

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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SGM, Inc.
30 Big Bear Circle
Crittenden, KY 41030

Re: WHKK-LP, Walton, KY
Facility I.D. No.: 135059
SGM, Inc.
BPL-20100104AAV

Dear Applicant:

This refers to: (1) the above-captioned minor change application to modify operation to 288L1 and (2) the January 26, 2010 Order to Show Cause to station WUBE-FM, Facility I.D. 10140, Cincinnati, OH.

On January 4, 2010, SGM, Inc. filed a minor change application proposing to operate on Channel 288 and create a second-adjacent channel short-spacing to WUBE-FM pursuant to the second adjacent channel waiver procedures adopted by the Commission in its Third Report and Order in *Creation of a Low Power Radio Service*.¹ By staff letter dated January 26, 2010, station WUBE-FM was directed to show cause why the modification of WHKK-LP to operate on Channel 288 and allow a second-adjacent channel short-spacing is not in the public interest. However, as of the date of this letter, WUBE-FM has failed to respond to the January 26, 2010 staff letter.

An engineering analysis has determined that there are no alternate, fully spaced, and rule compliant channels available to mitigate encroachment by WOXY. In evaluating whether the public interest would be served by grant of a waiver of Section 73.807, the Commission must balance the potential for new interference to the full service station against the potential loss of an LPFM station. Based on desired-to-undesired ("D/U") signal strength ratio calculations, interference is predicted to extend 152 meters from WHKK-LP's site. This predicted interference area is not located near densely populated areas.

¹ *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 21912, 21939-40 (2007).

In accordance with the procedures adopted by the Commission in *Creation of a Low Power Radio Service*, this letter constitutes approval to operate under special temporary authority ("STA") with the following facilities:

Geographic coordinates:	38° 51' 20" N, 84° 37' 32" W (NAD 1927)
Channel	288 (105.5 MHz)
Effective radiated power:	0.053 kilowatt (H&V)
Antenna height:	
above ground:	28 meters
above mean sea level:	280 meters
Above average terrain:	41 meters

Application BPL-20100104AAV will be retained in pending status and the request for STA IS HEREBY GRANTED. STAs issued pursuant to these procedures will be subject to any action taken by the Commission in the *Second Further Notice*. The Commission will withhold final determination of the waiver request until action on the *Second Further Notice* proposals.

WHKK-LP must notify the Commission when STA operation has commenced. WHKK-LP must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. See 47 CFR § 1.1310.

This authority expires on **October 9, 2010**.

Sincerely,



Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

cc: Bonneville Holding Company