

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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MAY 29 2009

Warren Consolidated Schools
WPHS-FM
30333 Hoover Road
Warren, MI 48093

In re: WPHS(FM), Warren, MI
Warren Consolidated Schools
Facility ID No. 70892
BPED-20090408AAB

Dear Applicant:

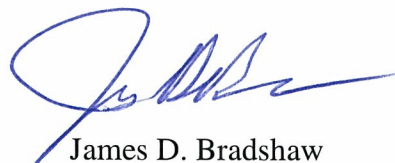
This letter is in reference to the above-captioned application to modify antenna pattern and effective radiated power.

An engineering study of the application reveals that it is in violation of 47 C.F.R. § 73.509 with respect to co-channel Class A license (BLED-20010108AAA) and first-adjacent Class A application (BPED-20090406AMN) for WWKM(FM), Imlay City, MI. Specifically, the proposed interfering contour (40 dBu) will cause prohibited overlap to WWKM's licensed protected contour (60 dBu) by as much as 2.47 kilometers between the azimuths of 358°T to 5°T while the proposed protected contour (60 dBu) will receive prohibited overlap from WWKM's licensed interfering contour (40 dBu) by as much as 7.45 kilometers between the azimuths of 344°T to 64°T. With respect to WWKM's Class A application, the proposed interfering contour (54 dBu) will cause prohibited overlap to WWKM's proposed protected contour (60 dBu) by as much as 4.92 kilometers between the azimuths of 351°T to 28°T while the proposed protected contour (60 dBu) will receive prohibited overlap from WWKM's proposed interfering contour (54 dBu) by as much as 9.55 kilometers between the azimuths of 311°T to 59°T. This was not addressed in the application.

In addition, the study further reveals that the application is in violation of the *AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA RELATING TO THE FM BROADCASTING SERVICE IN THE BAND 88-108 MHZ* (USA-Canada Agreement). Specifically, the application is short-spaced to first-adjacent Class B facilities in Chatham, Ontario. Furthermore, the proposed interfering contour (48 dBu) would cause prohibited overlap to the Chatham, Ontario protected contour (54 dBu). Therefore, the application fails to comply with the USA-Canada Agreement. These violations constitute acceptance defects.

In light of the above, Application BPED-20090408AAB is unacceptable for filing pursuant to 47 C.F.R § 73.3566(a) and is HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R § 0.283.

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Keith Fraley, Engr.