

FEDERAL COMMUNICATIONS COMMISSION

**445 12th STREET SW
WASHINGTON DC 20554**

MAR 12 2010

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

**PROCESSING ENGINEER: Tung Bui
TELEPHONE: (202) 418-2778
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: tung.bui@fcc.gov**

Four Rivers Community Broadcasting Corp.
P.O. Box 186
Sellersville, PA 18960

In re: WZZH(FM), Honesdale, PA
Facility ID #91954
Four Rivers Community Broadcasting Corp.
("Four Rivers")
BMPED-20100107ADJ

Dear Applicant:

This letter refers to the above-captioned minor change application to modify the effective radiated power ("ERP"), class, antenna height, and location.

An engineering study of the application reveals that it is in violation of 47 C.F.R. § 73.509 with respect to the first-adjacent channel Class A construction permit (BMPED-20000512ACN) for WCLH(FM), Wilkes-Barre, PA and the second-adjacent channel Class A license (BLED-20051027AAZ)¹ for WFUZ(FM), Carbondale, PA. Specifically, with respect to WCLH, the proposed protected contour (60 dBu) would receive prohibited overlap from the interfering contour (54 dBu) of WCLH. Furthermore, the proposed interfering contour (54 dBu) would cause prohibited overlap to the protected contour (60 dBu) of WCLH. In addition, with respect to WFUZ, the proposed protected contour (60 dBu) would receive prohibited overlap from the interfering contour (100 dBu) of WFUZ. Furthermore, the proposed interfering contour (100 dBu) would cause prohibited overlap to the protected contour (60 dBu) of WFUZ. This constitutes an acceptance defect.

In light of the above, Application BMPED-20100107ADJ is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED. The action is taken pursuant to 47 CFR Section 0.283.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Malcomb G. Stevenson, Esq.
Charles W. Loughery, Engr.

¹ The engineering exhibit states that WZZH requests that this application filed January 7, 2010 be contingent on the processing of WFUZ's minor change application (BPED-20100105AAL) filed January 5, 2010. WZZH's application protects WFUZ's application. However, WZZH fails to comply with the contingent application provisions of 47 CFR Section 73.3517(e). Specifically, Section 73.3517(e) of the Rules requires that each application be filed on the same date, must cross-reference each other, and must contain a copy of the agreement to undertake the coordinated facility modifications. Since these two applications were not filed contingently, WZZH must protect WFUZ's license.