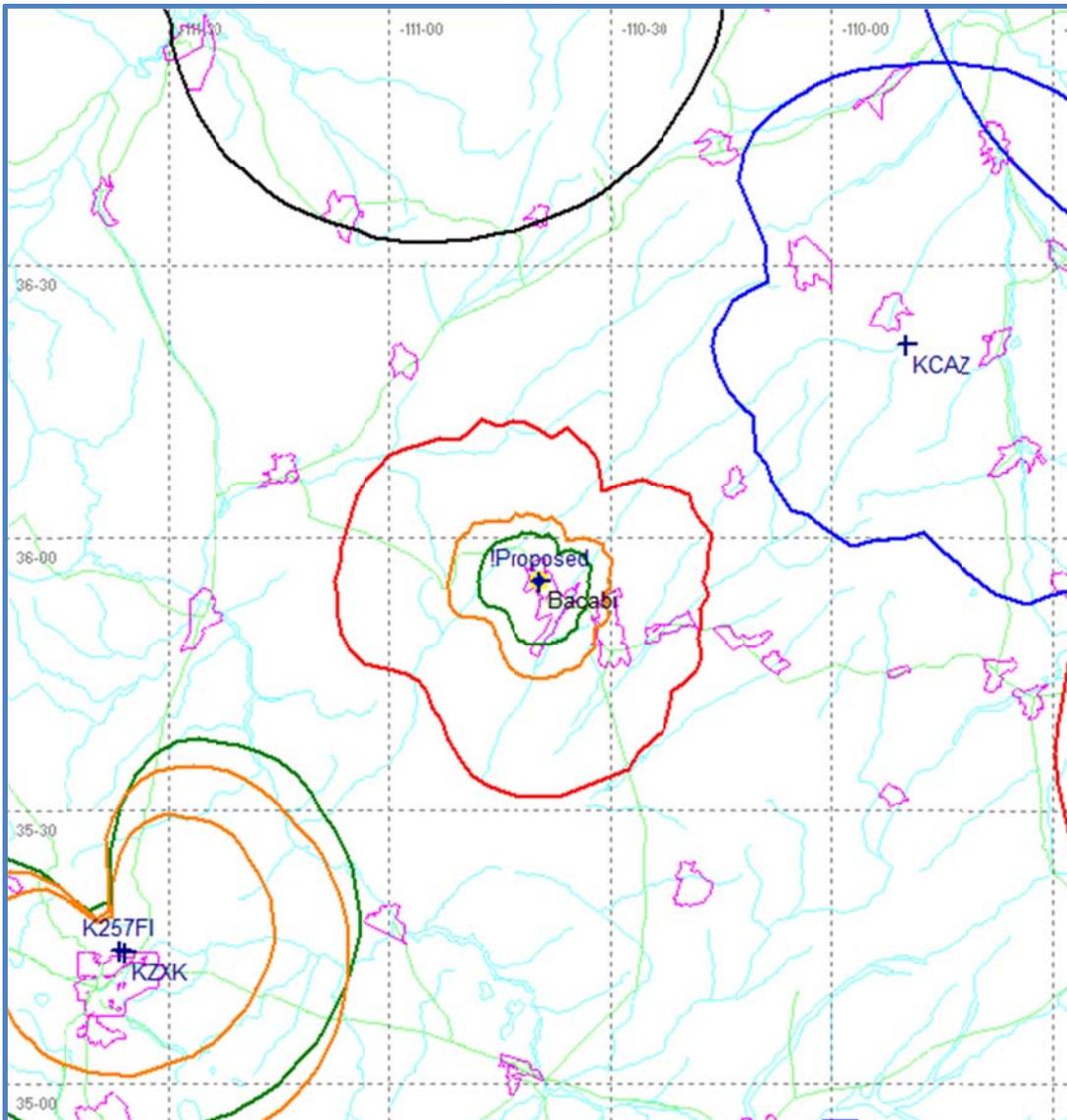


PROPOSED MODIFICATION OF A LICENSED FACILITY
Translator K256CA Navajo Mt./lk. Powel, UT
FACID: 141424

This instant application requests a modification of this licensed facility to a new operating location on the licensed channel with an increase in Effective Radiated Power. The proposed location is Bacavi AZ with the tower located on Third Mesa on the Hopi Reservation. The primary station remains unchanged; is majority minority and Native American owned, and offers programming directed to the Native American population on the Reservations.

The proposed facility meets contour protection with all stations licensed and proposed in the area, as demonstrated by this contour map



This instant application requests 3 waivers of Commission Rules; specifically Sections 74.1232(d), 74.1233(a) & 74.1235(b)(2) based upon The Commission's definition of white area and the request herein for moving this translator to serve white area population.

