

FEDERAL COMMUNICATIONS COMMISSION
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MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mmb/asd/

JUL 19 2001

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Mr. Dean Sorenson
Sorenson Southeast Radio, LLC
600 North Kiwanis Avenue
Sioux Falls, SD 57104

Re: WNCC-FM; Franklin, North Carolina
Facility ID # 14551
Sorenson Southeast Radio, LLC
BPH-20010301ABB

Dear Mr. Sorenson:

The staff has under consideration the above-captioned application for a construction permit for changes (as amended May 14, 2001), filed by the previous owner of the station, Chase Broadcasting, Inc. The application must be amended to eliminate the short spacing detailed below.

WNCC's proposed transmitter site is short spaced to Liberty Productions' construction permit BPH-19870831MI for a new FM broadcast station at Biltmore Forest, NC, which was granted May 25, 2001.¹ Specifically, the Section 73.207 Table of Minimum Distance Separations requires 89 km for Class A to Class C3 first-adjacent stations, whereas WNCC's proposal is only 68.6 km distant. This violation renders the application unacceptable for filing.

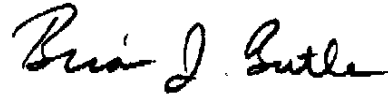
Pursuant to 47 CFR § 73.3522(a)(6), "... an applicant whose application is found to meet minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, 47 CFR § 73.3564(a) states, "Applications 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 of the Report and Order in MM Docket 91-347, 7 FCC Rcd 5074, 57 Fed. Reg. 34872

¹ WNCC's application was fully spaced to application BPH-19870831MI as originally filed for a Class A facility. However, application BPH-19870831MI was amended on November 10, 1999 to specify an increase to Class C3 facilities. The application, as amended, was granted by the *Memorandum Opinion and Order* in MM Docket 88-577, FCC 01-129, released May 25, 2001.

(published August 7, 1992). *This letter constitutes the opportunity for corrective amendment pursuant to § 73.3522(a)(6).*²

Further action on the subject application will be withheld for 30 days from the date of this letter to provide an opportunity to reply. Failure to respond within this time period will result in the dismissal of the application pursuant to 47 CFR § 73.3568(b). Please note that any amendment must be submitted in triplicate to the Secretary of the Commission and must be signed in the same manner as the original application.

Sincerely,



Brian J. Butler
Supervisory Engineer
Audio Services Division
Mass Media Bureau

cc: Mr. Art Sutton

² Although the application requests § 73.215 processing toward two other stations, it does not request it in regard to BPH-19870831MI. However, in this case, the proposed transmitter site would not be eligible for § 73.215, since it does not meet the 72 km minimum spacing requirement of § 73.215(e).