

REQUEST FOR WAIVER OF SECTION 74.1233(a)(1)

Divine Word Communications requests waiver of Section 74.1233(a)(1) of the Commission's rules to permit a single move a move of translator W277CC from its current transmitter site to the site for its WDWR(AM) tower and is proposed to be a fill-in translator for WDWR(AM). This waiver, when granted, will avoid unnecessary and onerous translator move expenses, and preserve Commission staff resources that would otherwise be required to process an interim step application if the strict procedural standards of Section 74.1233(a)(1) were followed.

Section 74.1233(a)(1) requires the 60 dBu contours of the existing and proposed FM translator facilities to overlap in order to be regarded as a minor change application. However, section 74.1204(a) of the Commission's rules prohibits a co-channel translator to have overlapping protected and interfering contours between the existing and proposed facility.

No other station is permitted to locate where such a prohibited contour overlap would occur. This instant application proposes a mutually-exclusive short-spacing relationship to the existing facility. Therefore, applicant requests for this instant application be treated as a minor change by way of waiver.

The primary station is WDWR (AM) operating as a NCE station, which is also licensed by the applicant. WDWR obtained FAA<sup>1</sup> approval and ASR<sup>2</sup> update for tower height increase in order to both prolong and maximize service to its community of license. The city recently approved zoning to permit replacing the WDWR 250 ft tower with a new 400 ft tower. The proposed facility is to be located near the top of this new tower when it is constructed.

This waiver request proposes a co-channel distance limitation for an FM translator transmitter site move application intended as fill-in service for an AM station. The Commission has recently granted waiver of 74.1233(a)(1) for similar circumstances.<sup>3</sup>

Accordingly, applicant requests that the Commission grant this waiver of 74.1233(a)(1) permitting a one-step move for W277CC which proposes to serve as a fill-in translator for an AM station, and in which the distance being moved is no greater than the sum of the distances to each of the co-channel protected and interfering contours of the existing and proposed facilities<sup>4</sup> analogous to current NCE application rules and practice.

Table 1

MX Overlap Point: N30-48-29.6 W87-21-56.0

W277CC-Lic: N30-54-09.1 W87-28-33.2

RC = 308ft (94m) AGL (172m AMSL) using 30-second data

60dBu = 14.9 km (Az=134.8, EAH 126.1m)

Distance to MX Overlap Point = 14.85km

**W277CC-Prop:** N30-25-59.19 W87-13-08.81

RC = 391.6ft (119.35m) AGL (131.55m AMSL) using 30-second data

40dBu = 44.1 km (Az-341.5. EAH 101.7m)

Distance to MX Overlap Point = 43.94km

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<sup>1</sup> 2011-ASO-3241-OE

