

**FEDERAL COMMUNICATIONS COMMISSION**

**445 12<sup>th</sup> Street SW  
WASHINGTON DC 20554**

**JAN 31 2013**

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

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Alatron Communications, Inc.  
P.O. Box 110  
Clanton, AL 35046

In re: WAOQ(FM), Brantley, AL  
Alatron Communications, Inc.  
Facility ID No. 825  
BPH-20121219ACP

Dear Applicant:

The staff has under consideration the above referenced minor change application to change WAOQ's city of license from Goshen, AL to Brantley, AL and return to its licensed (BLH-19990603KF) site.

However, an engineering study of the application reveals that the facility specified in the application fails to meet the minimum spacing requirement of 47 C.F.R. § 73.207. Specifically, the facility is short-spaced by 5 kilometers to the first-adjacent Class C2 construction permit File No. BPH-20120727AHA of WDXX(FM), Selma, AL. The required spacing pursuant to 47 C.F.R. § 73.207 is 106 kilometers while the actual spacing proposed in the application is 101 kilometers. This was not addressed in the application.<sup>1</sup>

Pursuant to 47 C.F.R. § 73.3522, "...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 identified by the staff." Additionally, 47 C.F.R. § 73.3564 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 corrective 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 47 C.F.R. § 73.3522.

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<sup>1</sup> Although the application is proposing to return to its licensed site, this facility has not been protected since December 24, 2009, the grant date of construction permit BPH-20081216BKG, which modified the license (BLH-19990603KF) to specify Goshen, AL in lieu of Brantley, AL. Minor change applications are processed on a first-come, first-served basis, and thus, this application must protect the previously filed and subsequently granted construction permit BPH-20120727AHA for WDXX.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide Alatron Communications, Inc. an opportunity to respond. Failure to correct all tender and acceptance defects within thirty days from the date of this letter will result in dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564. Please note that any amendment must be submitted in triplicate and signed in the same manner as the original application.

Sincerely,



Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

cc: Robert E. Williams