

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

MAY 02 1995

IN REPLY REFER TO:
1800B3-MJF

Sierra Nevada Christian
Music Association, Inc.
316 California Avenue
Suite 400
Reno, NV 89509

In re: NEW(FM), Fallon, NV
Sierra Nevada Christian
Music Association, Inc.
BPH-940405ML

Dear Applicant:

This refers to the above-captioned first-come/first-served application for a new commercial construction permit, as timely amended on July 11, 1994, to request processing as a "one step" application and to upgrade from Channel 267A to Channel 267C2 pursuant to the Report and Order in MM Docket 92-159. The amendment also proposes to change the antenna location, effective radiated power, and antenna height.

An engineering review of the application has revealed several deficiencies. Specifically, paragraph 13 of the Report and Order in MM Docket No. 92-159 states that all applicants using the one-step process must demonstrate that a suitable site exists which would comply with allotment standards with respect to minimum distance separation and city-grade coverage. Footnote 19 further states that applicants proposing allotment reference coordinates that differ from those proposed for the antenna site must include a separate exhibit to the application containing either a site map or a statement that the allotment site will be located on an existing tower.

The amended application does not designate specific coordinates for an allotment site. Further, the application did not include a coverage map for an allotment site demonstrating that a maximum Class C2 station would provide 70 dBu coverage to 100 percent of Fallon, NV. Finally, the application did not include a 7.5 minute series U.S.G.S. topographic quadrangle map for an allotment

reference site satisfying the Public Notice entitled "FCC Clarifies Transmitter Site Map Requirements", Mimeo 3693, released April 5, 1985. See 51 Fed. Reg. 45945 (December 23, 1986). Our study also reveals that, if the allotment site were co-located at the proposed transmitter site, the proposed allotment would not provide the required 100 percent coverage for Fallon, Nevada.

Please note that there are two separate stages of the one-step upgrade process - the allotment stage and the assignment stage. In the allotment stage, the applicant must explicitly propose an allotment site which meets the spacing and city coverage requirements. These requirements are core elements which ensure a fair, efficient, and equitable distribution of licenses, frequencies, hours of operation, and of power among the states and communities as required by the Communications Act. Although supplemental showings are permitted with respect to second stage assignment coordinates, the Commission does not evaluate specific terrain data in the allotment process.¹ Accordingly, the application must be amended to specify allotment reference coordinates that meet the spacing and city coverage requirements based on the distance to the reference contour (32 km).

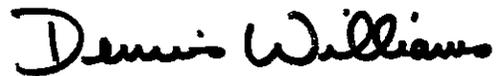
The lack of acceptable reference coordinates and the lack of a proper site map are deficiencies which constitute "Tier Two" minimum filing requirement defects (See Appendix D, Item 4(g) in the Report and Order in MM Docket No. 91-347, 57 Fed. Reg. 34872 (August 7, 1992)). Therefore, if you wish to proceed with this proposal, you must amend your application to include a valid allotment site, a valid site map and a statement that the allotment site is suitable for tower construction.

Pursuant to 47 C.F.R. § 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. § 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. § 73.3522.

¹ The supplemental showing which uses NBS Technical Note 101 prediction method permitted by 47 C.F.R. § 73.313(e) and (f) to demonstrate that Fallon, Nevada would be encompassed by the 70 dBu field strength contour for the specified facilities is admissible because it was submitted to support the application stage of the proposal. By way of a Memorandum, the OET confirmed that Fallon, NV is encompassed by the 70 dBu field strength contours of the facilities specified in the application. Accordingly, we find that the proposed transmitter facility would be in compliance with 47 C.F.R. § 73.315(a).

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. § 73.3564. Please note, any amendment must be submitted in to the Office of the Secretary in triplicate and signed in the same manner as the original application.

Sincerely,

A handwritten signature in black ink that reads "Dennis Williams". The signature is written in a cursive style with a large, prominent "D" at the beginning.

Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

cc: Meyer, Faller, Weisman and Rosenberg, P.C.
Communications Technologies, Inc.