

**FEDERAL COMMUNICATIONS COMMISSION**

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Received & Inspected  
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MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: WWW.FCC.GOV/MMB/ASD

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Best of Billings Schools Association  
525 Kallen  
Billings, MT 59101

Re: KFHW-LP; Billings, MT  
Best of Billings Schools Association  
Facility ID # 1232433  
BPL-20080205AJR  
BPL-20080206AAB


Dear Applicant:

An engineering study of the above-captioned minor change applications reveal that the proposed transmitter sites fail to meet the minimum spacing requirements of 47 C.F.R. § 73.807. Specifically, the sites proposed are 8.3 kilometers and 8.6 kilometers from the intermediate frequency construction permit for KQBL(FM), Billings, MT.<sup>1</sup> The required spacing pursuant to § 73.807 is 20 kilometers. Therefore, the applications are unacceptable for filing and will be dismissed.

In addition, the sites proposed in the applications are 5.8 kilometers and 6.8 kilometers away from the currently authorized facility. The *Second Report & Order* in MM Docket 99-25 established the definition of a "minor change" as it applies to LPFM applications.<sup>2</sup> The Commission stated that minor changes to LP100 applications would be limited to those specifying changes in site of 5.6 kilometers or less. Thus, the applications are in violation of 47 C.F.R. § 73.871.

In light of the above, applications BPL-20080206AAB and BPL-20080205AJR are unacceptable for filing and ARE HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

  
James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

cc: David Riley

<sup>1</sup> The applications are also short-spaced to second-adjacent Class C1 license for KYA-FM, Billings, MT. However, no waiver of 47 C.F.R. § 73.807 was requested. See *In the Matter of Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 07-204, (rel. December 11, 2007).

<sup>2</sup> See *In the Matter of Creation of a Low Power Radio Service*, Second Order on Reconsideration and Further Notice of Proposed Rulemaking, FCC 05-75, (rel. March 17, 2005).