

FEDERAL COMMUNICATIONS COMMISSION

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October 9, 2009

Mr. Kimball R. Loeb
South Valley Peace Center
17206 Avenue 296
Visalia, CA 93292

In re: New(FM), Tulare, CA
South Valley Peace Center
Facility ID No.: 174791
BNPED-20071022ANE

Dear Mr. Loeb:

This letter is in reference to the above-captioned application for a new noncommercial educational FM station to serve Tulare, California on Channel 220B1.

An engineering study reveals that the facility proposed in the application fails to meet the minimum spacing requirements of 47 C.F.R. § 73.207. Specifically, the facility is short-spaced to the licensed facility (BLH-19970714KA) of first-adjacent channel Station KPSL-FM, Bakersfield, California on Channel 221A and the licensed facility (BLH-20010821AAG) of first-adjacent channel Station KOND(FM), Clovis, California on Channel 221B. These short-spacings were recognized in Exhibit 16 of the application, however, processing pursuant to 47 C.F.R. § 73.215 was not formally requested in Section VII, Item 15(d) of the application. Even had processing pursuant to § 73.215 been requested, our study shows that the application is in violation of the contour overlap provisions of that rule with respect to KOND. Specifically, the proposed 48 dBu interfering contour would overlap KOND's 54 dBu protected contour.¹ These deficiencies constitute acceptance defects.

In light of the above, Application BNPED-20071022ANE is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

Arthur E. Doak

Arthur E. Doak
Senior Engineer
Audio Division
Media Bureau

cc: Brown Broadcast Services, Inc.

¹ This overlap occurs when KOND's 54 dBu protected contour is protected as a maximum Class B facility as required by § 73.215.