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Pacific Lutheran University, Inc.
121st and Park Ave.
Tacoma, WA 98447

In re: NEW(FM), Sedro-Woolley, WA
Facility ID #173038
Pacific Lutheran University, Inc.
BNPED-20071018ARZ


Dear Applicant:

This letter refers to the above-captioned application, as amended on October 21, 2008, for a new non-commercial educational FM facility to serve Sedro-Woolley, WA.

An engineering review of the application reveals that the application, as amended on October 21, 2008, is in violation of the *AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE CANADA STATES RELATING TO THE FM BROADCASTING SERVICE IN THE BAND 88-108 MHZ* (USA-Canada Agreement). Specifically, the proposal is short-spaced to the co-channel Class C1 Canadian assignment in Victoria, British Columbia, Canada. Furthermore, the proposed interfering contour (34 dBu) would cause prohibited contour overlap to the Canadian assignment's protected contour (54 dBu) over Canadian land.¹ Furthermore, our analysis of this overlap area, following the instructions of Annex III of the USA-Canada Agreement, indicates that interference will also occur over Canadian land. Thus, the application fails to comply with the USA-Canada Agreement.

In light of the above, application BNPED-20071018ARZ, as amended on October 21, 2008, is unacceptable for filing, 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: Margaret L. Miller, Esq.
Erik C. Swanson, Engr.

¹ This prohibited contour overlap occurs when Canadian assignment in Victoria is treated as a maximum Class C1 facility as required by the USA-Canada Agreement.