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August 5, 2014

Mr. Ted Tucker
Cochise Broadcasting LLC
P.O. Box 11060
Jackson, WY 83002

In re: KTBX(FM), Tubac, AZ
Cochise Broadcasting LLC
Facility ID No.: 171024
BPH-20140709AAK

Dear Mr. Tucker:

This letter refers to the above-captioned minor change application for FM Station KTBX(FM) to change from Channel 251A to Channel 263A. The application also proposes to change the transmitter location, effective radiated power and antenna height.

An engineering study has revealed that the application is in violation of the AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES RELATING TO THE FM BROADCASTING SERVICE IN THE BAND 88-108 MHZ (USA-Mexico Agreement). Specifically, our engineering study has revealed that the proposal is short-spaced to the third-adjacent channel Class B Mexican assignment in Sasabe, Sonora, Mexico on Channel 266B. Furthermore, the proposed 94 dBu interfering contour would cause prohibited contour overlap to the Mexican assignment's protected contour (54 dBu = 65 km circle). In Footnote 1 of the engineering exhibit, it is stated "[w]hile Section 3.1.2 of the Agreement calls for us to protect a Mexican Class B allotment to a maximum distance of 65 km, that does not mean that the maximum must be assumed, only set as the maximum. The Sasabe allotment has high terrain in the direction of Tubac, and so its interpolated contour distance along the radial towards Tubac does not extend to the maximum allowable 65 kilometers." However, this is not correct. The Sasabe assignment must be protected to the maximum Class B protected contour circle of 65 kilometers. Specifically, Article 7, Section 7.3 of the USA-Mexico Agreement states that "[a] proposed modification to the Plan which does not conform to Tables 1 and 2 of Section 1 of Annex 1 of this Agreement (restricted), shall be subject to coordination between Administrations and shall only be accepted when its interfering contour does not overlap the protected contours of existing allotments and assignments of the other country, whose protected contours are to be calculated based upon their maximum permitted parameters (*See* 1.1.1 of Annex 1)." Thus, the application fails to comply with the USA-Mexico Agreement. This constitutes an acceptance defect. Therefore, the application must be amended to comply with the USA-Mexico Agreement.

Pursuant to 47 C.F.R. § 73.3522, "... an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, 47 C.F.R. § 73.3564 states that "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for amendment." See Appendix B in the *Report and Order* in MM Docket No. 91-347. This letter constitutes your one opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3522.

Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide you an opportunity to amend. Failure to correct all tender and acceptance defects within thirty days from the date of this letter will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564(a). Furthermore, failure to respond within 30 days will result in the dismissal of the application pursuant to 47 C.F.R. § 73.3568.

Sincerely,

Arthur E. Doak

Arthur E. Doak
Senior Engineer
Audio Division
Media Bureau

cc: Fletcher Heald & Hildreth