



Federal Communications Commission
Washington, D.C. 20554

May 12, 2009

BGM License LLC
5925 Cromo Drive
El Paso, TX. 79912

1800E3-RLG

In re: Low Power Television Application of:
BGM License LLC
Channel 40, El Paso, TX.
File number BPTTL-20050506AAY
Facility Id No.:59114

Dear Applicant:

On March 24, 2009, a 30 day letter was mailed to the licensee as addressed above concerning the following tower height issue:

Our preliminary engineering review reveals that you are proposing to increase the towers overall height above ground (AGL) by 5.4 meters as shown below:

The overall height above ground (AGL) as indicated on the above referenced construction permit is 123.7 meters.

The registration search result of the ASRN 1202400 is as follows:

Specified Search							
Registration Number like 1202400							
	Registration Number	Status	File Number	Owner Name	Latitude/Longitude	Structure City/State	Overall Height Above Ground (AGL)
1	1202400	Constructed	A0597240	Pinnacle Towers LLC	31-48-18.9N 106-29-00.8W	El Paso, TX	118.3

If you are not planning to increase the overall height above ground (AGL) by 5.4 meters and the figure entered on the above referenced construction permit is in error, you will need to file an electronic amendment to the proposed construction permit to correct the overall height of the tower or if you are actually planning to increase the overall height above ground (AGL) by 5.4 meters, the new tower height requires registration and approval by the FAA and an electronic amendment filed to indicate the new registration information.

You are hereby given the opportunity to file a minor amendment to resolve the specified tower height issue within (30) days from the date of this letter. Amendments must be filed electronically. If not so amended, your application will be considered incomplete and subsequently dismissed.

Our records indicate that as of May 11, 2009, no amendment has been filed to resolve the above referenced tower height issue; therefore, the application is considered incomplete and IS HEREBY DISMISSED.

Sincerely

Hossein Hashemzadeh
Associate Chief
Video Division
Media Bureau

c.c BGM License LLC
C/O James L. Oyster
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Castleton, VA. 22716-2839