

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

In the Matter of)	
)	
Best of Life Educational Services, Inc.)	File No. BNPL-20010615ADM
)	Facility ID No. 134960
Application for a Construction Permit)	
for a New Low Power FM Station)	
at Lady Lake, Florida)	

MEMORANDUM OPINION AND ORDER

Adopted: October 31, 2011

Released: November 1, 2011

By the Commission:

1. The Commission has before it for consideration an Application for Review¹ filed on August 17, 2005, by Best of Life Educational Services, Inc. (“BOLES”), seeking review of a denial by the Media Bureau, Audio Division (the “Bureau”), of a petition for reconsideration of the Bureau’s dismissal of an application for a construction permit for a new Low Power FM (“LPFM”) Station at Lady Lake, Florida. The Bureau found the Application defective because at the time of filing BOLES did not meet the eligibility criteria set forth in Section 73.853² of the Commission’s rules for holding an LPFM station license.³

2. Upon review of the Application for Review and the entire record, we conclude that BOL has failed to demonstrate that the Bureau erred. The Media Bureau properly decided the matters raised, and we uphold its decision for the reasons stated in its Letter.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to section 5(c)(5) of the Communications Act of 1934, as amended, 47 U.S.C. § 155(c)(5), and section 1.115(g) of the Commission’s rules, 47 C.F.R. § 1.115(g), the Application for Review BE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹ Best of Life Educational Services, Inc., Application for Review (filed Aug. 17, 2005); FCC Broadcast Applications Public Notice, Report No. 26054 (rel. Aug. 23, 2005).

² 47 C.F.R. § 73.853.

³ Letter to Vernon T. Snyder, WTL Communications, Inc., et al., from Peter H. Doyle, Chief, Audio Division, Media Bureau, 20 FCC Rcd 12066 (MB 2005) (“Letter”). On September 23, 2005 – over four years after filing its application for a construction permit – BOLES supplemented its Application for Review with information purporting to show that it became a non-profit corporation in Florida on August 25, 2005. Even if true, that contention is unavailing: As the Bureau explained, “an applicant for an LPFM station must certify its eligibility to own and operate such station *at the time it files its application.*” *Id.* at 1067 (emphasis added; citations omitted).