



Federal Communications Commission
Washington, D.C. 20554

August 31, 2022

In Reply Refer to:
1800B3-TSN

Radio 7 Media, LLC
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In re: **WLXA(FM), Loretto, TN**
Facility ID No. 53875
File No. BPH-20161012AAD

**Minor Change Application
Petition to Deny**

Dear Counsel:

We have before us the referenced minor change application (Application) of Radio 7 Media, LLC (Radio 7), licensee of WLXA(FM), Channel 252C3, Loretto, Tennessee. The Application proposes to change the community of license for Station WLXA(FM) from Loretto, Tennessee, to Florence, Alabama.¹

We are writing to request an amendment to the Application, File No. BPH-20161012AAD. We find that the Application does not result in a preferential arrangement of allotments under Priority (4). When analyzing a proposed modification under Priority (4), we consider the number of transmission and reception services in the existing and proposed service areas, the size of the populations gaining and

¹ See File No. BPH-20161012AAD. Radio 7 filed the Application on October 12, 2016, and the staff accepted it for filing on October 13, 2016. See *Broadcast Applications*, Public Notice, Report No. 28841 (MB Oct. 17, 2016). We also have before us a Petition to Deny the Application filed by Big River Broadcasting Corp. (Big River) on December 23, 2016. We will hold Big River's Petition to Deny in abeyance pending receipt and evaluation of the amended application requested herein, if any.

losing service under the proposal, and other information relevant to the public interest.² After reviewing the underlying record, we are not persuaded by Radio 7's contention that its proposal serves the public interest because it creates a net gain in population within its 70 dBμ principal community contour, eliminates a short spacing to station WKEA-FM, and increases signal coverage over the Florence, Alabama, Urbanized Area.³ Although we acknowledge Radio 7's claim that the proposal would result in a net gain of 25,455 persons within the WLXA(FM)'s 70 dBμ contour,⁴ the appropriate signal level to be evaluated for purposes of gain and loss calculations in community of license change applications is the 60 dBμ contour.⁵ Based on our independent engineering analysis, the proposed modification would result in a net loss of 8,436 persons within WLXA(FM)'s protected service contour. We find that this net loss does not serve the public interest, as any benefit of an increase in population within the WLXA(FM)'s principal community contour is largely offset by the net loss in the population actually receiving protected service.⁶

Pursuant to section 73.3522(c)(2) of our rules, “. . . an applicant whose application is found to meet the minimum filing requirements, but nevertheless is not complete and acceptable, shall have the opportunity during the 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.”⁷ Additionally, section 73.3564 provides 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 amendment.”⁸ This letter constitutes Radio 7's opportunity for corrective amendment pursuant to section 73.3522.

² See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Report and Order, First Order on Reconsideration, and Second Further Notice of Proposed Rule Making, 26 FCC Rcd 2556, 2577, para. 39 (2011) (*Rural Radio*).

³ See File No. BPH-20161012AAD, Section 307(b) Showing.

⁴ Staff analysis shows the population gaining 70 dBμ service to be 26,079.

⁵ See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Order on Reconsideration, 27 FCC Rcd 12837-38, para. 15 (2012) (when determining the number of reception services in the gain and loss areas, an applicant should use the signal strengths set forth in section 73.215(a)(1) for FM stations, taking into account actual terrain); 47 CFR § 73.215(a)(1) (providing that “the field strength along the protected contour is 60 dBμ.”).

⁶ See *Rural Radio*, 26 FCC Rcd at 2577, para. 38.

⁷ *Id.* § 73.3522(c)(2).

⁸ *Id.* § 73.3564(a)(3). See also Appendix B in the *Report and Order* in MM Docket No. 91-347, *Amendment of Part 47 of the Commission's Rules to Modify Processing Procedures for Commercial FM Broadcast Applications*, Report and Order, 7 FCC Rcd 5074, 5080-81 (1992).

Further action on the subject application will be withheld for a period of 30 days from the date of this letter to provide the applicant an opportunity to respond. Because the Application was filed in the Media Bureau's CDBS electronic filing system, any amended application must be submitted to audiofilings@fcc.gov, with a copy to Rudy Bonacci at Rodolfo.Bonacci@fcc.gov. Failure to correct all tender and acceptance defects within 30 days from the date of this letter will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to section 73.3564(a)(3) of the rules. Furthermore, failure to respond within 30 days will result in the dismissal of the application pursuant to section 73.3568.⁹

Sincerely,

Rodolfo Bonacci

Rodolfo F. Bonacci
Assistant Chief, Audio Division
Media Bureau

⁹ 47 CFR § 73.3568(a)(1).