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February 16, 2010

* NOT ADMITTED IN VIRGINIA

BY HAND DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: **Amendment to Application for new AM Broadcast Station-AM MX Group 1230
New (AM), Terre Haute, Indiana, Facility Id. 136105, BNP-20010724ADH
Bott Broadcasting Company, Inc., Applicant – FRN: 0005-0142-12**

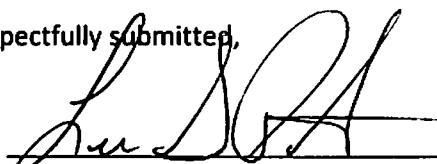
Dear Ms. Dortch:

On behalf of Bott Broadcasting Company, Inc., the applicant for the above-referenced new AM Broadcast Station at Terre Haute, Indiana, transmitted herewith is an original and two copies of a Section 307(b) Amendment to the application, as requested by the Commission's staff on January 13, 2010.

Should there be any questions regarding this matter, please contact undersigned counsel.

Respectfully submitted,

By:



Harry C. Martin, Esquire
Lee G. Petro, Esquire

Counsel for Bott Broadcasting Company, Inc.

Enclosures

cc: James Bradshaw, Deputy Division Chief
Audio Division, Media Bureau – *by email*

AMENDMENT

I, Richard P. Bott, the President of Bott Broadcasting Company, do hereby state, under penalty of perjury, that I have reviewed the attached "Section 307(b) Amendment" to be associated with the pending application for a new AM Broadcast Station at Terre Haute, Indiana, and the facts contained therein are true and correct.

Respectfully submitted,

BOTT BROADCASTING COMPANY

By:

A handwritten signature in black ink, appearing to read "Richard P. Bott", written over a horizontal line.

Richard P. Bott, President

February 16, 2010

SECTION 307(b) AMENDMENT
February 16, 2010

Bott Broadcasting Company ("Bott"), hereby submits this Section 307(b) Amendment in response to the Letter, dated January 13, 2010, in which the Chief of the Audio Division of the Media Bureau directed all applicants in MX Group AM 1230 to submit information in support of their pending applications filed in 2001 in connection with the revocation of certain licenses held by Michael Rice.¹

The Letter specified certain categories of information that the Commission's staff has deemed relevant in considering whether there is a dispositive difference between proposals for new AM stations under Section 307(b) of the Act. In response to the Letter, and in support of Bott's Application, the following is provided:

1. The area and population within the proposed 2 mV/m and 0.5 mV/m daytime contours and the nighttime interference-free contour:

As demonstrated in the Engineering Statement, attached hereto as Exhibit A, the area within the proposed 2 mV/m daytime contour is 3,759 square kilometers, and the population within the 2 mV/m daytime contour is 173,500 persons. In addition, the area within the proposed 0.5 mV/m daytime contour is 12,316 square kilometers, and the population within the 0.5 mV/m daytime contour is 321,421 persons. Finally, the area within the proposed nighttime interference-free contour is 233 square kilometers, and the population within the nighttime interference-free contour is 74,372 persons.

2. The number of stations licensed to the proposed community of license:

There are nine other radio stations licensed to Terre Haute, Indiana.

3. The number of stations providing protected service to the proposed community of license:

As shown in Exhibit A, there are at least 24 other radio stations providing service to Terre Haute, Indiana.

¹ *Permanent and Interim Application Procedures Announced for Authority to Operate Stations Formerly Licensed to Entities Controlled by Michael Rice*, Public Notice, 16 FCC Rcd 12,832 (MB/WTB 2001).

4. The population of the proposed community of license:

According to the 2000 United States Census, the population of Terre Haute, Indiana is 59,614 persons. *See also Exhibit B.*

5. A description of the civic, cultural, religious, social and commercial attributes of the proposed community of license:

Terre Haute, Indiana, is an incorporated city, and, as noted above, is listed in the 2000 Census. As such, Terre Haute is presumed to be a community of allotment purposes.² Furthermore, Terre Haute is the center city of the Terre Haute Urbanized Area, which has a population of 79,376 persons. Finally, since Bott's proposal would replace a previously licensed AM facility at Terre Haute, and there are at least nine other broadcast stations licensed to Terre Haute, there should be no question that Terre Haute is a licensable community.

6. Any other information determined relevant:

As noted in the Letter, three applicants specified proposed communities of license other than Terre Haute, namely West Terre Haute, North Terre Haute, and Shelburn, Indiana. The Letter required that the applicants specifying these communities provide additional information in order to support any possible claim that their respective proposals would provide first local service, and thus represented a higher allotment priority.³

Initially, it should be noted that West Terre Haute, Indiana, already has at least one full-power aural service, namely Station WWVR(FM). As such, the application filed by Fort Bend Broadcasting Company, Inc. (BNP-20010724ADO), would not provide first local service to West Terre Haute, Indiana, and the application is not entitled to a preference as a first local transmission service.

Furthermore, with respect to the application of Word Power, Inc., for a new AM station at North Terre Haute, Indiana, it would appear that the proposed community of license is not a licensable

² See *Arnold and Columbia, California*, 7 FCC Rcd 6302, ¶ 12 (1992).

