

FEDERAL COMMUNICATIONS COMMISSION
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Fellowshipworld, Inc.
1420 Main Street
Buffalo, New York 14215

In re: WFWO(FM), Newfane, New York
Fellowshipworld, Inc. ("FSW")
Facility Id # 172262
BMPED-20110307AAA

Dear Applicant:

This letter refers to the above-captioned noncommercial education minor change application filed on behalf of Fellowshipworld, Inc., to modify construction permit BNPED-20071012AQP for a NEW noncommercial educational FM Station to operate on Channel 209A, Medina, New York. The application proposes the reallocation of Channel 209A, at Medina, New York to Newfane, New York.

Background. This application was filed pursuant to Section 73.3573(g) of the Commission's rules, which permits the modification of a station's authorization to specify a new community of license without affording other interested parties an opportunity to file a competing expression of interest. Any reallocation proposal must result in a preferential arrangement of allotments.¹ We make this determination using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.² This application would provide a first local service to Newfane under Priority (3).

Discussion. We cannot approve the proposed city of license modification of Station WFWO from Medina, to Newfane, New York. We recognize that Station WFWO could provide the larger community of Newfane (2010 U.S. Census population of 9,657 persons) with its first local service under Priority 3, whereas the retention of Station WFWO at Medina (2010 U.S. Census

¹ See *Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License")*, Report and Order, 4 FCC Rcd 4870 (1989), *recon. granted in part*, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990).

² *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1988). The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

population of 6,415 persons) could provide a potential first local service.³ However, absent a gain and loss study and a fair distribution analysis pursuant to Section 73.7002, we cannot make the determination that the city of license modification results in a preferential arrangement of allotments.

In this regard, your 307(b) showing did not contain a gain and loss study. All community of license applications must contain a gain and loss study. A gain and loss study consists of: (1) the areas/persons which would gain new service and lose existing service if the proposal is adopted, (2) the number of reception services which are presently available within the gain and loss areas, and (3) whether the proposal would result in the creation of white (first aural reception service) and/or gray (second aural reception service) areas within the loss area or provide new coverage to white and/or gray areas within the gain areas.⁴

Moreover, your 307(b) showing did not contain a fair distribution analysis pursuant to Section 73.7002 of the Commission's Rules. We also note that all noncommercial educational community of license applications must contain a fair distribution analysis pursuant to Section 73.7002 of the Commission's Rules. An applicant must demonstrate whether the proposed or existing arrangements of allotments would provide a first or second noncommercial educational service to any persons within the station's 60 dBu contour.

In light of the above, Application BMPED-20110307AAA is unacceptable for filing pursuant to 47 C.F.R. Section 73.3566(a) and IS HEREBY DISMISSED. These actions are taken pursuant to 47 C.F.R. Section 0.283.

Sincerely,



Rodolfo Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Jeffery D. Southmayd, Esq.

³ Station WFWO is an unbuilt station at Medina.

⁴ Reception services are those aural broadcast services that can be received within a given geographical area, including full-time AM, FM commercial and FM noncommercial educational ("NCE-FM") stations. In determining reception service provided by an FM station, the area of service circumscribed by the station's 1.0 mV/m signal contour should be considered, assuming maximum facilities for the class of station except Class C. For Class C stations, the licensed facilities or the minimum Class C facilities, whichever is greater, should be considered. The area of reception for full-time AM stations is defined according to whether it is a Class A AM station or another class of full-time AM station. For a Class A station, called a clear channel station, the reception area is defined by a station's 0.5 mV/m groundwave contour, based on its licensed facilities. For allocation purposes, all other classes of full-time AM stations, reception service is defined as that service received within a station's nighttime interference-free contour. The area of reception for NCE-FM stations is defined by the station's 60 dBu contour assuming the actual licensed facilities. For purposes of determining the availability of aural services in the areas affected by a change of community proposal, an applicant should include in its study reception services provided by all relevant AM, FM and NCE-FM stations. Reception areas that receive at least five radio services are considered to be well-served.