

FEDERAL COMMUNICATIONS COMMISSION

445 12th Street SW
WASHINGTON DC 20554

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

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October 15, 2008

Northeast Oklahoma Broadcast Network, Inc.
1 West Third Street
P.O. Box 451750
Grove, OK 74345

In re: KESA (FM); Eureka Springs AR
Northeast Oklahoma Broadcast Network, Inc.
Facility ID No. 48520
Application BPH-20080723ACS

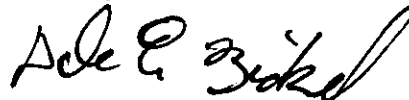
Dear KESA (FM):

Your construction permit application BPH-20080723ACS proposes the use of a directional antenna to afford protection to cochannel station KGLC (FM), Miami, OK, in keeping with Section 73.215 of the Commission's rules.

As KGLC is not itself licensed under Section 73.215 of the Commission's rules, Section 73.215 requires that KESA treat the opposite station as if it were operating with reference facilities of 6.0 kW ERP at 100 meters antenna height above average terrain (HAAT). However, your "contours map" shows KGLC's contours as created by the station's licensed facilities, and not the reference facilities called for by the rule. We have incorporated the required adjustments into our analysis, but find that as much as 0.94 km of prohibited contour overlap would be created between the proposed 60 dBu contour of KESA and the 40 dBu interfering contour of KGLC.¹ Accordingly, the application as it stands is unacceptable for filing.

Pursuant to 47 C.F.R. § 73.3522(c)(2), "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 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. Section 73.3564(a)(3) states that, [a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for amendment will be dismissed with no further opportunity for corrective amendment." See Appendix B in the *Report and Order* in MM Docket 91-347, 7 FCC Rcd 5074, 57 Fed. Reg. 34872, released July 27, 1992. This letter constitutes your opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3522(a)(6). Consequently, an amendment to amend application BPH-20080723ACS must be electronically filed no later than 30 days from the date of this letter. Failure to timely file an acceptable amendment will result in the dismissal of the application pursuant to 47 CFR Section 73.35689(a)(1).

Sincerely,



Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Pillsbury Winthrop Shaw Pittman LLP

¹ Two different terrain databases give the same results.

* 11:24:48 FM Overlap Study 15-OCT-08 *

BPH20080723ACS APP KESA
EUREKA SPRINGS AR US
265A 100.9 MHz Updated 20080807
NORTHEAST OKLAHOMA BROADCAST NET
N Lat 36-22-48 W Lon 093-44-53

BMLH19891220KD LIC KGLC
MIAMI OK US
265A 100.9 MHz Updated 19970212
NORTHEAST OKLAHOMA BROADCAST NET
N Lat 36-53-27 W Lon 094-47-01

ERP HAAT RCAMSL
H 2.000 kw 162 m 546 m
V 2.000 kw 162 m 546 m
DA:Y Make:ODD Mod:FORM 301
Rotation: degrees
Is it 73.215: Y

-----ERP/HAAT Changes Made-----
ERP HAAT RCAMSL
H 6.000 kw 100 m 356 m
V 6.000 kw 100 m 356 m
DA:N Make: Mod:
Rotation: degrees
Is it 73.215: N