<sup>2</sup> 1060330

<sup>3</sup> See BPFT-20111021ADL

<sup>4</sup> See Table 1, Figure 1 and Figure 2

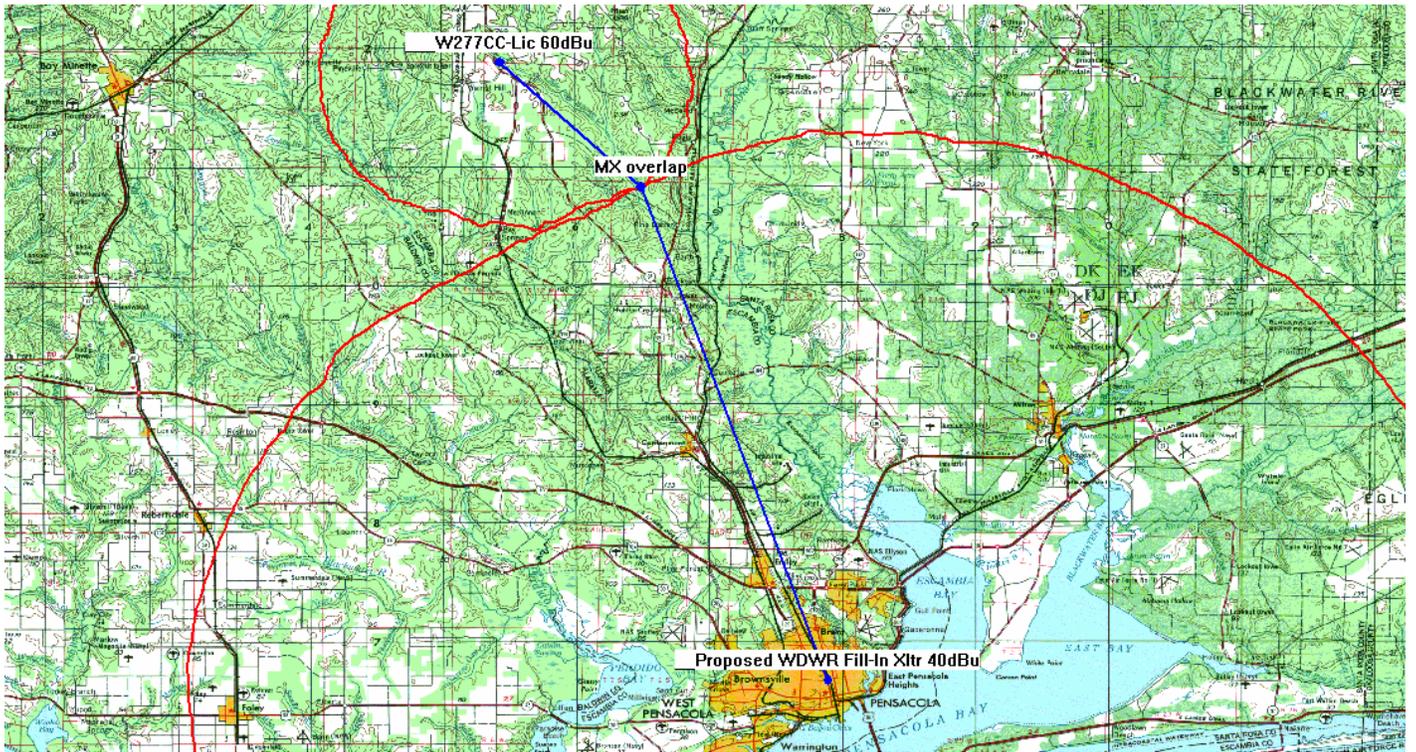


Figure 1

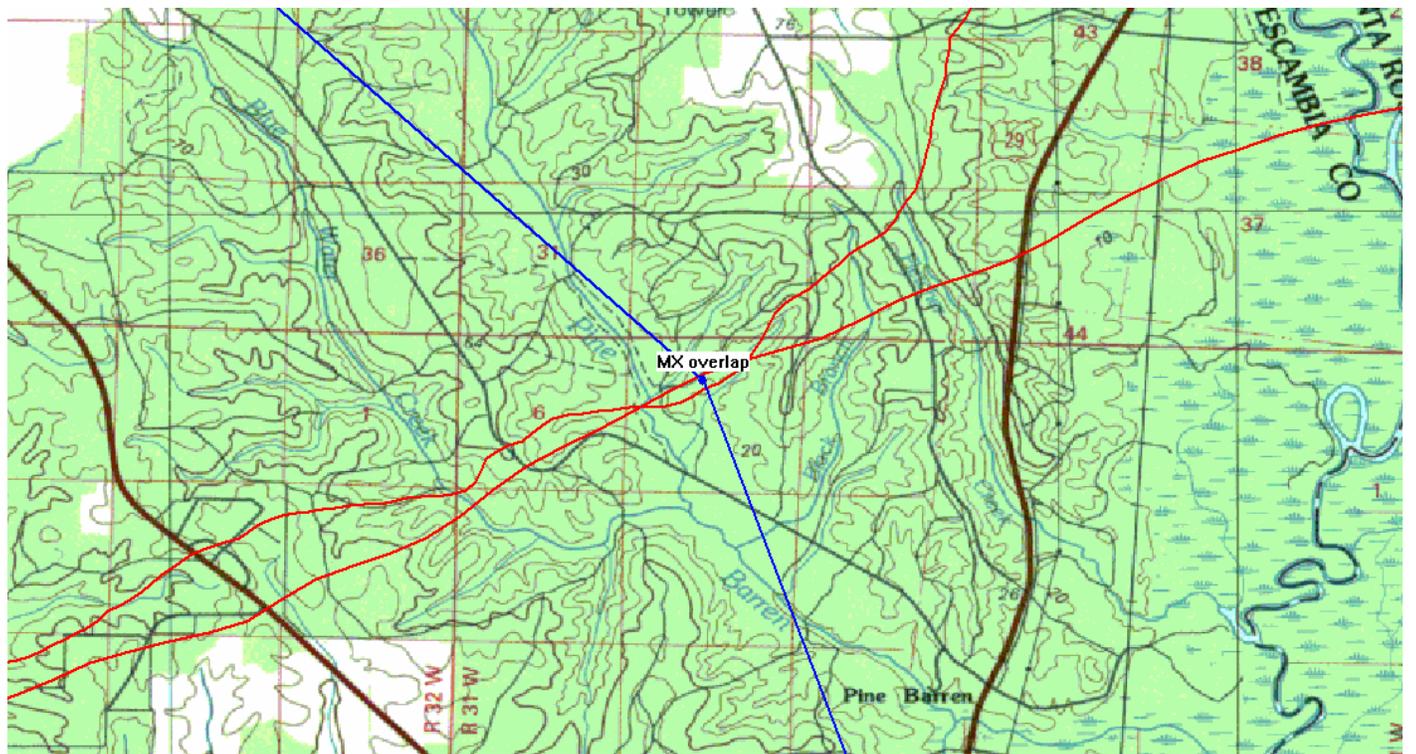


Figure 2