

FEDERAL COMMUNICATIONS COMMISSION

**445 12th STREET SW
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MAY 13 2014**

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Media One Holdings, LLC
2000 Auburn Drive, Suite 200
Beachwood, OH 44122

In re: WYBL(FM), Ashtabula, OH
Facility ID No. 87818
Media One Holdings, LLC
BPH-20140314ADP

Dear Applicant:

This letter refers to the above-captioned minor change application, as amended on May 1, 2014, to modify the antenna height, transmitter site, and directional antenna pattern.

An engineering study reveals that the facility specified in the application, as amended, fails to meet the minimum spacing requirement of 47 C.F.R. § 73.215(e) with respect to the first-adjacent channel Class B licensed facility (BLH-20100831AAP) of WKDD(FM), Munroe Falls, OH.

Specifically, the facility is short-spaced by 4 kilometers. The required spacing pursuant to § 73.215(e) is 96 kilometers while the actual spacing is 92 kilometers. This short-spacing was not addressed in the amended application. This constitutes an acceptability defect.

The April 2, 2014 Commission letter to the Applicant stated that pursuant to 47 C.F.R. Section 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 tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, 47 C.F.R. Section 73.3564 states that, "[a]pplications 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 in the *Report and Order* in MM Docket No. 91-347. The April 2, 2014 letter provided the Applicant its 30 day period to submit a corrective amendment pursuant to 47 C.F.R. Section 73.3522(a)(6). Application BPH-20140314ADP remains in violation of Section 73.215(e), is unacceptable for filing after the one opportunity for corrective amendment, and will be dismissed.

In light of the above, Applications BPH-20140314ADP, as amended on May 1, 2014, is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: David Tillotson, Esq.