

FEDERAL COMMUNICATIONS COMMISSION
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AUDIO DIVISION
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August 28, 2018

Charles M. Anderson
1519 Euclid Avenue
Bowling Green, KY 42103

In re: WKLX(FM), Brownsville, KY
Facility ID No.: 10515
Charles M. Anderson
BPH-20170908AAF

Dear Mr. Anderson:

This letter refers to: (1) the above-captioned minor change application to change the effective radiated power (ERP) from 16 kilowatts to 22 kilowatts; (2) the Informal Objection filed October 10, 2017 on behalf of Capstar TX, LLC; and (3) related pleadings.¹

An engineering study reveals that the facility specified in the application fails to meet the minimum spacing requirement of 47 C.F.R. § 73.207. Specifically, the facility is short-spaced by 2 kilometers to the second-adjacent channel Class C1 license (BLH-19900328KC) for WUBT(FM), Russellville, Kentucky. WKLX recognizes this short-spacing and requests processing pursuant to 47 C.F.R. § 73.215. However, the proposed interfering contour (100 dBu) causes prohibited overlap to the protected contour (60 dBu) of WUBT by 1.13 kilometers between the azimuths from 22°T to 27°T.² This overlap constitutes an acceptance defect. Therefore, the application must be amended to demonstrate compliance with § 73.215.

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

¹ The application was amended on September 25, 2017 to correct the antenna radiation center above mean sea level and on March 14, 2018 to provide a supplemental terrain showing in response to the October 10, 2017 Informal Objection.

² The application, as amended March 14, 2018, contains a "Reply" to the Informal Objection. In the Reply you state that, pursuant to 47 C.F.R. § 73.313(c)(2), you determined the ERP used to predict the 100 dBu contour distance using the vertical elevation pattern. You contend that this reduction in ERP is allowed because the 100 dBu contour is not in the "plane" of the maximum main lobe. However, when calculating interfering contours to other stations this method is incorrect and the maximum ERP must be used.

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 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. § 73.3522.³

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide the you 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 the dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564. Furthermore, 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,

Arthur E. Doak

Arthur E. Doak
Senior Engineer
Audio Division
Media Bureau

cc: Repp Law Firm

³ This action does not imply any judgement on the October 10, 2017 Informal Objection.