

FEDERAL COMMUNICATIONS COMMISSION
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OCT 16 2012

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Western New Life, Inc.
P.O. Box 7707
Caguas, PR 00726-7707

Re: WNVE(FM), Culebra, PR
Facility ID No. 3250
Western New Life, Inc.
File No. BPH-20120305AAW

Dear Applicant:

This letter refers to the above-captioned minor change to a licensed facility construction permit application proposing a community change from Culebra, PR to Ceiba, PR.

An engineering review of the application, as last amended, fails to comply with Section 73.3573(g)(4). Specifically, non-reserved band applications proposing a change of community must demonstrate the existence of a suitable assignment site that fully complies with section 73.315.¹ The proposed assignment site fails to encompass 100% of the community of Ceiba (or Ceiba Pueblo)², PR using the 70 dBu reference distance for a maximum class station.³ This violation constitutes an acceptance defect. Therefore, Western New Life, Inc. must specify a new assignment site that provides city grade coverage to 100% of Ceiba, PR.

Pursuant to Section 73.3522 of the Commission's Rules⁴, "... an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically

¹ 47 C.F.R. § 73.315.

² Please note that the 307(b) exhibit uses Ceiba for the city border, whereas the allocation reference uses the Ceiba Pueblo barrio border.

³ The 70 dBu contour for a maximum Class A 6 kW ERP/240 m HAAT station extends to 25 kilometers.

⁴ 47 C.F.R. § 73.3522.

identified by the staff." Additionally, Section 73.3564 of the Commission's Rules⁵ states that "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for amendment." See Appendix B in the Report and Order in MM Docket No. 91-347. This letter constitutes your opportunity for corrective amendment pursuant to Section 73.3522.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide Western New Life, Inc. an opportunity to respond. Failure to correct all tender and acceptance defects within the thirty days from the date of this letter will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to Section 73.3564. Please note, any amendment must be submitted in the same manner as the original application.

Sincerely,



Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

cc: Scott C. Cinnamon
Clifton G. Moor

⁵ 47 C.F.R. § 73.3564.