

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
WASHINGTON DC 20554

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

PROCESSING ENGINEER: Edward Lubetzky
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410/11
MAIL STOP: 1800B2-EAL
INTERNET ADDRESS: Edward.Lubetzky@fcc.gov

APR 5 2016

Tri City Radio, LLC
P.O. Box 1369
Pascagoula, MS 39568

Re: Tri City Radio, LLC
WDXZ(AM), Robertsdale, Alabama
Facility ID Number: 50377
File Number: BP-20160122AAA

Dear Applicant:

This is in reference to the above captioned application for radio station WDXZ(AM) to change the frequency from 1000 kHz to 1020 kHz and increase the power from 1 kilowatt to 25 kilowatts. We note requests for waiver of Section 73.24(g) concerning the blanketing interference, and Section 73.37(a) concerning prohibited contour overlap are included in the application. We will not address the waiver request of 73.24(g). We will deny the 73.37(a) waiver request and will dismiss the application for the following reason.

You request for a waiver of Section 73.37(a) because the proposal causes prohibited contour overlap to co-channel station WURN(AM), Kendall, Florida, and adjacent channel station WCKW(AM), Garyville, Louisiana, in violation of Section 73.37(a) of the Commission's rules. In the request, you state the Commission granted a similar case in the past (WAMG 890 kHz Dedham, Massachusetts) in which the overlap was waived due to a long salt water path between the two stations and the overlap occurs beyond the normal service range.

We find that the overlap caused to station WURN(AM) due to a long salt water path is de minimis. However, with respect to station WCKW(AM), we find the WDXZ(AM) proposed 0.25 mV/m contour traverses a salt water path causing overlap to the WCKW(AM) 0.5 mV/m contour in its normal service area and would affect 238,340 persons. Accordingly, we find that the facts and circumstances as set forth in the application and waiver request are insufficient to justify a grant of the requested waiver.

Based on the foregoing, the request for waiver of Section 73.37(a) concerning the overlap to WCKW(AM) is DENIED, and the application File Number: BP-20160122AAA is DISMISSED as unacceptable for filing. This action is taken pursuant to Section 0.283 of the Commission's Rules.

In 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 returned and where a relatively minor curative amendment was filed in conjunction with a petition for reconsideration within 30 days of the date of the dismissal. Any amendment filed later than 30 days will be returned as untimely. See 47 U.S.C. § 405, 47 C.F.R. § 1.106(f). In this regard, it should be emphasized that the above deficiencies were discerned after a preliminary study of the application. A detailed review was not made of the entire application to determine whether other deficiencies exist which would preclude acceptance for filing, or result in a subsequent dismissal. Inasmuch as the applicant will not be afforded a second opportunity to correct another deficiency, the applicant is encouraged to carefully review the entire application.

Sincerely,

A handwritten signature in blue ink that reads "Son Nguyen". The signature is written in a cursive, slightly slanted style.

Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Frank Jazzo, Esq (via email)
Charles M. Anderson (via email)