

FEDERAL COMMUNICATIONS COMMISSION

**445 TWELFTH STREET, SW
WASHINGTON, DC 20554**

OCT 29 2009

**MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV/MB/AUDIO**

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Hispanic Target Media, Inc.
c/o Meredith S. Senter, Jr.
Lerman Senter, PLLC
2000 K Street, N.W., Suite 600
Washington, DC 20006

In re: NEW(FM), Kernville, CA
Facility ID No.: 183311
Hispanic Target Media, Inc. ("HTM")
BNPH-20091019ADD

Dear Applicant:

The staff has under consideration the above-captioned FM Auction No. 79 for a new commercial FM facility to serve Kernville, CA.

An engineering study reveals that the facility specified in this application fails to meet the minimum spacing requirements of 47 C.F.R. § 73.207 with respect to: (1) the second-adjacent channel Class B licensed facility (BLH-19871231KD) of KBFP-FM, Delano, CA; (2) the co-channel Class B1 authorized facility (BNPH-20060308AJE) of KQMX(FM), Lost Hills, CA; and (3) the co-channel Class B1 previously-filed minor change application (BMPH-20071221AAC) of KQMX(FM), Lost Hills, CA; and (4) the second-adjacent channel Class B1 licensed facility (BLH-19960126KA) of KRAB(FM), Greenacres, CA. HTM recognizes these short-spacings and requests processing pursuant to 47 C.F.R. § 73.215.

However, the application fails to comply with either the contour overlap requirements of § 73.215(a) or the spacing provisions of § 73.215(e). Specifically, with respect to KBFP, the application fails to comply with § 73.215(e). The required spacing pursuant to § 73.215(e) is 63 kilometers while the actual spacing proposed in the application is 61 kilometers. With respect to both the authorized facility and the previously filed application of KQMX, the application fails to comply with § 73.215(a). The proposed protected contour (60 dBu) would receive prohibited overlap from the interfering contour (40 dBu) of KQMX by as much as 44 kilometers between the azimuths from 126°T to 53°T. In addition, the proposed interfering contour (37 dBu) would cause overlap to the protected contour (57 dBu) of KQMX by as much as 19 kilometers between the azimuths from 237°T to 288°T. With respect to KRAB, the application fails to comply with § 73.215(a). The proposed protected contour (60 dBu) would receive prohibited overlap from the interfering contour (100 dBu) of KRAB by as much as 5 kilometers between the azimuths from 217°T to 224°T. Therefore, the application must be amended to demonstrate compliance with § 73.215.

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 submit the requested information. Failure to respond within this time period will result in the dismissal of the application for failure to prosecute pursuant to 47 C.F.R. § 73.3568(a)(1).

Sincerely,

A handwritten signature in black ink, appearing to read "Rodolfo F. Bonacci". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Meredith S. Senter, Esq.
Fred Hannel, Engr.