

FEDERAL COMMUNICATIONS COMMISSION
445 Twelfth Street, S.W.
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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April 14, 2010

Creative Educational Media
Corporation, Inc.
P.O. Box 1924
Tulsa, Oklahoma 74101

In re: Creative Educational Media
Corporation, Inc. ("CEC")
WYCS(FM), Yorktown, VA
Facility Id # 66672
BPED-20100309AAR

Dear Applicant:

This letter is in reference to the above-captioned minor change application filed to modify the broadcast facilities of station WYCS(FM).¹ The application proposes to change the effective radiated power and the antenna height above average terrain at a new transmitter site.

NEPA Certification

The instant application requires an assessment to determine applicability of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (See Report and Order FCC 04-222 released October 5, 2004).² The application indicates that an environmental evaluation has not been initiated even though item 17 in Section III-B has been entered as "Yes". The applicant must complete the Section 106 Review Process in accordance with Sections 1.1306 and 1.1307 of the Commission's Rules.³ Rule 1.1307(a)(4) specifies the requirement to follow the procedures set forth in the rules of the Advisory Council on Historic Preservation.⁴ Upon completion, the applicant shall electronically file an amendment, including the environmental certification and a statement summarizing the results of the Section 106 Review. The applicant may use the Agreements incorporated as Appendices B and C to Part 1 of the Commission's Rules to determine whether the undertaking is excluded from Section 106 Review. If the proposal is not excluded, the applicant may use the Tower Construction Notification System to notify Tribal Historic Preservation Offices. Use FCC Form 620 to notify the State Historic Preservation Office of a proposal for a new tower or FCC Form 621 for proposed collocation.

¹ WYCS(FM)'s present authorization, license file No. BMLEL-20000407ACK.

² The Agreement is incorporated as Appendix C to Part 1 of the Commission's Rules.

³ See 47 C.F.R. § 1.1306 and § 1.1307.

⁴ See 36 C.F.R., Part 800.

Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide WYCS(FM) an opportunity to submit the requested information. If the applicant cannot demonstrate compliance with the National Historic Preservation Act Review Process within 60 days of the date of this letter, the Audio Division (AD) must be notified in writing, concerning the delay.⁵ In the event that further delays occur, the applicant must provide the Audio Division with written updates every 60 days thereafter.⁶ Failure to respond within this time period or to provide the written updates every 60 days will result in the dismissal of the application for failure to prosecute pursuant to 47 C.F.R. § 73.3568(a)(1).

Sincerely,



for Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Cary S. Tepper, Esq.
Laura M. Mizrahi

⁵ If this cannot be accomplished within the initial 60 day period, the first response to this letter shall be filed in triplicate with the Secretary of the Commission and shall contain a specific narrative of the actions taken to accomplish these two requirements. The response shall include copies of all correspondence with the local environmental offices.

⁶ Each 60 day update shall be filed in triplicate with the Secretary of the Commission and shall report specific actions taken since the previous report toward securing environmental compliance.