³ *Letter*, pg. 4, nt. 7 (internal citations omitted).

community, and is certain not sufficiently independent from Terre Haute as to justify the proposal as providing first local service to North Terre Haute, Indiana. Specifically, North Terre Haute is a census-defined place which is unincorporated and has no apparent local government, and it shares a zip code with Terre Haute. *See Exhibit C.* Its students attend a county-based school system, and police and fire services are provided either by Terre Haute or Vigo County. It does not have its own newspaper or other media, nor is there any evidence that residents of North Terre Haute perceive the community to be separate from Terre Haute. While there two churches that integrate the term "North Terre Haute" into their name, the official mailing address for both lists Terre Haute as the city. *See Exhibit D.* As such, in the absence of overwhelming information provided by the applicant to establish North Terre Haute as licensable community sufficiently independent of Terre Haute, Word Power's application should not be afforded a preference as a first local transmission service.

Finally, KM Communication's application for Shelburn, Indiana, also suffers from deficiencies that should result in the Commission's determination that it the application should not receive a first local transmission service credit. First, Shelburn, Indiana, is located approximately 13 miles south of the Terre Haute, Indiana, Urbanized Area, and approximately 19 miles from downtown Terre Haute. According to the 2000 Census, 83 percent of the working population travel more than 10 minutes from their home to work, with the largest percentage, 55.5%, travel between 10 and 34 minutes from their home in Shelburn each day. As shown in *Exhibit E*, the trip from Shelburn to Terre Haute falls well within this time, and, in light of the small percentage that work close to their home, is strong evidence that most Shelburn residents work in the Terre Haute Urbanized Area. Also, there are no local media sources serving the residents of Shelburn, and its residents rely upon Sullivan County for education and library services, along with a volunteer fire department for fire and rescue safety. There are very few commercial establishments in Shelburn, which strongly suggests that these establishments provide only general service to the largely rural area, rather than any specific service addressing the needs and

interests of the residents of Shelburn in particular. As such, it would appear that Shelburn, Indiana, while an incorporated town, lacks many of the indicia of a separate and distinct community which would lead the Commission to grant KM Communication's application with a first local transmission service preference.

Therefore, Bott Broadcasting Company respectfully requests that that the Commission not make a dispositive 307(b) determination for any of the applications in MX Group AM 1230, and include all of the applications in Closed Broadcast Auction #88, currently scheduled to occur on July 20, 2010.

EXHIBIT A

Engineering Statement

The following engineering statement and attached exhibits have been prepared for **Bott Broadcasting Company ("Bott")**, applicant for a new standard broadcast station to serve Terre Haute, Indiana, and are in support of their response to correspondence from the Commission.¹ By way of letter dated January 13, 2010, the Commission requested specific information from the applicant pertaining to a Section 307(b) analysis for the proposed facility. This engineering statement and attached exhibits is intended to supply information requested by the Commission.

The facility proposed in the referenced FCC file number is for a new AM station to replace the facility formerly licensed to Contemporary Media, Inc. By public notice in 2001, the Commission opened a supplemental AM Auction 32 filing window in order to replace the canceled Contemporary Media licenses. Bott was one of seven applicants that timely filed an application for the AM facility at 640 kHz and one of six applicants that timely filed an application for the AM facility at 1230 KHz. This engineering statement pertains specifically to information requested for the 1230 kHz facility.

Exhibit E-1 illustrates the daytime 2.0 and 0.5 mV/m groundwave service contours as determined through the use of M-3 theoretical conductivities. The 2.0 mV/m contour, depicted in blue, encompasses a land area of 3,759 square kilometers and has a resident population of 173,500 persons by the 2000 Census data. The 0.5 mV/m contour encompasses an area of 12,316 square kilometers with a resident population of 321,421 persons.

¹ The application for the proposed facility is under FCC File No. BNP-20010724ADH. The facility ID number for the proposed facility is 136105.

The nighttime interference-free service contour is illustrated in Exhibit E-2. Based on the current database, the value of this contour is calculated to be 23.085 mV/m. The area encompassed by this contour is 233 square kilometers. The 2000 Census indicates a resident population of 74,372 persons within this area.

The Commission next requested that Bott consider the number of facilities providing protected service to Terre Haute, the community of license. Maps have been included, which illustrate the service contours of these facilities. Included within this text is a tabulation of the facilities listed.

Exhibit E-3 depicts the 0.5 mV/m daytime service contours that overlap either in total or in part the corporate boundaries of Terre Haute, the community of license. As indicated by the color key to the map, there are a total of 10 AM facilities with such overlap. These facilities are summarized in the following table.

Callsign	City of License	Frequency	Facility ID
WFNI	Indianapolis, IN	1070	19521
WSDX	Brazil, IN	1130	19669
WBOW	Terre Haute, IN	1300	65242
WPRS	Paris, IL	1440	51152
WPFR	Terre Haute, IN	1480	70653
WILL	Urbana, IL	580	68941
WKZI	Casey, IL	800	73711
WBAA	West Lafayette, IN	920	53946
WXLW	Indianapolis, IN	950	60206
WHAS	Louisville, KY	840	11934

Of these facilities all would totally encompass Terre Haute except for WBAA and WHAS. The coverage of the community by AM facilities during nighttime hours has also been considered. Exhibit E-4 depicts the nighttime interference-free service contours of Class B and Class C

stations, which would encompass Terre Haute in total or in part.² In addition to the Class B and Class C facilities depicted, the 0.5 mV/m 50% skywave contours of several Class A facilities also overlaps Terre Haute. The table below summarizes these facilities.

