FEDERAL COMMUNICATIONS COMMISSION
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Educational Media Foundation
5700 West Oaks Boulevard
Rocklin, California 95765

In re: Educational Media Foundation
WIKV(FM), Plymouth, IN
Facility I.D. No.: 90470
BPED-20070730ABD
Petition for Reconsideration

Dear Applicant:

This is in reference to: (1) the above-captioned application dismissed on December 31, 2008, and (2) the amendment and Petition for Reconsideration filed on February 2, 2009. The applicant, Educational Media Foundation (EMF), requests reconsideration of the staff's December 31, 2008 dismissal of the above-captioned application.

By letter dated December 31, 2008, the staff informed EMF that the application was in violation of 47 C.F.R. § 73.510(a). Specifically, the proposed radiation pattern as originally filed varied by as much as 5.1 dB per 10 degrees between the azimuths of 40° T and 50° T and 3.4 dB per 10 degrees between the azimuths of 350° T and 0° T. These azimuths were in the direction of a station where a directional antenna was necessary to prevent any prohibited overlap. Consequently, the application was dismissed pursuant to 47 C.F.R. § 73.3566(a).

On February 2, 2009, EMF submitted a petition for reconsideration requesting reinstatement *nunc pro tunc* and a minor amendment. The amendment modified the directional antenna pattern. However, the application is still in violation of 47 C.F.R. § 73.510(a). Specifically, the proposed radiation pattern, as amended, varies by as much as 2.1 dB per 10 degrees between the azimuths of 40° T and 50° T. It is necessary to note that this azimuth is also in the direction of a station where a directional antenna is necessary to prevent any prohibited overlap. The amendment, therefore, fails to eliminate the problem which resulted in the dismissal of the original application. Accordingly, EMF's petition for reconsideration will be denied.

In light of the above, EMF's February 2, 2009 Petition for Reconsideration IS HEREBY DENIED. This action is taken pursuant to 47 C.F.R. § 0.283. Please note that pursuant to the Public Notice entitled "*Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications*," 56 RR 2d 776, 49 FR 47331, released August 2, 1984, this constitutes EMF's one opportunity to amend the application and request reinstatement *nunc pro tunc*.

Sincerely,

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: David D. Oxenford