

FEDERAL COMMUNICATIONS COMMISSION

**445 12th STREET SW
WASHINGTON DC 20554**

MAY 19 2010

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

PROCESSING ENGINEER: Tung Bui
TELEPHONE: (202) 418-2778
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: tung.bui@fcc.gov

CBS Radio Stations, Inc.
Suite 350
2175 K Street, NW
Washington, DC 20037

In re: WJZ-FM, Catonsville, MD
Facility ID #1916
CBS Radio Stations, Inc. ("CBS")
BXPB-20100301ACA

Dear Applicant:

This letter refers to: (1) the above-captioned minor change application for a new auxiliary facility in Catonsville, MD, which was granted on March 5, 2010, and (2) the Petition for Reconsideration filed by Peter & John Radio Fellowship, Inc. ("Peter & John") against CBS's application on April 9, 2010. For the reasons set forth below, we grant the petition for reconsideration, rescind the grant of construction permit, and return the application to pending status.

Petition for Reconsideration. On April 9, 2010 Peter & John filed a petition for reconsideration stating that CBS's application will cause significant intermediate frequency interference affecting stations throughout the FM band in the Baltimore area. Accordingly, Peter & John requests that the Audio Division reconsider and set aside its grant of the application.

Discussion. 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 fifty-third adjacent channel 236B for WRBS-FM, Baltimore, MD. The required spacing pursuant to § 73.207 is 20 kilometers while the actual spacing is 9 kilometers. This short-spacing was not addressed in the application. This constitutes an acceptability defect. Therefore, the application must be amended to demonstrate compliance with § 73.207.

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 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 acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for 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.

Conclusion. Accordingly, the Petition for Reconsideration filed by Peter & John IS HEREBY GRANTED. Furthermore, the March 5, 2010 grant of auxiliary construction permit BXPH-20100301ACA IS HEREBY RESCINDED AND THE APPLICATION IS REINSTATED TO PENDING STATUS.¹ These actions are taken pursuant to 47 C.F.R. § 0.283 and § 1.113(a). Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide the applicant an opportunity to respond. Failure to correct all acceptance defects within this thirty day period will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: James P. Riley, Esq.
John W. Bagwell, Esq.
Edwin L. Nass, Engr.

¹ The original of the construction permit authorization must be returned to the Commission at the address listed above.