20080723ACS
PROTECTED
60.00 dBu

19891220KD
INTERFERING
40.00 dBu

AZIMUTH (degrees)	ERP (kw)	HAAT (m)	DIST (km)	AZIMUTH (degrees)	ERP (kw)	HAAT (m)	DIST (km)	ACTUAL (dBu)	IX (km)
0.0	0.983	202.8	25.7	108.29	6.000	92.6	97.3	36.91	
10.0	1.125	182.5	25.3	107.92	6.000	92.8	101.8	35.92	
20.0	1.245	177.2	25.6	107.63	6.000	92.8	106.2	34.99	
30.0	1.483	158.5	25.3	108.04	6.000	92.7	110.5	34.14	
40.0	2.000	138.8	25.5	108.57	6.000	92.5	114.9	33.34	
50.0	2.000	169.3	27.9	108.53	6.000	92.5	120.1	32.43	
60.0	2.000	182.5	28.8	109.50	6.000	92.0	124.6	31.62	
70.0	2.000	193.2	29.6	110.86	6.000	91.7	128.8	30.86	
80.0	2.000	194.7	29.7	112.64	6.000	92.7	132.0	30.28	
90.0	2.000	183.7	28.9	114.72	6.000	94.6	133.9	29.99	
100.0	2.000	196.3	29.8	116.60	6.000	95.4	136.6	29.49	
110.0	2.000	184.1	28.9	118.78	6.000	95.9	136.9	29.44	
120.0	2.000	149.2	26.3	120.90	6.000	97.2	134.8	29.90	
130.0	2.000	159.9	27.1	122.89	6.000	97.9	135.4	29.80	
140.0	2.000	170.6	28.0	124.95	6.000	99.2	135.3	29.86	
150.0	2.000	142.7	25.8	126.57	6.000	101.3	131.8	30.60	
160.0	2.000	126.7	24.5	128.03	6.000	102.5	128.6	31.23	
170.0	2.000	129.1	24.7	129.65	6.000	103.1	126.3	31.68	
180.0	2.000	109.4	23.0	130.48	6.000	103.5	122.2	32.42	
190.0	2.000	87.4	20.6	130.62	6.000	103.6	117.7	33.20	
200.0	2.000	116.4	23.7	132.83	6.000	105.6	115.7	33.62	
210.0	2.000	132.4	25.0	134.15	6.000	106.9	112.1	34.31	
220.0	2.000	127.6	24.6	134.34	6.000	107.0	107.8	35.15	
230.0	2.000	155.6	26.8	135.55	6.000	107.1	103.3	36.10	
240.0	2.000	162.9	27.4	135.45	6.000	107.1	98.6	37.20	
250.0	2.000	170.4	27.9	134.82	6.000	107.1	93.8	38.39	
260.0	2.000	179.0	28.6	133.61	6.000	106.4	89.2	39.58	
270.0	1.507	180.0	26.9	130.68	6.000	103.6	86.8	40.13	**
280.0	1.028	163.0	23.6	127.08	6.000	101.9	87.0	40.00	
290.0	0.895	170.6	23.4	124.49	6.000	98.7	85.7	40.20	**
300.0	0.812	167.4	22.7	121.77	6.000	97.7	85.8	40.13	**
310.0	0.799	178.8	23.2	119.07	6.000	96.0	85.5	40.13	**
320.0	0.861	176.4	23.5	116.42	6.000	95.4	86.4	39.85	
330.0	0.845	202.1	24.8	113.57	6.000	93.5	87.3	39.52	
340.0	0.822	198.9	24.5	111.64	6.000	92.0	90.4	38.61	
350.0	0.933	195.3	25.0	109.80	6.000	91.9	93.6	37.79	

