

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12<sup>th</sup> STREET SW**  
**WASHINGTON DC 20554**

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

**MAY 15 2009**

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Miriam Media, Inc.  
6117 Lemon Thyme Drive  
Alexandria, VA 22310

In re: NEW(FM), Willow Creek, CA  
Facility ID #170982  
Miriam Media, Inc. ("Miriam")  
BPH-20070406ABY

Dear Applicant:

This letter is in reference to: (1) the above-captioned FM Auction No. 70 application for a new commercial facility, as amended August 26, 2008, to serve Willow Creek, CA and to upgrade from Channel 253A to Channel 254C3; (2) the January 21, 2009 Informal Objection filed by Bicoastal Media Licenses II, LLC ("Bicoastal"); and (3) all other related pleadings.

An engineering review of the application has revealed that the proposed application fails to provide adequate city grade coverage as required by 47 C.F.R. § 73.315(a). Specifically, our propagation expert at the Commission's Office of Engineering and Technology ("OET") performed an independent review of Miriam's proposal and concluded that there was a terrain obstruction. Furthermore, this obstruction causes the proposal's 70 dBu contour to fail to cover at least 80 percent of the community of Willow Creek, CA.<sup>1</sup> This constitutes an acceptance defect. Therefore, the application must be amended to demonstrate compliance with § 73.315.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide an opportunity to submit the requested information. Failure to respond within this time period will result in the dismissal of the application pursuant to 47 C.F.R. § 73.3568. This letter does not imply any judgment on the February 10, 2009 Informal Objection filed by Bicoastal.

Sincerely,



Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

cc: Melodie A. Virtue, Esq.  
Evan D. Carb, Esq.

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<sup>1</sup> Please note that the Commission has previously stated that line of sight is not an absolute requirement for a broadcast radio station. The lack of line of sight between antenna and community, in and of itself, is not sufficient to warrant denial of the application. *See Rush County Broadcasting Co.; Inc.*, 26 FCC 2d 480, 482 (1970) (para.7).