

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET, SW**  
**WASHINGTON, DC 20554**

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

DEC - 9 2014

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Philadelphia Public Access Corporation  
699 Ranstead Street  
Philadelphia, PA 19106

Re: NEW-LP, Philadelphia, PA  
Facility ID No. 191989  
Philadelphia Public Access Corporation  
File No. BNPL-20131106ASU

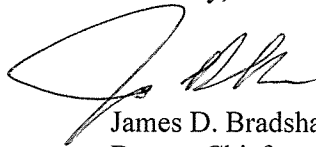
Dear Applicant:

The staff has under consideration the above-captioned application for a new low power FM (LPFM) station.

An engineering study has revealed that the proposed transmitter site specified in the application fails to meet the minimum spacing requirements of 47 C.F.R. § 73.807. Specifically, the site proposed is short-spaced to the second adjacent facilities for WISX(FM), Philadelphia, PA and WLTW(FM), Camden, NJ (formerly WWIQ). The application recognizes these short-spacing and requests a second-adjacent waiver. However, the waiver request does not adequately demonstrate that no interference will occur. The application indicates that "the worst case overlap contour extends 35 meters from the proposed antenna," and that the "overlap zone contains no permanent population." However, our review of the site shows that there is likely one or more large commercial structures within this 35 meter radius. The applicant has failed to demonstrate the complete lack of potential listeners in the interference area. Therefore, the application is unacceptable for filing and will be dismissed. Please note that an adequate demonstration of no interference should contain items such as the antenna manufacture's vertical radiation pattern, and/or any details about any nearby structures.

Accordingly, in light of the above, application BNPL-20131106ASU is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a)<sup>1</sup> and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283

Sincerely,



James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

cc: Donald E. Mussell, Jr.

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<sup>1</sup> Under the Public Notice entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications," FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications *nunc pro tunc* where the original application was dismissed and where a minor curative amendment was filed within thirty days. Please note that any amendment submitted for this purpose must be received within 30 days of the Public Notice of the dismissal of the application and must correct ALL acceptance defects with the application. This includes any defects that may not have been identified in the dismissal letter.