

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
WASHINGTON DC 20554

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

AUG 22 2013

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Gamma Broadcasting, LLC
550 Cochituate Road, # 25
Framingham, MA 01701

In re: WAVK(FM), Marathon, FL
Facility ID No. 23294
Gamma Broadcasting, LLC
BPH-20130718AAM

Dear Applicant:

This letter is in reference to the above-captioned minor change application to change effective radiated power, antenna height, location, and class.

An engineering review of the application has revealed that the proposed site fails to provide adequate city grade coverage as required by 47 C.F.R. § 73.315(a). In the application, WAVK affirms that the proposal would comply with § 73.315(a) of the rules and provide 70 dBu coverage over the principal community of Marathon, FL. However, our studies indicate that the proposed 70 dBu contour will provide significantly less than 80% coverage over the community of license. The applicant fails to provide a community coverage exhibit. This violation constitutes an acceptance defect. Therefore, WAVK must either specify a new site that provides city grade coverage to at least 80% of Marathon or provide an exhibit demonstrating city grade coverage that complies with 47 C.F.R. § 73.313(e) with regard to supplemental showings.

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. This letter constitutes your opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3522.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide WAVK an opportunity to respond. Failure to correct all tender and acceptance defects within the thirty days from the date of this letter will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564. Please note, any amendment must be submitted in the same manner as the original application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci". The signature is fluid and cursive, with a prominent initial "R" and a trailing flourish.

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: David G. O'Neil, Esquire
Robert M. Smith, Jr.