

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

**MEDIA BUREAU**  
**OFFICE OF BROADCAST LICENSE POLICY**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

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December 23, 2009

John M. Pelkey, Esq.  
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Washington, D.C. 20007-3501

Re: WWOZ(FM), New Orleans, LA  
Friends of WWOZ, Inc.  
Facility ID No. 22659  
File Number BPED-20091027AEG

Dear Counsel:

This is in reference to minor change application BPED-20091027AEG (the "Application") which proposes to change the authorized WWOZ(FM) station class and maximum effective radiated power, and specifies WWOZ(FM) use of a directional antenna.

An engineering review of the Application reveals that the proposal violates the contour protection requirements of Section 73.509(a) of the Commission's Rules.<sup>1</sup> Specifically, the proposal results in prohibited contour overlap with the channel 217A, Lacombe, LA, facilities specified in pending application BNPED-20071018DEU.<sup>2</sup> This constitutes an acceptance defect.

Accordingly, application BPED-20091027AEG is unacceptable for filing pursuant to Section 73.3566(a) of the Rules<sup>3</sup> and IS HEREBY DISMISSED. This action is taken pursuant to Section 0.283 of the Rules.<sup>4</sup>

Sincerely,



Susan N. Crawford  
Assistant Chief  
Audio Division  
Media Bureau

cc: Friends of WWOZ, Inc.  
Charles Ellis

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<sup>1</sup> 47 C.F.R. § 73.509(a).

<sup>2</sup> The applicant recognized this prohibited contour overlap in the application, but did not request waiver of Section 73.509(a), choosing instead to postulate that no interference would be caused to the proposed WWOZ(FM) facilities by the Lacombe, LA, facilities proposed in BNPED-20071018DEU.

<sup>3</sup> 47 C.F.R. § 73.3566(a).

<sup>4</sup> 47 C.F.R. § 0.283.