

**FEDERAL COMMUNICATIONS COMMISSION**

**445 12<sup>th</sup> STREET SW  
WASHINGTON DC 20554**

**AUG 25 2011**

**MASS MEDIA BUREAU  
AUDIO SERVICES DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: WWW.FCC.GOV/MMB/ASD**

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Mel Wheeler, Inc.  
c/o Brooks, Pierce, et al  
P.O. Box 1800  
Raleigh, NC 27602

In re: WXLK(FM), Roanoke, VA  
Facility ID No. 9692  
Mel Wheeler, Inc.  
BLH-20110722ADP  
Program Test Authority

Dear Applicant:

This letter is in reference to: (1) WXLK's request for program test authority ("PTA") filed July 22, 2011; (2) the simultaneously filed application for license, which was granted August 16, 2011, to cover Construction Permit BPH-20110401AAC; (3) the August 12, 2011 request filed by Dick Broadcasting Company, Inc. ("Dick Broadcasting"), licensee of WKRR(FM), Asheboro, NC, to forebear the grant of WXLK's license; and (3) the August 18, 2011 Request for Rescission of Grant of License Application filed by Dick Broadcasting. For the reasons stated below, we will rescind the grant of WXLK's license while authorizing PTA.

On August 16, 2011, WXLK was granted the above-captioned license. However, Dick Broadcasting had filed a pleading on August 12, 2011 requesting that the staff not grant WXLK's pending license. Specifically, Dick Broadcasting stated that they had received complaints from its own staff and listeners that WKRR's signal was receiving interference from WXLK's new facility. Furthermore, Dick Broadcasting stated that the two stations were working together to resolve the interference issues between the two stations. Following the grant of the WXLK license, Dick Broadcasting filed the request to rescind the grant. The staff was unaware of the August 12, 2011 filing when originally processing the WXLK license application. Accordingly, we will rescind the grant of WXLK's application and reinstate the application to pending status in order to allow both stations an opportunity to continue to work together to resolve the issues mentioned in Dick Broadcasting's filing.

In addition, WXLK's PTA request included exhibits demonstrating compliance with the special operating conditions regarding the directional antenna. A review of WXLK's request for program test authority reveals that the facilities were constructed pursuant to the terms and conditions of Construction Permit BPH-20110401AAC, and the provisions of 47 C.F.R. § 73.1620. Accordingly, since WXLK has demonstrated compliance with the directional antenna conditions on the construction permit, we will grant PTA to commence operation with an effective radiated power of 100 kilowatts and a transmitter power output of 22 kilowatts. This will enable both stations to evaluate the effects of WXLK's full power operation on WKRR.

In light of the above, the Commission's August 16, 2011 grant of license application BLH-20110722ADP IS HEREBY RESCINDED, and the application IS RETURNED TO PENDING STATUS. In addition, PTA IS HEREBY GRANTED to commence full power operation pending further action on WXLK's license application. These actions are taken pursuant to 47 C.F.R. § 0.283 and § 1.108.

Sincerely,



Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

cc: Coe W. Ramsey, Esq.  
Barry A. Friedman, Esq.