

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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Press Communications, LLC.
1329 Campus Parkway
Neptune, NJ 07753

In re: WBHX(FM), Tuckerton, NJ
Facility ID No.: 56233
Press Communications, LLC. ("Press")
BPH-20100827ABW

Dear Applicant:

The letter is in reference to: (1) the above-captioned minor change application proposing a channel substitution from Channel 259A to Channel 257A and modifying the effective radiated power, antenna height, and antenna location;¹ (2) the September 29, 2010 Petition to Deny filed by William Hawkes, Jr.; (3) the October 5, 2010 Informal Objection filed by the Atlantic City Board of Education; (4) the October 2, 2010 Informal Objection filed by Equity Communications, LP; and (5) all other related pleadings.

An engineering study of the application reveals that the involuntary channel substitution for WZBZ on Channel 259A fails to meet the minimum spacing requirement of 47 C.F.R. § 73.207 with respect to the fifty-third adjacent channel Class A license (BLED-19961212KB) for WAJM(FM), Atlantic City, NJ and first-adjacent channel Class B license (BMLH-20080516AAX) for WJBR-FM, Wilmington, DE. Specifically, with respect to WAJM, the facility is short-spaced by 8 kilometers. The required spacing pursuant to § 73.207 is 10 kilometers while the actual spacing proposed in the application is 2 kilometers.² With respect to WJBR-FM, the facility is short-spaced by 8 kilometers. The required spacing pursuant to § 73.207 is 113 kilometers while the actual spacing proposed in the application is 105 kilometers.³ This constitutes an acceptance defect. Therefore, the applicant must amend the application to eliminate these short-spacings.

¹ In order to accomplish this, the application proposes an involuntary channel substitution for Station WZBZ(FM), Pleasantville, NJ. Specifically, Press proposes to change WZBZ's channel from Channel 257A to Channel 259A.

² Although WAJM has two renewal applications pending, its license must be protected until a final decision is released regarding the status of the station. Furthermore, WAJM was granted an STA (BLSTA-20100921AAP) to continue operating pursuant to its license facility on September 29, 2010. Finally, a 99 watt station must also comply with the I.F. spacing provisions of § 73.207.

³ Although WZBZ is grandfathered short-spaced on its currently licensed Channel 257 and would remain grandfathered short-spaced on the proposed Channel 259A, Press has failed to cite any precedent for proposing an involuntary channel substitution to a grandfathered short-spaced station.

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 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.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide the applicant an opportunity to respond. Failure to correct all tender and acceptance defects within 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 47 C.F.R. § 73.3564(a). Furthermore, failure to respond within 30 days will result in the dismissal of the application pursuant to 47 C.F.R. § 73.3568. This letter does not imply any judgment on the pleadings listed above.

Sincerely,

A handwritten signature in blue ink that reads "Rodolfo F. Bonacci". The signature is written in a cursive, flowing style.

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Michelle A. McClure, Esq.
John J. Mullaney
William Hawkes, Jr.
Heidi K. Stack, Esq.
Kevin C. Boyle, Esq