

FEDERAL COMMUNICATIONS COMMISSION

**445 12TH STREET SW
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MEDIA BUREAU

AUDIO DIVISION

APPLICATION STATUS: (202) 418-2730

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Pasadena Area Community College District
1570 E. Colorado Blvd.
Pasadena, CA 91106

In re: KPCC(FM), Pasadena, CA
Pasadena Area Community College
District ("PACCD")
BPED-20070906AEA
Facility ID#: 51701
Petition for Reconsideration

Dear Applicant:

This is in reference to: (1) the above-captioned application dismissed on December 17, 2007 and (2) the amendment and Petition for Reconsideration filed on January 22, 2008. The applicant requests reconsideration of the staff's December 17, 2007 dismissal of the above-captioned application.

By letter dated December 17, 2007, the staff informed PACCD that the application was in violation of 47 C.F.R. § 73.509 with respect to the first-adjacent channel Class B1 license (BLED-19950706KC) for KXRD(FM), Victorville, CA. Consequently, the application was dismissed pursuant to 47 C.F.R. § 73.3566.

On January 22, 2008, PACCD submitted a petition for reconsideration requesting reinstatement nunc pro tunc and a minor amendment. The amendment proposed a directional antenna to eliminate the overlap with KXRD. Thus, the application, as amended, was in compliance with 47 C.F.R. § 73.509. The amendment, therefore, eliminated the problem which resulted in the dismissal of the original application. On October 29, 2008, PACCD's petition for reconsideration was granted and the application reinstated to pending status.

However, an engineering review of the application reveals that the application fails to comply with 47 C.F.R. § 73.525 with respect to TV Channel Six Station KSFV-CA, San Fernando Valley, CA. Specifically, our calculations show that there is predicted interference within the Grade B contour of KSFV-CA. The applicant states in Exhibit 19 that if PACCD and KSFV cannot resolve their concerns in a settlement agreement then PACCD requests that we condition the grant of KSFV's pending license to receive interference from PACCD or deny KSFV's license. However, KSFV's license was granted without condition on July 28, 2008. Furthermore, as of the date of this letter, PACCD has failed to obtain written consent from KSFV. This constitutes an acceptance defect.

In light of the above, Application BPED-20070906AEA, as amended January 22, 2008, 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. Please note that, pursuant to the Public Notice entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications", 56 RR 2d 776, 49 Fed. Reg. 47331, released August 2, 1984, an application dismissed a second time for any reason may not again be reinstated nunc pro tunc.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci".

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: John Crigler