

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV/MB/AUDIO/

APR 14 2010

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Georgia Eagle Broadcasting, Inc.
6316 Peake Rd.
Macon, GA 31210

In re: WMCD(FM), Sullivan's Island, SC
Georgia Eagle Broadcasting, Inc.
Facility ID # 65607
BPH-20070705AAA

Dear Applicant:

This letter refers to the above-captioned application to modify antenna height, location, class, effective radiated power and community of license from Claxton, SC to Sullivan's Island, SC.

An engineering study reveals that the site specified in the application fails to meet the minimum spacing requirement of 47 C.F.R. § 73.207 with respect to co-channel Class C3 construction permit (BPH-20070413AFJ) for WMGL(FM), Ravenel, SC. Specifically, the proposed facility is short-spaced by 149 kilometers. The required spacing pursuant to 47 C.F.R. § 73.207 is 177 kilometers while the actual spacing proposed in the application is 28 kilometers.¹ Therefore, the application must be amended to eliminate this short-spacing.

In addition, in accordance with procedures adopted by the Commission, applications proposing to change the community of license must comply with the local public notice provisions of Sections 73.3580(c)(3), 73.3580(d)(3), and 73.3580(f). The application failed to respond to Question 9 in Section II or provide an explanatory exhibit. This constitutes an acceptance defect.

Pursuant to 47 C.F.R. § 73.3522, "... an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, 47 C.F.R. § 73.3564 states that "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity

¹ We note that, on April 24, 2008, Georgia Eagle Broadcasting filed an Application for Review of the March 25, 2008 Dismissal of the Petition for Reconsideration of the grant of BPH-20070413AFJ. However, the filing of a reconsideration pleading does not stay the effectiveness of the original action. Therefore, WMCD is required to protect the granted construction permit of WMGL. See *Auburn et al.*, Memorandum Opinion and Order, 18 FCC Rcd 10333(MB 2003) and 47 C.F.R. § 1.102(b)(2).

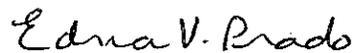
for corrective amendment will be dismissed with no further opportunity for amendment." See Appendix B in the Report and Order in MM Docket No. 91-347. This letter constitutes your opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3522.

Furthermore, pursuant to 47 C.F.R. § 17.4(a), any proposed construction of a new antenna structure or proposed alteration of an existing antenna structure that requires notification to the Federal Aviation Administration (FAA) requires registration with the Commission prior to the proposed construction or alteration. Our records indicate that the proposed antenna structure has not been registered with the Commission. FCC antenna structure registration may be accomplished electronically via the internet at <http://www.fcc.gov/wtb/antenna/>.

Please note that FAA approval is necessary in order to obtain FCC antenna structure registration. Following FCC registration of the antenna structure, a curative amendment to the application, which includes the antenna structure registration number, must be submitted to the Commission so that processing of your application may be completed. If the antenna structure cannot be registered within 30 days of the date of this letter, the applicant must notify the Audio Division, in writing, concerning the delay.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide WMCD an opportunity to respond. Failure to correct all tender and acceptance defects within the thirty days from the date of this letter will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564.

Sincerely,



Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

cc: Dan J. Alpert
Donald Lynch