

FEDERAL COMMUNICATIONS COMMISSION

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March 6, 2007

St. Luke's Foundation
377 North Wilton Road
New Caanan, CT 06840

In re: WSLX (FM); New Caanan, CT
St. Luke's Foundation, Inc.
Facility ID number 62148
Application BPED-19960628MH

Dear WSLX:

This letter is in reference to application BPED-19960628MH, which proposed to move Class D noncommercial educational station WSLX from Channel 220D (91.9 MHz) to Channel 272D (102.3 MHz). The change in frequency was proposed so that WSLX might avoid prohibited contour overlap with first-adjacent channel station WXCI, Danbury, CT. WSLX also presently receives severe contour overlap from cochannel station WSLR, Lake Ronkonkoma, NY.

On Channel 272, WSLX would receive severe cochannel contour overlap from the 40 dBu interfering contour of WBAB, Babylon, NY, being wholly encompassed by WBAB's 40 dBu interfering contour (this is acceptable for Class D stations). In addition, the 100 dBu interfering contour of WSLX would fall within the 54 dBu service contour of Class B stations WQCD and WWFS (formerly WNEW), New York, NY. The licensee of WQCD filed a petition to deny against this application (treated as an informal objection), arguing that WSLX must avoid prohibited contour overlap within the Class B station's 54 dBu service contour instead of the 60 dBu contour, since the 54 dBu contour is the protected service contour for Class B commercial stations.

To the staff's knowledge, this represents the first instance where the issue has been raised, i.e., whether a Class D secondary noncommercial educational station has to avoid prohibited contour overlap with the commercial Class B station's 60 dBu or 54 dBu contour. Upon review, we agree with WQCD that it should be the 54 dBu contour. Protected service areas are intended to be as free as possible from interference caused by other stations, and to grant the prohibited contour overlap sought here undermines that objective. Accordingly, we find the WSLX application to be unacceptable for filing.

Consequently, the informal objection filed by WQCD is granted to the extent indicated herein, and application BPED-19960928MH IS DISMISSED. This action does not affect WSLX's authority to continue operating on Channel 220D pursuant to its license BLED-1366.

Sincerely,



Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau