

FEDERAL COMMUNICATIONS COMMISSION
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OCT 31 2007

Mark Lipp, Esq.
Vinson & Elkins, LLC
The Willard Office Building
1455 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-1008

In re: Multicultural Radio Broadcasting Licensee, LLC
KIQI (AM), San Francisco, California
Facility Identification Number. 50703
File No. BP-20030723AJX

Dear Mr. Lipp:

This letter refers to the above-captioned minor change application filed by Multicultural Radio Broadcasting Licensee, LLC (Multicultural) to change the licensed nighttime pattern by increasing power from 0.5 kW to 15 kW.

A preliminary review reveals that the proposed facility is in conflict with the AM Auction 32 short form applications for a new AM station in Elk Grove, California (File No. BNP-20000201AFA), and for a new AM station in Folsom, California, (File No. BP-19970829AA), due to prohibited nighttime 5 mV/m groundwave overlap in violation of Section 73.37 of the Commission's rules. If the overlap problem with these proposals is not removed by means of a curative engineering amendment, processing of this application will be held in queue pending final Commission action on these AM Auction 32 applications.¹

In addition, the proposed 5 mV/m nighttime contour overlap the 5 mV/m nighttime contour of second-adjacent channel station KATD, Pittsburg, California, in violation of Section 73.37(a) of the Commission's rules. Pursuant to Section 73.3517 of the Commission's rules, contingent application for new stations, and for changes in facilities of existing stations are not acceptable for filing unless they are part of an interference reduction arrangement (IRA) and the applications are contingent on the grant of both applications. Multicultural failed to include an interference reduction agreement.²

Section 73.3517(c) of our Rules provides: Upon payment of the filing fees prescribed in

¹ Pursuant to Auction rules, the Elk Grove and Folsom applications must be protected. They are pending awaiting final action on the Application for Review.

² We noted that KIQI has a permit modifying its daytime facilities which included a special IRA condition to protect KATD's licensed facility. However, because the overlap area is new and different, a new IRA must be submitted.

§1.1111 of this chapter, the Commission will accept two or more applications filed by existing AM licensees for modification of facilities that are contingent upon granting of both, if granting such contingent applications will reduce interference to one or more AM stations or will otherwise increase the area of interference-free service. The applications must state that they are filed pursuant to an interference reduction arrangement and must cross-reference all other contingent applications. Further, when undertaking an analysis of contingent interference reduction applications,³ we generally consider four factors, in addition to the information required by the language of Section 73.3517(c): the amount of AM interference that will be eliminated in relation to the number of AM and FM services remaining available to the areas that will lose service; the areas and populations that will gain service as a result of the proposed change; whether the proposal will create any “white” or “gray” areas; and the availability of AM and FM service in the area that will experience a reduction in service due to the proposed contingent facilities changes.⁴ Overall, the two applicants must show that grant of both would be in the public interest. If you have any further questions regarding an acceptable IRA showing please contact Assistant Division Chief Michael Wagner at (202) 418-2700.

Further action on the subject application will be withheld for a period of 30 days from the date of this letter to provide an opportunity to file a curative electronic amendment. Failure to respond or amend within this time period will result in the dismissal of the application pursuant to Section 73.3568 of the Commission’s rules.

Sincerely,

Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Arthur S. Lui, President
Louis R. Du Triel, Sr.

³ We perform a case-by-case analysis pursuant to *Policies to Encourage Interference Reduction Between AM Broadcast Stations*, 5 FCC Rcd 4492 (1990).

⁴ Id. at 4494.