Callsign	City of License	Frequency	Facility ID
WBOW	Terre Haute, IN	1300	65242
WPFR	Terre Haute, IN	1480	70653
KDKA	Pittsburgh, PA	1020	25443
KMOX	St. Louis, MO	1120	9638
KXEL	Waterloo, IA	1540	35950
WBBM	Chicago, IL	780	9631
WGN	Chicago, IL	720	72114
WHAS	Louisville, KY	840	11934
WHO	Des Moines, IA	1040	51331
WJR	Detroit, MI	760	8626
WLAC	Nashville, TN	1510	34391
WLS	Chicago, IL	890	73227
WLW	Cincinnati, OH	700	29733
WMVP	Chicago, IL	1000	73303
WRVA	Richmond, VA	1140	11914
WSB	Atlanta, GA	750	73977
WSCR	Chicago, IL	670	25445
WSM	Nashville, TN	650	74066
WTAM	Cleveland, OH	1100	59595
WWL	New Orleans, LA	870	34377
WCCO	Minneapolis, MN	830	9642

As demonstrated in Exhibit E-4, the nighttime interference-free service contour of WBOW encompasses a portion of Terre Haute. In addition, the nighttime 0.5 mV/m 50% skywave contour from WCCO at Minneapolis, MN also encompasses only a portion of the corporate limits of Terre Haute.

Exhibit E-5 illustrates the 60 dBu service of NCE FM facilities in the region that overlap all or a portion of the area within the Terre Haute corporate boundaries. In Exhibit E-6, the service contours for facilities in the commercial portion of the band are depicted. The tabulation below

² Nighttime operations for class D facilities were not considered as their interference-free contours at night are not protected.

summarizes these facilities. Stations with an asterisk behind their callsign serve a portion of Terre Haute.

Callsign	City of License	Channel	Facility ID
WCRT-FM	Terre Haute, IN	203A	28293
WHOJ(FM)*	Terre Haute, IN	220A	76151
WISU(FM)	Terre Haute, IN	209B	28603
WMHD-FM	Terre Haute, IN	214A	57684
WAXI(FM)*	Rockville, IN	285A	14232
WNDI-FM*	Sullivan, IN	237A	2395
WPFR-FM	Clinton, IN	230A	73712
WSDM-FM*	Brazil, IN	224A	19670
WWSY(FM)	Seelyville, IN	240A	66296
WWVR(FM)	West Terre Haute, IN	288A	68824
WBOW-FM	Terre Haute, IN	274B	6334
WIBQ(FM)	Paris, IL	253B	51153
WMGI(FM)	Terre Haute, IN	264B	6828
WTHI-FM	Terre Haute, IN	260B	70652

The community of license, therefore, receives protected service from 14 FM stations. In the case of AM facilities, 10 stations provide protected service during daytime hours. During nighttime hours, 21 facilities provide protected service to the community, however, of these twenty-one facilities, a full nineteen of them are licensed to distant communities, only provide service to Terre Haute as a result of their status as Class A facilities. Only one AM station, other than a distant class A, encompasses the entire community of license with an interference-free signal at night.

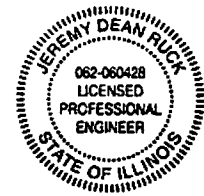
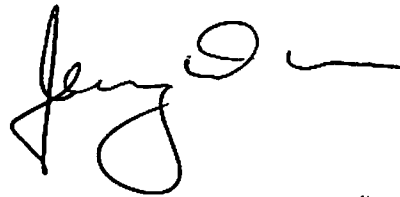
The population of Terre Haute according to the 2000 Census is 59,614. The 2008 Census estimate places the population of Terre Haute at 60,007. The total area within the corporate boundaries of Terre Haute is 83.1 square kilometers. Of this, 80.9 square kilometers is land.

The proposed facilities do not strictly represent a new facility to serve Terre Haute. Rather, they are a restoration of service previously enjoyed by Terre Haute that was removed as a result of

the former licensee being found unfit to remain in that capacity. Terre Haute has been previously determined to have sufficient attributes to be considered a viable community of license.

