

FEDERAL COMMUNICATIONS COMMISSION
445 Twelfth Street, SW
WASHINGTON, DC 20554

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

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April 11, 2012

John Brown University
2000 West University Street
Siloam Springs, AR 72761

In re: New(FM), Tahlequah, OK
John Brown University
Facility ID No.: 174140
BMPED-20120312ABL

Dear Applicant:

This letter refers to the above-captioned noncommercial educational FM minor change application to change the transmitter location, the antenna height and the directional antenna pattern.

The application requires an assessment to determine applicability of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (*See Report and Order FCC 04-222*, released October 5, 2004).¹ The application indicates that the proposed site may not be excluded from environmental processing pursuant to Section 1.1306 of the Commission's Rules and has entered "No" in Item 18 in Section VII, FM Engineering. The applicant must complete the Section 106 Review Process in accordance with Sections 1.1306 and 1.1307 of the Commission's Rules.² Rule 1.1307(a)(4) specifies the requirement to follow the procedures set forth in the rules of the Advisory Council on Historic Preservation.³ Upon completion, the applicant shall electronically file an amendment, including the environmental certification and a statement summarizing the results of the Section 106 Review. The applicant may use the Agreements incorporated as Appendices B and C to Part 1 of the Commission's Rules to determine whether the undertaking is excluded from Section 106 Review. If the proposal is not excluded, the applicant may use the Tower Construction Notification System to notify Tribal Historic Preservation Offices. Use FCC Form 620 to notify the State Historic Preservation Office of a proposal for a new tower or FCC Form 621 for proposed collocation.

¹ The Agreement is incorporated as Appendix C to Part 1 of the Commission's Rules.

² *See* 47 C.F.R. § 1.1306 and § 1.1307.

³ *See* 36 C.F.R., Part 800.

In addition, the proposed 137 meter antenna structure must be registered before processing of the application can continue. Pursuant to 47 C.F.R. § 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 the proposed construction or alteration. Our records indicate that the proposed antenna structure has not been registered with the Commission. FCC antenna structure registration must 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.

Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide an opportunity to respond. If the applicant cannot register the tower or demonstrate compliance with the National Historic Preservation Act Review Process within 30 days of the date of this letter, the Audio Division must be notified in writing, concerning the delay. In the event that further delays occur, the applicant must provide the Audio Division with written updates every 30 days thereafter. Failure to respond within this time period or to provide the written updates every 30 days 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: Fletcher, Heald & Hildreth, PLC
Repp Law Firm
Bromo Communications, Inc.