

## **Family Stations, Inc.**

47 CFR Section 73.509 Waiver Request

Facility ID 20864, WJFR, Jacksonville, FL

30-16-36.0 N, 81-33-57.0 W, RCAGL 116 meters, HAAT 110 meters, ERP 12 kW (H&V) (DA)

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The applicant acknowledges that the licensed facility for WJFR, Jacksonville, FL and third-adjacent channel station WCRJ, Jacksonville, FL have ongoing mutual third-adjacent-channel overlap according to multiple previously-granted WCPE "Raleigh" waiver requests.

Noncommercial Educational FM (NCE-FM) radio station WJFR, Jacksonville, FL, is presently licensed to operate on Channel 204 (88.7 MHz) with an Effective Radiated Power (ERP) of 8.0 kW (Non-Directional) at an antenna Height Above Average Terrain (HAAT) of 107 meters pursuant to FCC License File No. BMLED-2013118BBF. The current WJFR facility both causes and receives Section 73.509 contour overlap from third-adjacent channel station WCRJ(FM), Jacksonville, FL (Channel 201, 8.0 kW ERP (DA), 194 meters HAAT, FCC File No. BLED-20150612AAI). The two stations operate today with mutual Section 73.509 overlap pursuant to a waiver granted in accordance with the Commission's decision in Educational Information Corporation, Memorandum Opinion and Order, 6 FCC Rcd 2207 (1991) ("EIC").

By means of the instant application, the applicant proposes to relocate the WJFR FM transmission system to a tower immediately adjacent to the existing WCRJ tower in order to vacate the WJFR site due to existing tower structural failures impeding the ability for the WJFR licensee to rebuild the antenna system due to heavy lightning damage. To accommodate the proposed relocation of WJFR, the applicant requests a continuance of the Section 73.509 waiver with respect to the existing and proposed overlap caused to and received from third-adjacent channel station WCRJ. As demonstrated herein, the continuance of the Section 73.509 waiver serves the public interest benefit and is in accordance with established Commission precedent as applied to existing, second or third-adjacent channel related NCE-FM stations.

The instant WJFR proposal results in no change in Section 73.509 overlap interference received by WCRJ, since the WCRJ licensed facility has no proposed changes. Therefore, the WJFR proposal is analogous to the WCCE (overlap caused) proposal in EIC and the WJFR proposal follows the Commission's clear guidelines set forth in EIC for waiver of Section 73.509 and grant of the WJFR proposal. In fact, the EIC decision allows existing second and third-adjacent channel related noncommercial educational stations to slightly increase prohibited overlap. Exhibit 5 is a map which depicts the WJFR present and proposed 100 dBu f(50,10) interfering contours. Because the WCRJ 60 dBu f(50,50) protected contour fully encompasses the WJFR interfering contour(s), the contours shown on Exhibit 5 represent the present and proposed area of overlap caused to WCRJ. As shown on Exhibit 5, the land area within the WCRJ protected contour subject to Section 73.509 overlap caused from WJFR would be slightly increased from 29.3 km<sup>2</sup> to 34.6 km<sup>2</sup>. Further, the population within the overlap area caused to WCRJ would be slightly increased from 41,095 persons to 41,763 persons which is an increase of 668 persons. The proposed modification will result in an increase of service population from

the Census 2020 f(50,50) 60 dBu licensed facility of 1,222,651 to 1,291,789, an population increase in 69,138 persons. The percentage of new interference caused to new population served is 0.9 percent. The current proposal is consistent with the change policies set by WCCE proposal and the policy for newly created interference to population served ratios accepted in many subsequent cases.

According to the EIC decision, the Commission required no further analysis of the overlap area in support of a request for waiver of Section 73.509 overlap caused by an existing second or third adjacent channel related station. Considering the limited nature of the interference potential between the stations, the slight decrease in predicted overlap caused (to both total area and population), the instant proposal serves a clear public interest benefit and is in accordance with established Commission precedent as applied to existing, second or third-adjacent channel related NCE-FM stations.

