

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON, DC 20554**

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

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April 23, 2007

Fivestar Enterprises LC  
511 South 93<sup>rd</sup> Street  
Omaha, NE 68114

Re: KEJL(FM), Eunice, NM  
Fivestar Enterprises LC  
Facility ID Number 40206  
File Number BPH-20070116AAM

Dear Applicant:

This letter refers to the above-captioned minor change application to modify the licensed KEJL facility (BLH-19981118KA) assignment from Channel 265C2 at Eunice, NM, to Channel 265C1 at Eunice, NM. The application also proposes to change the KEJL antenna location, effective radiated power, and antenna height.

An engineering review of application BPH-20070116AAM reveals that the antenna height data specified in the application does not agree with the antenna height data contained in FCC Antenna Structure Registration (ASR) Number 1002839 for the existing antenna supporting structure on which Fivestar Enterprises LC proposes to collocate the KEJL channel 265C1 transmitting facilities. Specifically, ASR No. 1002839 shows a ground elevation at the proposed KEJL transmitter site of 1,221 meters above mean sea level (AMSL), while the data in the application shows a ground elevation at the site of 1,356 meters AMSL. This 135-meter difference in site elevation results in applicant overstatement of the KEJL antenna height data contained in the application. When using the antenna height data on file with the FCC in ASR No. 1002839, the proposed KEJL facilities fail to provide the principal community coverage of Eunice, NM, required by 47 C.F.R. § 73.315(a).

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 corrective 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 application BPH-20070116AAM will be withheld for a period of 30 days from the date of this letter to provide Fivestar Enterprises LC an opportunity to respond. Failure to correct all tender and acceptance defects in application BPH-20070116AAM within 30 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.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan N. Crawford", written in a cursive style.

Susan N. Crawford  
Assistant Chief  
Audio Division  
Media Bureau

cc: Kenneth L. Bass