

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, SW
WASHINGTON, DC 20554

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

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SGM, Inc.
30 Big Bear Circle
Crittenden, KY 41030

Re: WZFR-LP, Walton, KY
Facility ID No. 135059
SGM, Inc.
File No.s: BPL-20090914AAG
BPL-20090630AEF

Dear Applicant:

This letter refers to: (1) the above-captioned application (BPH-20090914AAG) for an independent permit to modify antenna location, effective radiated power, antenna height and channel; and (2) the above captioned independent construction permit (BPH-20090630AEF) to modify antenna location, effective radiated power, and antenna height.¹

Pursuant to Section 73.3520 of the Commission's Rules,² where there is one application (or permit) for new or additional facilities pending, no other application for new or additional facilities for a station of the same class to serve the same community can be filed. Therefore, since WZFR has one independent construction permit with a current construction term, we will not accept the filing of another application for an independent construction permit during this term. Therefore, BPH-20090914AAG is in violation of Section 73.3520 and will be dismissed as unacceptable for filing.

An engineering study has also revealed that the proposed transmitter site specified in the application BPH-20090914AAG fails to meet the minimum spacing requirements of Section 73.807 of the Commission's Rules³ in relation to second-adjacent channel license, BLH-20060721AAQ, WIZF, Erlanger, KY. The required separation is 29 kilometers, whereas the separation proposed is 28 kilometers. The application claims that this is a reduction of an existing short-spacing (on another channel) when it is actually the creation of a new short-spacing which is prohibited.

A modification to a construction permit must be filed if WZFR wishes to modify the currently granted construction permit. By increasing the spacing to WIZF and not creating any additional spacing violations, a modification to the current construction permit should be acceptable since the need for reduced interference on the currently licensed channel has been demonstrated.

¹ This permit was granted on July 29, 2009 and expires on January 29, 2011.

² 47 C.F.R. § 73.3520.

³ 47 C.F.R. § 73.807.

Accordingly, in light of the above, application BPL-20090914AAG is unacceptable for filing and IS HEREBY DISMISSED. This action is taken pursuant to Section 0.283 of the Commission's Rules.⁴

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: John Broomall
Jim Turaville

⁴ 47 C.F.R. § 0.283.