

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

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

DEC 23 2013

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Civic Light Opera Cultural
Arts Academy
624 South Pacific Avenue
San Pedro, CA 90731

Re: NEW-LP, San Pedro, CA
Facility ID No. 197367
Civic Light Opera Cultural
Arts Academy
File No. BNPL-20131114BHY

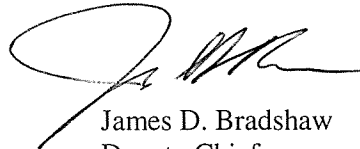
Dear Applicant:

The staff has under consideration the above-captioned application for a new low power FM (LPFM) station.

An engineering study has revealed that the proposed transmitter site specified in the application fails to meet the minimum spacing requirements of 47 C.F.R. § 73.807. Specifically, the site proposed is located near the second adjacent licensed facilities for KSWD (BLH-20090409AHH) in Los Angeles, CA and KRTH (BMLH-20071015AJG) in Los Angeles, CA. The application recognizes this short-spacing and requests a second-adjacent waiver. However, the waiver request does not adequately demonstrate that no interference will occur. The exhibits include a statement that "the lowest point at which the signal strength rises to 108.6 dBu is...0.5 meters above the ground." The applicant concludes that, as a result, the interference encompasses zero population. However, this is not sufficient to demonstrate the complete lack of potential listeners in the interference area. Therefore, the application is unacceptable for filing and will be dismissed. Please note that an adequate demonstration of no interference should contain various items such as a map of the proposed interference area, a tower diagram, a satellite or aerial photograph, the antenna manufacture's vertical radiation pattern, and/or any details about any nearby structures or major roadways.

Accordingly, in light of the above, application BNPL-20131114BHY is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a)¹ and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: James Blackman

¹ Under 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 dismissed and where a minor curative amendment was filed within thirty days. Please note that any amendment submitted for this purpose must be received within 30 days of the Public Notice of the dismissal of the application and must correct ALL acceptance defects with the application. This includes any defects that may not have been identified in the dismissal letter.