

FEDERAL COMMUNICATIONS COMMISSION
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DEC 19 2007

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In re: James Crystal Enterprises II, LLC
WFTL(AM), West Palm Beach, FL
Facility ID No. 29490
BMP-20031024AAV
Petition for Reconsideration

Dear Mr. King:

This letter is in reference to the above captioned application to modify construction permit BP-1990521AI by changing patterns; the May 25, 2007 Petition for Reconsideration filed by James Crystal Enterprises II, LLC (JCE) in response to our April 27, 2007 action dismissing the application due to an unacceptable interference reduction agreement with station WABA.

In the Public Notice entitled "*Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications*", FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications nunc pro tunc where the original application was dismissed and where a relatively minor curative amendment was filed within 30 days of the date of the dismissal. The May 25, 2007 petition for reconsideration was filed within 30 days of the dismissal of the application and the amended application eliminated the nighttime interference with WABA. As a result, we find that the resubmitted application is in compliance with the August 2, 1984 Public Notice.

Based upon the foregoing, the petition for reconsideration IS GRANTED, and the application (File No. BMP-20060307AYC) will be processed in due course.

A preliminary review of the June 28, 2007, amended application reveals:

1. The nighttime proposal, which is identical to the facilities in Construction Permit BP-19990521AI, has been objected by the Mexican government via letter dated July 7, 2004, due to skywave interference to co-channel Mexican Class A station XETQ. It is noted that the permit BP-1990521AI included a special condition to protect XETQ, and is subject to modification, suspension or termination in order to conform to the provisions

- of the US/Mexican Agreement.
2. The proposed daytime 0.025 mV/m groundwave contour will overlap the 0.5 mV/m daytime contour of co-channel stations CMGB, Trinidad, and CMJB, Mayari Arrib over the territory of Cuba. The application must be amended to protect CMGB and CMJB, or the licensee must submit a request that no further action be taken on the application until after the FCC's IB staff has officially notified the new proposal to the ITU and a response has been received. All questions regarding protection or use of foreign station records should be directed to George Fehlner at (202) 418- 2197.
 3. An amendment containing an environmental assessment exhibit must be submitted because Exhibit 18 stated that the licensee had initiated a review under the nationwide programmatic agreement.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide an opportunity to file a curative electronic amendment. Failure to amend or respond with a formal request for additional time will result in the dismissal of the application pursuant to Section 73.3568 of the Commission's Rules.

Sincerely,

Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: James W. Hillard, Vice President
Matthew Folkert