

FEDERAL COMMUNICATIONS COMMISSION
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APR 13 2010

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CBS Radio East, Inc.
2175 K Street
Washington, DC 20037

In re: WODS(FM), Boston, MA
Facility ID # 9639
CBS Radio East, Inc.
BPH-20100310AAL

Dear Applicant:

This letter refers to the above-captioned minor change application filed to modify the broadcast facilities of station WODS(FM). The application proposes an increase in the effective radiated power (ERP) and a decrease in the antenna height above average terrain (HAAT) at a new transmitter site.

An engineering study of the application reveals that the proposal is in violation of 47 C.F.R. Section 73.211. Specifically, the application proposes Class B facilities with an effective radiated power (ERP) of 21.5 kilowatts and an antenna height above average terrain (HAAT) of 235 meters. This produces a 60 dBu contour distance of 53 kilometers. Pursuant to 47 C.F.R. § 73.211, the maximum 60 dBu contour distance permitted for a Class B station is 52 kilometers. This violation constitutes an acceptance defect. Therefore, WODS must amend all pertinent sections of the application to specify Class B facilities. Our calculations show that if the ERP were reduced to 21 kilowatts, using the specified HAAT of 235 meters, the 60 dBu contour distance would be 52 kilometers.

Pursuant to 47 C.F.R. Section 73.3522, "...an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day 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. Section 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 corrective amendment." See Appendix B in the *Report and Order* in MM Docket No. 91-347. This letter constitutes your opportunity for corrective amendment pursuant to 47 C.F.R. Section 73.3522.

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide WODS an opportunity to respond. Failure to correct all tender and acceptance defects within the thirty days from the date of this letter will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to 47 C.F.R. Section 73.3564.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodolfo F. Bonacci". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Raymond Benedict