

Request for Waiver of 47 C.F.R. Section 73.509

Educational Media Foundation ("EMF") desires to increase the power and service area of station KLFS, Van Buren, AR. In order to accomplish this, KLFH will receive interference from the proposed KLFS upgrade. While this proposal will create an area of interference, the amount is de minimus.

KLFH's proposed protected contour would, receive prohibited overlap from the proposed KLFS facility. The area of "overlap received" from will be approximately:

Call Sign (or File #)	Square kM	Total area of KLFH's proposed 60 dBu
KLFS.P	14.49	0.085%

The grant of this waiver request will allow KLFS to increase its overall coverage area by 434.0 square kilometers, an increase of 40.83%. It will provide new service to an estimated 12,339 persons, an increase of 8.28%. This waiver request is nearly identical to the requests made by the licensees of WCPE(FM) and WCCE(FM) in Educational Information Corporation, 6 FCC Rcd 2207 (1991). WCPE(FM) requested a waiver in its application to permit *de minimus* overlap "received," and WCCE(FM) requested a waiver in its application to permit *de minimus* overlap "caused." In recognition of the importance of affording noncommercial educational stations the flexibility to expand and meet the growing demand for service, the Commission granted both waiver requests. The instant request fully satisfies the criteria established by the Commission for waiver of Section 73.509 of the Commission's rules as it pertains to overlap received.

Significant service will be maintained and enhanced by the proposed expansion of KLFH, and the overlap area is very small and well within the scope of the Commission's waiver policy. Clearly, this benefit outweighs the potential for interference in an area that constitutes less than 1% (total) of the station's proposed service area. Accordingly EMF respectfully submits that a waiver of Section 73.509(a) of the Commission's rules is justified in this instance.