

FEDERAL COMMUNICATIONS COMMISSION  
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Public Broadcasting Council of Central New York  
P.O. Box 2400  
Syracuse, NY13220

In re: WCNY-FM, Syracuse, NY  
Public Broadcasting Council of  
Central New York  
Facility ID No. 66284  
BMPED-20100607AFO

Dear Applicant:

This letter is in reference to the above-captioned application to modify the transmitter location, antenna pattern, radiation center above ground, and effective radiated power.

An engineering study of the application reveals that it is in violation of 47 C.F.R. § 73.509 with respect to first-adjacent channel Class A license (BLED-19950125KA) for WSQX-FM, Binghamton, NY and first-adjacent Class B license (BMLED-20051207ABF) for WXXI-FM, Rochester, NY. Specifically, the proposed interfering contour (54 dBu) will cause prohibited overlap to WSQX-FM's protected contour (60 dBu) by approximately 4 kilometers between the azimuths of 157°T to 166°T and 184°T to 185°T. In addition, the proposed protected contour (60 dBu) will receive prohibited overlap from WXXI-FM's interfering contour (54 dBu) by approximately 2 kilometers between the azimuths of 258°T to 281°T. This was not addressed in the application.

In addition, an engineering study of the proposed directional antenna for WCNY-FM reveals that it is in violation of 47 C.F.R. § 73.510(a). Section 73.510(a) states that noncommercial educational stations must comply with 47 C.F.R. § 73.316(b). Specifically, between the azimuths of 260° T to 270° T and 300° T to 310° T, the proposed radiation pattern varies by as much as 3.1 dB per 10 degrees. It is necessary to note that these azimuths are in the direction of a short-spaced station and a directional antenna is necessary to prevent any prohibited overlap. Pursuant to 47 C.F.R. § 73.316(c)(2), directional antennas used to protect short-spaced stations that have a radiation pattern which varies more than 2 dB per 10 degrees of azimuth will not be authorized.

Furthermore, the study reveals the application is in violation of the *AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF CANADA RELATING TO THE FM BROADCASTING SERVICE IN THE BAND 88-108 MHZ*

(USA-Canada Agreement). Specifically, the application is short-spaced to co-channel Class B1 facility for CJLX, Belleville, Ontario, and the proposed interfering contour (34 dBu) would cause prohibited overlap to the protected contour (54 dBu) of CJLX.<sup>1</sup> Therefore, the application fails to comply with the USA-Canada Agreement. These violations constitute acceptance defects.

In light of the above, Application BMPED-20100607AFO is unacceptable for filing pursuant to 47 C.F.R § 73.3566(a) and is HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R § 0.283.

Sincerely,



Edna V. Prado  
Supervisory Engineer  
Audio Division  
Media Bureau

cc: Todd D. Gray  
William R. Meintel

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<sup>1</sup> BPED-20070905ABE was accepted by Canada as a specially negotiated short-spaced allotment, limited to the proposed parameters including directional antenna towards channel 217B1, Belleville, Ontario, between the azimuths of 309°T to 344°T. However, the proposed facilities exceed these limitations.