

FEDERAL COMMUNICATIONS COMMISSION
445 Twelfth Street, S.W.
WASHINGTON DC 20554

MASS MEDIA BUREAU
AUDIO SERVICES DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
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NOV 02 1999

Minnesota Public Radio
45 East Seventh Street
Saint Paul, Minnesota 55101

Life Talk Broadcasting Association
402 East Yakima Avenue, Suite 1302
Yakima, WA 98901

CSN International
3000 W. MacArthur Boulevard
Santa Ana, CA 92704

Broadcasting for the Challenged, Inc.
188 South Bellevue, Suite 222.
Memphis, Tennessee 38104

Rochester Public Radio
1620 Greenview Drive
Rochester, Minnesota 55902

In re: NEW-FM, Austin, MN
Minnesota Public Radio
Facility Id # 90889
BPED-980603MB¹

NEW-FM, Hayfield, MN
Life Talk Broadcasting Association
Facility Id # 92361
BPED-981215MD

NEW-FM, Albert Lea, MN
CSN International
Facility Id # 92360
BPED-981215ME

NEW-FM, Albert Lea, MN
Broadcasting for the Challenged, Inc.
Facility Id # 92358
BPED-981215MG

KRPR(FM), Rochester, MN
Rochester Public Radio
Facility Id # 57277
BPED-981211MB

Dear Applicants:

This letter refers to the above-captioned noncommercial educational construction permit applications for a new FM broadcast station. Minnesota Public Radio's application proposes to operate on Channel 211A in the community of Austin, Minnesota. Life Take Broadcasting Association's application proposes to operate on Channel 211B1 in the community of Hayfield, Minnesota. CSN

¹ The "A" cut-off date of application BPED-980603MB was December 15, 1998.

International's application proposes to operate on Channel 211A in the community of Albert Lea, Minnesota. Broadcasting for the Challenged, Inc.'s application also proposes to operate on Channel 211A, in Albert Lea, Minnesota. Station KRPR(FM), Rochester, Minnesota, Rochester Public Radio, proposes a major change on Channel 210C3.

Preliminary engineering review of the subject applications for acceptability reveal that the proposed facilities would result in mutual electrical interference if they were constructed as specified in the subject applications. Specifically, the proposed facilities have conflicting overlapping interfering and protected contours, in violation of 47 C.F.R. § 73.509. (See the attached contour plot.) Thus, the applications are considered to be mutually exclusive as they now stand. Previously, the staff would have designated the applications for a comparative hearing if the mutual exclusivity was not resolved. However, the Commission initiated a rulemaking regarding revision of the criteria for selecting applications in comparative proceedings between noncommercial educational applicants.²

Until revised criteria is established, the staff will not designate mutually exclusive noncommercial educational applications or comparative hearings. See Paragraphs 12 and 13 of the *Notice of Proposed Rulemaking*. Accordingly, we urge the applicants to communicate with each other concerning the mutual exclusivity issue and to amend the applications so as to remove the present conflict between them. Possible alternatives include frequency changes to increase the spectral separation, modification implementation of directional antennas, reduction in proposed power or share-time agreements.

Applications BPED-981211MB, BPED-981215MD, BPED-981215ME, and BPED-981215MG will be placed on an upcoming "B" cut-off public notice. During the pendency of MM Docket No. 95-31, further action on the applications will be withheld unless an amendment resolving the mutual exclusivity is filed or a settlement agreement is submitted for approval. Any amendments to the applications must be filed with the Secretary of the Commission in triplicate and signed in the same manner as the original applications. Be advised, even though the above-captioned applications have been found acceptable for filing, if necessary, the prevailing applications may be required to file amendments to correct other defects (ie, FAA/Tower Registration, TV Channel 6 Interference, Radiofrequency Radiation etc.).

