

FEDERAL COMMUNICATIONS COMMISSION
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February 11, 2016

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2000 K Street, NW
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Washington, DC 20006

Re: WCOO(FM), Kiawah Island, South Carolina
L.M. Communications II of South Carolina, Inc.
Facility ID No. 50729
File No. BPH-20160125AAF

Dear Counsel:

This letter concerns minor change application BPH-20160125AAF (Application) submitted by L.M. Communications II of South Carolina, Inc. (LMC), licensee of commercial FM station WCOO(FM), Kiawah Island, South Carolina, requesting modification of the licensed station WCOO(FM) facilities.¹ LMC proposes to relocate the station's transmitting facilities to a new site, decrease effective radiated power (ERP), and increase antenna radiation center height above average terrain (HAAT).

Our review of the Application reveals that the proposed facilities violate the minimum distance separation requirements of Section 73.207 of the Commission's rules.² The proposed station WCOO(FM) facilities are located 47.3 kilometers from a second-adjacent channel 290A allotment at Pinopolis, South Carolina, that is reserved for use by Station WTUA(FM).³ Section 73.207 requires a minimum distance of 55 kilometers between the proposed station WCOO(FM) facilities and the station WTUA(FM) channel 290A allotment site.⁴ This short spacing constitutes an application acceptance defect, and the Application must be amended to demonstrate compliance with Section 73.207.

¹ File No. BLH-20011012AAX.

² 47 CFR § 73.207 (Section 73.207).

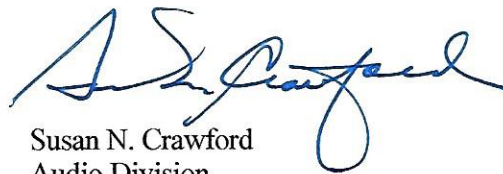
³ Station WTUA(FM), Facility ID No. 23895, was formerly licensed, File No. BLH-19900606KC, to operate on channel 291A at St. Stephen, South Carolina. Grant of Construction Permit (CP) BPH-20090421ABK substituted channel 290A at Pinopolis, South Carolina, for channel 291A at St. Stephen, South Carolina, in the Table of FM Allotments in Section 73.202 of the Commission's rules, and modified station WTUA(FM) license BLH-19900606KC to specify operation on channel 290A at Pinopolis, South Carolina. Although station WTUA(FM) CP BPH-20090421ABK, and subsequent WTUA(FM) CP BPH-20120921AEU, expired as a matter of law without being constructed, the modifications of the Table of FM Allotments and the station WTUA(FM) license remain in force, and the WTUA(FM) channel 290A allotment at Pinopolis, South Carolina, must be protected.

⁴ The geographic coordinates of the Pinopolis, South Carolina, channel 290A allotment site are 33° 12' 18" North Latitude, 80° 03' 11" West Longitude, referenced to 1927 North American Datum.

Pursuant to Section 73.3522 of the Commission's Rules,⁵ "...an applicant whose application is found to meet minimum filing requirements, but nevertheless is not complete and acceptable, shall have the opportunity during the 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, Section 73.3564 of the Commission's Rules⁶ 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 Application will be withheld for a period of 30 days from the date of this letter to provide LMC an opportunity to amend the Application. Failure to correct all tender and acceptance defects within the 30 day period 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.

Sincerely,



Susan N. Crawford
Audio Division
Media Bureau

cc: L.M. Communications II of South Carolina, Inc.
Clyde Scott, Jr. (via email)

⁵ 47 C.F.R. § 73.3522 ("Section 73.3522").

⁶ 47 CFR § 73.3564 (Section 73.3564).