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February 3, 2016

**Accepted/Files**

Honorable Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
Washington, DC 20554

**FEB - 3 2016**  
Federal Communications Commission  
Office of the Secretary

Attention: Victoria McCauley, Esquire  
Audio Division, Media Bureau

**RE: FM Translator K286BX, Susanville, California  
FCC Facility ID # 156223  
File No. BNPFT-20130328AUP  
Request for Waiver of 47 CFR §73.3598(a)**

Dear Madame Secretary:

On behalf of our clients IHR Educational Broadcasting (IHR) and the Thomas Huth Revocable Living Trust (Huth), permittee/assignor and assignee, respectively, of FM Translator Station K286BX, Susanville, California, there is transmitted herewith in triplicate a request for a waiver of Section 73.3598(a) of the Commission's Rules an extension of the expiration date of the above-referenced construction permit for a new FM Translator Station. The current expiration date of said construction permit is May 10, 2016. We would request that this waiver be granted until at least November 10, 2016, six months beyond the current expiration date. This request is being filed pursuant to Section 1.3 of the Commission's Rules and also paragraph 15 and footnote 36 of the *First Report and Order* in MB Docket No. 13-249, **Revitalization of the AM Broadcast Service**, FCC 15-142, released October 23, 2015.

IHR and Huth have entered into an agreement for the assignment of the construction permit for station K286BX. Huth intends to relocate K286BX to the service area of Class C AM Broadcast Station KBLF, Red Bluff, California. KBLF(AM) is licensed to Huth-Penney Broadcasting, LLC, in which Thomas Huth is the LLC manager and controlling principal.

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An FCC Form 345 application for consent to assign the K286BX authorization has been filed and accepted for filing, File No. BAPFT-20151231ACK. Huth expects to file an FCC Form 349 application to relocate K286BX to the Red Bluff area within the next thirty days. Huth's engineering consultant has identified a suitable FM channel in the Red Bluff area for use by K286BX.

The aforementioned footnote 36 states as follows:

A substantial majority of the approximately 1300 outstanding Auction 83 construction permits are scheduled to expire in 2016. Modification applicants in one of these two modification windows may seek waivers of these construction deadlines. See 47 C.F.R. §1.3. Waivers can expand cross-service broadcasting opportunities for AM stations, will allow AM licensees to realize service improvements quickly, will incentivize FM translator permittee participation in the modification window process, and will provide a means to avoid the delays and administrative burdens of re-auctioning this spectrum. Accordingly, we find that a waiver of an Auction 83 FM translator construction deadline is presumptively in the public interest for applicants participating in one of the modification windows, provided that the AM station licensee proposing to use the FM translator for rebroadcasting its AM station commits to prompt FM translator station construction and initiation of broadcast operations.

Since Huth intends to promptly construct and operate K286BX once the above-described Form 349 application is granted, and then use it to rebroadcast KBLF, Red Bluff, California, for at least four years going forward consistent with all relevant and applicable FM Translator rules, a waiver of Section 73.3598(a) is in the public interest, convenience and necessity and should be granted.

Should additional information be desired in connection with the above matter, kindly communicate with this office.

Very truly yours,



Dennis J. Kelly

cc: Douglas M. Sherman  
Thomas Huth