Sincerely,

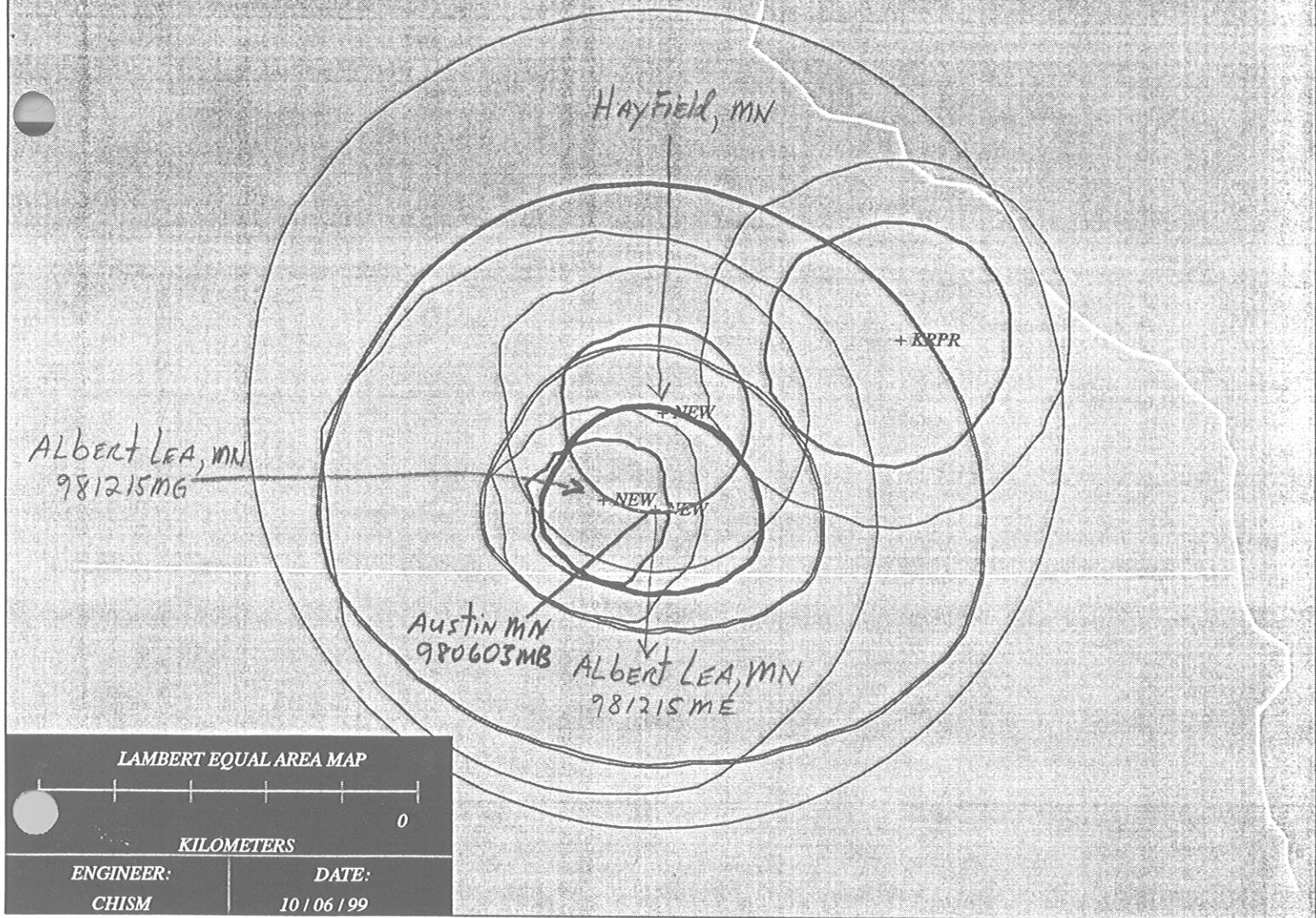


Edward P. De La Hunt
Assistant Chief
Audio Services Division
Mass Media Bureau

Enclosure

cc: Eric S. Kravetz
Wiley, Rein & Fielding

²See the *Notice of Proposed Rulemaking* in MM Docket No. 95-31, 60 Fed. Reg. 15527 (1995) and *Further Notice of Proposed Rulemaking* in MM Docket No. 95-31, FCC 98-269 (released October 21, 1998).



THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP
 BOTTOM LATITUDE: 42.69 TOP LATITUDE: 45.04 LEFT LONGITUDE: -94.66 RIGHT LONGITUDE: -91.57
 MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 43.87 LONG: -93.11 GRID SPACING: 0.00
 KILOMETERS / INCH = 42.77
 PLOT MADE ON : 6 October, 1999 10:53 HOURS

call	serv	city,state	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1	A7
KRPR	FM	Rochester,MN	BPED981211MB	60.0 dBu (50,50)	210C3	3.200	180.0	534.0	3223.7 sq km	0	0
KRPR	FM	Rochester,MN	BPED981211MB	54.0 dBu (50,10)	210C3	3.200	180.0	534.0	7269.5 sq km	0	0
NEW	FM	Hayfield,MN	BPED981215MD	60.0 dBu (50,50)	211B1	35.000	22.0	403.0	1923.3 sq km	0	63
NEW	FM	Hayfield,MN	BPED981215MD	54.0 dBu (50,10)	211B1	35.000	22.0	403.0	5140.7 sq km	0	63
NEW	FM	Hayfield,MN	BPED981215MD	40.0 dBu (50,10)	211B1	35.000	22.0	403.0	36211.5 sq km	0	63
NEW	FM	Austin,MN	BPED980603MB	60.0 dBu (50,50)	211A	6.000	97.0	476.0	2163.4 sq km	0	0
NEW	FM	Austin,MN	BPED980603MB	54.0 dBu (50,10)	211A	6.000	97.0	476.0	5072.5 sq km	0	0
NEW	FM	Austin,MN	BPED980603MB	40.0 dBu (50,10)	211A	6.000	97.0	476.0	20623.2 sq km	0	0
NEW	FM	Albert Lea,MN	BPED981215ME	60.0 dBu (50,50)	211C3	5.800	106.0	483.0	2268.7 sq km	0	0
NEW	FM	Albert Lea,MN	BPED981215ME	54.0 dBu (50,10)	211C3	5.800	106.0	483.0	5312.7 sq km	0	0
NEW	FM	Albert Lea,MN	BPED981215ME	40.0 dBu (50,10)	211C3	5.800	106.0	483.0	20972.6 sq km	0	0
NEW	FM	Albert Lea,MN	BPED981215MG	60.0 dBu (50,50)	211A	6.000	41.0	421.0	1092.0 sq km	0	0
NEW	FM	Albert Lea,MN	BPED981215MG	54.0 dBu (50,10)	211A	6.000	41.0	421.0	2374.4 sq km	0	0
NEW	FM	Albert Lea,MN	BPED981215MG	40.0 dBu (50,10)	211A	6.000	41.0	421.0	16957.3 sq km	0	0

A1 - Number of radials where free space equation was used for field strength calculations.

A7 - Number of radials where a HAAT less than 30 meters was adjusted to 30 meters.