

## Waiver to Operate at 1.2 kW

The applicant has already received a waiver from the Commission to increase the power of K03HY-D by 6 dB from 300 watts to 1,200 watts (BMPDVL-20090921ACG). The applicant requests a furtherance of its existing waiver to operate at 1,200 watts.

Due to radiation concerns at the currently permitted site atop Mount Tamalpais, the applicant proposes to instead locate 14 miles away on Sutro Tower.

The applicant is a non-profit broadcaster and is in the process of incorporating the station as part of its broadcasting school for teenagers and young adults. The applicant also operates an educational FM station (KORB-FM) for which it has numerous school age DJs and for which these students provide the majority of the program content. This LPTV station will also serve to give teenagers the ability to create and broadcast television content for which there is no other media outlet like this in the community.

Operating at 1,200 watts instead of 300 watts will allow the station to be viable and overcome background noise that is prevalent on low VHF channels and to overcome issues with in-home antennas that are primarily constructed to receive UHF signals. Moreover, The Commission has waived its rules concerning power limits when it has served in the public interest. For example, WPVI in Philadelphia was granted permission to quadruple power on channel 6 in June of 2009 and is still operating at the increased power level. Also, KCSO-LD in Sacramento was granted a special temporary authorization to operate at 1,200 watts on channel 3 in November of 2010.