

FEDERAL COMMUNICATIONS COMMISSION

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August 28, 2007

Ms. Jessica Huckaby
American Family Association
107 Parkgate
P.O. Drawer 2440
Tupelo, MS 38803

In re: KANX; Little Rock, AR
American Family Association
Facility ID No. 1710
Major Change application BMJPED-20000112ABZ

Dear Ms. Huckaby:

The above-captioned major change application proposes a change in the community of license for KANX from Sheridan, AR to Little Rock, AR without proposing any change in the licensed operation of KANX. Processing on this application has been held up until the Commission adopted new rules for selecting noncommercial educational applicants in mutually exclusive situations.

While this major change application was pending, the Commission adopted new rules in another proceeding (MB Docket 05-210) which established new procedures for changed community of license proposals.¹ Minor change applications (which are processed on a first come / first-served basis) can now be used to propose community of license changes, and applications must provide a showing that the proposed changes comply with Section 307(b) of the Communications Act. Furthermore, in the *Second Report and Order* in MM Docket 98-93, the Commission imposed for the first time a requirement (Section 73.515 of the Commission's Rules) that noncommercial educational applicants propose facilities that produce a 60 dBu contour which would cover 50% or more of the community of license.² The *Second Report and Order* did not exempt pending applicants from complying with the 50% rule, save only a very limited class of noncommercial educational applications that were part of a mutually exclusive group. Applicants whose proposals did not comply with the 50% coverage requirement were afforded 30 days from the release date of that order (November 1, 2000) to amend their applications to show compliance with the new rule. In the present case, the composite and measured patterns of the directional antenna cover close to 50% of the community of Little Rock, but it is not clear on the basis of the information before us whether this proposal will actually comply with the 50% coverage required by Section 73.515.

Consequently, before we can continue processing on this application, further information is required. AFA must amend this application to provide a detailed analysis of whether or not its proposal covers at least 50% of the proposed community of license, Little Rock, AR, and also provide an analysis showing that the change of

¹ *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services, Report and Order*, MB Docket 05-210, FCC 06-163, 21 FCC Rcd 14212, released 11/29/2006 (71 FR 76208, 12/20/2006).

² *1998 Biennial Regulatory Review -- Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, Second Report and Order*, MM Docket 98-93, FCC 00-368, 15 FCC Rcd 21649, released November 11, 2000.

community would satisfy Section 307(b) of the Communications Act. Because this application was filed as a major change application, any amendment can only be filed during the upcoming noncommercial educational filing period (October 12 to 19, 2007).³ In any event, the amendment must be filed no later than October 19, 2007, or the application will be dismissed for failure to prosecute.

Alternatively, AFA may request dismissal of major change BMJPED-20000112ABZ application, and file a minor change application in its place to seek the proposed change in the community of license. Again, the minor change application must contain the community coverage and Section 307(b) analyses called for above. Such a minor change application may be filed no later than September 7, 2007 (at which time a temporary filing freeze goes into effect), or after the filing period closes on October 19, 2007.⁴

Sincerely,

A handwritten signature in black ink, appearing to read "Dale E. Bickel". The signature is written in a cursive, slightly slanted style.

Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau

³ *Media Bureau Announces NCE FM New Station and Major Change Filing Procedures For October 12 - October 19, 2007 Window; Limited Application Filing Freeze to Commence on September 8, 2007*, Public Notice, DA 07-3521, released 8/09/2007.

⁴ See the reference in Footnote 3.