

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
WASHINGTON DC 20554

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

DEC 15 2014

PROCESSING ENGINEER: Darrell E. Bauguess
TELEPHONE: (202) 418-2181
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: Darrell.bauguess@fcc.gov

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

John F. Garziglia, Esquire
Womble, Carlyle, Sandridge & Rice, PLLC
1200 19th Street, N.W., Suite 500
Washington, DC 20036

In re: WWKS-FM, Cruz Bay, VI
Facility ID No. 31084
GARK, LLC
BLH-19970310KC

WNVE(FM), Ceiba, PR
Facility ID No. 3250
Western New Life, Inc.
BPH-20140717ACI

Dear Mr. Garziglia:

In accordance with procedures adopted by the Commission,¹ this letter constitutes notification to GARK, LLC of the filing of a minor change construction permit application (BPH-20140717ACI) by Western New Life, Inc ("WNL"), licensee of station WNVE(FM), Ceiba, PR. WNL's application requested the substitution of Channel 271B for Channel 267B at Cruz Bay, Virgin Islands and modification of the FM Station WWKS license accordingly.²

Section 316(a) of the Communications Act of 1934, as amended,³ permits us to modify the license or construction permit if such action is in the public interest. The Act requires that we notify the affected station of the proposed action, the public interest reasons for the action, and afford at least 30 days to respond. This procedure is now set forth in Section 1.87 of the Commission's Rules.⁴

¹ See *Revision of Procedures Governing Amendments to FM Table of Allotment and Changes of Community of License in the Radio Broadcast Services*, Report and Order, MB Docket No. 05-210, FCC 06-163 (rel. Nov. 29, 2006).

² The license of FM Station WWKS-FM at Cruz Bay, VI can be modified to specify operation on Channel 271B in lieu of Channel 267B at the station's current licensed transmitter site (BLH-19970310KC). The licensed coordinates for FM Station WWKS at Cruz Bay, VI are 18-20-30 NL and 64-43-59 WL.

³ 47 U.S.C. § 316(a) (the "Act").

⁴ See *Modification of FM and Television Licenses Pursuant to Section 316 of the Communications Act*, 2 FCC Rcd 3327 (1987).

We find that the WNL application has sufficient public interest benefits to justify the issuance of a show cause order. Furthermore, WNL states that it would reimburse GARK, LLC for the reasonable costs incurred in connection with the proposed channel change consistent with the *Circleville* policy.⁵

Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a), and pursuant to Section 1.87 of the Commission's Rules, GARK, LLC, SHALL SHOW CAUSE why its permit SHOULD NOT BE MODIFIED to specify Channel 271B in lieu of Channel 267B. GARK, LLC may, not later than 30 days from the date of this letter, file a written statement showing with particularity why their respective permit should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the affected licensee herein to furnish additional information. If the affected licensee raises any substantial and material questions of fact, a hearing may be required to resolve such questions of fact pursuant to Section 1.87 of the Rules. Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date referred to above, the respective licensee will be deemed to have consented to the respective modification as proposed in this *Order to Show Cause* and its license will be reissued indicating the modification of its assignment by specifying the new channel.

Further action on the subject application will be withheld for thirty days from the date of this letter to provide an opportunity to reply. Please note that responses must be submitted to the Secretary of the Commission in triplicate and must be served on all parties.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci".

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Lee J. Peltzman

⁵ See *Circleville, Ohio*, 8 FCC 2d 159 (1967).