FEDERAL COMMUNICATIONS COMMISSION

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January 10, 2011

Calvary Chapel of Costa Mesa, Inc.
3000 W. MacArthur Blvd., Suite 500
Santa Ana, CA 92704 - 7947

In re: KSDW (FM); Temecula, CA
Calvary Chapel of Costa Mesa, Inc. ("CCCM")
Facility ID No. 52141
License application BLED-20090520ADT

Dear Calvary Chapel of Costa Mesa:

This letter is in reference to the above-captioned license application for KSDW, Temecula, CA, and CCCM's September 17, 2010 amendment to correct coordinates.

CCCM's amendment requests a correction in coordinates. CCCM believes it is entitled to file this amendment under Section 73.1690 of the Commission's rules. CCCM's amendment states as follows:

> CALVARY CHAPEL OF COSTA MESA, INC. ('CCCM'), THE NEW PERMITTEE OF KSDW(FM), HEREBY CORRECTS THE GEOGRAPHICAL COORDINATES OF THE KSDW TOWER STRUCTURE PER FCC RULE 73.1690(C)(11). THE TOWER WAS BUILT BY THE PREVIOUS PERMITTEE WHEN THE STATION WAS KNOWN AS KRTM. THIS IS ONLY A MINOR COORDINATE CORRECTION; THE STATION'S OTHER TECHNICAL PARAMETERS REMAIN THE SAME.
>
> ALL COORDINATES THAT FOLLOW ARE EXPRESSED IN A DEGREES-MINUTES-SECONDS FORMAT AND USE THE NAD-27 DATUM. KSDW'S MODIFICATION OF CONSTRUCTION PERMIT APPLICATION BMPED-20081216ANO STATES THAT THE TOWER WILL BE BUILT AT COORDINATES 33-22-09N, 116-56-04W. AS PART OF CCCM'S DETAILED EXAMINATION OF THE TRANSMITTER PLANT FOLLOWING THE PURCHASE OF THE STATION, THE 'AS-BUILT' COORDINATES HAVE BEEN DETERMINED TO BE 33-22-10N, 116-56-07W. THUS, CCCM HEREBY CORRECTS THE COORDINATES OF KSDW BY ONE SECOND OF LATITUDE AND THREE SECONDS OF LONGITUDE AS PERMITTED BY FCC RULE 73.1690(C)(11).
>
> SUPPORTING INFORMATION: THE SECOND SENTENCE IN RULE 73.1690(C) READS AS FOLLOWS: 'A MODIFICATION OF LICENSE APPLICATION MUST BE SUBMITTED TO THE COMMISSION WITHIN 10 DAYS OF COMMENCING PROGRAM TEST OPERATIONS PURSUANT TO SECTION 73.1620.' CCCM RESPECTFULLY REQUESTS THAT THE COMMISSION WAIVE THIS REQUIREMENT SINCE CCCM DID NOT OWN THE STATION DURING THE 10 DAY WINDOW AND WAS NOT AWARE OF THE COORDINATE DISCREPANCY AT THAT TIME. WITH RESPECT TO THE OTHER REQUIREMENTS OF RULE 73.1690(C), THE RADIO FREQUENCY RADIATION CALCULATIONS ALREADY SUBMITTED FOR THE STATION (SEE APPLICATION BMPED-20081216ANO) HAVE BEEN EXAMINED AND ADEQUATELY DESCRIBE THE CURRENT SITUATION, AND THERE ARE NO AM BROADCAST TOWERS WITHIN 3.2 KM OF THE KSDW TOWER.
>
> WITH RESPECT TO THE TECHNICAL REQUIREMENTS OF RULE 73.1690(C)(11), THE COORDINATE CORRECTION (A) DOES NOT INVOLVE ANY PHYSICAL RELOCATION OF THE TOWER STRUCTURE, (B) DOES NOT INVOLVE A CHANGE IN ANY OTHER AUTHORIZED PARAMETERS OF THE STATION, (C) DOES NOT CREATE ANY NEW SHORT SPACINGS AND (D) DOES NOT EXACERBATE ANY EXISTING SHORT SPACINGS.

CCCM recognizes that it is not a licensed station and asks for waiver of the rule on the basis that it did not own the station at the time of construction.[1] However, ownership is a non-technical consideration not relevant in this context, nor has CCCM presented any circumstances to warrant such an exemption. Indeed, given the circumstances surrounding KSDW's underlying conditional construction permit, the failure to file a modification of construction permit for the corrected coordinates may be setting Mexican approval for the facility at some risk

Consequently, CCCM must electronically file, within 30 days of the date of this letter, a construction permit application on FCC Form 340 to modify the outstanding construction permit (file no. BMPED-20081216AMO).[2] CCCM must include a statement whether it is willing to accept a grant of the modification in advance of Mexican approval for the KSDW facility (see Condition # 6 on construction permit BMPED-20081216AMO).

Sincerely,

Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Lauren Colby
: Robert H. Branch, Jr.

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[1] See *1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, Notice of Proposed Rulemaking and Order,* MM Docket 98-93, FCC 98-117, 13 FCC Rcd 14849 at 14872-73 (1998) (Coordinate corrections by Single Application for Licensed Broadcast stations – "[w]e propose to require any permittee that discovers an antenna structure coordinate error to file an application to modify its outstanding construction permit"); *Second Report and Order* in MM Docket 98-93, FCC 00-368, 15 FCC Rcd 21649, 21667-68 (2000) (Licensed Station Coordinate Corrections By Single Application – "we shall adopt without modification the one-step licensing proposal set forth in the *Notice"). See also* the language of Section 73.16909(c)(11) ("Correction of coordinates may be made … provided there is no physical change in location and no *licensed* parameters are changed" (italics added). KSDW has no licensed parameters at this time. Consequently, only licensed stations may file for coordinate corrections on a modification of license application.

[2] Once the requested modification is granted, we will use the currently pending license application, as amended, to cover the new construction permit.