



Federal Communications Commission  
Washington, D.C. 20554

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DA 26-244  
*In Reply Refer to:*  
1800B3-RFS

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Re: WMNA-FM, Halifax, VA  
Facility ID No. 9985  
File No. 0000281963

Dear Counsel and Engineer:

This letter refers to the minor change application (Application) filed on behalf of 3 Daughters Media, Inc. (Daughters Media), licensee of station WMNA-FM, Channel 292C3 at Halifax, Virginia.<sup>1</sup> The Application proposes a community of license modification for WMNA-FM from Channel 292A, Gretna, Virginia, to Channel 292C3, Brookneal, Virginia, as the community's first local service.<sup>2</sup> For the reasons discussed below, we request an amendment to the Application.

**Background.** Daughters Media filed the Application pursuant to section 73.3573(g) of the Commission's rules,<sup>3</sup> which permits the modification of a station's authorization to specify a new

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<sup>1</sup> On July 17, 2019, the Audio Division granted the change of community of license application for Station WMNA-FM and modified WMNA-FM's facilities to specify operation on Channel 292C3 at Halifax, Virginia in lieu of its former licensed Channel 292A at Gretna, Virginia. *See* Application File No. BPH-20190211ACD. Daughters Media never filed a license application for this authorization. Therefore, Channel 292C3, Halifax, Virginia is considered "reserved" for WMNA-FM.

<sup>2</sup> Daughters Media is currently operating pursuant to an implied special temporary authority (STA) at WMNA-FM's former licensed site on its previously licensed Channel 292A at Gretna, Virginia. *See* Application File No. BMLH-20020115AAG.

<sup>3</sup> *See* 47 CFR § 73.3573(g); *see also* *Modification of FM and TV Authorizations to Specify a New Community of License*, Report and Order, 4 FCC Rcd 4870 (1989), *recon. granted in part*, Memorandum Opinion and Order, 5 FCC Rcd 7094 (1990); and *Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services*, Report and Order, 21 FCC Rcd 14212, 14213-23, ¶¶ 4-18 (2006).

community of license by minor modification application without allowing other interested parties to file a competing expression of interest. Among other requirements, an applicant for such a minor modification must demonstrate that the proposed change of community constitutes a preferential arrangement of assignments.<sup>4</sup> We make this determination using FM allotment priorities set forth in the *Revision of FM Assignment Policies and Procedures*.<sup>5</sup>

In the Application, Daughters Media states that the public interest would support the proposed WMNA-FM community of license modification from Channel 292A, Gretna, Virginia, to Channel 292C3, Brookneal, Virginia.<sup>6</sup> It claims that the proposed new community of Brookneal, Virginia will receive a first local service, whereas Gretna will continue to receive a first local service from WMNA(AM). Daughters Media contends that the proposed WMNA-FM modification would not cover any urbanized areas or could be modified by minor modification to cover 50 percent or more of any urbanized areas.<sup>7</sup>

**Discussion.** WMNA-FM is currently operating pursuant to an implied STA<sup>8</sup> on its previously licensed Channel 292A at Gretna. Daughters Media no longer has any right to broadcast from WMNA-FM's former Gretna licensed facility<sup>9</sup> since the station's facilities were modified by granting a construction permit to specify operation on Channel 292C3 at Halifax, as the community's first local

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<sup>4</sup> 47 CFR § 73.3573(g)(1).

<sup>5</sup> See *Revision of FM Assignment Policies and Procedures*, Second Report and Order, 90 FCC 2d 88 (1982). The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

<sup>6</sup> Technical Statement at 2.

<sup>7</sup> See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Second Report and Order, 26 FCC Rcd 2556, 2572-2578, ¶¶ 36-40 (2011); *recon. granted in part*, Second Order on Reconsideration, 27 FCC Rcd 12829 (2012).

<sup>8</sup> See *Entravision Holdings, LLC*, Memorandum Opinion and Order, 37 FCC Rcd 1343, 1354 ¶ 24 (2022) (explaining that, where an existing full-service non-reserved band FM station's license has been modified to specify a new channel, and the modification is final, the station is not licensed to its old channel but is allowed to continue operating its previously authorized facilities under an implied STA); see also *Wendolyn Tellez*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 33 FCC Rcd 112, 114 ¶ 7 (MB 2018) (stating that where permit to change an existing full-service non-reserved band FM station's channel had been granted, licensee could operate on its old channel on an implied STA basis); and *A. Wray Fitch, Esq.*, Letter Order, 31 FCC Rcd 10661, 10663, n.10 (MB 2016) (noting that grant of a construction permit to downgrade a station's class and change its community of license resulted in a "mandatory move," and explaining that operation of the station at its old community of license was pursuant to implied STA).

<sup>9</sup> *Entravision Holdings, LLC* at 1354 ¶ 24; see also *Anthony T. Lapore, Esq.*, Letter Decision, 27 FCC Rcd 13214, 13218 ¶ 11 (MB 2012) (holding that licensee of existing full-service non-reserved band FM station "lost all protection rights for [station's] formerly licensed channel" when order modifying station's license to specify a new channel became final); *Brian M. Madden, Esq.*, Letter Order, 25 FCC Rcd 4765, 4767 (MB 2010) (indicating that existing full-service non-reserved band FM radio station's "continued operation on its old channel received no protection under the Commission's technical rules"); and *Cumberland, Kentucky, Weber City, Glade Spring, and Marion, Virginia*, Report and Order, 21 FCC Rcd 6431, 6432, ¶ 4 (MB 2006) (noting that existing full-service non-reserved band FM station's license had been modified to specify a new channel, and that modification was final, and explaining that the station was not "entitled to any protection based on its formerly licensed facilities").