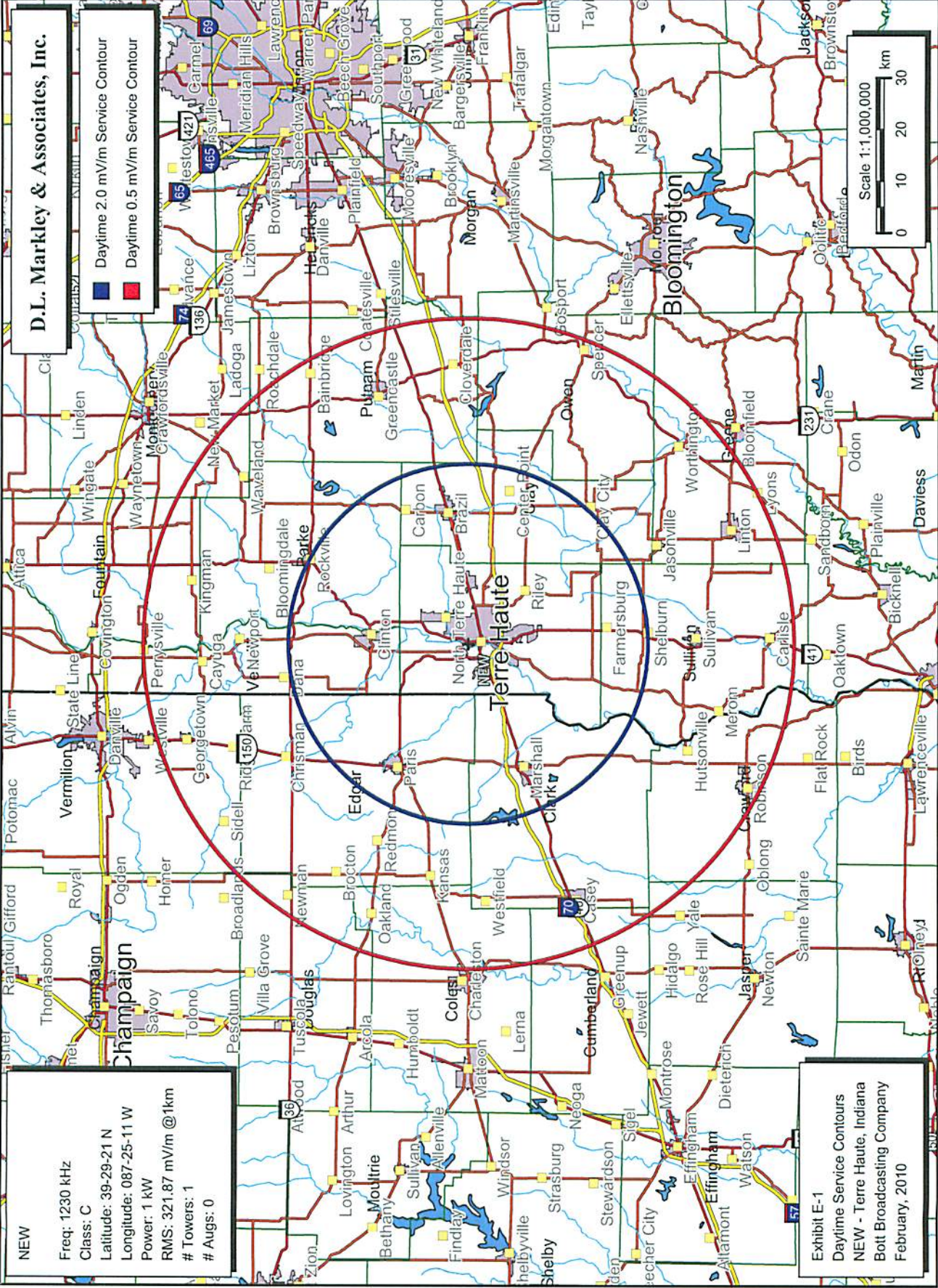
Affidavit

The preceding statement and attached exhibits have been prepared by me, or under my direction, and are true and accurate to the best of my belief and knowledge.



Above signature is digitized copy of actual signature
License Expires November 30, 2011

Jeremy D. Ruck, PE
February 11, 2010



D.L. Markley & Associates, Inc.

Daytime 2.0 mV/m Service Contour
 Daytime 0.5 mV/m Service Contour

Scale 1:1,000,000
 0 10 20 30 km

NEW
 Freq: 1230 kHz
 Class: C
 Latitude: 39-29-21 N
 Longitude: 087-25-11 W
 Power: 1 kW
 RMS: 321.87 mV/m @1km
 # Towers: 1
 # Augs: 0

Exhibit E-1
 Daytime Service Contours
 NEW - Terre Haute, Indiana
 Bott Broadcasting Company
 February, 2010

