

## Request for Waiver or Cancellation of Special Condition on Construction Permit

Federated Rural Electric Association ("FREA") respectfully requests the waiver or cancellation of the following special condition contained in Construction Permit File No. 54994 (the "CP") for K22MY-D (Facility ID No. 167631):

**TRANSMISSION ON CHANNEL 22 MUST NOT BEGIN UNTIL AFTER K22HJ-D IS LICENSED TO TRANSMIT ON CHANNEL 18.**

FREA's counsel and consulting engineer recently contacted counsel and consulting engineer for Independent Communications, Inc. ("Independent"), licensee of K22HJ-D, to inquire about the status of the transition of K22HJ to Channel 18, and were informed that the transition to Channel 18 had taken place. And, in that regard, Independent's counsel provided FREA's counsel with a copy of a request for special temporary authority ("STA") (File No. 64068) that Independent filed today (December 10, 2018) for the operation on Channel 18 with reduced power.

By the filing of the instant license application, FREA provides notice that it, too, has accomplished the transition of K36IV-D to Channel 22. In that connection, FREA submits that the above referenced special condition on the CP should be cancelled or waived in view of the fact that Independent has transitioned Station K22HJ to Channel 18. In addition, the Commission is advised that counsel for FREA requested and obtained from Independent's counsel, Independent's consent to FREA's request for waiver of the special condition. Finally, the circumstances supporting the imposition of the special condition are no longer extant since with Independent having transitioned to Channel 18, it is now impossible that FREA could cause co-channel interference to Independent's operation on Channel 22. Accordingly, for these reasons, the special condition on FREA's CP should be cancelled or waived.