

**Federal Communications Commission
Washington, D.C. 20554**

In reply refer to:
1800B3-DEB/DJF

March 18, 1996

Benny R. Cummings, Vice President
World Radio Network, Inc.
P.O. Box 3333
McAllen, Texas 78502-3333

In re: NEW; Corpus Christi, TX
World Radio Network, Inc.
BPED-940815MA

Dear Mr. Cummings:

World Radio Network, Inc. ("WRN") has filed the present application for a new noncommercial educational station, to be licensed to Corpus Christi, TX. Examination of the application shows that the community of Corpus Christi lies approximately 2 km (at the nearest point) beyond the proposed 60 dBu protected service contour. Upon review, we find that grant of this application would not satisfy the public interest, as explained below. Consequently, this application is being returned as unacceptable for filing.

Discussion

Traditionally, noncommercial educational stations have not been required to specify a minimum signal strength for coverage of the community of license. The reasons for this policy were as follows. First, it was recognized that many noncommercial educational stations, being very small, simply could not provide 70 dBu (3.16 mV/m) city grade coverage to the entire area within the legal boundaries of the community of license. It was also recognized that noncommercial stations are generally dependent on listener support, and that the necessary revenues may not be there to support a station reaching a wider audience. Third, educational stations' programming is often oriented toward a particular group of people, e.g., a college campus or a particular ethnic or religious group, which may not be evenly distributed within the confines of a community's boundary. Consequently, the proposal made by WRN here does not violate any rule section.

However, the association of a broadcast station with a community of license is a basic tenet of the Commission's allocations scheme for broadcast stations. Section 307(b) of the Communications Act of 1934, 47 U.S.C. § 307(b), mandates that the "Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution to each of the same." Implicit in this statement is a recognition that the Commission must protect service to the community of license from interference from other stations. In the present instance, such assurance cannot be given.

Pursuant to 47 CFR § 73.509 of the Commission's rules, other stations' interfering contours may not overlap the 60 dBu protected service contour of a noncommercial educational station. Thus, an educational station will provide generally interference-free service within the 60 dBu contour. Outside of the 60 dBu contour, however, interference created by other stations may occur under our rules. It simply is not possible under any rational allocations scheme to protect FM stations to the point at which the signal is too weak to receive. Consequently, any service provided to a community of license which lies outside of a station's 60 dBu protected service contour may be lost at some future date by the establishment of new broadcast service from another noncommercial educational FM station. In a similar case involving a commercial broadcast station, the staff has held that the potential loss of unprotected service within the community of license was not in the public interest. See Letter to KDAY (FM), Independence, CA from Larry D. Eads, Chief, Audio Services Division, 9 FCC Rcd 2753 (1994). Nor do we believe that the public interest is served by licensing a station to a community which receives no protected service.

Conclusion

For the reasons above, we find that the application BPED-940815MA for a new noncommercial educational station is not in the public interest and the application IS HEREBY DISMISSED. This action is taken pursuant to 47 CFR § 0.283 of the Commission's rules.

Sincerely,



Dennis Williams
Assistant Chief
Audio Services Division
Mass Media Bureau

cc: Willoughby and Voss