

FEDERAL COMMUNICATIONS COMMISSION

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JAN 29 2009

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Colleges of The Seneca
300 Pulteney Street
Geneva, New York 14456-3397

In re: Colleges of The Seneca
NEW(FM), Auburn, NY
Facility Id # 175708
BNPED-20071022BMP
Informal Objection

Dear Applicant:

This letter refers to: (1) the above-captioned application, as amended on December 17, 2008, for a new non-commercial educational FM facility serving Auburn NY; and (2) the December 2, 2008 Informal Objection filed by The State University of New York, licensee of Station WRVD(FM), Syracuse, NY expressing concerns about the proposed station being in violation of the Commission's contour overlap rules. For the reason set forth herein, we dismiss the informal objection and grant the application.


In its informal objection, The State University of New York requested that Colleges of The Seneca application be dismissed as defective due its proposal being in violation of Section 73.509 of the Commission's rules. However, the applicant subsequently submitted an amended showing in regards to the violation of Section 73.509 of the Commission's Rules¹ that demonstrated that no contour overlap exists between co-channel station WRVD(FM) and the Colleges of The Seneca's application that proposes operation on Channel 212A. Thus, the application is no longer in violation of Section 73.509 of the Commission's rules. Accordingly, we will dismiss the informal objection as moot and grant the application.²

¹ 47 C.F.R. § 73.509.

² Examination of the Colleges of The Seneca's application's proposed 40 dBu interfering contour reveals no overlap of WRVD(FM)'s protected contour.

In light of the above, The State University of New York's Informal Objection IS HEREBY DISMISSED. Furthermore, the Colleges of The Seneca's Opposition to the Informal Objection is DISMISSED AS MOOT and its application BNPED-20071022BMP, as last amended on December 17, 2008, IS HEREBY GRANTED. This action is taken pursuant to Section 0.283 of the Commission's Rules.³

Sincerely,

A handwritten signature in black ink, appearing to read "Rodolfo F. Bonacci", with a stylized flourish at the end.

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Margaret L. Miller, Esq.

³ 47 C.F.R. § 0.283.