

August 18, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Station WXLK (FM)
Roanoke, Virginia
FIN: 9692
File No. BLH-20110722ADP
REQUEST FOR RESCISSION OF GRANT OF LICENSE APPLICATION**

Dear Ms. Dortch:

This office is counsel to Dick Broadcasting Company, Inc. of Tennessee, the licensee of Station WKRR (FM), Asheboro, North Carolina ("Dick Broadcasting").

On August 12, 2011, Dick Broadcasting submitted the attached letter (Exhibit A), wherein it requested that the Commission forbear from taking action on the above-referenced application for a license to cover construction permit filed by Mel Wheeler, Inc. ("Wheeler"), the licensee of Station WXLK(FM), Roanoke, Virginia. Despite that request, the Media Bureau acted favorably on the application on August 16, 2011. In order to return this proceeding to the status quo ante, Dick Broadcasting requests that the Commission rescind the grant of the license application forthwith.

As described in the August 12 letter, the need for forbearance arose from the commencement of operations of WXLK, under automatic program test authority, which resulted in Dick Broadcasting fielding complaints, from its own staff and its listeners, that the WKRR signal is receiving significant interference from WXLK within the area that constitutes the protected contour of WKRR. Following receipt of those complaints, Dick Broadcasting has been in contact with Wheeler and the parties are working together to review the effects of the new WXLK facilities on WKRR.

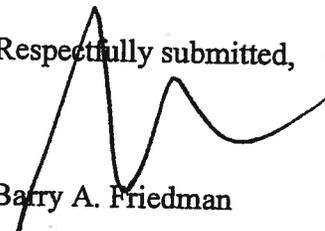
The purpose for the August 12 letter, which Wheeler did not object to, was to allow Dick Broadcasting and Wheeler to continue to deal with this matter in good faith negotiations and without having to take into consideration the time constraints that arise in connection with an application under review by the Commission. With a license being granted, the parties now must act rapidly to resolve matters since Dick Broadcasting has a limited period of time in which to consider seeking reconsideration of the Commission's action.

In order to restore the status quo, Dick Broadcasting requests that the Commission staff rescind its license grant and, thereby, allow the parties to conduct a thorough analysis and seek

resolution of the situation in a cooperative manner that, hopefully, will avoid the need for administrative litigation over the license application with the attendant cost to the parties and the expenditure by the Commission of its limited staff resources.

Please contact the undersigned should you have any questions regarding the foregoing.

Respectfully submitted,



Barry A. Friedman

cc: Coe W. Ramsey, Esq. (By e-mail and first-class mail)
Brooks, Pierce, et al.
cramsey@brookspierce.com

Mr. Michael Wagner, Audio Division (By e-mail and hand delivery)
Federal Communications Commission
michael.wagner@fcc.gov

Mr. Rodolfo Bonacci, Audio Division (By e-mail and hand delivery)
Federal Communications Commission
rodolfo.bonacci@fcc.gov

Mr. Tung Bui, Audio Division (By e-mail and hand delivery)
Federal Communications Commission
tung.bui@fcc.gov

EXHIBIT A

August 12, 2011

STAMP & RETURN

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

FILED/ACCEPTED

AUG 12 2011

Federal Communications Commission
Office of the Secretary

**Re: Station WXLK (FM)
Roanoke, Virginia
FIN: 9692
File No. BLH-20110722ADP**

Dear Ms. Dortch:

This office is counsel to Dick Broadcasting Company, Inc. of Tennessee, the licensee of Station WKRR (FM), Asheboro, North Carolina ("Dick Broadcasting").

We are submitting this letter in connection with the above-referenced application for a license to cover construction permit filed by Mel Wheeler, Inc. ("Wheeler"), the licensee of Station WXLK(FM), Roanoke, Virginia. Following the completion of the construction of the modified facilities for WXLK, Dick Broadcasting has received complaints, from its own staff and its listeners, that the WKRR signal is receiving significant interference from WXLK within the area that constitutes the protected contour of WKRR.

After checking WKRR's own transmission operations and determining there to be no changes, WKRR's engineering staff contacted WXLK's engineering staff to discuss this matter. WXLK's staff, in turn, confirmed that WXLK was operating from a new tower at 50 percent of authorized ERP, pursuant to the construction permit granted by the Commission in File No. BPH-20110401AAC, on May 11, 2011. After being apprised of the interference issue, WXLK voluntarily agreed to lower its power to 25 percent of ERP, which has reduced, but not entirely eliminated, the interference experienced by staff and listeners within WKRR's protected contour.

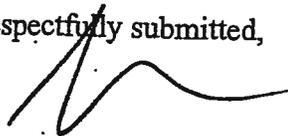
As the Commission is aware, the WXLK license application is now under active consideration at the staff level. In that there appear to exist interference issues related to the construction of the modified facility, and Dick Broadcasting and Wheeler are engaged in good faith negotiations to deal with and, hopefully, resolve the interference issues arising from WXLK broadcasting from its new tower, Dick Broadcasting requests that the Commission staff maintain the "status quo" and forbear from granting WXLK's pending license application while the negotiations continue. Such forbearance will allow the parties to conduct a thorough analysis and seek resolution of the situation in a cooperative manner, thereby avoiding the need for administrative litigation over the license application with the attendant cost to the parties and the expenditure by the Commission of its limited staff resources.

Dick Broadcasting has informed Wheeler of its intention to request forbearance from the Commission and Wheeler has not interposed any objection to Dick Broadcasting.

Finally, Dick Broadcasting has agreed to notify the Commission when both it and Wheeler have reached a mutual determination as to how they wish to proceed with the Commission's consideration of the WXLK license application.

Please contact the undersigned should you have any questions regarding the foregoing.

Respectfully submitted,



Barry A. Friedman

cc: Coe W. Ramsey, Esq. (By e-mail and first-class mail)
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