

FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON, DC 20554

MAY 08 2009

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
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Miriam Media, Inc.
42859 Lindsey Place
Ashburn, VA 20148

Re: NEW(FM); Miles, TX
Facility ID No. 170983
Miriam Media, Inc. ("Miriam")
File No. BNPH-20070410ADM

Dear Applicant:

This refers to: (1) the above-captioned new station application to modify the community of license from Ballinger, TX to Miles, TX, change channel, antenna location, and station class; (2) the July 23, 2007, Petition to Deny filed by Concho Christmas Celebration, Inc. ("Concho"), licensee of Low Power FM ("LPFM") Station KCSA-LP, San Angelo, TX; and (3) all other related pleadings. For the reasons stated below, Miriam's application will be granted and Concho's Petition to Deny will be denied.

Objection

On July 23, 2007 filed a Petition to Deny against Miriam's application. Concho contends that Miriam's application will result in interference to the reception of KCSA-LP. Concho also claims that Miriam must file a "Tuck" showing in its community of license modification proposal since it failed to show how it reached its conclusion that less than 50% of the San Angelo Urbanized Area would be covered by its 70 dBu contour.¹ Therefore, Concho requests that the Miles application be denied or suspended until the Commission releases its decision in MM Docket No. 99-25.²

Discussion

The objection by Concho has failed to provide any technical reasons or rule violations to deny the proposed change of community to Miles, TX. LPFM stations are secondary services and by definition are not protected by full power FM stations. The Commission reviewed the impact of

¹ See *Faye and Richard Tuck*, Memorandum Opinion and Order, 3 FCC Rcd 5374 (1988) ("Tuck").

² *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 21912, 21939-40 (2007).

community of license changes to the LPFM service in the Third Report and Order in MM Docket No. 99-25. Miriam's application complies with the rules and policies established in that item.

We disagree with the claim by Concho that the Miriam proposal requires a "Tuck" showing. An analysis is required when the proposed city grade contour is greater than 50% of the area or population of the urbanized area. A review of the proposal indicates that this 50% threshold is not reached. Therefore, a "Tuck" analysis with respect to the San Angelo, TX urbanized area is not required.

In light of the above, Concho's Petition to Deny IS HEREBY DENIED and Miriam's application IS HEREBY GRANTED. These actions are taken pursuant to Section 0.283 of the Commission's Rules.³

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci".

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Evan D. Carb, Esq.
Lee J. Peltzman, Esq.
Concho Christmas Celebration, Inc.

³ 47 CFR Section 0.283.