

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, SW
WASHINGTON, DC 20554

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

DEC - 3 2008

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Union Cumberland
Presbyterian Church
400 Everett Road
Farragut, TN 37922

Re: WUCP-LP, Farragut, TN
Facility I.D. No.: 133919
Union Cumberland
Presbyterian Church ("UCPC")
BPL-20071220ABC

Dear Applicant:

This refers to: (1) the above-captioned minor change application to modify operation to Channel 260L1 and (2) the March 10, 2008 response to show cause order from Oak Ridge FM, Inc. ("Oak Ridge"), licensee of WNOX(FM), Oak Ridge, TN.

On December 20, 2007, UCPC filed a minor change application proposing to operate on Channel 260 and create a second-adjacent channel short-spacing to WNOX(FM), pursuant to the second adjacent channel waiver procedures adopted by the Commission in its Third Report and Order in *Creation of a Low Power Radio Service*.¹ By staff letter dated February 11, 2008, Oak Ridge was directed to show cause why the modification of WUCP-LP to operate on Channel 260 and allow a second-adjacent channel short-spacing to WNOX is not in the public interest.

On March 10, 2008, Oak Ridge filed a Response to Order to Show Cause. In response to the Order to Show Cause, Oak Ridge argues that: (1) that UCPC fails to make a showing in support of its waiver request; and (2) 965 listeners reside in WUCP-LP's interfering contour (100 dBu). For the reasons set forth below, we reject each of these arguments.

After considering all arguments presented by Oak Ridge, we have tentatively concluded that the WUCP-LP application meets the requirements of the Second-Adjacent Channel Waiver Standard and is otherwise acceptable for filing. WUCP-LP is at risk of displacement, suspension, or termination as a result of WJZO(FM)'s granted construction permit.² As outlined in the *Third Report and Order*, UCPC filed an application that included a waiver request and a showing after the staff contacted UCPC. Our engineering analysis has determined that there are no alternate, fully spaced, and rule compliant channels available. In evaluating whether the public interest would be served by grant of a waiver of Section 73.807, the Commission must balance the potential for new interference to the full service station against the

¹ *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 21912, 21939-40 (2007).

² BNPB-20070430BTD, granted December 20, 2007.

potential loss of an LPFM station. Based on desired-to-undesired ("D/U") signal strength ratio calculations, interference is predicted to extend 40 meters from WUCP-LP's site. This predicted interference area is not located near densely populated areas.

In accordance with these procedures, this letter constitutes approval to operate under special temporary authority ("STA") with the following facilities:

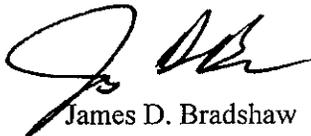
Geographic coordinates:	35° 52' 28" N, 84° 12' 00" W (NAD 27)
Channel:	260
Effective radiated power:	0.100 kilowatt
Antenna height:	
above ground:	18 meters
above mean sea level:	311 meters
Above average terrain:	30 meters

Application BPL-20071220ABC will be retained in pending status and the request for STA IS HEREBY GRANTED. STAs issued pursuant to these procedures will be subject to any action taken by the Commission in the *Second Further Notice*. The Commission will withhold final determination of the waiver request until action on the *Second Further Notice* proposals.

WUCP-LP must notify the Commission when STA operation has commenced. WUCP-LP must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **June 3, 2009**.

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Robert S. Stone
David L. Garner
Oak Ridge FM, Inc.