

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
OFFICE OF BROADCAST LICENSE POLICY
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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October 6, 2008

Mars Hill Broadcasting Co., Inc.
4044 Makyes Road
Syracuse, NY 13215

In re: New(FM), Cold Brook, NY
Mars Hill Broadcasting Co., Inc. ("Mars")
Facility ID No.: 174468
BNPED-20071022AKR

Dear Applicant:

This letter refers to: (1) the above-captioned application, as last amended on July 15, 2008, for a new non-commercial educational FM facility serving Cold Brook, NY; and (2) the December 14, 2007 Informal Objection filed by Freedom Broadcasting of New York Licensee, L.L.C. ("Freedom"), licensee of TV Channel 6 station WRGB(TV), Schenectady, NY expressing concerns about potential interference from the proposed station. For the reason set forth herein, we deny the informal objection and grant the application.

In its informal objection, Freedom requested that action on the Mars proposal (along with 39 other applications) be deferred until the Commission has fully assessed the future effects that such new non-commercial educational proposals might have on WRGB's analog and post-transition digital signals on TV Channel 6. However, the applicant submitted a showing as required by Section 73.525(c) of the Commission's Rules¹ demonstrating that less than 3000 persons might be expected to currently receive interference to WRGB.² Thus, the proposed application satisfies the current TV Channel 6 protection requirements of Section 73.525(c). Accordingly, we will deny the informal objection and grant the application.³

¹ 47 C.F.R. § 73.525(c)

² In fact, the Mars proposal, as amended on July 15, 2008, will cause no interference/overlap to WRBG.

³ Since stations are not required to operate digital facilities at this time, it is premature to discuss the potential interference from digital operation.

In light of the above, Freedom's Informal Objection IS HEREBY DENIED. Furthermore, the application BNPED-20071022AKR, as last amended on July 15, 2008, IS HEREBY GRANTED. This action is taken pursuant to Section 0.283 of the Commission's Rules.⁴

Sincerely,

Arthur E. Doak

Arthur E. Doak
Senior Engineer
Audio Division
Media Bureau

cc: Wiley Rein LLP
Latham & Watkins LLP

⁴ 47 C.F.R. § 0.283.