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June 26, 2007

John Crigler, Esquire
Garvey, Schubert & Barer
1000 Potomac Street NW, Fifth Floor
Washington, DC 20007

Re: KFAI(FM), Minneapolis, MN
Fresh Air, Inc.
Facility ID Number 22630
File Number BPED-20070220ABR

Dear Counsel:

This letter is in reference to application BPED-20070220ABR ("Application"), filed by Fresh Air, Inc., requesting modification of the licensed KFAI channel 212A FM facilities at Minneapolis, MN.

An engineering study of the Application reveals that the antenna radiation center height data specified therein does not comport with height data already on file with the Commission in its Antenna Structure Registration (ASR) database for the proposed transmitter location. Specifically, the applicant proposes to relocate the KFAI transmitting facilities to the existing IDS Building, and to construct a new 7.6 meter (25-foot) pole on the building roof on which the new KFAI one-bay, circularly polarized, directional FM transmitting antenna will be mounted. The applicant states in item 8 of Section VII of FCC 340 that the proposed KFAI antenna radiation center height above ground level (HAGL) at the proposed site is 143 meters. Since data already on file with the Commission show that the roof of the IDS Building is 236 meters above ground level (AGL), the proposed KAFI antenna radiation center HAGL would be at least 243 meters, 100 meters in excess of the HAGL specified in the Application.[1] Accordingly, the Application must be amended to correct all elevation data specified therein.

[1] See FCC ASR Numbers 1029018 and 1029019.

In addition, the data in the Commission's ASR database for the height of the existing IDS Building and the Commission's TOWAIR determination[2] indicate that the construction of a new 7.6 meter pole on the roof of the IDS building may require Federal Aviation Administration notification and approval as well as FCC ASR. These issues must be resolved before processing of the Application can be completed.

Pursuant to 47 C.F.R. § 73.3522, "...an applicant whose application is found to meet minimum filing requirements, but nevertheless is not complete and acceptable, shall have the opportunity during the period specified in the FCC staff's deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff." Additionally, 47 C.F.R. § 73.3564 states that, "[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for amendment." See Appendix B in the Report and Order in MM Docket No. 91-347. This letter constitutes the opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3522.

Further action on the Application will be withheld for a period of 30 days from the date of this letter to provide the applicant an opportunity to respond. Failure to correct all tender and acceptance defects within 30 days from the date of this letter will result in dismissal of the Application with no further opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3564. Please note that any amendment must be submitted in the same manner as the original application.

Sincerely,

Susan N. Crawford
Assistant Chief
Audio Division
Media Bureau

cc: Fresh Air, Inc.
Donald E. Mussell, Jr.

[2] See http://wireless2.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp.