

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, SW
WASHINGTON, DC 20554

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

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June 6, 2005

John F. Garziglia, Esq.
Womble, Carlyle, Sandridge & Rice, PLLC
1401 Eye Street, NW
Suite 700
Washington, DC 20005

In re: New(FM), Cotton Plant, AR
Bradford Caldwell
Facility ID No.: 164112
BNPH-20050103ACX

Dear Mr. Garziglia:

The staff has under consideration the above-captioned FM Auction No. 37 application filed January 3, 2005 for a new Commercial FM facility to serve Cotton Plant, Arkansas.

Pursuant to 47 CFR Section 17.4(a), any proposed construction of a new antenna structure or proposed alteration of an existing antenna structure that requires notification to the Federal Aviation Administration (FAA) requires registration with the Commission prior to construction or alteration. Our records indicate that the tower for the facility proposed in the captioned application is not registered. FCC antenna structure registration may be accomplished electronically via the Internet at <http://wireless.fcc.gov/antenna/>.

Please note that FAA approval is necessary in order to obtain FCC antenna structure registration. Following FCC registration of the antenna structure, a curative amendment to application BNPH-20050103ACX, which includes the antenna structure registration number, must be submitted to the Commission so that processing of the application may be completed. If the proposed antenna structure cannot be registered within 90 days of the date of this letter, the applicant must notify the Audio Division, in writing, concerning the delay.¹ In the event that further delays in the registration process occur, the applicant must provide the Audio Division with written updates every 60 days thereafter.²

¹ If the tower cannot be registered within the initial 90 day period, the first response to this letter shall be filed in triplicate with the Secretary of the Commission and shall contain a specific narrative of the actions taken to obtain registration. The response shall include copies of all correspondence between the FAA and both the applicant and its agents.

² Each 60 day update shall be filed in triplicate with the Secretary of the Commission and shall report specific actions taken since the previous report toward securing FAA approval.

Further action on the subject application will be withheld for a period of 90 days from the date of this letter to provide an opportunity to respond. Failure to respond within this time period or to provide the written updates every 60 days will result in the dismissal of the application pursuant to 47 C.F.R. Section 73.3568(a)(1).

Sincerely,

Arthur E. Doak

Arthur E. Doak
Senior Engineer
Audio Division
Media Bureau

cc: Bradford Caldwell
Charles M. Anderson and Associates