

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

October 5, 2020

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

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Winnebago Tribe of Nebraska
P.O. Box 687
Winnebago, NE 68071

Re: KWTN(FM), Allen, NE
Facility ID No. 164135
Winnebago Tribe of Nebraska
File No. 120860

Dear Applicant:

This letter refers to the above-captioned minor change application to specify operations on Channel 246C3 in lieu of Channel 265A.

An engineering review of the application reveals that it proposes a non-adjacent channel upgrade. Specifically, KWTN's current assignment is on channel 265A while it is proposing to operate on channel 246C3. An FM non-reserved band permittee or licensee can only modify its current assignment to specify a non-adjacent channel class upgrade or downgrade in the same community of license by using notice and comment procedures.¹ The application does not contain a petition for non-adjacent channel downgrade nor has any petition been filed separately via the Secretary of the Commission on behalf of KWTN. The application before us proposes a major change and cannot be accomplished as a minor change modification.²

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.

¹ See *Report and Order* in MB Docket 05-210

² See *Media Bureau Offers Examples to Clarify the Treatment of Applications and Rulemaking Petitions Proposing Community of License Changes, Channel Substitutions, and New FM Allotments*, Public Notice, 22 FCC Rcd 6852, Example 5 (MB 2007) (explaining that a proposal to substitute Channel 277C3 for 221A at the same community by a licensed station requires the filing of a rule making petition and is not a minor change)

Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide KWTN an opportunity to comply with the procedures adopted in the *Report and Order*. Failure to respond within this time period will result in the dismissal of the application for failure to prosecute pursuant to 47 C.F.R. § 73.3568(a)(1).

Sincerely,

A handwritten signature in cursive script that reads "Rodolfo F. Bonacci".

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Ernest T. Sanchez, Esq. (via email)
Bert Golden (via email)