* 11:24:48 FM Overlap Study 15-OCT-08 *

20080723ACS
PROTECTED
60.00 dBu

19891220KD
INTERFERING
40.00 dBu

AZIMUTH (degrees)	ERP (kw)	HAAT (m)	DIST (km)	AZIMUTH (degrees)	ERP (kw)	HAAT (m)	DIST (km)	ACTUAL (dBu)	IX (km)
265.0	1.745	184.3	28.1	132.35	6.000	105.1	87.6	39.96	0.00
266.0	1.697	185.9	28.0	132.10	6.000	104.8	87.3	40.04	0.14
267.0	1.650	186.5	27.8	131.81	6.000	104.5	87.1	40.10	0.34
268.0	1.602	185.1	27.6	131.46	6.000	104.2	86.9	40.12	0.43
269.0	1.554	182.6	27.2	131.07	6.000	103.9	86.9	40.13	0.46
270.0	1.507	180.0	26.9	130.68	6.000	103.6	86.8	40.13	0.47
271.0	1.457	177.5	26.5	130.29	6.000	103.4	86.8	40.13	0.45
272.0	1.407	175.2	26.2	129.91	6.000	103.2	86.8	40.12	0.44
273.0	1.356	175.6	26.0	129.60	6.000	103.1	86.6	40.15	0.55
274.0	1.306	175.7	25.8	129.27	6.000	103.0	86.5	40.17	0.63
275.0	1.256	174.9	25.5	128.93	6.000	102.8	86.5	40.18	0.64
276.0	1.211	171.9	25.1	128.54	6.000	102.7	86.6	40.15	0.53
277.0	1.165	168.6	24.7	128.14	6.000	102.5	86.7	40.11	0.39
278.0	1.119	165.2	24.2	127.75	6.000	102.4	86.9	40.05	0.20
279.0	1.074	163.0	23.9	127.39	6.000	102.1	87.0	40.01	0.05
280.0	1.028	163.0	23.6	127.08	6.000	101.9	87.0	40.00	0.00
280.0	1.028	163.0	23.6	127.08	6.000	101.9	87.0	40.00	0.00
281.0	1.015	162.7	23.5	126.81	6.000	101.6	86.9	40.02	0.06
282.0	1.001	162.2	23.4	126.54	6.000	101.3	86.8	40.03	0.09
283.0	0.988	162.1	23.3	126.27	6.000	101.0	86.7	40.04	0.14
284.0	0.974	163.2	23.3	126.02	6.000	100.6	86.5	40.07	0.24
285.0	0.960	165.3	23.4	125.79	6.000	100.3	86.3	40.11	0.40
286.0	0.947	167.2	23.5	125.55	6.000	100.0	86.1	40.15	0.53
287.0	0.934	169.6	23.5	125.31	6.000	99.7	85.9	40.19	0.69
288.0	0.921	171.5	23.6	125.05	6.000	99.3	85.8	40.22	0.80
289.0	0.908	171.5	23.5	124.78	6.000	99.0	85.7	40.22	0.80
290.0	0.895	170.6	23.4	124.49	6.000	98.7	85.7	40.20	0.73
291.0	0.887	170.0	23.3	124.21	6.000	98.5	85.7	40.19	0.71
292.0	0.878	170.7	23.3	123.95	6.000	98.3	85.6	40.21	0.76
293.0	0.870	172.5	23.3	123.69	6.000	98.2	85.5	40.24	0.88
294.0	0.861	173.3	23.3	123.42	6.000	98.1	85.4	40.26	0.94
295.0	0.853	172.6	23.2	123.14	6.000	98.0	85.4	40.25	0.90
296.0	0.845	170.5	23.1	122.86	6.000	97.9	85.5	40.21	0.76
297.0	0.836	167.9	22.8	122.57	6.000	97.8	85.7	40.16	0.59
298.0	0.828	166.3	22.7	122.30	6.000	97.8	85.8	40.13	0.48
299.0	0.820	166.4	22.7	122.03	6.000	97.8	85.8	40.12	0.45
300.0	0.812	167.4	22.7	121.77	6.000	97.7	85.8	40.13	0.47
301.0	0.810	168.5	22.7	121.51	6.000	97.6	85.7	40.14	0.52
302.0	0.809	170.0	22.8	121.24	6.000	97.4	85.6	40.16	0.58
303.0	0.808	171.3	22.9	120.97	6.000	97.3	85.6	40.17	0.62
304.0	0.806	173.2	23.0	120.70	6.000	97.1	85.5	40.19	0.68
305.0	0.805	174.9	23.1	120.43	6.000	96.9	85.4	40.20	0.71
306.0	0.804	176.4	23.1	120.16	6.000	96.7	85.4	40.20	0.72
307.0	0.803	177.9	23.2	119.88	6.000	96.5	85.3	40.20	0.72
308.0	0.801	179.1	23.3	119.61	6.000	96.3	85.3	40.19	0.70
309.0	0.800	179.6	23.3	119.33	6.000	96.1	85.4	40.17	0.63
310.0	0.799	178.8	23.2	119.07	6.000	96.0	85.5	40.13	0.49
311.0	0.805	176.1	23.1	118.82	6.000	95.9	85.7	40.08	0.28
312.0	0.811	172.3	23.0	118.58	6.000	95.8	85.9	40.00	0.00
313.0	0.817	169.6	22.8	118.34	6.000	95.7	86.2	39.94	0.00
314.0	0.823	168.3	22.8	118.09	6.000	95.6	86.3	39.90	0.00
315.0	0.829	166.7	22.7	117.85	6.000	95.6	86.5	39.85	0.00

* 11:24:48 FM Overlap Study 15-OCT-08 *

BMLH19891220KD	LIC	KGLC	BPH20080723ACS	APP	KESA
MIAMI		OK US	EUREKA SPRINGS		AR US
265A 100.9 MHz	Updated 19970212		265A 100.9 MHz	Updated 20080807	
NORTHEAST OKLAHOMA BROADCAST NET			NORTHEAST OKLAHOMA BROADCAST NET		
N Lat 36-53-27 W Lon 094-47-01			N Lat 36-22-48 W Lon 093-44-53		

