FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, SW
WASHINGTON, DC 20554

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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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Educational Media Foundation
5700 West Oaks Blvd.
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In re: KKLU(FM), Lubbock, TX
Facility ID# 5174
Educational Media Foundation
BPED-20090522AFE

KLIT(FM), Hobbs, NM
Facility ID# 93053
Educational Media Foundation
BMPED-20090522AFA

Dear Applicant:

This letter is in reference to the above-captioned contingent minor change applications.

An engineering study of the application reveals that it is in violation of 47 C.F.R. § 73.509 with respect to the first-adjacent Class A license (BLED-20080213AHG) for KMLU(FM), Brownfield, TX. Specifically, the proposed interfering contour (54 dBu) is totally encompassed by the protected contour (60 dBu) of KMLU. Furthermore, the proposed protected contour (60 dBu) receives overlap from the interfering contour (54 dBu) of KMLU by as much as 4.2 kilometers between the azimuths from 209°T to 235°T. KKLU recognizes this violation and states in Exhibit 16 that it requests grant of the instant application conditioned upon KMLU's commencement of program test operation at McKee, KY pursuant to BMAPED-20071019AJS. However, this application was not filed contingently with KMLU's application. Therefore, KKLU must protect KMLU's license until KMLU commences operation with the facility authorized by BMAPED-20071019AJS. This constitutes an acceptance defect.

In light of the above, Application BPED-20090522AFE is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED. We note that the application was filed as part of a contingent application group with BMPED-20090522AFA. Pursuant to 47 CFR Section 73.3517(e), dismissal of any one of the related applications as unacceptable will result in the dismissal of all the related applications. Therefore, application BMPED-20090522AFA IS HEREBY DISMISSED. These actions are taken pursuant to 47 CFR Section 0.283.

Sincerely,

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Karen A. Ross, Esq.