

(e) The provisions of this section will not apply to overlap between a proposed fill-in FM translator station and its primary station operating on a first, second or third adjacent channel, *provided* That such operation may not result in interference to the primary station within its principal community.

The proposed translator facility is to be located inside the 60 dBu protected contour of its proposed third-adjacent primary station (WWWA Winslow), but its own 60 dBu contour is not entirely contained by its primary station. As such, it is not technically a fill-in, and it complies with the § 74.1235(b)(1) MERP rules. However, the outgoing 100 dBu interference contour of the proposed translator would be entirely inside the protected contour of WWWA, so the proposed facility would be a de facto fill-in translator in the area of concern. The applicant requests that 74.1204(e) be applied to this application. The primary station's principal community (Winslow, Maine) is far enough away that no interference will take place.