-----ERP/HAAT Changes Made-----

	ERP	HAAT	RCAMSL
H	6.000 kw	100 m	356 m
V	6.000 kw	100 m	356 m
DA:N Make: Mod:			
Rotation: degrees			
Is it 73.215: N			

	ERP	HAAT	RCAMSL
H	2.000 kw	162 m	546 m
V	2.000 kw	162 m	546 m
DA:Y Make:ODD Mod:FORM 301			
Rotation: degrees			
Is it 73.215: Y			

19891220KD
PROTECTED
60.00 dBu

20080723ACS
INTERFERING
40.00 dBu

AZIMUTH (degrees)	ERP (kw)	HAAT (m)	DIST (km)	AZIMUTH (degrees)	ERP (kw)	HAAT (m)	DIST (km)	ACTUAL (dBu)	IX (km)
0.0	6.000	98.8	28.1	312.95	0.817	169.7	125.4	25.06	
10.0	6.000	100.0	28.3	314.41	0.826	167.8	121.6	25.78	
20.0	6.000	100.3	28.3	315.59	0.833	165.3	117.3	26.58	
30.0	6.000	106.4	29.1	316.84	0.841	163.7	112.9	27.44	
40.0	6.000	106.4	29.1	317.36	0.844	164.2	107.9	28.53	
50.0	6.000	93.7	27.4	316.51	0.839	163.8	103.0	29.65	
60.0	6.000	83.6	26.0	315.26	0.831	166.1	98.6	30.82	
70.0	6.000	81.6	25.7	314.14	0.824	168.2	94.5	32.00	
80.0	6.000	85.0	26.2	312.91	0.817	169.8	90.4	33.22	
90.0	6.000	81.4	25.7	310.65	0.803	177.2	87.5	34.32	
100.0	6.000	87.9	26.6	308.47	0.801	179.4	84.2	35.41	
110.0	6.000	91.9	27.2	305.61	0.804	175.8	82.0	35.99	
120.0	6.000	96.6	27.8	302.33	0.809	170.4	80.6	36.21	
130.0	6.000	103.2	28.7	298.77	0.822	166.2	80.2	36.24	
140.0	6.000	109.6	29.5	295.17	0.851	172.4	81.0	36.38	
150.0	6.000	111.2	29.7	292.05	0.878	170.8	83.6	35.64	
160.0	6.000	107.5	29.3	289.81	0.898	170.7	87.6	34.53	
170.0	6.000	113.0	29.9	287.66	0.926	171.0	91.5	33.49	
180.0	6.000	111.1	29.7	286.62	0.939	168.7	96.4	32.05	
190.0	6.000	113.8	30.0	285.88	0.949	166.9	101.5	30.67	
200.0	6.000	114.4	30.1	285.83	0.950	166.8	106.7	29.39	
210.0	6.000	117.3	30.4	286.12	0.946	167.4	112.0	28.26	
220.0	6.000	116.9	30.4	287.01	0.934	169.6	117.0	27.27	
230.0	6.000	110.8	29.7	288.49	0.915	171.8	121.3	26.40	
240.0	6.000	118.9	30.6	289.59	0.900	170.9	126.0	25.38	
250.0	6.000	120.8	30.8	291.23	0.885	170.0	130.0	24.52	
260.0	6.000	121.7	30.9	293.09	0.869	172.7	133.2	23.87	
270.0	6.000	120.0	30.7	295.14	0.852	172.5	135.7	23.30	
280.0	6.000	118.3	30.5	297.26	0.834	167.3	137.4	22.75	
290.0	6.000	114.6	30.1	299.45	0.816	166.8	138.1	22.49	
300.0	6.000	110.4	29.6	301.62	0.809	169.4	138.1	22.53	
310.0	6.000	109.1	29.5	303.75	0.807	172.7	137.6	22.68	
320.0	6.000	106.3	29.1	305.82	0.804	176.1	136.3	23.01	
330.0	6.000	107.2	29.2	307.87	0.802	179.1	134.8	23.36	
340.0	6.000	101.4	28.5	309.66	0.799	179.1	131.9	23.93	
350.0	6.000	100.0	28.3	311.39	0.807	174.7	128.9	24.45	