

FEDERAL COMMUNICATIONS COMMISSION
445 12th Street SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio

APR 27 2012

PROCESSING ENGINEER: Larry Hannif-Ali
TELEPHONE: (202) 418-2143
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: Larry.Hannif-Ali@fcc.gov

Great Scott Broadcasting
P.O. Box 793
Pottstown, PA 19464

In re: WKHI(FM), Fruitland, MD
Great Scott Broadcasting ("GSB")
Facility ID No. 4107
BPH-20110215ABR

Dear Applicant:

This letter is in reference to the above-captioned minor change application, as amended February 3, 2012, to demonstrate compliance with 47 C.F.R. § 73.203.

By letter dated October 5, 2011, the staff notified GSB that the assignment site specified in the application failed to comply with the requirements of 47 C.F.R. § 73.203. Specifically, the assignment site failed to demonstrate compliance with the Note to § 73.203, which states that a one-step upgrade application must specify a suitable assignment site that fully complies with §§ 73.207 and 73.315. On February 3, 2012, GSB amended its application to specify a suitable site and to show reasonable site assurance in order to be eligible to use a supplemental showing to prove city coverage from the proposed assignment site.¹

The amended supplemental showing was referred to our propagation expert at the Office of Engineering and Technology ("OET") to perform an independent study. The evaluation revealed that from the proposed assignment site and assuming maximum permissible Class B1 facilities, a 70 dBu or greater signal would be provided to only 93 percent of the community of Fruitland, Maryland. Since a 70 dBu or greater signal strength cannot be provided to 100 percent of the principal community of Fruitland, the application, as amended, is unacceptable for filing.

¹ See *Woodstock and Broadway, VA*, 3 FCC Rcd 6398 (1988) ("*Woodstock*"); *Elkins, West Virginia; Mountain Lake Park and Westernport, Maryland*, 7 FCC Rcd 5527 (1992), ("*Elkins*") Paragraph 18; *Creswell, Oregon*, 3 FCC Rcd 4608 (1988), *recon. denied*, 4 FCC Rcd 7040 (1989); and *Bald Knob and Clarendon, Arkansas*, 6 FCC Rcd 7435 (1991).

The October 5, 2011 letter to WKHI stated that pursuant to 47 C.F.R. § 73.3522, "...an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, 47 C.F.R. § 73.3564 states that, "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for corrective amendment." See Appendix B in the Report and Order in MM Docket No. 91-347. Therefore, application BPH-20110215ABR, being unacceptable for filing after the one opportunity for corrective amendment, will be dismissed.

In light of the above, Application BPH-20110215ABR, as amended February 3, 2012, 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,

A handwritten signature in blue ink that reads "Edna V. Prado".

Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

cc: Robert W. Guill
Dennis P. Corbett, Esq.