FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
OBLP, AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mmb/audio

PROCESSING ENGINEER: Joe Szczesny
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B2-JBS
INTERNET ADDRESS: jszczesn@fcc.gov

MAY 19 2009

Lee W. Shubert, Esq
Katten, Muchin, Zavis, Rosenman
1025 Thomas Jefferson Street, NW
East Lobby, Suite 700
Washington D.C. 20007-5201

In re: Indigo Radio, LLC (Indigo)
WLTQ(AM), Charleston, South Carolina
Facility Identification Number: 73874
File Number: BP-20071105AEV

Dear Mr. Shubert:

This letter is in reference to: the above-captioned minor change application filed by Indigo; our February 20, 2009, letter requesting an amendment; and the March 11, 2009, letter filed by Indigo stating the licensee is aware no further to action can be taken until after ITU approval is received.

A detailed review of the application reveals that some of the field strength measurements were made with the aid of a device referred to as a "co-channel field strength measuring adapter," which allegedly permits the measurement of fields that are below the lowest scale on a typical field strength meter, even in the presence of co-channel interference. According to the applicant's engineering exhibit, "(t)he adapter consists of an S&S Engineering model DVFO-II crystal-controlled PLL signal generator, a Switched Capacitor Audio Filter (SCAF), and an audio voltmeter (HP-403B)," which are used in conjunction with a Potomac Instruments AM field strength meter. Typically, applicants who wish to rely on field strength measurements take such measurements with a meter calibrated against a known standard, and having a rated accuracy within certain ranges. In many cases, conductivities derived from such measurements allow an AM assignment to be made which might otherwise result in prohibited contour overlap.[1] Consequently, it is important that field strength measurements be properly made with equipment of known accuracy; and all measurements should be repeatable and subject to independent verification. In this case, we have no way of verifying the accuracy of the device in question. Furthermore, we believe that permitting applicants to use extraordinary means to extract field strength measurement data does not serve the interest of preventing excessive interference in the AM band. Therefore, we will not accept the measurements performed with the "co-channel field strength measuring adapter".

Without using the adapter measurements, we find that the proposed 0.025 mV/m contour would overlap the 0.5 mV/m contours of co-channel station WOHS(AM), Shelby, North Carolina, in violation of Section 73.37(a) of the Commission's rules.

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[1] In many parts of the country, ground conductivity exhibits well-known seasonal changes. Applicants typically take advantage of seasonal conductivity shifts by performing field strength measurements when conditions are most advantageous to their proposals.

Accordingly, further action on the application will be withheld for a period of thirty days (30) from the date of this letter to file a curative amendment to resolve this problem. Failure to amend or respond with a request for additional time will result in the dismissal of the application pursuant to Section 73.3568 of the Commission's rules.

Sincerely,

Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: William Cullpepper
Mark W. Jorgenson