

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

DEC 07 2011

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

ENGINEER: Bernard Gorden
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B2
INTERNET ADDRESS: Bernard.Gorden@fcc.gov

Stu-Comm, Inc.
2250 Old Ivy Road, Suite #2
Charlottesville, VA 22903

In Re: WNRS-FM, Sweet Briar, VA
Facility ID # 74157
Stu-Comm, Inc.
BPED-20111025AHI

Dear Applicant:

This letter refers to the above-captioned minor change application to upgrade class at a new transmitter antenna location.

An engineering study of the application reveals that it is in violation of 47 C.F.R. § 73.509 with respect to the following stations: (1) co-channel Class A license (BLED-20030801CVZ) for WMRL(FM), Lexington, VA; (2) co-channel Class A license (BLED-20050511ADV) for WFFC(FM), Ferrum, VA; (3) co-channel Class B license (BLED-20060327AIO) for WPER(FM), Culpeper, VA; (4) first-adjacent Class B1 license (BLED-19990723KA) for WPVA(FM), Waynesboro, VA; (5) first-adjacent Class C3 license (BLED-20071010ACE) for WMVE(FM), Chase City, VA; and (6) third-adjacent Class A license (BLED-20100308AAO) and construction permit (BPED-20100315ADO) for WEQP(FM), Pamplin City, VA. These violations were not addressed in the application. This constitutes an acceptance defect.

The engineering study of the application also reveals that the proposed directional antenna violates 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, Section 73.316(b)(2) states that “[d]irectional antennas used to protect short-spaced stations pursuant to § 73.213 or § 73.215 of the rules, that have a radiation pattern which varies more than 2 dB per 10 degrees of azimuth will not be authorized.” It has been the Commission’s longstanding policy to apply the 2 dB/10° limitation to noncommercial educational stations protected under the analogous contour overlap section, 47 C.F.R. § 73.509. Thus, the proposal violates this requirement. The proposed radiation pattern varies by as much as 2.3 dB per 10 degrees between the azimuths of 330° T and 340° T. We also note that these azimuths are in the direction of stations where a directional antenna is necessary to prevent any prohibited overlap. This also constitutes an acceptance defect.

Therefore, in light of the above, Application BPED-20111025AHI is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and is HEREBY DISMISSED. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Brendan Holland