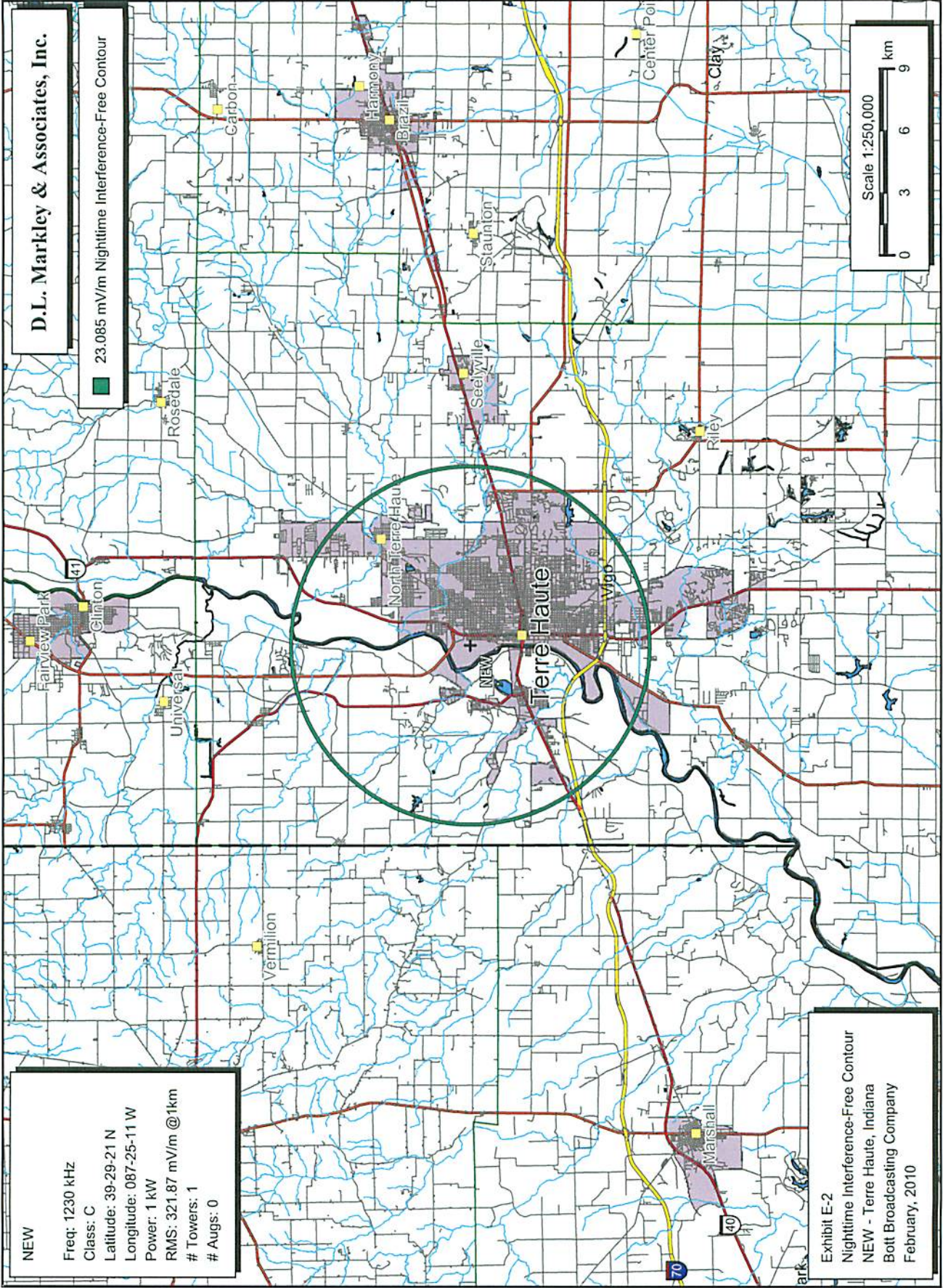
NEW

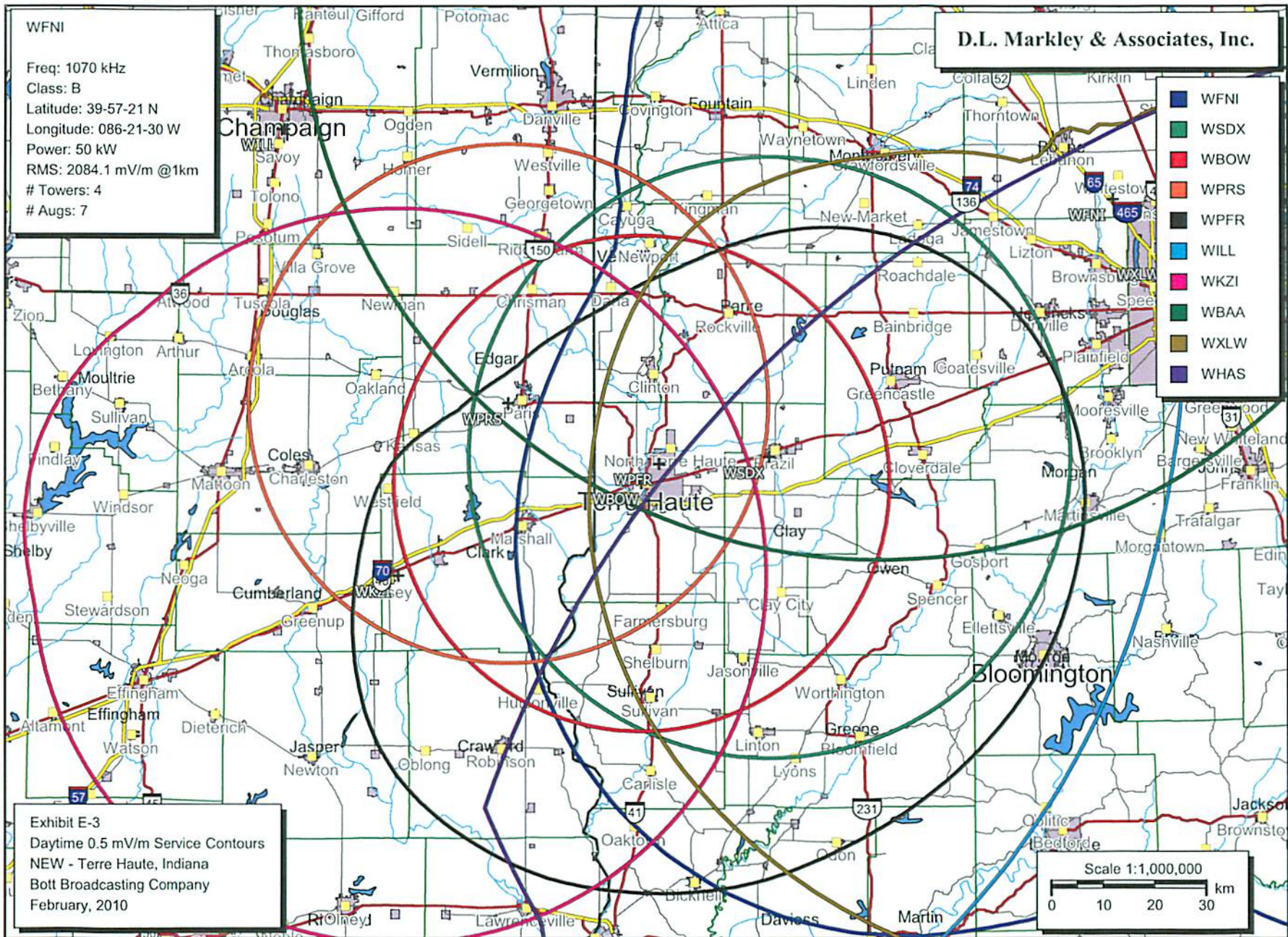
Freq: 1230 kHz
Class: C
Latitude: 39-29-21 N
Longitude: 087-25-11 W
Power: 1 kW
RMS: 321.87 mV/m @1km
Towers: 1
Augs: 0

D.L. Markley & Associates, Inc.

