FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON DC 20554

MAY 0 5 2009

MEDIA BUREAU
AUDIO DIVISION
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Texas Educational Broadcasting Co-Operative, Inc.
P.O. Box 2116
Austin, TX 78768

The University of Texas at Austin
1 University Station (A0704)
Austin, TX 78768

In re: KOOP(FM), Hornsby, TX
Facility ID #65320
Texas Educational Broadcasting Co-Operative, Inc.
BPED-20070905AAJ

KVRX(FM), Austin, TX
Facility ID #66607
The University of Texas at Austin
BPED-20070905AAQ

Dear Applicant:

This letter refers to the above-captioned minor change time share applications to modify the effective radiated power, class, antenna height, and add a directional antenna. Both applications propose identical facilities.

An engineering study reveals that the facility specified in each application fails to meet the minimum spacing requirement of 47 C.F.R. § 73.207 with respect to: (1) the fifty-third adjacent Channel 272C2 licensed facility (BMLH-19980327KA) for KPEZ(FM), Austin, TX; and (2) the second-adjacent Class A licensed facility (BLED-20060901ACQ) for KYLR(FM), Hutto, TX. Specifically, with respect to KPEZ, the facility is short-spaced by 4 kilometers. The required spacing pursuant to § 73.207 is 20 kilometers while the actual spacing is 16 kilometers. With respect to KYLR, the facility is short-spaced by 24 kilometers.[1] The required spacing pursuant to

[1] Had the application requested processing pursuant to § 73.215 with respect to KYLR, an engineering study reveals that the proposed application fails to meet the spacing requirement of 47 C.F.R. § 73.215(e). Specifically, the required spacing pursuant to 47 C.F.R. § 73.215(e) is 49 kilometers while the actual spacing proposed in the application is 31 kilometers.

§ 73.207 is 55 kilometers while the actual spacing is 31 kilometers. These short-spacings were not addressed in the application. This constitutes an acceptability defect.

In light of the above, Applications BPED-20070905AAJ and BPED-20070905AAQ are unacceptable for filing pursuant to 47 C.F.R. 73.3566(a) and ARE HEREBY DISMISSED. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Melodie A. Virtue, Esq.
Richard A. Helmick, Esq.
Tom Bruce, Engr.