FEDERAL COMMUNICATIONS COMMISSION

445 12th STREET, SW
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV/MMB/ASD

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Scottsdale Italian Social Club
11500 E. Cochise Drive
Suite 1048
Scottsdale, AZ 85259

Re: KWSS-LP; Scottsdale, AZ
Scottsdale Italian Social Club
Facility ID # 134485
BPL-20101123AMM

Dear Applicant:

An engineering study of the above-captioned minor change application reveals that the proposed transmitter site fails to meet the minimum spacing requirements of 47 C.F.R. § 73.807. Specifically, the site proposed is 121 kilometers from the licensed facility of co-channel Class C0 Station KKLD, Cottonwood, AZ (Facility ID No.: 51642). The required spacing pursuant to § 73.807 is 122 kilometers.[1]

In addition, the site proposed is 6 kilometers away from the currently authorized facility. The *Second Report & Order* in MM Docket 99-25 established the definition of a "minor change" as it applies to LPFM applications.[2] The Commission stated that minor changes to LP100 applications would be limited to those specifying changes in site of 5.6 kilometers or less. Thus, the application specifying a 6 kilometer change in site violates 47 C.F.R. § 73.871.

In light of the above, application BPL-20101123AMM is unacceptable for filing and IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

Edna V. Prado

Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

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[1] KWSS-LP also fails to meet the minimum spacing requirements of 47 C.F.R. § 73.807 with respect to second-adjacent station KYOT-FM and thus requests a waiver pursuant to the *Third Report & Order* in MM Docket 99-25 (*See Creation of a Low Power Service,* Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 07-204 (rel. December 11, 2007) ("*Third Report and Order*")). This letter does not imply any judgement on the waiver request.

[2] See *In the Matter of Creation of a Low Power Radio Service*, Second Order on Reconsideration and Further Notice of Proposed Rulemaking, FCC 05-75, (rel. March 17, 2005).