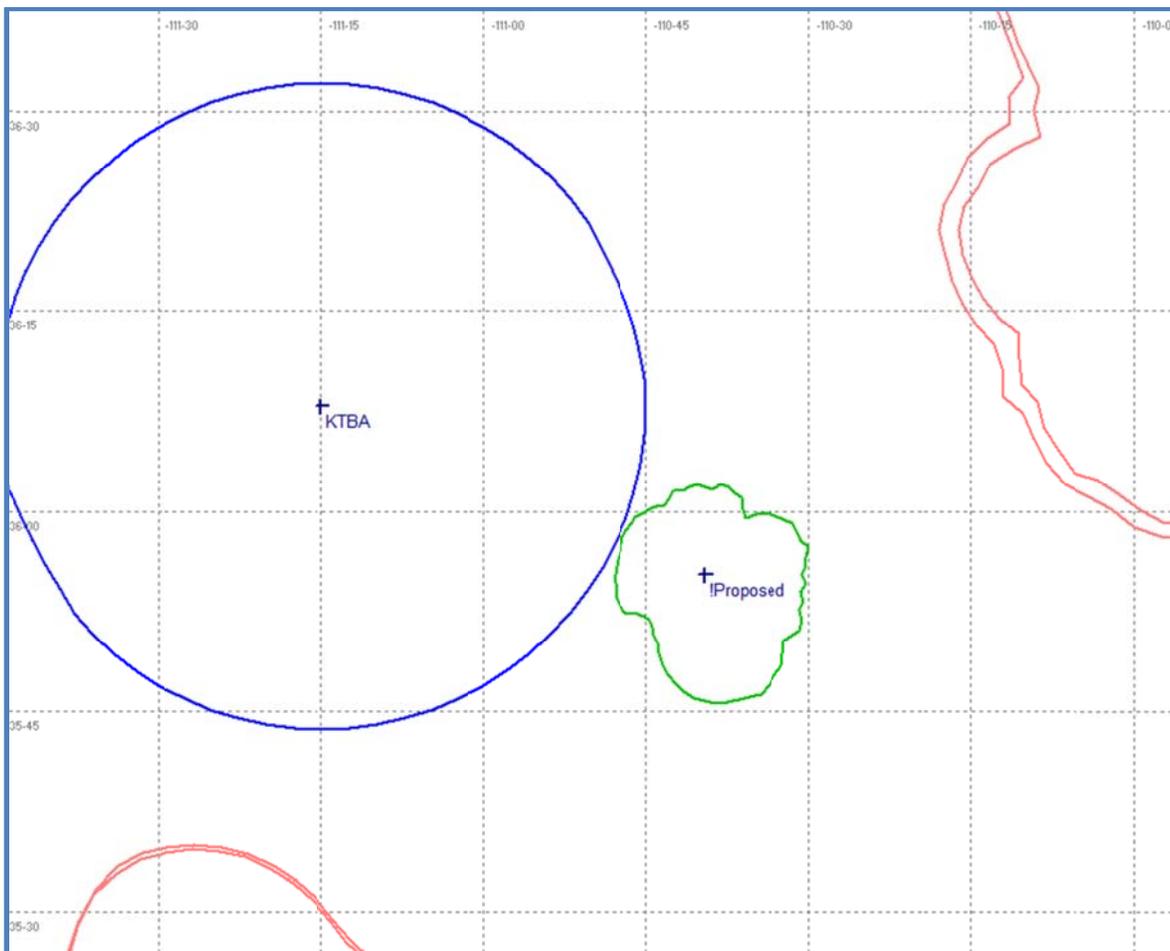
73.14 Definitions:

White area. The area or population which does not receive interference-free primary service from an authorized AM station or does not receive a signal strength of at least 1 mV/m from an authorized FM station.

§ 73.182 Engineering standards of allocation.

The [AM] groundwave signal strength required to render primary service is 2 mV/m for communities with populations of 2,500 or more and 0.5 mV/m for communities with populations of less than 2,500"

Bacavi, Arizona is located on Third Mesa on the Hopi Reservation. It receives no commercial AM or FM service which is visualized in this map



Proposed 60dBu Contour = Green Other Commercial FM 60dBu Contours = Red
AM Primary Contour = Blue KTBA(AM) Tuba City AZ, Census 2020 Population 8,615 2mV/m Contour Shown

A grant of this application would provide commercial broadcast service to 1,857 persons by Census 2020 data. This translator will be the only commercial aural service coverage to the community.

Applicant requests a waiver to relocate K256CA, an existing licensed translator, beyond the normally required 60 dBu contour of commonly owned primary station KPGX, Navajo Mt., Utah; Facility ID 190470. This request is based on previously granted waivers of a similar nature.

In the *Amendment of Part 74 of the Commission's Rules Concerning FM Translator Stations, Report & Order* in MM Docket No. 88-140, December 4, 1990, at paragraph 6

"However, in "white area" situations beyond the protected contour of any full-time aural service, we will be favorably disposed toward requests for waivers of our rules to permit commercial primary station ownership. Commercial primary stations may financially support fill-in translators both before and after the translator commences operation. However, Commercial primary stations may provide no financial support beyond technical assistance to FM translators serving other areas, although we will favorably view waiver requests to allow financial support for translators in "white areas."

Clearly this application is consistent with the Report and Order above mentioned.

The second waiver is similar to the first in that the proposed service to Bacavi is 125 kilometers from the licensed location of K256CA, thus would not normally qualify as a "minor change" under the current Part 74.1233(a)(1)(i)(B) rules. A waiver of this rule is in the public interest as it brings a first commercial service to 1,857 persons on the Hopi Indian Reservation. The Commission, in responding to UnAlaska's informal objection to the relocation of FM Translators K271BF and K282AU by Turquoise Broadcasting Company LLC (DA-713), stated (in part):

"In the 1990 Translator Order, the Commission stated that it would be "favorably disposed" toward various waiver requests that would enable translator service to white areas."

This waiver request is similar to the Turquoise request in that the relocation of an existing licensed translator will service and unserved population with a first commercial service. A waiver of section 74.1233(a)(1) of the Commission's rules is requested to permit this single move of this translator from the licensed location to the proposed tower location.

This application also requests a waiver of Section 74.1235(b) of the Commission's Rules. The proposed facility has a maximum HAAT of 212 meters, and would normally be limited to no more than 62 watts ERP by application of the table in Section 74.1235(b)(2).

These waivers, when granted, will provide FM translator fill-in only aural service on a timely and economical basis, and will accomplish a Commission objective of providing new program services and in accord with the Local Community Radio Act and goals of the Federal Communications Commission. A grant of this waiver is procedural only and does not involve a waiver of the FCC's substantive rules and fits within existing Commission precedent and policies