

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

VCY America, Inc. ("VCY") desires to increase the power and service area of station KVCF, Freeman, SD. This proposal is engineered so as to NOT CAUSE interference to any existing station, known application or allocation. However, the proposed increased service area would RECEIVE interference from the following second-adjacent facility:

Facility ID	Status	Call Sign (or File #)	City of License	Exhibit
87828	Lic	KSFS	Sioux Falls, SD	Map #1

Again, this proposal will not cause interference to the above applications as KVCF's proposed interfering 100 dBu contour will not overlap the applications' protected 60 dBu contour. KVCF's proposed protected contour would, however, receive prohibited overlap from the applications listed above. The area of "overlap received" from the above referenced facilities will be approximately:

Call Sign (or File #)	Overlap in Square km	Total area of KPAQ's proposed 60 dBu
KSFS	17.4	0.2133%

The grant of this waiver request will allow KVCF to increase its overall coverage area by 1674.9 square kilometers, an increase of 26%. It will provide new service to an estimated 485356 persons, an increase of 837.7%. 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 KVCF, and the overlap area is very small and well within the scope of the Commission's waiver policy. Clearly, this benefit heavily outweighs the potential for interference in an area that constitutes less than 0.3% (total) of the station's proposed service area. Accordingly, VCY respectfully submits that a waiver of Section 73.509(a) of the Commission's rules is justified in this instance.

* VCY wishes to emphasize that its request is not at all similar to the second waiver request made by WCPE in Educational Information Corporation, 1997 FCC LEXIS 2636 (May 20, 1997). Unlike here, WCPE was seeking a waiver of overlap "caused" in that second case.