23.085 mV/m Nighttime Interference-Free Contour

Exhibit E-2
Nighttime Interference-Free Contour
NEW - Terre Haute, Indiana
Bott Broadcasting Company
February, 2010





D.L. Markley & Associates, Inc.

Blue	WAXI
Pink	WNDI-FM
Red	WPFR-FM
Orange	WSDM-FM
Yellow	WWSY
Light Green	WWVR
Green	WBOW-FM
Dark Green	WIBQ
Light Blue	WMGI
Dark Blue	WTHI-FM

Note: Protected service contours of commercial FM stations serving Terre Haute. Stations WAXI through WWVR are Class A facilities. WBOW-FM through WTHI-FM are Class B FM's. No Class B1's exist in search ring. For Class A's, 60 dBu contour illustrated. For Class B's, 54 dBu contour illustrated.

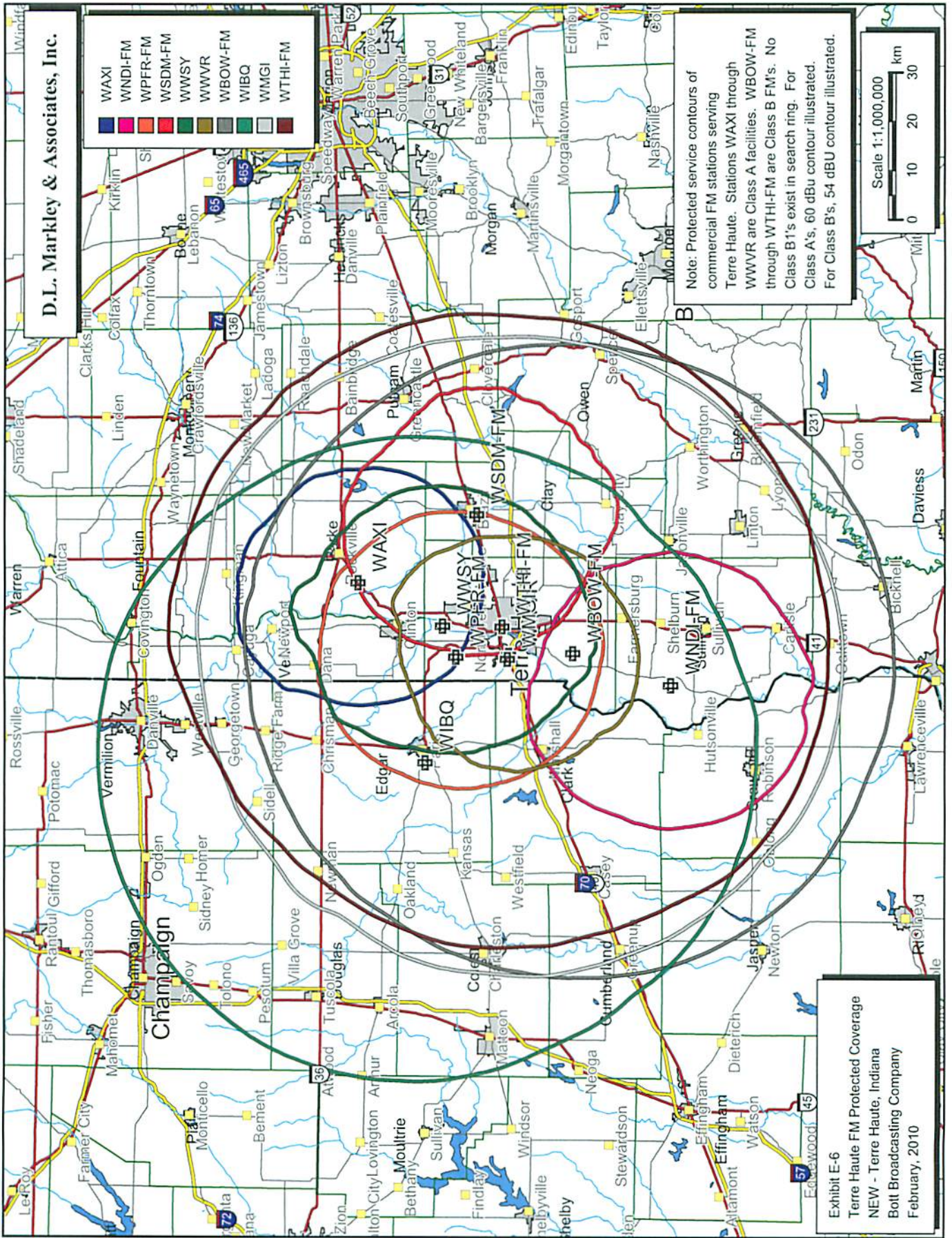
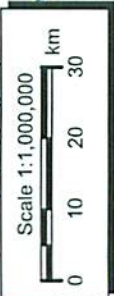


Exhibit E-6
Terre Haute FM Protected Coverage
NEW - Terre Haute, Indiana
Bolt Broadcasting Company
February, 2010

EXHIBIT B

- Population Finder
- Fact Sheet
- Fact Sheet for a Race, Ethnic, or Ancestry Group
- People
- Housing
- Business and Government
- About the Data
- Data Sets
- Download Center
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Terre Haute city, Indiana

city/ town, county, or zip

 state
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View a Fact Sheet for a race, ethnic, or ancestry group

Census 2000 Demographic Profile Highlights:

