

FEDERAL COMMUNICATIONS COMMISSION

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Coyote Communications, Inc.
1629-C Alum Rock Avenue
San Jose, CA 95116

In Re: K224CZ, San Martin, CA
Facility ID No. 147433
BPFT-20090128ABX

Dear Applicant:

This letter refers to the above-captioned application for K224CZ, San Jose, CA.

Our review of the application reveals that it is in violation of 47 C.F.R. §§ 74.1204(a) and (d) with respect to co-channel station K277AH, Watsonville, CA (BLFT-19960910TG). The predicted 40 dBu interfering contour overlaps K277AH's 60 dBu protected contour. Section 74.1204(a) of the Commission's rules states that an application for an FM translator station will not be accepted if the proposed operation would involve prohibited overlap of predicted field strength contours with any other authorized station. However, Section 74.1204(d) provides an exception to the above assuming that an applicant can demonstrate that no interference will occur due to intervening terrain, lack of population or such other factors as may be applicable. Coyote Communications, Inc. attempts to demonstrate compliance with 47 C.F.R. § 74.1204(d) by stating that there is significant terrain between K277AH and the proposed translator. However, we find that Coyote Communications, Inc. has not supplied sufficient evidence that no interference will occur to the overlapped station in compliance with Section 74.1204(d) of the Commission's rules.

In light of the above, the application BPFT-20090128ABX filed by Coyote Communications, Inc. is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

c.c. D. Scott Turpie, Engr.