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

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MAY 11 2009

Smile FM
3302 N. Van Dyke
Imlay City, MI 48444

In re: WTLI, Bear Creek Township, MI
Smile FM
Facility ID No. 84479
BMPED-20090331ATK

Dear Applicant:

This letter refers to the above-captioned application to modify the effective radiated power and antenna type.

An engineering study reveals that the application fails to comply with 47 C.F.R. § 73.525 with respect to TV Channel Six Station WCML(TV), Alpena, MI. Specifically, our calculations show that there is predicted interference within the Grade B contour of WCML. Pursuant to the Media Bureau's recent Public Notice,[1] the Bureau will dismiss any NCE FM station application that fails either to (1) satisfy Section 73.525 protection requirements, or (2) include an unconditional consent letter from the affected television Channel 6 station concurring with the proposed NCE FM facilities. Accordingly, we will dismiss the application.

In light of the above, Application BMPED-20090331ATK is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and is HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Edward T. Czelada, Engr.

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[1] *See Media Bureau Provides Guidance to NCE FM Stations Regarding Television Channel 6 Protection Requirements,* Public Notice, DA 09-744, (released April 1, 2009).