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

In the matter of	)	
	)	
WEAZ-FM RADIO, INC.	)	File No. 0003840213
	)	
Application to Modify License for Aural Studio Transmitter Link Station WAA913, Bala Cynwyd, Pennsylvania	)	

ORDER ON RECONSIDERATION

Adopted: October 26, 2009 **Released: October 26, 2009**

By the Deputy Chief, Broadband Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. We have before us a petition for reconsideration[1] filed on behalf of WEAZ-FM Radio, Inc. (WEAZ), requesting reconsideration of the dismissal of WEAZ's application[2] to modify the license for Aural Studio Transmitter Link Station WAA913, Bala Cynwyd, Pennsylvania. For the reasons stated below, we deny the Petition.

II. BACKGROUND

2. On May 15, 2009, WEAZ submitted the Application to modify the license for Station WAA913 by adding a receive auxiliary site.[3] The Wireless Telecommunications Bureau (Bureau) returned the Application on July 18, 2009.[4] The Return Letter stated:

> We are returning your application to afford you the opportunity to amend it by including an attachment. Specifically, we request clarification of purpose so that we may continue in the processing of your application. In your application you propose the addition of a receive auxiliary site, the purpose of which is not clearly indicated. We will need to know if you propose to operate continuously at this site or if it is intended as a backup to your main receive site. Please amend your application to include an attachment which clearly indicates the intention of your operations at the proposed site.[5]

On July 24, 2009, WEAZ amended the Application to report that the proposed receive auxiliary site was proposed to operate only as a backup to the main receive site.[6]

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[1] *See* Petition to Reconsider (filed Sep. 21, 2009) (Petition).

[2] File No. 0003840213 (filed May 15, 2009) (Application).

[3] *Id.*

[4] Notice of Return, Ref. No. 4885486 (Jul. 18, 2009) (Return Letter).

[5] *Id.*

[6] Clarification Amendment (filed Jul. 24, 2009).

3. On September 16, 2009, the Bureau dismissed the Application.[7] The Dismissal Letter stated, in pertinent part:

> This letter is in response to your application for the addition of a receive auxiliary site in the AS radio service. After numerous failed attempts at contacting you to offer you the option of withdrawing your application, your application is being dismissed as redundant. The type of back-up operation you propose is already permissible under Rule Section 74.24 for short term, and if a longer term of operation becomes necessary you may request an STA pursuant to Rule Section 73.1635.[8]

4. On September 21, 2009, WEAZ filed the Petition.[9] WEAZ claims that Micronet Communications, Inc. (Micronet), an entity that helped WEAZ prepare the Application, was not aware of the Bureau's request to have the auxiliary site removed from the Application and requests reconsideration so that the Application can be modified.[10]

III. DISCUSSION

5. WEAZ's claim that Micronet was not aware of the Commission's request to have the auxiliary site removed from its application does not provide a basis for reconsidering the dismissal of its Application. The proposed modification to add a backup site was unnecessary because operation of a backup receive site is permissible pursuant to Section 74.24 of the Commission's Rules in the short term, and longer term operation could be sought under special temporary authority.[11] Therefore, the proposed modification of license is unnecessary, and it would be inappropriate to grant the Petition to reinstate the Application. If WEAZ wishes to make further changes to its license, it should file a new application.

IV. ORDERING CLAUSES

6. Accordingly, IT IS ORDERED that pursuant to Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405, and Section 1.106 of the Commission's Rules, 47 C.F.R. § 1.106, the petition for reconsideration filed on behalf of WEAZ-FM Radio, Inc., on September 21, 2009 IS DENIED.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

John J. Schauble
Deputy Chief, Broadband Division
Wireless Telecommunications Bureau

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[7] Notice of Dismissal, Ref. No. 4903878 (Sep. 16, 2009) (Dismissal Letter).

[8] *Id.*

[9] Petition.

[10] *Id*.

[11] *See* Dismissal Letter.