could be loaned to his company, to be used temporarily until his transmitter needs finalized. It was understood that the transmitter would be used in the local area and it agreed upon that we would deliver this unit to the site and make the basic connections. These conversations took place during the second week of October, 2010

Our company Engineer, Ruben Navarro, during the last week of October, 2010, transported the transmitter and associated equipment to Daystar's tower site and installed the equipment. Mr. Turner was notified that all was functional and on the air.

In mid November we were notified that we should remove the equipment as Daystar was moving to another tower.

Dated this 20 day of January, 2011



Maria Quintero

ATTACHMENT D

Declaration of Ruben Navarro

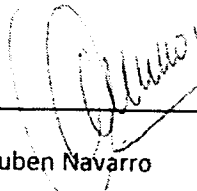
Ruben Navarro does hereby declare, under penalty of perjury, as follows:

I am Ruben Navarro, an Engineer in the employ of Elettronika America; a transmitter company and broadcast sales company, located in Miami, FL.

I was asked by my employer to transport and install a loaner UHF digital transmitter to an American Tower site located in Hallandale, FL.

I performed this installation Saturday, October 29th, 2010. After, the installation I informed Mr. Turner that all was functioning properly. Monday, November 15th, I removed the equipment.

Dated this 20 day of Jan, 2011



Ruben Navarro