service.<sup>10</sup> Additionally, WMNA-FM was subsequently granted a second construction permit specifying Channel 292C3 at Halifax that expired on December 2, 2025 (expired Halifax construction permit).<sup>11</sup> On December 9, 2025, the staff received an email from Mr. Steiner stating that, “Daughters Media will let the Halifax construction permit expire because tower issues may make it impossible to construct.”<sup>12</sup> Mr. Steiner stated that Daughters Media filed this proposed Application to resolve the tower issue at the Halifax site. Daughters Media does not provide an explanation as to why it abandoned the proposal to build at Halifax.<sup>13</sup> Both the Application and the expired Halifax construction permit propose the same transmitter coordinates at ASR Number 1016916, although they specify different technical parameters on that structure.<sup>14</sup> Both the expired Halifax construction permit and the Application request processing pursuant to the contour protection provisions of section 73.215 of the Commission’s rules.<sup>15</sup>

Based on the foregoing, we determine that the appropriate community of license comparison is between the existing “reserved” community of Halifax and the proposed community of Brookneal. Daughters Media’s previously licensed site at Gretna, Virginia is irrelevant. In this instance, both the Halifax and Brookneal communities would receive a first local service under Priority (3).<sup>16</sup> As such, we find that the retention of a first local service at the larger community of Halifax, Virginia (2020 U.S. Census population 1,118 persons) is preferred over a first local service at the smaller community of Brookneal, Virginia (2020 U.S. Census population 1,090 persons) under Priority (3).<sup>17</sup> Accordingly, we conclude that the Application is not a preferential arrangement of allotments under Priority (3) since the population of Halifax is larger than Brookneal by 28 persons.<sup>18</sup>

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<sup>10</sup> Application File No. BPH-20190211ACD.

<sup>11</sup> Application File No. 0000195151.

<sup>12</sup> See E-mail from Todd A. Steiner, Esq. Steiner Law Offices, PLC, to Christina Parker, Industry Analyst, Media Bureau, Audio Division (Dec. 9, 2025, 10:10 EDT).

<sup>13</sup> A staff google search reveals that Halifax is located approximately 23 miles from the proposed new community of Brookneal.

<sup>14</sup> The expired Halifax construction permit technical parameters differ from the Application as follows: 1) Overall Structure Height reduced from 99.7 meters to 93.2 meters; 2) Support Structure Height reduced from 97.5 meters to 87.7 meters; 3) Ground Elevation (AMSL) reduced from 213.4 meters to 213 meters; 4) Height of Radiation Center Above Ground Level reduced from 89 meters to 60 meters; 5) Height of Radiation Center Above Average Terrain reduced from 133 meters to 103 meters; 6) Height of Radiation Center Above Mean Sea Level reduced from 302 meters to 273 meters; 7) Effective Radiated Power (ERP) increased from 15kW to 24 kW.

<sup>15</sup> See 47 CFR § 73.215. With respect to 47 CFR § 73.207, the Application allotment coordinates are the same as the original Halifax community of license modification, Application File No. BPH-20190211ACD.

<sup>16</sup> *Id.* note 5.

<sup>17</sup> See *JNE Investments, Inc. and Langer Broadcasting Group, LLC*, Memorandum Opinion and Order, 29 FCC Rcd 15057 (2014) (dismissing Application for Review where staff decision granted Auction 84 application based on the population-based tie-breaker component of Priority 3); see also *Calvary Chapel of Costa Mesa, Inc.*, Letter Decision, 24 FCC Rcd 14739 (MB 2009) (denying reconsideration under Priority (3), because the existing community of Morgantown is larger than the proposed community of Paragon, and result in removal of sole local service).

<sup>18</sup> See *Blanchard, Louisiana and Stephens, Arkansas*, Memorandum Opinion and Order, 10 FCC Rcd 9828 (1995) (denying Application for Review where the staff decision was based on the Priority (3) tie-breaker component with a population difference of 38 people).

**Conclusion.** We direct Daughters Media to amend the Application. Pursuant to section 73.3522(c)(2) of the rules, “an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30 days specified in the FCC staff’s deficiency letter to correct all deficiencies in the tender ability and acceptability of the underlying application, including any deficiency not specifically identified by the staff.”<sup>19</sup> Additionally, section 73.3564 states that “[a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for amendment.”<sup>20</sup> This letter constitutes your opportunity for corrective amendment pursuant to section 73.3522.<sup>21</sup>

Further action on the subject application will be withheld for a period of thirty days from the date of this letter to provide the applicant an opportunity to respond. Failure to correct all defects within thirty days from the date of this letter will result in the dismissal of the application with no further opportunity for corrective amendment pursuant to section 73.3564(a)(3).<sup>22</sup> Furthermore, failure to respond within 30 days will result in the dismissal of the application pursuant to section 73.3568.<sup>23</sup>

Sincerely,

Albert Shuldiner  
Chief, Audio Division  
Media Bureau

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<sup>19</sup> 47 CFR § 73.3522(c)(2).

<sup>20</sup> 47 CFR § 73.3564; *see also Amendment of Part 73 of the Commission's Rules to Modify Processing Procedures for Commercial FM Broadcast Applications*, Report and Order, 7 FCC Rcd 5074, 5080 Appendix B (1992).

<sup>21</sup> 47 CFR § 73.3522.

<sup>22</sup> 47 CFR § 73.3564(a)(3).

<sup>23</sup> 47 CFR § 73.3568.