

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET, SW**  
**WASHINGTON, DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

**PROCESSING ENGINEER:** Arthur E. Doak  
**TELEPHONE:** (202) 418-2715  
**MAIL STOP:** 1800B3-AED  
**INTERNET ADDRESS:** [arthur.doak@fcc.gov](mailto:arthur.doak@fcc.gov)

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

July 15, 2015

WXTU License Limited Partnership  
3033 Riviera Drive  
Suite 200  
Naples, FL 34103

In re: WSOC-FM, Charlotte, NC  
Facility ID No.: 20339  
WXTU License Limited Partnership  
BMLH-20140821ABX

Dear Licensee:

In accordance with procedures adopted by the Commission, this letter constitutes notification to WXTU License Limited Partnership (“WXTU”) of the filing of a minor change construction permit application (BPH-20131120AYO) by Alpha Media Licensee LLC (“Alpha”), licensee of FM Station WHXT(FM), Facility ID No. 50522.<sup>1</sup> Alpha’s application proposes that WSOC’s license and assignment be modified to specify Class C0 in lieu of Class C pursuant to Note 4 of 47 C.F.R. § 73.3573.<sup>2</sup>

The staff has tentatively concluded that the Alpha application, as amended, meets the requirements of § 73.3573, Note 4 and is otherwise acceptable for filing.<sup>3</sup> Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission’s Rules, WXTU License

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<sup>1</sup> The application proposes to change WHXT’s community of license from Orangeburg, South Carolina to Swansea, South Carolina. The application was last amended on May 18, 2015.

<sup>2</sup> See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission’s Rules, Second Report and Order in MM Docket No. 98-93, FCC 00-368 15 FCC Rcd 21649 (2000).

<sup>3</sup> In order to be considered in compliance with Note 4, the triggering application must: 1) be short-spaced to the Class C station, but be fully spaced if it were a Class C0; 2) include a certification that no alternative channel is available at the proposed location without any other changes to the table of allotments; and 3) be served on the licensee of the affected Class C station.

Limited Partnership, licensee of FM Station WSOC-FM, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify Channel 279C0 in lieu of Channel 279C. WXTU may, not later than 30 days from the date of this letter, file a written statement to express its intention to seek authority to modify Station WSOC's technical facilities to attain minimum Class C HAAT; or, alternatively, as provided for by Note 4 cited above, otherwise challenge the triggering application. If WXTU chooses to seek authority to modify WSOC's facilities, an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT must be on file with the Commission 180 days subsequent to the show cause response due date. Failure to file a construction permit application within this time period will result in the automatic downgrade of WSOC's licensed facilities.<sup>4</sup> Furthermore, WXTU must serve Alpha with copies of any FAA submissions related to its efforts to modify the WSOC facility.

Further action on the subject application will be withheld for thirty days from the date of this letter to provide an opportunity to reply. Failure to respond to this letter will result in the automatic downgrade of WSOC's license pursuant to Note 4 of § 73.3573. Please note that responses must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,

*Arthur E. Doak*

Arthur E. Doak  
Senior Engineer  
Audio Division  
Media Bureau

cc: Lerman Senter PLLC  
Wiley Rein LLP

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<sup>4</sup> Failure to build pursuant to the subsequently authorized construction permit will also result in the automatic downgrade of WSOC's licensed facilities.