

May 1, 2017

### **73.870 Waiver Request**

This application proposes a site relocation for Radio Station KPPC-LP that is in excess of 5.6 km from its licensed site and the applicant is requesting that the Commission waive the provisions of 73.870(a) and process this application as a minor change in transmitter site relocation.

A recently granted Construction Permit for a new FM facility operating on co-channel 245C3 has created a short spacing to the presently licensed KPPC-LP transmitter site. FM Channel 245C3 was assigned to Christine, Texas and the channel was placed in Auction 98 for public bidding. The winning bidder, Rufus Resources, LLC, proposed a transmitter site for FM Channel 245C3, (BNPH-20151009AJB, Call Sign KQYU(FM), Facility ID 198739), that is 4 km short spaced to the presently licensed facilities of KPPC-LP under the provisions of Section 73.807 of the Commission's Rules which requires that LPFM stations be located 78 km from a full service Class C3 FM facility operating on a co-channel frequency. In order to comply with the mileage separation requirements of 73.807 with regard to the Christine, Texas KPPC-LP must relocate its transmitter site north of its presently licensed site a minimum of 4 km.

The applicant has located a site that meets all of the Commission's Rules, but the site is located a distance of 7 km from the presently licensed KPPC-LP transmitter site, 1.4 km greater than allowed under the provisions of 73.870(a). After a thorough search of the area to locate 4 km north of the presently licensed KPPC-FM site, the applicant has not been able to locate a site between 4 km and 5.6 km that would be suitable for relocation of the KPPC-LP transmitter site.

The need to relocate the transmitting facility of KPPC-LP was triggered by the grant of a Construction Permit for a full service facility operating on FM Channel 245C3 that is short spaced to the presently licensed transmitter site for KPPC-LP. With this short spacing, KPPC-LP will be required to cease operation at its present site and the licensee has not been able to locate a rule compliant site for its licensed facility. The site specified in this application maintains coverage to its present service area to the maximum extent possible and the need for a change in transmitter site for KPPC-LP was not triggered by any action by the applicant, but by the assignment of a full service FM facility which requires that the applicant involuntarily relocate its transmitter site in order to comply with Section 73.807 of the Commission's Rules.

In view of the foregoing, the applicant respectfully requests that the Commission waive the provisions of Section 73.870(a) of the Rules and treat this application as a minor change application due to the nature of the required relocation of its transmitter site. A grant of this waiver request will serve the public interest by allowing KPPC-LP to continue operation of its transmitting facility from a fully compliant transmitter site.

Dated this 1<sup>st</sup> day of May 2017.

Respectfully,

A handwritten signature in black ink, appearing to read "F. W. Hannel". The signature is written in a cursive, flowing style.

F. W. Hannel, PE

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