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November 15, 2010

SUBJECT: Exhibit: Previous Application

1. A prior application File No. 0289-EX-PL-2010 was previously "DISSMISSED-WITHOUT PREJUDICE" because we failed to specify a specific frequency in the band under question.

FEDERAL COMMUNICATIONS COMMISSION
Experimental Licensing Branch
445 12th Street, S.W., Room 7A-321
Washington, D.C. 20554

August 30, 2010

Attn: Thomas Klebe
RLM Communications, Inc.
1027 East Manchester Road
Spring Lake, NC 28390

DISMISSED-WITHOUT PREJUDICE

Dear Thomas Klebe,

This refers to application, File No. 0289-EX-PL-2010, for an experimental authorization.

You are advised that the Commission is unable to grant your application for the facilities requested. This application was dismissed due to the following statements shown below:

1.) The Audio Division objects to the proposed 0.85 kW operation on ALL FM Broadcast frequencies (88-108 MHz). This objection is based on predicted interference to currently authorized FM stations in the area. The Wireless Bureau is also concerned that transmission of broadcast program material on the 40, 30, 15 and 10 meter amateur radio bands will cause a problem, because such transmissions are prohibited in the ARS.

2.) Public safety licenses have a problem with use of business channels. In addition, the frequencies being selected are itinerant and should be checked for compliance with the rules.

3.) The 174-216 MHz, 470-608 MHz and 614-806 MHz bands are reserved for Low Power Broadcast Auxiliary (low power) service under Part 74H. The proposed geographic area is very large, the requested ERP is too high compared to low power services, and there are a great number of Low Power Broadcast Auxiliary operations within the proposed area. Intense harmful interference to low power operations is obvious and unavoidable. Broadband Division recommends that the applicant avoid using these frequency bands.

4) Broadband Division's objection also includes 54-88 MHz band.

5) Based on the output power (5 kW) and antenna height (46 meters) specified in application 0289-EX-PL-2010 for the experimental use of AM frequencies 540 kHz through 1600 kHz at Spring Lake, North Carolina, the Audio Division objects to its grant. Specifically, for frequencies near the top of the AM band, the proposed facilities are predicted to cause objectionable interference to existing, licensed AM stations within the following minimum distances:

Co-channel - 150 km;
First adjacent - 60 km
Second adjacent - 20 km
Third adjacent - 10 km.

These distances would increase significantly for frequencies at the lower end of the AM band.
In order for the Audio Division to permit use of any AM frequency for the facilities specified in application

0289-EXST-2010, the applicant must propose daytime only use of a specific frequency, and must accompany its request with a showing that, pursuant to Section 73.37 of the Commission's Rules, the proposal is not predicted to cause interference to any authorized full-service AM broadcast station.

You are invited to re-submit an application for this experiment should you obtain the requested coordination documentation in the future.

Responses to this correspondence must contain the Reference number : 11826

Sincerely,

James R. Burtle
Chief
Experimental Licensing Branch