

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
WASHINGTON DC 20554

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

PROCESSING ENGINEER: Edward Lubetzky
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410/11
MAIL STOP: 1800B3-EAL
INTERNET ADDRESS: Edward.Lubetzky@fcc.gov

JAN 31 2008

Mark Lipp, Esq.
Wiley Rein LLP
1776 K Street NW
Washington, DC 20006

Re: Capstar TX Limited Partnership (Capstar)
WAAX(AM), Gadsden, Alabama
Facility ID Number: 22996
File Number: BMJP-20071214ABD

Dear Mr. Lipp:

This letter refers to the above-referenced major change application of station WAAX(AM) to change the community of license from Gadsden, Alabama to Mountain Brook, Alabama. The application was filed pursuant to the Media Bureau letter dated October 15, 2007.¹

A preliminary engineering study of the application reveals that the following deficiencies:

1. The proposed 0.5 mV/m contour and the 0.25 mV/m contour respectively overlap the 0.25 mV/m contour and 0.5 mV/m contour of first adjacent channel station WBIL(AM), Tuskegee, Alabama, in violation of Section 73.37(a) of the Commission's rules. This finding is based on measurements in the WAAX(AM) nighttime full proof-of-performance (File No. BL-7818). It is noted that there is an existing contour overlap to WBIL(AM). Any increase of the existing overlap is prohibited pursuant to Section 73.37(a).
2. The proposed nighttime 0.025 mV/m-10% contour overlaps the 0.5 mV/m-50% protected contour of Class A Cuban station CMEA, Santa Clara. Because of this, the nighttime proposal will be referred to International Telecommunication Union ("ITU") for clearance.²
3. The nighttime interference free (NIF) contour of 16.34 mV/m covers 72.6% of Mountain

¹ See Capstar TX Limited Partnership, GHB of Augusta, Inc. and Fireside Media, Letter, Ref. No. 1800B-LAS/JP (MB Oct. 15, 2007).

² ITU notification is a very lengthy process and may only result in an objection which will require the applicant to amend the application.

Brook, in violation of Section 73.24(i). Section 73.24(i) requires the NIF contour must cover 80% of the community of license.

4. There is a contradiction in the orientation of tower # 4. Specifically, the daytime #4 tower is oriented at 39.2° while the same nighttime tower #4 is oriented at 39.5°. Also, the nighttime pattern in Figure 12 has discrepancies plotted (e.g. on the 338°.2 bearing the figure shows a field of 20 mV/m instead of 16.2 mV/m).
5. Pursuant to 47 CFR §17.4(a), any proposed antenna structure or alteration to an existing antenna structure³ requires registration with the Commission prior to construction or alteration. Our records indicate that the proposed structure has not been registered. FCC antenna structure registration may be accomplished electronically via the Internet at <http://www.fcc.gov/wtb/antenna/>, or by sending a completed FCC Form 854, *Application for Antenna Structure Registration*, to:

Federal Communications Commission
Spectrum Management Resources and Technologies Division
1270 Fairfield Road
Gettysburg PA 17325-7245

Please note that FAA approval is necessary in order to obtain antenna structure registration. Upon registration, written notification (including the registration number) must be submitted to the Audio Division (AD). If the structures cannot be registered within thirty days of the date of this letter, the applicant must notify the AD in writing. In the event that further difficulties in the registration process occur, the applicant must provide the AD with written updates every thirty days thereafter.

Further action on the subject application will be withheld for thirty days from the date of this letter in order to provide Capstar an opportunity to file a curative amendment. Any curative amendment must be a minor change with respect to the previously filed technical submission. Failure to respond or file an amendment within this time period will result in the dismissal of the application pursuant to Section 73.3568 of the rules.

Sincerely,



Son K. Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Capstar
Matthew Folkert

³ Registration of all existing structures built before July 1, 1996 should have been completed. Alteration to an existing structure requires modification of that registration.