

FEDERAL COMMUNICATIONS COMMISSION
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WWGP Broadcasting Corporation
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Capstar TX Limited Partnership
2625 S. Memorial Drive, Suite A
Tulsa, OK 74129

Commonwealth Broadcasting, LLC.
500 Dominion Tower
999 Waterside Drive
Norfolk, VA 23510

In Re: WFJA(FM), Sanford, NC
Facility ID #74180
WWGP Broadcasting Corporation
("WWGP")
BPH-20070802ACH
Informal Objections

WRDU(FM), Knightdale, NC
Facility ID #73936
Capstar TX Limited Partnership
("Capstar")
BPH-20070802ABP
Informal Objection

WUSH(FM), Poquoson, VA
Facility ID #78447
Commonwealth Broadcasting, LLC.
("Commonwealth")
BPH-20070802ABX
Informal Objections

Dear Applicants:

This letter is in reference to: (1) WWGP's above-captioned contingent minor change application BPH-20070802ACH, as last amended on December 14, 2007, to modify the effective radiated power, antenna location, and antenna height; (2) Capstar's above-captioned contingent minor change application BPH-20070802ABP, as last amended on July 3, 2008, to change the community of license from Wilson to Knightdale, North Carolina, and change class, effective radiation power, antenna location, and antenna height; (3) Commonwealth's above-captioned contingent minor change application BPH-20070802ABX, as last amended on April 9, 2008, to

modify the effective radiated power, and antenna height; (4) the September 7, 2007 Informal Objection filed by Tidewater Communications, LLC (“Tidewater”) against Stations WFJA, WRDU, and WUSH; (5) the January 2, 2008 Informal Objection filed by MHR License LLC (“MHR”) against Stations WFJA and WUSH; and (6) all other related pleadings. For the reasons set forth below, we deny the objections and grant the applications.

WFJA (FM), Sanford, NC, BPH-20070802ACH

Tidewater’s Informal Objection. On September 7, 2007, Tidewater filed an objection against WWGP’s application stating that the proposal fails to comply with the community coverage requirements of 47 C.F.R. § 73.315. Specifically, Tidewater claims that the proposal’s 70 dBu contour only covers 68.5% of the community of Sanford. In addition, Tidewater indicates that the application fails to request processing pursuant to the grandfathered short-spacing provisions of 47 C.F.R. § 73.213 of the Rules. Finally, Tidewater alleges that WWGP incorrectly certified compliance with all environmental issues without concurrence from all state and tribal historical preservation offices.

Tidewater’s Supplement to Informal Objection. On November 27, 2007, Tidewater filed a further objection to WWGP’s November 7, 2007 amendment stating that the application, as amended, still does not comply with § 73.315. Specifically, Tidewater claims that the predicted city grade contour will cover only 77.9% of the population of Sanford. Tidewater believes that this is caused by WWGP using an incorrect population count for Sanford.

Discussion. We first note that Tidewater erroneously claims that WWGP responded affirmatively to the environmental certification. A review of the original application indicates a negative certification with an accompanying exhibit indicating the status of the environmental review. Furthermore, WWGP addressed Tidewater’s other concerns in its September 12, 2007, November 7, 2007, and December 14, 2007 amendments. In the September 12, 2007 amendment, WWGP requested processing pursuant to § 73.213. In the November 7, 2007 and December 14, 2007 amendments, WWGP proposed a site relocation, provided a supplemental community coverage exhibit, and completed its environmental review by certifying compliance with the environmental rules. WWGP claims that the supplemental showing demonstrates compliance with § 73.315 by providing coverage to 92% of the population and area of Sanford. Finally, we forwarded this supplemental showing to our propagation expert at the Commission’s Office of Engineering and Technology (OET) to perform an independent study. OET concluded that the 70 dBu contour of the proposal would cover 88% of Sanford demonstrating compliance with § 73.315. Therefore, Tidewater’s September 7, 2007 Informal Objection against WWGP’s application will be denied.

MHR’s Informal Objection. On January 22, 2008, MHR filed an objection against WWGP’s application stating that it fails to comply with the Class A grandfathered short-spaced provisions of 47 C.F.R. § 73.213(c). Specifically, MHR claims that WWGP’s application fails to contain an exhibit demonstrating the consent of each short-spaced station and a showing that there is no alternative, fully or less short-spaced, sites available. In addition, MHR alleges that WWGP’s application fails to comply with Note 1 of 47 C.F.R. § 73.3573. Specifically, MHR contends that WWGP’s application fails to specify a fully spaced allotment site.

