

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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MAR 24 2014

East Bay Oriental Radio, Inc.
2042 International Blvd.
Oakland, CA 94606

Re: NEW-LP, Oakland, CA
Facility ID No. 196494
East Bay Oriental Radio, Inc.
File No. BNPL-20131115ACI

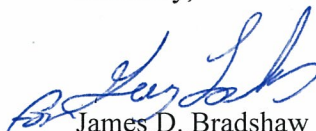
Dear Applicant:

The staff has under consideration the above-captioned application for a new low power FM (LPFM) station.

An engineering study has revealed that the proposed transmitter site specified in the application fails to meet the minimum spacing requirements of 47 C.F.R. § 73.807. Specifically, the site proposed is short-spaced to the second adjacent facility for KGMZ (BMLH-19930914KB) in San Francisco, CA and KOIT (BMLH-2011004ACJ) in San Francisco, CA. The application recognizes these short-spacings and requests a second-adjacent waiver. However, the waiver request does not adequately demonstrate that no interference will occur. Specifically, the applicant relies on Longley-Rice calculations in an attempt to show that the signal strength of KGMZ and KOIT do not exceed 54 dBu at the proposed LPFM transmitter site. However, Longley-Rice calculations have never been authorized for the purpose of reducing the primary service contour of a full-service FM station. The applicant fails to provide any documentation to the contrary. Therefore, the application is unacceptable for filing and will be dismissed. Please note that an adequate demonstration of no interference should contain various items such as a map of the proposed interference area, a tower diagram, a satellite or aerial photograph, the antenna manufacture's vertical radiation pattern, and/or any details about any nearby structures or major roadways.

Accordingly, in light of the above, application BNPL-20131115ACI is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a)¹ and IS 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: Kyle Fisher

¹ Under the Public Notice entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications," FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications *nunc pro tunc* where the original application was dismissed and where a minor curative amendment was filed within thirty days. Please note that any amendment submitted for this purpose must be received within 30 days of the Public Notice of the dismissal of the application and must correct ALL acceptance defects with the application. This includes any defects that may not have been identified in the dismissal letter.