

**FEDERAL COMMUNICATIONS COMMISSION**

**445 12th STREET SW  
WASHINGTON DC 20554**

**MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
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**APR 26 2012**

David Tillotson, Esq.  
4606 Charleston Terrace, NW  
Washington D.C. 20007-1911

Re: Ontario Broadcasting, LLC  
KSPA(AM), Ontario, California  
Facility Identification Number: 13899  
BP-20041115AFC

Dear Mr. Tillotson:

This letter is in reference to the above-captioned minor change application to change station KSPA(AM)'s community of license from Ontario, California, to Chino, California, and the September 30, 2008, amendment.<sup>1</sup>

A preliminary review of the application, as amended reveals that the proposed nighttime contribution of 1.6 mV/m will enter and increase the 25% RSS limit from 4.4 mV/m to 4.7 mV/m towards co-channel station KSFN(AM), Piedmont, California, in violation of Section 73.182 of the commission's rules. The KSFN(AM) RSS limit is comprised of the contributions of 4.0 mV/m from KGA(AM), and 1.9 mV/m from KSJX(AM).

In addition, the proposed critical hours radiation exceeds the maximum permissible radiation towards co-channel Class A station WLAC, Nashville, Tennessee, along the arc from 75° to 79°, in violation of Section 73.187 of the Commission's rules.<sup>2</sup>

Accordingly, for the reasons stated above, under Section 0.283 of the Commission's rules,

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<sup>1</sup> It should be noted that the application remains in conflict with four AM Auction 84 Short Form 175 applications: File numbers BMAP-20001020AAT, BNP-20040130ATD, and BNP-20040130BMC, due to prohibited daytime overlap, and File number BNP-20040129ATC due a prohibited nighttime RSS problem.

<sup>2</sup> The proposed radiation value of 2762 mV/m exceeds the maximum permissible radiation value (in parenthesis) of 2150 mV/m along the bearing of 77° from KSPA; 2765 mV/m - (2310 mV/m)- along the bearing of 73°; 2764 mV/m-(2213 mV/m) along the bearing of 74°; 2763 mV/m - (2175 mV/m) along the bearing of 75°; 2762 mV/m - (2156 mV/m) along the bearing of 76°; 2761 mV/m - (2172 mV/m) along the bearing of 78°; and 2760 mV/m - (2236 mV/m) along the bearing of a 79°.

the application (File No. BP-20041115AFC) is hereby DISMISSED as unacceptable for filing.<sup>3</sup>

Sincerely,



Son Nguyen  
Supervisory Engineer  
Audio Division  
Media Bureau

cc: Thomas S. Gorton, Hatfield & Dawson  
N. Arthur Astor, Manager, Ontario

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<sup>3</sup> 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 petition for reconsideration or electronic amendment filed later than 30 days will be returned as untimely. See 47 U.S.C. § 405, 47 C.F.R. § 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, I would urge that the applicant carefully review the entire application.