

FEDERAL COMMUNICATIONS COMMISSION
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TECHNICAL PROCESSING GROUP
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April 15, 2016

Carlos Lopez
514 Greenway Drive
Corpus Christi, TX 78412

In re: K245CB, Shiner, TX
BMPFT-20160211ACB
Facility ID No. 148484
Informal Objection

Dear Applicant:

The staff has under consideration: (1) the above-captioned application (application) for K245CB, Houston, Texas, filed by Carlos Lopez (Lopez); and (2) the February 23, 2016 Informal Objection (objection) of the application filed by New Beginnings Fellowship Church. For the reasons set forth below, we dismiss the application and dismiss the objection as moot.

Review of the application reveals that the proposal violates the one-per-AM station limitation. Per the December 23, 2015 Public Notice announcing the windows for certain FM translator modification applications, the Media Bureau indicated that it would only permit the filing of one Modification Window application that proposes to rebroadcast a specific AM primary station.¹ It further stated that we will "...dismiss any Modification Window application that proposes to rebroadcast an AM station that has already been listed in a prior Modification Window application as the primary station." We note that Lopez filed a Modification Window application on January 29, 2016 (BMPFT-20160129ABF), proposing to relocate the station approximately 170 kilometers to Channel 245. Staff granted that application on February 10, 2016. Lopez now seeks to modify the granted construction permit by changing to Channel 222 and further modifying its transmitter location. We note that such a channel change is a major change, per Section 74.1233(b)(1) of the rules.² We also note that both applications propose to rebroadcast KYOK(AM). Therefore we must treat this application as a second Modification Window application. Lopez fails to address this deficiency. Therefore, we will dismiss the application. In light of this decision, we do not reach the merits of the objection and dismiss it as moot.

¹ *Media Bureau Announces Filing Dates and Procedures for AM Station Filing Window for FM Translator Modifications and Availability of FM Translator Technical Tools*, Public Notice, 30 FCC Rcd. 14690 (2015). (Window PN)

² 47 C.F.R. Section 74.1233(b)(1).

Accordingly, the February 23, 2016 Informal Objection IS DISMISSED as moot and the application BMPFT-20160211ACB IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Michael Celenza