FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, SW
Washington, DC 20554

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio

PROCESSING ENGINEER: Larry Hannif-Ali
TELEPHONE: (202) 418-2143
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: Larry.Hannif-Ali@fcc.gov

SEP 17 2014

Spanish American Civic Association
For Equality, Inc.
545 Pershing Avenue
Lancaster, PA 17602

In re: NEW(FM), Reading, PA
Facility ID No. 143437
BNPFT-20130816ABX
Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for a new FM translator at Reading, Pennsylvania; (2) the Petition to Deny filed by Richard Snyder ("Snyder") on September 4, 2013; and (3) all related pleadings. For the reasons set forth herein, we dismiss the Petition to Deny and grant the pending application BNPFT-20130816ABX.

In the Petition, Snyder states that Spanish American Civic Association For Equality, Inc.'s ("SACA") short-form application (BNPFT-20030313ASW) proposed to locate its antenna on the tower specified by ASRN: 1064884. Snyder also states that the proposed tower (ASRN: 1064884) specified in the original application was dismantled prior to the application being filed. Snyder alleges that through phone calls to the former owner of the tower, no agreement had been established between SACA and the owner of the tower to use the tower as a possible transmitter site. Snyder concludes that since the tower was dismantled prior to SACA filing its original application and since SACA did not have reasonable assurance of the proposed site, the application is defective and must be dismissed.

Short-form applications submitted on FCC Form 175 are not required to have site assurance. Section 74.1233(d)(2)(ii) states, "FM translator applicants must submit the engineering data contained in FCC Form 349 as a supplement to the short-form application. Such engineering data will not be studied for technical acceptability". Since the coordinates specified in FCC Form 349 specify a different transmitter site (ASRN: 1279255) than that of the tower in SACA's short-form application (ASRN: 1027616), SACA filed its long form application at an available site. Therefore, SACA had the necessary site assurance **at the time it filed FCC Form 349** and the application is in compliance with all site assurance requirements.

Accordingly, the September 4, 2013, Petition to Deny filed by Richard Snyder IS HEREBY DISMISSED and BNPFT-20130816ABX IS HEREBY GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

for James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Carlos Graupera