FEDERAL COMMUNICATIONS COMMISSION

445 12th Street SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: http://www.fcc.gov/mb/audio/

PROCESSING ENGINEER: Dale Bickel
TELEPHONE: (202) 418-2700
FAX: (202)-418-1411 MAIL STOP: 2-B450
INTERNET ADDRESS: dale.bickel@fcc.gov

September 1, 2009

Emmis Radio License, Inc.
One Emmis Plaza
40 Monument Drive, Suite 700
Indianapolis, IN 46204

In re: KPNT (FM); St. Genevieve, MO
Emmis Radio License, Inc.
Facility ID No. 56525
CP application BPH-20081121ALQ

Dear applicant:

This application was filed to specify Class C facilities for KPNT-FM, at 100 kW effective radiated power (ERP) and 457 meters antenna height above average terrain. The application proposes to increase the height of an existing tower, or replace it. The application also states that FAA clearance has been requested and that the station "is undertaking a review of environmental compliance [and] will amend the application upon completion of that review."

Ten months after the filing of the application, we are unable to locate any record indicating that the applicant has initiated a study with the FAA. Nor has the application been amended to update the status of the applicant's environmental review.

Consequently, the instant application requires an assessment to determine applicability of the Nationwide Programmatic Agreement Regarding the Section 106 National Historic Preservation Act Review Process (See *Report and Order,* WT Docket 03-128, FCC 04-222, released October 5, 2004).[1] The application indicates that the proposed site may not be excluded from environmental processing pursuant to Section 1.1306 of the Commission's Rules and has entered "No" in Item 17 in Section III-B (FM Engineering). The applicant must complete the Section 106 Review Process in accordance with Sections 1.1306 and 1.1307 of the Commission's Rules.[2] Rule 1.1307(a)(4) specifies the requirement to follow the procedures set forth in the rules of the Advisory Council on Historic Preservation.[3] Upon completion, the applicant shall electronically file an amendment, including the environmental certification and a statement summarizing the results of the Section 106 Review. The applicant may use the Agreements incorporated as Appendices B and C to Part 1 of the Commission's Rules to determine whether the undertaking is excluded from Section 106 Review. If the proposal is not excluded, the applicant may use the Tower Construction Notification System to notify Tribal Historic Preservation Offices. Use FCC Form 620 to notify the State Historic Preservation Office of a proposal for a new tower or FCC Form 621 for proposed collocation.

---

[1] The *Report and Order* is available at http://www.fcc.gov/fcc-bin/audio/FCC-04-222A1.pdf. The Agreement is incorporated as Appendix C to Part 1 of the Commission's Rules.

[2] *See* 47 C.F.R. § 1.1306 and § 1.1307. *See also* Media Bureau Tower Siting Information Guide, http://www.fcc.gov/mb/audio/decdoc/mb_siting.html .

[3] *See* 36 C.F.R., Part 800.

Further action on the subject application will be withheld for a period of thirty (30) days from the date of this letter to provide an opportunity to submit the requested information. If the applicant cannot demonstrate compliance with the National Historic Preservation Act Review Process within 30 days of the date of this letter, the Audio Division (AD) must be notified in writing, concerning the delay.[4] In the event that further delays occur, the applicant must provide the Audio Division with written updates every 60 days thereafter.[5] The updates must include a summary of the applicant's actions toward obtaining FAA clearance, including FAA response thereto. Failure to respond within this time period or to provide the written updates every 60 days will result in the dismissal of the application for failure to prosecute pursuant to 47 C.F.R. § 73.3568(a)(1).

Sincerely,

Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Wiley Rein, LLP
: Donald Lynch

[4] If this cannot be accomplished within the initial 30 day period, the first response to this letter shall be filed in triplicate with the Secretary of the Commission and shall contain a specific narrative of the actions taken to accomplish this requirement. The response shall include copies of all correspondence with local environmental offices.

[5] Each 60 day update shall be filed in triplicate with the Secretary of the Commission and shall report specific actions taken since the previous report toward securing environmental compliance.