FEDERAL COMMUNICATIONS COMMISSION

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April 28, 2010

Maine Public Broadcasting Corporation
1450 Lisbon Street
Lewiston, Maine 04240

In re: WMEA (FM); Portland, ME
Maine Public Broadcasting Corporation
Facility ID No. 39655
CP application BPED-20100204AAL

Dear Applicant:

On February 4, 2010 you filed a minor change construction permit application for WMEA (FM), Portland, ME. That application was dismissed on March 11, 2010 by application of the Commission's first come / first served for WMEA's failure to protect the prior-filed minor change application BPED-20100203ABE for WEVF, Colebrook, NH.

Your minor change application for WMEA was dismissed by staff letter dated March 11, 2010 because it failed to afford protection to the acceptable application of WEVF, Colbrook, NH, file number BPED-20030203ABE, which was filed one day before your proposal arrived. You timely filed a petition for reconsideration with a minor change amendment, intending to afford WEVF contour protection required under Section 73.509, and requested reinstatement and grant of the amended proposal under the terms of the Commission's August 2, 1984 *Public Notice.*

However, your application still fails to avoid prohibited contour overlap with WEVF. Specifically, your proposed 54 dBu interfering contour overlaps WEVF's 60 dBu service contour by more than 1 km (albeit in a much smaller area than the original proposal), resulting in interference caused within WEVF's authorized 60 dBu service area. This is caused by a narrow valley or gap running to the southeast of WEVF, at azimuths of 154 and 155 degrees True, which results in significantly higher radial HAATs (on the order of 204 meters) in those directions. Inasmuch as your amended application predicted contours using azimuths at every 10 degrees, and projected contours based on those values, you failed to recognize the narrow extension of WEVF's 60 dBu contour along azimuths between 150 and 160 degrees.[1]

[1] This overlap does not disappear when 3 second terrain data is employed.

The Commission has indicated that extra radials should be included where increased accuracy is desirable for service and interference contour projections. *Digitized Terrain Data*, Docket 84-705, 57 RR 2d 415, 417 (1984), paragraph 11.[2] Here, the additional radials are necessary to accurately determine the location of the WEVF 60 contour caused by the terrain anomaly. Consequently, this amendment is unacceptable for filing.

Therefore, the petition for reconsideration and related amendment ARE DENIED. Under the terms of the Public Notice, application BMPED-20100204AAL may not be amended again and reinstated. You may, however, file a new minor change application with the noted deficiency (and any other) corrected.

Sincerely,

Dale E. Bickel

Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Donald G. Everist
: Dow, Lohnes & PLLC

[2] *See also Short-Spaced Assignments by Using Directional Antennas*, MM Docket 87-121, FCC 88-406, 4 FCC Rcd 1681 (1989), paragraph 41, recon. denied, FCC 91-273, 6 FCC Rcd 5356 (1991). While the discussion relates to commercial FM stations using Section 73.215, we do not treat contour overlap prediction for reserved band noncommercial educational stations differently in this respect.