

# FEDERAL COMMUNICATIONS COMMISSION

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WASHINGTON DC 20554

APR 07 2009

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Northland Community Broadcasters  
3302 N. Van Dyke Road  
Imlay City, MI 48444

In Re: WDTR(FM), Monroe, MI  
Facility ID No.: 89277  
Northland Community Broadcasters  
BPED-20090302AAN

Dear Applicant:

This letter refers to the above-captioned minor change application to change location, antenna height, directional antenna, and effective radiated power.

The proposed directional antenna pattern violates 47 C.F.R. § 73.510. Section 73.510(a) states that noncommercial educational stations must comply with 47 C.F.R. § 73.316. Specifically, Section 73.316(b)(2) states that “[d]irectional antennas used to protect short-spaced stations pursuant to § 73.213 or § 73.215 of the rules, that have a radiation pattern which varies more than 2 dB per 10 degrees of azimuth will not be authorized.” It has been the Commission’s longstanding policy to apply the 2 dB/10° limitation to noncommercial educational stations protected under the analogous contour overlap section, 47 C.F.R. § 73.509. The proposal violates this policy. The violation occurs between the following azimuths:

<u>Azimuth Range</u>	<u>Values Exceeding 2db</u>
30 - 40 degrees	7.494 dB
40 - 50 degrees	2.604 dB
50 - 60 degrees	2.604 dB
60 - 70 degrees	7.494 dB
90 - 100 degrees	7.494 dB
100 - 110 degrees	6.321 dB
110 - 120 degrees	6.321 dB
120 - 130 degrees	7.494 dB
150 - 160 degrees	7.494 dB
160 - 170 degrees	12.995 dB
170 - 180 degrees	12.995 dB
180 - 190 degrees	7.494 dB
210 - 220 degrees	7.494 dB
220 - 230 degrees	14.992 dB

240 - 250 degrees	6.491 dB
270 - 280 degrees	5.498 dB
280 - 290 degrees	14.992 dB
290 - 300 degrees	8.653 dB
320 - 330 degrees	3.989 dB
330 - 340 degrees	3.504 dB
340 - 350 degrees	5.710 dB

It is necessary to note that these azimuths are in the direction of a station where a directional antenna is necessary to prevent any prohibited overlap.

In addition, an engineering review of the application reveals that the application is in violation of the *AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE CANADA STATES RELATING TO THE FM BROADCASTING SERVICE IN THE BAND 88-108 MHZ (USA-Canada Agreement)*.

Specifically, the proposal is short-spaced to the co-channel Class A Canadian assignment in Chatham, Ontario, Canada and third-adjacent channel class C1 Canadian assignment in Windsor, Ontario, Canada. Specifically, the proposed interfering contours (34 dBu) and (94 dBu) would cause prohibited overlap to the protected contours (54 dBu) of both Chatham and Windsor.<sup>1</sup> Furthermore, our analysis of this overlap area, following the instructions of Annex III of the USA-Canada Agreement, indicates that interference will also occur over Canadian land. Thus, the application fails to comply with the USA-Canada Agreement.

In light of the above, Application BPED-20090302AAN 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,



Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

Attn: Edward T. Czelada, Engr.

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<sup>1</sup> These prohibited contour overlaps occur when Canadian assignments in Chatham and Windsor are treated as maximum Class A and C1 facilities as required by the USA-Canada Agreement.