

## **Compliance with Special Operating Conditions**

The WARD Construction Permit (File Number 0000218803) contains Special Operating Conditions:

1. *The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.*
2. *This is a section 73.215 contour protection grant as requested by this applicant.*
3. *Educational Media Foundation requests waiver of 47 C.F.R. § 73.509 to allow the facility authorized in construction permit no. 0000218803, callsign WARD, to receive contour overlap from the 100 dBu contour of second adjacent facility WECI, Richmond, IN (Facility ID No. 18167) on Channel 218A. We have afforded this request the "hard look" called for under WAIT Radio v. FCC, 418 F.2d 1153 (D.C. Cir. 1969), and find that the facts and circumstances presented in the applicant's justification are sufficient to establish that grant of the requested waiver is in the public interest. Accordingly, waiver of 47 C.F.R. § 73.509 IS HEREBY GRANTED. Furthermore, further modifications of Station WECI will not be construed as a "per se" modification of WARD's facility. (See Educational Information Corporation, 6 FCC Rcd 2207 (1991)).*

Educational Media Foundation ("EMF") complies with, or agrees to, the conditions as follows:

1. EMF in coordination with other users of the site agrees to reduce power or cease operation as necessary to protect persons having access to the site, tower, or antenna, from radiofrequency electromagnetic fields in excess of FCC guidelines.
2. EMF acknowledges this facility is a 73.215 contour protection facility.
3. EMF acknowledges this facility receives contour overlap from WECI Richmond, IN and that further modifications of WECI will not be construed as a "per se" modification of WARD.