[Reference Map](#)

General Characteristics - [show more >>](#)

	Number	Percent	U.S.		
Total population	59,614			map	brief
Male	29,398	49.3	49.1%	map	brief
Female	30,216	50.7	50.9%	map	brief
<u>Median age</u> (years)	32.1	(X)	35.3	map	brief
Under 5 years	3,674	6.2	6.8%	map	
18 years and over	46,893	78.7	74.3%		
65 years and over	8,871	14.9	12.4%	map	brief
<u>One race</u>	58,476	98.1	97.6%		
White	51,422	86.3	75.1%	map	brief
Black or African American	5,827	9.8	12.3%	map	brief
American Indian and Alaska Native	202	0.3	0.9%	map	brief
Asian	696	1.2	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	25	0.0	0.1%	map	brief
Some other race	304	0.5	5.5%	map	
Two or more races	1,138	1.9	2.4%	map	brief
Hispanic or Latino (of any race)	942	1.6	12.5%	map	brief
Household population	52,213	87.6	97.2%	map	brief
Group quarters population	7,401	12.4	2.8%	map	
<u>Average household size</u>	2.28	(X)	2.59	map	brief
<u>Average family size</u>	2.95	(X)	3.14	map	
Total housing units	25,636			map	
Occupied housing units	22,870	89.2	91.0%		brief
Owner-occupied housing units	13,597	59.5	66.2%	map	
Renter-occupied housing units	9,273	40.5	33.8%	map	brief
Vacant housing units	2,766	10.8	9.0%	map	

Social Characteristics - [show more >>](#)

	Number	Percent	U.S.		
Population 25 years and over	35,843				
High school graduate or higher	27,844	77.7	80.4%	map	brief
Bachelor's degree or higher	7,053	19.7	24.4%	map	
<u>Civilian veterans</u> (civilian population 18 years and over)	5,652	12.1	12.7%	map	brief
Disability status (population 5 years and over)	12,065	22.7	19.3%	map	brief

Foreign born	1,251	2.1	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	11,389	47.5	56.7%		brief
Female, Now married, except separated (population 15 years and over)	10,232	41.2	52.1%		brief
Speak a language other than English at home (population 5 years and over)	2,469	4.4	17.9%	map	brief

Economic Characteristics - [show more >>](#)

	Number	Percent	U.S.		
In labor force (population 16 years and over)	27,898	58.0	63.9%		brief
Mean travel time to work in minutes (workers 16 years and over)	16.6	(X)	25.5	map	brief
Median household <u>income</u> in 1999 (dollars)	28,018	(X)	41,994	map	
Median family income in 1999 (dollars)	37,618	(X)	50,046	map	
Per capita income in 1999 (dollars)	15,728	(X)	21,587	map	
Families below poverty level	1,931	14.8	9.2%	map	brief
Individuals below poverty level	10,020	19.2	12.4%	map	

Housing Characteristics - [show more >>](#)

	Number	Percent	U.S.		
Single-family owner-occupied homes	12,649				brief
Median value (dollars)	60,400	(X)	119,600	map	brief
Median of selected monthly owner costs	(X)	(X)			brief
With a <u>mortgage</u> (dollars)	634	(X)	1,088	map	
Not mortgaged (dollars)	227	(X)	295		

(X) Not applicable.

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

The letters PDF or symbol  indicate a document is in the Portable Document Format (PDF). To view the file you will need the Adobe® Acrobat® Reader, which is available for free from the Adobe web site.

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EXHIBIT C



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Acceptable City names in 47805

N TERRE HAUTE, IN

NORTH TERRE HAUTE, IN

Not Acceptable

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BARTLEY, IN

BURNETT, IN

CEMAR ESTATES, IN

EHRMANDALE, IN

GROUSELAND, IN

MARQUETTE FARM, IN

PROGRESS ACRES, IN

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<http://fbcnth.org/>
WWW.FBCNTH.ORG

AKA

First Baptist Church Of North Terre Haute Indiana, North Terre Haute Baptist Ch

IN BUSINESS SINCE

1913

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EXHIBIT E



U.S. Census Bureau

American FactFinder

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QT-P23. Journey to Work: 2000Data Set: [Census 2000 Summary File 4 \(SF 4\) - Sample Data](#)Geographic Area: **Shelburn town, Indiana**

NOTE: Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, definitions, and count corrections see <http://factfinder.census.gov/home/en/datanoles/expsf4.htm>.

Subject	Number	Percent
MEANS OF TRANSPORTATION AND CARPOOLING		
Workers 16 and over		
Car, truck, or van	516	100.0
Drove alone	479	92.8
Carpooled	406	78.7
In 2-person carpool	73	14.1
In 3-person carpool	65	12.6
In 4-person carpool	8	1.6
In 5- or 6-person carpool	0	0.0
In 7-or-more-person carpool	0	0.0
Workers per car, truck, or van	1.09	(X)
Public transportation	0	0.0
Bus or trolley bus	0	0.0
Streetcar or trolley car (público in Puerto Rico)	0	0.0
Subway or elevated	0	0.0
Railroad	0	0.0
Ferryboat	0	0.0
Taxicab	0	0.0
Motorcycle	0	0.0
Bicycle	0	0.0
Walked	11	2.1
Other means	12	2.3
Worked at home	14	2.7
TRAVEL TIME TO WORK		
Workers who did not work at home		
Less than 10 minutes	502	100.0
10 to 14 minutes	85	16.9
15 to 19 minutes	71	14.1
20 to 24 minutes	31	6.2
25 to 29 minutes	90	17.9
30 to 34 minutes	21	4.2
35 to 44 minutes	66	13.1
45 to 59 minutes	43	8.6
60 to 89 minutes	64	12.7
90 or more minutes	13	2.6
Mean travel time to work (minutes)	18	3.6
	27.5	(X)
TIME LEAVING HOME TO GO TO WORK		
Workers who did not work at home		
5:00 to 5:59 a.m.	502	100.0
6:00 to 6:29 a.m.	48	9.6
6:30 to 6:59 a.m.	35	7.0
7:00 to 7:29 a.m.	41	8.2
7:30 to 7:59 a.m.	57	11.4
8:00 to 8:29 a.m.	50	10.0
8:30 to 8:59 a.m.	25	5.0
9:00 to 11:59 a.m.	19	3.8
12:00 to 3:59 p.m.	53	10.6
All other times	75	14.9
	99	19.7

