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Re: CBS Radio East, Inc.
WAOK(AM), Atlanta, Georgia
Facility Identification Number: 63775
File No.: BP-20030121ABN
Informal Objection

Dear Counsel:

This letter refers to: (i) the above-captioned minor change application filed by CBS Radio East, Inc. ("CBS") (formerly Infinity Broadcasting East, Inc.), licensee of station WAOK(AM), Atlanta, Georgia, to increase daytime operating power to 50 kilowatts. (ii) the June 2, 2003, Informal Objection ("Objection") filed by Reed Broadcasting, LLC ("RBL"), licensee of station WRAB(AM), Arab, Alabama; (iii) the July 28, 2003, Opposition to Objection filed by CBS and its supplemental responses; and (iv) CBS's June 13, 2005, amendment to reduce the proposed daytime power to 30 kilowatts; and related pleadings.

In the June 2, 2003, Objection, RBL challenges the validity of the field intensity measurements submitted by CBS in the application. RBL contends that the 290° radial measurements data from WAOK(AM) were taken under abnormally dry soil condition and was improperly analyzed with a dielectric constant of 7. Without using the 290° measurements, RBL contends that the proposal would cause significant interference to WRAB(AM)'s licensed operation, in violation of Section 73.32 of the Commission's rules. In addition, RBL argues that CBS's request for waiver of Section 73.24(i) concerning daytime coverage is invalid since it shows no public interest. Thus, RBL seeks dismissal of the application.

In the July 28, 2003, Response to the Objection, CBS submitted the 290° measurements that was re-taken in June 2003 to confirm the data is correct, and claimed that a grant of requested

waiver will be in the public interest because the proposal will increase the coverage and it will cover 99 percents of Atlanta.

On May 6, 2004, RBL filed a Supplement to Informal Objection (Supplement) and included joint 290° measurements conducted by both RBL and CBS on March 2004. In the Supplement, RBL contends that there is overlap between proposed WAOK(AM) and WRAB(AM) and application should be denied.¹ On June 3, 2005, Response, CBS agreed to utilize the March 24 data, but claimed that that RBL improperly analyzed the WAOK 290° radial using a dielectric constant of 7 rather than the standard dielectric constant of 15. Based on its analysis of the measurement data, CBS amended the application by reducing the daytime power to 30 kilowatts to eliminate the daytime overlap between the proposed WAOK(AM) and WRAB(AM). CBS requests that the Objection be dismissed as moot, and the application be granted.

After a careful review of the pleadings, we conclude that both sets of measurement data should be considered in our analysis. On this basis, our engineering review indicates that the amended operation would result in overlap of the proposed 0.025 mV/m contour and the 0.5 mV/m daytime groundwave contour of station WRAB(AM), in contravention of Section 73.37 of the Commission's rules.

Accordingly, pursuant to Section 0.283 of the Commission's rules, the Informal Objection filed by RBL IS GRANTED to the extent indicated herein and IS DENIED in all other respects, and the CBS application, File No. BP-20030121ABN, IS DISMISSED as unacceptable for filing.

Sincerely,



Son Nguyen,
Supervisory Engineer
Audio Division
Media Bureau

cc: CBS Radio East, Inc.
William A. Culpepper
Reed Broadcasting, LLC
F.W. Hannel & Associates

¹ In this pleading, RBL accommodated CBS by using a dielectric constant of 7 along WAOK's 290° azimuth.