

FEDERAL COMMUNICATIONS COMMISSION

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Cirtus County Association for Retarded Citizens, Inc.
5399 W. Gulf to Lake Highway
Lecanto, FL 34461

In re: WYKE(FM), Inglis, FL
Cirtus County Association for
Retarded Citizens, Inc.
Facility ID #71585
BPH-20110812ACP

Dear Applicant:

This letter refers to the above-captioned minor change "one step" to upgrade WYKE's licensed facility (BLH-20020822ABN) from Channel 282A to Channel 282C3 pursuant to the *Report and Order* in MM Docket 92-159. The application also proposes to change effective radiated power and antenna height.

An engineering study reveals that the facility specified in the application fails to meet the minimum spacing requirement of 47 C.F.R. § 73.207. Specifically, the facility is short-spaced by 11 kilometers to the 1st adjacent channel Class C licensed facility (BMLH-20031010ADD) of WTKS-FM, Cocoa Beach, FL. WYKE recognizes this short-spacing and requests processing pursuant to 47 C.F.R. § 73.215. However, the proposed protected contour (60 dBu) would receive prohibited overlap from the interfering contour (54 dBu) of WTKS-FM by as much as 9 kilometers between the azimuths from 71°T to 145°T. The prohibited overlap occurs when WTKS-FM is considered as a maximum Class C facility operating with 100 kilowatts ERP at 600 meters HAAT, as required by 47 C.F.R. § 73.215(b)(2)(ii). This overlap constitutes an acceptance defect. Therefore, the application must be amended to demonstrate compliance with § 73.215 with respect to WTKS-FM's license BMLH-20031010ADD.

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 WYKE an opportunity to respond. Failure to correct all tender and acceptance defects within thirty days from the date of this letter will result in dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564. Please note that any amendment must be submitted in triplicate and signed in the same manner as the original application.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Jerrold Miller