

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 TWELFTH STREET, SW**  
**WASHINGTON, DC 20554**

**MEDIA BUREAU**  
**AUDIO DIVISION**  
**APPLICATION STATUS:** (202) 418-2730  
**HOME PAGE:** [www.fcc.gov/mb/audio/](http://www.fcc.gov/mb/audio/)

**NOV 30 2010**

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KXVI Communications  
P.O. Box 497933  
Garland, TX 75049-7933

Re: KTYR(FM); Trinity, TX  
Facility ID No. 173782  
KXVI Communications  
BMPED-20101020ACK

Dear Applicant:

This letter refers to the above-captioned application for a minor modification to a construction permit filed by KXVI Communications ("KXVI").

Section 73.7002(c) of the Commission's Rules provides that for a period of four years of on-air operations, an applicant receiving a decisive 307(b) preference must "construct and operate technical facilities substantially as proposed and shall not downgrade service to the area on which the preference was based." KXVI has neither constructed nor operated, for any period, the authorized facilities for which it received a decisive 307(b) preference. Specifically, the facilities specified in the application do not encompass the areas where first and second service were claimed resulting in the removal of service to part of the area on which KXVI's decisive 307(b) preference was based.<sup>1</sup>

In light of the above, Application BMPED-20101020ACK 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*

Edna V. Prado  
Supervisory Engineer  
Audio Division  
Media Bureau

cc: D C Schaberg

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<sup>1</sup> Although the applicant shows that first and second service areas are maintained, staff analysis reveals substantial loss of first and second service areas that received a 307(b) preference.