

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12<sup>th</sup> STREET, SW**  
**WASHINGTON, DC 20554**

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

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July 26, 2017

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED**

Radio License Holding CBC, LLC  
3280 Peachtree Road, NW  
Suite 2300  
Atlanta, GA 30305

Re: WSKZ(FM), Chattanooga, Tennessee  
Facility Identification No. 54525  
Radio License Holding CBC, LLC  
BLH-7303

**Order to Show Cause**

Dear Licensee:

In accordance with procedures adopted by the Commission, this letter constitutes notification to Radio License Holding CBC, LLC (RLH CBC), licensee of FM station WSKZ, Chattanooga, Tennessee,<sup>1</sup> of the filing of minor change construction permit application, File No. BPH-20170627AAL (Application), by Midwest Communications, Inc. (Midwest), licensee of FM station WNFN, Millersville, Tennessee.<sup>2</sup> In the Application, Midwest proposes to upgrade WNFN to Class C2 and change the WNFN community of license to Franklin, Tennessee.<sup>3</sup> To accomplish these changes, Midwest proposes that WSKZ's license and allotment be modified to specify Class C0 in lieu of Class C pursuant to Note 4 to Section 73.3573 of the Commission's rules.<sup>4</sup>

Note 4 states that a Class C station operating with an ARC HAAT of less than 451 meters is subject to reclassification as a Class C0 station upon the filing of a triggering application for a construction permit that is short-spaced to the Class C station under Section 73.207 of the Commission's rules, but would be fully spaced to the station when considered as a Class C0 assignment. Additionally, Note 4 requires that triggering application contain a certification that no alternative channels are available for the facilities proposed therein, and that copies of the triggering application and any related pleadings are served on the licensee of the affected Class C station.

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<sup>1</sup> File No. BLH-7303. WSKZ is currently licensed to operate on channel 293C (106.5 megahertz (MHz)) at Chattanooga, Tennessee, using 100 kilowatts (kW) effective radiated power (ERP) and 329 meters antenna radiation center (ARC) height above average terrain (HAAT) at a transmitter site described by geographic coordinates 35° 09' 42" North Latitude, 85° 19' 06" West Longitude, referenced to 1927 North American Datum (NAD 27).

<sup>2</sup> File No. BLH-20080428AAO. WNFN is currently licensed to operate on channel 294C3 (106.7 MHz) at Millersville, Tennessee, using 2.95 kW ERP and 294 meters ARC HAAT at a transmitter site described by geographic coordinates 36° 15' 50" North Latitude, 86° 47' 39" West Longitude, referenced to NAD 27.

<sup>3</sup> Midwest proposes to operate WNFN on channel 294C2 (106.7 MHz) at Franklin, Tennessee, using 15 kW ERP and 278 meters ARC HAAT at a transmitter site described by geographic coordinates 36° 02' 50" North Latitude, 86° 49' 49" West Longitude, referenced to NAD 27.

<sup>4</sup> Note 4 to 47 CFR § 73.3573 (Note 4). *See also 1998 Biennial Regulatory Review --Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, Second Report and Order, MM Docket No. 98-93, 15 FCC Rcd 21649 (2000).

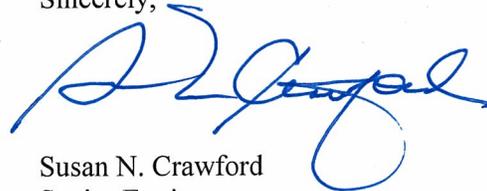
In the Application, Midwest demonstrated compliance with all of the requirements of Note 4 with respect to WSKZ.

Section 316 (a) of the Communications Act of 1934, as amended (Act),<sup>5</sup> permits the Commission to modify a license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, state the grounds and reasons for the proposed action, and afford the affected licensee at least 30 days to respond. This procedure is set forth in Section 1.87 of the Commission's rules.<sup>6</sup>

We tentatively conclude that the Application meets the requirements of Note 4, and is otherwise acceptable for filing. Additionally, we find that the Application has sufficient public interest benefits to justify the issuance of this Order to Show Cause. Accordingly, IT IS ORDERED, that pursuant to Section 316(a) and Section 1.87, RLH CBC, licensee of WSKZ, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify operation on Channel 293C0 in lieu of Channel 293C. RLH CBC may, **not later than August 28, 2017**, file a written statement to express its intention to seek authority to modify WSKZ's technical facilities to attain minimum Class C ARC HAAT; or, alternatively, otherwise challenge the Application. If RLH CBC chooses to seek authority to modify WSKZ's facilities, an acceptable minor change application for a construction permit to increase the WSKZ ARC HAAT to at least 451 meters must be on file with the Commission within an additional 180 day period specified by the Commission. Failure to file a minor change construction permit application within this specified time period will result in the automatic downgrade of WSKZ's licensed facilities.<sup>7</sup> Furthermore, RLH CBC must serve Midwest with copies of any Federal Aviation Administration submissions related to its efforts to modify the WSKZ facility.

Further action on the Application will be withheld for 30 days from the date of this letter to provide RLH CBC an opportunity to reply. Failure to respond to this letter will result in the automatic downgrade of WSKZ's license pursuant to Note 4. Please note that responses to this Order to Show Cause must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,



Susan N. Crawford  
Senior Engineer  
Audio Division  
Media Bureau

cc: Midwest Communications, Inc.  
Mark Lipp, Esq.  
Charles M. Anderson (via email)

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<sup>5</sup> 47 U.S.C. § 316(a) (Section 316(a)).

<sup>6</sup> 47 CFR § 1.87 (Section 1.87).

<sup>7</sup> Failure to construct pursuant to the subsequently authorized construction permit also will result in the automatic downgrade to Class C0 of WSKZ's licensed facilities.