

FEDERAL COMMUNICATIONS COMMISSION
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In re: Claro Communications, LTD. (Claro)
KBRN(AM), Boerne, Texas
Facility Identification Number: 51961
License application: BL-20080729AHP
Petition For Reconsideration

Dear Mr. Imlay:

This letter is in reference to the April 27, 2009, Petition for Reconsideration filed by Claro, licensee of station KBRN(AM), Boerne, Texas, and our March 27, 2009, action dismissing the above-captioned application for license as patently defective.¹ In the Petition for Reconsideration, Claro submitted additional information and requested that the application be reinstated.

A preliminary review of the amended application indicates that it remains patently defective because it did not contain all proof of performance exhibits required by Section 73.151 of the Commission's rules. Specifically, a complete daytime proof of performance was not submitted in the amended application, as required. The proof should have included both non-directional (ND) and directional (DA) measurements along at least six measured radials per Section 73.151, for a simple directional antenna. Each set of ND and DA radial measurements should include a separate tabulation page and graph page, and must meet the requirements of Section 73.186. In addition, all monitor points must be clearly noted on each tabulation page and graph, and a monitor point photo was not submitted for either of the 80° and 260° monitored radials, as required by Section 73.151.

Accordingly, for the reasons set forth above, the Petition for Reconsideration is hereby DENIED. Pursuant to the Public Notice entitled "*Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications*", FCC 84-366, we will not entertain any further nunc pro tunc reconsideration filings. As a result the expired permit BP-20041220AAR will be removed from the AM engineering database. If Claro intends to pursue this

¹ The application was dismissed because it did not contain the proof of performance or other data required by Section 73.151 of the Commission's rules.

proposed facility further, then a FCC Form 301 application for the same facility as construction permit BP-20041220AAR must be filed.

Sincerely,



Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Claro Communications, LTD
Gary L. Graham