

FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET SW
WASHINGTON DC 20554

AUG 01 2012

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

PROCESSING ENGINEER: Tung Bui
TELEPHONE: (202) 418-2778
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: tung.bui@fcc.gov

Bradley Snow
404 Windsor Court
Pittsburg, Kansas 66762

In re: NEW(FM), Mooreland, OK
Facility ID No. 183350
Bradley Snow
BMPH-20120727ABL

Dear Applicant:

The staff has under consideration the above-captioned minor change application for a new commercial FM facility serving Mooreland, OK to modify Channel from 300C2 to 291C2 and transmitter site.

An engineering review revealed that the proposal violates 47 CFR § 73.203(b). Specifically, non-reserved band applications must demonstrate the existence of a suitable assignment site that fully complies with §§ 73.207 and 73.315. In Section III-B, in the "Tech Box," Item 4, the Proposed Assignment Coordinates was checked as "Not Applicable". In order to request a channel, class, and community of license change, a proposed assignment site must be specified in Item 4. This constitutes an acceptance defect. Therefore, Section III-B, Item 4 of the application must be amended to specify a suitable assignment site.

In addition, an engineering review of the application has revealed that the transmitter site fails to provide adequate city grade coverage as required by 47 C.F.R. § 73.315(a). Specifically, the proposed 70 dBu fails to encompass any portion of the community of Mooreland.¹ This violation constitutes an acceptance defect. Therefore, the applicant must either specify a new site that provides city grade coverage to at least 80% of Mooreland or provide an exhibit demonstrating city grade coverage that complies with 47 C.F.R. § 73.313(e) with regard to supplemental showings.

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 Exhibit 27 provides a plot that demonstrates that the proposal would provide 70 dBu coverage to 100% of Mooreland. However, the plot indicates that the contour is calculated using the Longley Rice propagation model. The applicant fails to provide the required supplemental city coverage exhibits.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide Bradley Snow 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 dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564. Please note, any amendment must be submitted in the same manner as the original application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci". The signature is stylized with a large, flowing "R" and a distinct "B" at the end.

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: John C. Trent, Esq.
William H. Nolan, Engr.