

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, SW
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

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CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Carolina Radio Group, Inc.
3012 Highwoods Blvd.
Suite 201
Raleigh, NC 27604

In re: WZTK(FM); Burlington, NC
Facility I.D. No.: 9080
Carolina Radio Group, Inc.
BMLH-19950720KA

Dear Licensee:

In accordance with procedures adopted by the Commission, this letter constitutes notification to Carolina Radio Group, Inc. ("CRGI") of the filing of a minor change construction permit application (BPH-20091202AAT) by NM Licensing LLC Debtor In Possession ("NM Licensing"), licensee of station WQZL(FM), Belhaven, NC. NM Licensing's application proposes that WZTK's license and assignment be modified to specify Class C0 in lieu of Class C pursuant to Note 4 of 47 C.F.R. § 73.3573.¹

The staff has tentatively concluded that the NM Licensing application meets the requirements of § 73.3573, NOTE 4 and is otherwise acceptable for filing.² Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission's Rules, CRGI, licensee of Station WZTK, SHALL SHOW CAUSE why its license SHOULD NOT BE MODIFIED to specify Channel 266C0 in lieu of Channel 266C. CRGI may, not later than 30 days from the date of this letter,

¹ See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, Second Report and Order in MM Docket No. 98-93, FCC 00-368 15 FCC Rcd 21649 (2000).

² In order to be considered in compliance with NOTE 4, the triggering application must: 1) be short-spaced to the Class C station, but be fully spaced if it were a Class C0; 2) include a certification that no alternative channel is available at the proposed location without any other changes to the table of allotments; and 3) be served on the licensee of the affected Class C station.

file a written statement to express its intention to seek authority to modify Station WZTK's technical facilities to attain minimum Class C HAAT; or, alternatively, as provided for by NOTE 4 cited above, otherwise challenge the triggering application. If CRGI chooses to seek authority to modify WZTK's facilities, an acceptable application for a construction permit to increase the antenna height to at least 451 meters HAAT must be on file with the Commission 180 days subsequent to the show cause response due date. Failure to file a construction permit application within this time period will result in the automatic downgrade of WZTK's licensed and authorized facilities.³ Furthermore, CRGI must serve NM Licensing with copies of any FAA submissions related to its efforts to modify the WZTK facility.

Further action on the subject application will be withheld for thirty days from the date of this letter to provide an opportunity to reply. Failure to respond to this letter will result in the automatic downgrade of WZTK's license pursuant to Note 4 of § 73.3573. Please note that responses must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci".

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Coe W. Ramsey
Joseph A. Belisle, Esq.

³ Failure to build pursuant to the subsequently authorized construction permit will also result in the automatic downgrade of WZTK's licensed and authorized facilities.