

FEDERAL COMMUNICATIONS COMMISSION
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APR 14 2015

Chris Imlay, Esq.
Booth, Freret, Imlay, & Tepper, P.C.
14356 Cape May Road
Silver Spring, Maryland 20904-6011

Re: Daij Media, LLC (DM)
KRCM(AM), Shenandoah, Texas
Facility Identification Number: 14228
File Number: BMP-20130426ABP

Dear Mr. Imlay :

This letter is in reference to the above-captioned application to modify Construction Permit BP-20120110AEV by changing the night site pattern, and the amendments filed on November 4, 2013, and December 23, 2013. We noted that there is an Informal Objection filed against the application by Entercom Austin License, LLC (Entercom). We will deny the Informal Objection and grant the application for the following reasons.

Informal Objection

In the May 16, 2013, Informal Objection, Entercom claims that the proposal causes daytime prohibited groundwave overlap with adjacent channel station KJCE(AM), Rollingwood, Texas, in violation of Section 73.37(a) of the Commission's rules. Entercom's findings were based upon new conductivity measurements taken in May 2013. To the extent that Entercom argues that we should dismiss the application because the Construction Permit BP-20120110AEV was incorrectly granted, we find that the construction permit grant is long finalized since granted on July 18, 2012. In addition, we note that that this application makes no changes to the directional daytime site facility that was authorized in Construction Permit BP-20120110AEV, and Commission records reveal that no petition for reconsideration was filed of that grant. We, therefore, reject Entercom's untimely and collateral attempt to challenge this action. See e.g., Letter to Steven Wendell, 21 FCC Rcd 8665 (MB 2006) (declining to consider untimely collateral challenge to grant of a license application); Letter to Jerrold Miller, Esq., 21 FCC Rcd 2200 (MB 2006) (rejecting untimely collateral challenge to grant of assignment application because no fraud on Commission's processes and challenged result not unconscionable); and Morningstar Educational Network, Memorandum Opinion and Order, 18 FCC Rcd 19249, 19251 (2003) (challenge to grant of protected service area rejected as untimely

because raised nearly two years later). Accordingly, the Informal Objection filed by Entercom is hereby DENIED as moot without further review, and the application (File Number: BMP-20130426ABP) is hereby GRANTED.

Sincerely,



Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Roberto Villarreal, Managing Member (DM)
Carrie Ward (Entercom)