

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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Galaxy Syracuse Licensee, LLC
235 Walton Street
Syracuse, NY 13202 - 1351

In re: WKRH(FM), Fair Haven, NY
Galaxy Syracuse Licensee, LLC
Facility ID# 56996
BPH- 20130708ABZ

Dear Applicant:

This letter refers to the above-captioned minor change one-step application to modify the broadcast facilities of station WKRH(FM). The application proposes to change the community of license from Minetto, NY to Fair Haven, NY.

An engineering review of the application reveals that the application is in violation of the *AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE CANADA RELATING TO THE FM BROADCASTING SERVICE IN THE BAND 88-108 MHZ* (USA-Canada Agreement). Specifically, the application is short-spaced to a co-channel Class A vacant allotment in Brockville, Ontario. Furthermore, the proposed interfering contour (34 dBu) would cause prohibited overlap to the Canadian assignment's protected contour (54 dBu) over Canadian soil. Thus, the application fails to comply with the USA-Canada Agreement. This constitutes an acceptance defect.

A legal review of the application reveals that the proposal is in violation of Section 73.3573(g)(3) of the Commission's Rules. Specially, WKRH(FM) did not comply with the local public notice provisions of Sections 73.3580(c)(3), 73.3580(d)(3), and 73.3580(f). The application must be amended to include this certification.

Pursuant to 47 C.F.R. § 73.3522, "...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 FCC 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. § 73.3564 states that, "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for corrective amendment." See Appendix B in the *Report and Order* in MM Docket No. 91-347. This letter constitutes your opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3522.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide WKRH an opportunity to respond. Failure to correct all tender and acceptance defects within the thirty days from the date of this letter will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Sally A. Buckman, Esq.