(X) Not applicable.

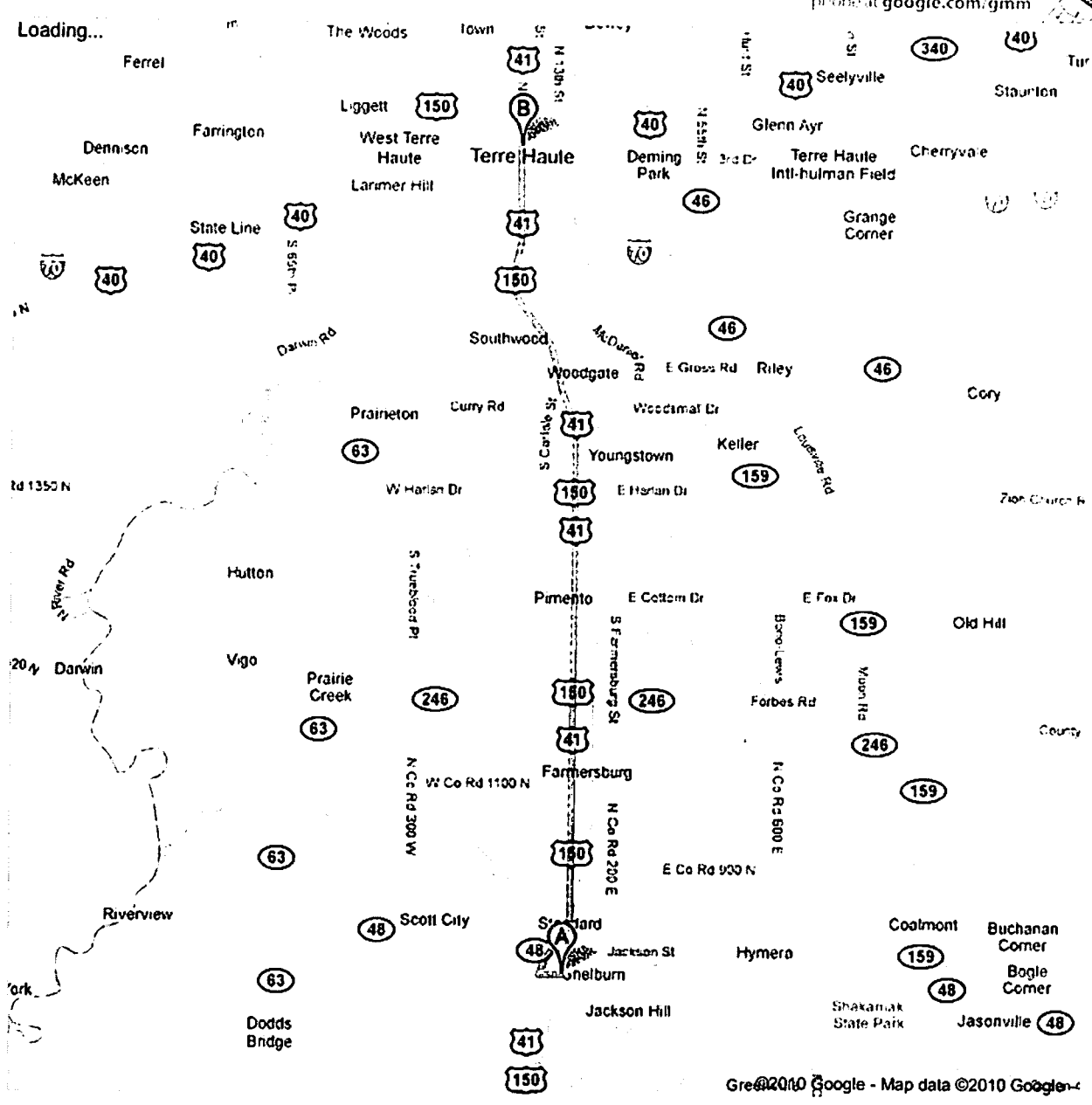
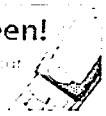
Source: U.S. Census Bureau, Census 2000 Summary File 4, Matrices PCT55, PCT56, PCT58, PCT59, and PCT60.

Google maps


Directions to Terre Haute, IN
21.1 mi - about 38 mins

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 Shelburn, IN

1. Head south on N Railroad St toward E Mill St

go 112 ft
total 112 ft

 2. Take the 1st right onto E Mill St
About 2 mins

go 0.5 mi
total 0.5 mi

 3. Turn right at US-150 W/US-41 N
About 37 mins

go 20.6 mi
total 21.1 mi

 Terre Haute, IN

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

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