Discussion. Although a Class A station, WWGP’s application is proposes processing pursuant to the “1964 grandfathered short-spaced” requirements of 47 C.F.R. § 73.213(a) and not the Class A grandfathered short-spaced provisions of § 73.213(c). Therefore, WWGP is not required

to provide the consent of every short-spaced station nor the availability of any alternative fully or less short spaced sites. In addition, WWGP is not proposing an assignment change in its application and thus, does not need to comply with Note 1 of § 73.3573. Therefore, MHR's January 22, 2008 Informal Objection against WWGP's application will be denied.

WRDU (FM), Knightdale, NC, BPH-20070802ABP.

Tidewater's Informal Objection. On September 7, 2007, Tidewater filed an objection contending that a discrepancy exists between Capstar's proposed geographical site coordinates and antenna heights proposed in the application compared to that on the tower registration record.

Discussion. Capstar addressed Tidewater's concerns in its October 29, 2007 amendment. This amendment corrected the antenna coordinates and modified the antenna heights to conform to the tower registration record. Thus, the amendment eliminated the discrepancy specified in the informal objection. Therefore, Tidewater's September 7, 2007 Informal Objection against WRDU's application will be dismissed as moot.

WUSH (FM), Poquoson, VA, BPH-20070802ABX.

Tidewater's Informal Objection. On September 7, 2007, Tidewater filed an objection against Commonwealth's application stating that Commonwealth incorrectly certified compliance with all environmental issues without concurrence from all state and tribal historical preservation offices. Specifically, Tidewater believes that the tower height increase proposed in Commonwealth's application requires a complete environmental review.

Discussion. The proposed tower site for the Commonwealth application was built before March 2001. Therefore, under the Nationwide Programmatic Agreement ("NPA"), it does not require a Section 106 National Historic Preservation Act review. In addition, the six meter tower height increase proposed in the application does not constitute a substantial increase because it is less than the 10% guideline in the NPA. Furthermore, the tower is located in a multi-use antenna site. Thus, a complete environmental review is not necessary. Therefore, Tidewater's September 7, 2007 Informal Objection against Commonwealth's application will be denied.

MHR's Informal Objection. On January 22, 2008, MHR filed an objection against Commonwealth's application alleging that its community coverage showing fails to satisfy the Commission guidelines on supplemental showings. Specifically, MHR claims that Commonwealth provides insufficient justification for using the proposed propagation methodology. In addition, by calculating the signal level over water beyond the community boundary, MHR believes that Commonwealth's results are unreliable. Finally, MHR provides another supplemental showing that indicates that the community of Poquoson receives no greater than 66 dBu coverage, with 75% of the city receiving less than 65 dBu coverage. Therefore, MHR concludes that Commonwealth's application fails to comply with the community coverage requirements of § 73.315.

Discussion. Commonwealth's application complies with the guidelines established for supplemental showings in that it demonstrated that the terrain between the application site and the community departs widely and that the supplemental showing contour would extend 10% further than the contour determined through the FCC's curves. Therefore, the supplemental showing was forwarded to our propagation expert at OET to perform an independent study. OET concluded that the 70 dBu contour of the proposed FM operation would cover 98% of Poquoson

demonstrating compliance with § 73.315. Therefore, MHR's January 22, 2008 Informal Objection against Commonwealth's application will be denied.

Conclusion. In light of the above, (1) the September 7, 2008 Informal Objection and all other related pleadings filed by Tidewater against WWGP's application ARE HEREBY DENIED; (2) the September 7, 2008 Informal Objection filed by Tidewater against Capstar's application IS HEREBY DISMISSED AS MOOT; (3) the September 7, 2008 Informal Objection filed by Tidewater against Commonwealth's application IS HEREBY DENIED; (4) the January 22, 2008 Informal Objection filed by MHR against WWGP's application IS HEREBY DENIED; and (5) the January 22, 2008 Informal Objection and all other related pleadings filed by MHR against Commonwealth's application ARE HEREBY DENIED. In addition, WWGP's application BPH-20070802ACH, Capstar's application BPH-20070802ABP, and Commonwealth's application BPH-20070802ABX, ARE HEREBY GRANTED. The authorizations are enclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodolfo F. Bonacci". The signature is fluid and cursive, with a large initial "R" and a stylized "B" at the end.

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Coe W. Ramsey, Esq.
Marissa G. Repp, Esq.
Howard Weiss, Esq.
Gary S. Smithwick, Esq.
Julian L. Shepard, Esq.