

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET S.W.
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV/MB/AUDIO

PROCESSING ENGINEER: Robert Gates
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: Robert.Gates@fcc.gov

JUL 12 2010

Robert A. Lynch
175 Gray Road
Ithaca, NY 14850

In Re: NEW, Ithaca, NY
Facility ID # 157181
BNPFT-20080620ADO

Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for a new FM Translator in Ithaca, New York; (2) the July 29, 2008 Petition to Deny filed by Saga Communications of New England, LLC ("Saga") and all related pleadings. For the reasons set forth herein, we deny the Petition to Deny and all related pleadings.

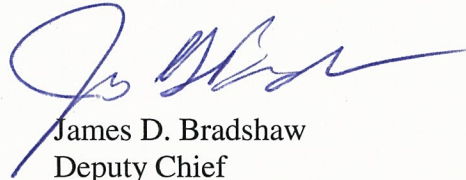
Saga purports that the proposed translator failed to comply with § 74.1204. The proposed FM translator's 94 dBu interfering contour overlaps the 54 dBu protected contour of WOLF-FM, licensed to Foxfur Communications, LLC. Neither Foxfur Communications, LLC, nor the previous licensee, Aloha Station Trust, LLC, have filed a petition concerning this application. Pursuant to Section 74.1204(d), applicants may show lack of interference by using the undesired-to-desired signal ratio method in conjunction with the standard FCC F(50,50) curves. See *Living Way Ministries, Inc.*, FCC 08-242, released October 10, 2008. The proposed FM translator's third-adjacent interfering contour is calculated by adding 40 dB to the desired WOLF-FM signal strength in the immediate vicinity of the translator station transmitter site. The applicant computes WOLF-FM's signal strength as 54 dBu, therefore the translator's interfering contour is 94 dBu. The applicant states that using a Scala CA2-FM/CP single bay antenna, with the main lobe oriented 300 degrees True, will not interfere with any residences. Saga states that the applicant did not address the water tower and possible technicians that presumably work on a daily basis.

Commercial sites (residences or buildings) or major highways having no reportable population are considered populated under § 74.1204(d). Saga attempts to show that the interference area includes portions of the Baker Laboratory complex of the Cornell University Vet Medical College by including Exhibit 1.1 to its Reply to Opposition to Petition to Deny dated August 29, 2008. It is evident from the pictures provided by Saga that this electronics site has no residences, buildings or major highways within the proposed interfering contour. While Saga suggests that Lynch should bear the burden of rebutting this claim, we do not have enough evidence from Saga to substantiate the potential existence of any building in this area. The mere existence of a water tower in the area does not demonstrate the likelihood of regular listeners/workers in the area.

Please note, § 74.1203(a) states that should the translator commence operation and cause interference to WACL(FM), the translator will be required to eliminate the interference or cease operation.

Accordingly, the July 29, 2008 Petition to Deny filed by Saga IS HEREBY DENIED and BNPFT-20080620ADO IS HEREBY GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Bradshaw', with a long horizontal flourish extending to the right.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Gary Smithwick
Wray Fitch