

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
WASHINGTON DC 20554

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

PROCESSING ENGINEER: Jimmy Kong
TELEPHONE: (202) 418-2700
MAIL STOP: 1800B3
E-MAIL ADDRESS: Jimmy.Kong@fcc.gov

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Gabriel Arango, Esq.
Siga Broadcasting Corporation
1320 N. Shepherd Drive
Houston, TX 77008

Gregory L. Masters, Esq.
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006

Howard M. Lieberman, Esq.
Drinker Biddle & Reath LLP
1500 K Street, NW
Washington, DC 20005

Re: Siga Broadcasting Corporation
KHFX(AM), Cleburne, Texas
Facility Identification Number: 65313
File Number: BP-20090303AAP
Informal Objection

Dear Counsel:

This letter refers to: (i) the above-captioned minor change application filed by Siga Broadcasting Corporation ("Siga"), licensee of station KHFX(AM), Cleburne, Texas, to change the KHFX(AM) daytime directional antenna system and increase daytime operating power from 5 kilowatts to 25 kilowatts; (ii) the May 15, 2009, Informal Objection (Objection) filed by Dallas Broadcasting, LLC (Dallas), licensee of station KVCE(AM), Highland Park, Texas; (iii) the May 19, 2009, Informal Objection filed by GAP Broadcasting Shreveport License, LLC (GAP), licensee of station KWKH(AM); (iv) Siga's November 4, 2009, amendment to reduce the proposed daytime power to 15 kilowatts; and (v) the January 25, 2010, Informal Objection to Amendment filed by GAP.

Background

In the May 15, 2009, Objection, Dallas challenges the validity of the field intensity measurements data at 120° radial from KVCE(AM) because there is a discrepancy between the ground conductivity reported on the field strength versus distance graph. Dallas conducted its own field intensity measurement at 120° radial from KVCE(AM) to show the proposal would cause interference to KVCE(AM)'s licensed operation. In the May 19, 2009, Objection, GAP stated that Siga relied on outdated measurements data when evaluating the potential impact of the proposed KHFX(AM) facility on KWKH(AM).¹ GAP

¹ GAP questioned the outdated measurement data of KHFX(AM) on 60° radial, and the KWKH(AM) measurements on 238°, 258°, 278°, and 298° radials.

submitted a study with its April 2009 field measurements to show that KHFX(AM) proposal would cause daytime interference to KWKH(AM)'s licensed operation, in violation of Section 73.37 of the rules. GAP seeks dismissal of the application.

On November 4, 2009, in response to the Objections, Siga amended the application by reducing the daytime power to 15 kilowatts to eliminate the daytime overlap with KVCE(AM) and KWKH(AM). Siga also agreed to utilize all measurements data provided by GAP's May 19, 2009 Objection and indicated no objectionable interference to both KVCE(AM) and KWKH(AM).

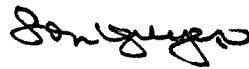
On January 25, 2010, GAP filed an Informal Objection to November 4, 2009 Amendment. In the Objection, GAP submitted new measurements taken from KWKH(AM) 240°, 260°, and 280° bearing to show the amended proposal still causes interference to KWKH(AM). Siga never responded to the GAP November 4, 2009, Objection.

Conclusion:

After a careful review of the pleadings, we conclude that both sets of measurement data submitted by Siga and GAP should be considered in our analysis.² On this basis, our engineering review indicates that the amended proposal would result in overlap of the proposed 0.5 mV/m contour and the 0.25 mV/m daytime groundwave contour of station KWKH(AM), in contravention of Section 73.37 of the Commission's rules.

Accordingly, pursuant to Section 0.283 of the Commission's rules, the application, BP-20090303AAP, is DISMISSED as unacceptable for filing, and the Informal Objections filed by Dallas and GAP are DISMISSED as moot.³

Sincerely,



Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Dallas Broadcasting, LLC
GAP Broadcasting Shreveport License, LLC

² Specifically, the field measurements taken for 280° of KWKH(AM) on September, 2009 by Siga and on January, 2010 by GAP.

³ In the Public Notice entitled "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications", FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications nunc pro tunc where the original application was returned and where a relatively minor curative amendment was filed in conjunction with a petition for reconsideration within 30 days of the date of the dismissal. Any amendment filed later than 30 days will be returned as untimely. See 47 U.S.C. Section 405, 47 CFR § 1.106(f). In this regard, it should be emphasized that the above deficiencies were discerned after a preliminary study of the application. A detailed review was not made of the entire application to determine whether other deficiencies exist which would preclude acceptance for filing or result in a subsequent dismissal. Inasmuch as the applicant will not be afforded a second opportunity to correct another deficiency, the applicant is encouraged to carefully review the entire application.