

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12th STREET SW**  
**WASHINGTON DC 20554**

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

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**JUL 13 2011**

Edward A. Schober  
Radiotechniques Engineering, LLC  
P.O. Box 367  
Haddon Heights, New Jersey 08035

Re: East Coast Broadcasting, Inc. (ECB)  
WMHZ(AM), Dover, Delaware  
Facility Identification Number: 21632  
File Number: BP-20040504AAS

Dear Mr. Schober:

This letter refers to the above-captioned minor change application filed by ECB to modify the existing WMHZ(AM) facility by changing antenna radiation patterns. We note that ECB requests a waiver of Section 73.37 with respect to prohibited groundwave contour overlap with stations WCPK(AM), Chesapeake, Virginia, and WLXE(AM), Rockville, Maryland. We will not address the waiver request and will dismiss the application for the following reasons.

A further review of the application reveals that the proposed nighttime contributions would increase the existing 25% RSS limits of station WEHH(AM), Elmira Heights-Horseheads, New York, and the proposal for a new AM station at Charlottesville, Virginia, (BNP-20040130BEW), in violation of Section 73.182 of the Commission's rules.<sup>1</sup> In addition, the proposed daytime 0.025 mV/m contour will overlap the 0.5 mV/m daytime contour of co-channel Class D station WHOL(AM), Allentown, Pennsylvania, in violation of Section 73.37 of the Commission's rules.

Accordingly, pursuant to Section 0.283 of the Commission's rules, the application (File

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<sup>1</sup> The WEHH(AM) existing 25% RSS limit of 5.89 mV/m is comprised of the contributions of 3.4 mV/m from WLXE(AM), 2.5 mV/m from HCPN1(AM), 2.5 mV/m from WWRL(AM), 1.6 mV/m from CHNR(AM), 1.5 mV/m from WUNR(AM), 1.5 mV/m from WFBR(AM), 1.4 mV/m from WLUZ(AM), and 1.3 mV/m from WAAM(AM).

The existing 25% RSS limit for the Charlottesville proposal is 6.06 mV/m comprised of the contributions of 3.3 mV/m from HCPN1(AM), 2.4 mV/m from WWRL(AM), 2.4 mV/m from WLXE(AM), 2.3 mV/m from WAMS(AM), 2.0 mV/m from WAKR(AM), 1.6 mV/m from WLUZ(AM), and 1.6 mV/m from CHNR(AM).

Number: BP-20040504AAS) is HEREBY DISMISSED as unacceptable for filing.<sup>2</sup>

Sincerely,



Son Nguyen  
Supervisory Engineer  
Audio Division  
Media Bureau

cc: Vincent J. Klepac, President

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<sup>2</sup> In the Public Notice entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications", FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications nunc pro tunc where the original application was returned and where a relatively minor curative electronic amendment was filed in conjunction with a paper-filed petition for reconsideration within 30 days of the date of the dismissal. Any electronic amendment filed later than 30 days will be returned as untimely. See 47 U.S.C. § 405, 47 C.F.R. § 1.106(f). In this regard, it should be emphasized that the above deficiencies were discerned after a preliminary study of the application. A detailed review was not made of the entire application to determine whether other deficiencies exist which would preclude acceptance for filing or result in a subsequent dismissal. Inasmuch as the applicant will not be afforded a second opportunity to correct another deficiency, I would urge that the applicant carefully review the entire application.