

THIS IS AN APPLICATION TO REPLACE THE CP GRANTED IN BPFT - 20170718AAU, WHICH COULD NOT BE BUILT DUE TO A CONDITION ON THE PERMIT.

BY THIS APPLICATION, MEDIA ONE COMMUNICATIONS, INC. (MEDIA ONE) REQUESTS A CHANGE OF FREQUENCY FOR W295AP TO A CHANNEL THAT IS NOT FIRST, SECOND, OR THIRD ADJACENT, OR IF-RELATED TO THE EXISTING LICENSED CHANNEL. WHILE SECTION 74.1233(A)(1) OF THE COMMISSION'S RULES WOULD IN MOST CASES TREAT THIS APPLICATION AS ONE FOR A MAJOR CHANGE, A WAIVER OF THAT RULE IS REQUESTED, IF A WAIVER IS NECESSARY, TO ALLOW PROCESSING AS A MINOR CHANGE.

JUSTIFICATION FOR MINOR CHANGE TREATMENT IS THAT THE TRANSLATOR IS BEING INVOLUNTARILY DISPLACED FROM ITS LICENSED CHANNEL, AND THE DISPLACEMENT IS DUE TO A CHANGE ORIGINATED BY A FULL POWER FM STATION, NOT JUST COMPLAINTS OF INTERFERENCE TO EXISTING FULL POWER FACILITIES.

IN MB DOCKET NO. 16-422 (DA 17-125, REL. FEB. 3, 2017), THE MEDIA BUREAU PROPOSED TO ALLOT FULL POWER FM CHANNEL 295A TO FT. WALTON BEACH, WITH A REFERENCE POINT ONLY 35.5 MILES (57.1 KM) FROM THE TRANSMITTER SITE OF W295AP. WHEN THE FULL POWER CO-CHANNEL STATION GOES ON THE AIR, ASSUMING USE OF THE FACILITIES PROPOSED IN BNPH-20161122ABD (FACILITY ID 199730), THERE WILL BE SIGNIFICANT DESTRUCTIVE INTERFERENCE TO W295AP, SHOWN BY THE ATTACHED MAP. LIKEWISE, W295AP IS LIKELY TO CAUSE SIGNIFICANT INTERFERENCE TO THE FULL POWER STATION, AS THE CONTOUR MAP SUBMITTED WITH BMPH-20161122ABD SHOWS THE FULL POWER 60 DBU CONTOUR EXTENDING ALL THE WAY TO STATE ROUTE 87, CLOSE TO PENSACOLA AND GULF BREEZE. THEREFORE, MEDIA ONE HAS LITTLE CHOICE BUT TO SEEK ANOTHER CHANNEL.

WHILE THE FULL POWER FM STATION IS NOT ON THE AIR YET, AND THE MEDIA BUREAU HAS NOT YET FINALIZED THE ALLOTMENT AND OPENED AN APPLICATION WINDOW, THE PROSPECTS FOR MEDIA ONE TO BE ABLE TO FIND ANOTHER CHANNEL LATER ON WILL BE SIGNIFICANTLY REDUCED BY THE TWO FM TRANSLATOR APPLICATION WINDOWS SCHEDULED FOR THIS YEAR, ONE OF WHICH WILL OPEN THIS MONTH, AS WELL AS POSSIBLE LOW POWER FM APPLICATION WINDOWS THAT MAY BE OPENED IN THE FUTURE. THERE ARE SO FEW CHANNELS AVAILABLE IN THE PENSACOLA AREA (ONLY TWO OR THREE AT MOST) THAT THERE IS A HIGH LIKELIHOOD THAT IF A DISPLACEMENT

CONSTRUCTION PERMIT IS NOT AWARDED NOW, W295AP WILL HAVE TO SHUT DOWN WHEN THE FULL POWER STATION IS CONSTRUCTED.

W295AP IS A TRANSLATOR FOR STATION WRNE(AM), GULF BREEZE, FL. THE TRANSLATOR IS A LIFELINE THAT ENABLES WRNE TO ATTRACT A SUFFICIENT AUDIENCE TO STAY IN BUSINESS. MEDIA ONE FILED COMMENTS IN MB DOCKET NO. 16-422, NOTING THE IMPORTANCE OF THE TRANSLATOR TO WRNE AND REPORTING THAT IT SPENT SOME \$70,000 TO ACQUIRE AND IMPROVE THE TRANSLATOR FACILITIES. IF THE TRANSLATOR IS FORCED TO CEASE OPERATION, NOT ONLY WILL THE PUBLIC LOSE THE FM SERVICE BUT WRNE'S FUTURE WILL BE PUT AT SERIOUS RISK. MEDIA ONE HAS OPERATED WRNE SINCE 1990 AND IS MINORITY OWNED AND CONTROLLED. ITS COMMENTS IN THE FM RULEMAKING NOTED THE IRONY IN THE COMMISSION'S STRONG PROMOTION OF MINORITY BROADCAST OWNERSHIP AND THE BENEFITS FM TRANSLATORS FOR AM STATIONS, WHICH ENCOURAGED MEDIA ONE TO MAKE A LARGE INVESTMENT, FOLLOWED BY TOSSING THE TRANSLATOR ASIDE WHEN A FULL POWER PROPONENT COMES ALONG.

IT IS RESPECTFULLY SUBMITTED THAT IN LIGHT OF THE CONFLUENCE OF DISPLACEMENT BY A NEW FULL POWER FM STATION AND THE CRITICAL ROLE OF W295AP IN SUPPORTING AN AM STATION, TOGETHER WITH THE SCARCITY OF DISPLACEMENT CHANNELS AND THE NUMBER OF FILING WINDOWS ANTICIPATED FOR NEW TRANSLATORS AND LPFM STATIONS IN THE NEAR FUTURE, PROCESSING AND GRANT OF DISPLACEMENT RELIEF FOR W295AP AT THIS TIME IS WARRANTED.