

RENEWAL APPLICATION EXHIBIT

Carolina University (“Licensee”), licensee of W234CZ (Fac. ID No. 200391), Chattanooga, Tennessee (the “Translator”), respectfully requests waiver of the deadline to file the instant license renewal application. Specifically, Licensee requests waiver of Sections 74.15(e), 1.949(a), and any other Federal Communications Commission (“FCC” or “Commission”) rule it deems necessary to achieve this purpose.

The Commission may grant requests for a waiver under Section 1.3 of its rules if the petitioner demonstrates good cause.¹ Good cause exists “where particular facts would make strict compliance [with the Commission rule] inconsistent with the public interest.”² “To make this public interest determination, the waiver cannot undermine the purpose of the rule, and there must be a stronger public interest benefit in granting the waiver than in applying the rule.”³

The Commission has found good cause to grant waivers of the deadline for filing renewal applications where the licensee demonstrated that the late-filed application was intended to be part of a larger group of applications that were filed in a timely manner.⁴ Here, Licensee intended to file its license renewal application in conjunction with its other license renewal applications, which were filed timely. *See* FCC File No. 0000091087 (filing a license renewal application for WDYN(AM) (Fac. ID No. 72374), Rossville, Georgia, prior to its December 1, 2019 deadline); FCC File No. 0000106050 (filing a license renewal application for W235AO (Fac. ID No. 148230), Chattanooga, Tennessee, prior to its April 1, 2020 deadline). Licensee only realized that the Translator’s application was not filed by April 1, 2020, with these applications after being alerted to that fact by FCC staff in the process of reviewing its currently pending transfer of control application. *See* FCC File No. 0000237675. Licensee also notes that the Translator only had its license to cover granted with respect to its original construction permit approximately 10 days before its renewal application was required to be filed. *See* FCC File No. 0000107544. Most licensees would not have realized a renewal application would have been required such a short time after beginning to operate a translator for the first time.

¹ *See* 47 C.F.R. § 1.3; *see also* 47 C.F.R. § 1.925(b)(3)(i) (“The Commission may grant a request for waiver if it is shown that: [t]he underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest.”).

² *ICO Glob. Commc’ns (Holdings) Ltd. v. FCC*, 428 F.3d 264, 269 (D.C. Cir. 2005) (citing *Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

³ *See WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

⁴ *See* Letter from Cyndi Thomas, Assistant Chief, Mobility Division, Wireless Telecommunications Bureau to Cheng-Yi Liu, Esq., Counsel to Wave Runner, LLC (ULS File Nos. 0004868550 and 0004868551) (Dec. 14, 2011); Letter from Katherine M. Harris, Deputy Chief, Mobility Division, Wireless Telecommunications Bureau to Tony S. Lee, Esq., Counsel to Nex-Tech, Inc. (ULS File Nos. 0003957435 and 0003957438) (Sept. 9, 2010)).

The public interest would be served by the FCC granting the instant waiver, and subsequently, the Translator's license renewal application, because it would allow the Translator to continue serving the public by rebroadcasting the signal of WDYN(AM), a non-commercial educational station. The Commission has praised the benefits of AM radio and encouraged its revitalization in recent years, particularly through the use of cross-service FM translators, which describes this Translator's operations. *See, e.g., In the Matter of Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, 30 FCC Rcd 12145 (2015). Grant of this waiver would effectively promote and serve those efforts, as well as the public at large.

Licensee understands that each licensee is responsible for ensuring that renewal applications are timely filed and has never run afoul of the Commission's rules in the past until now. It has new counsel in place to remedy this issue and assist the Licensee in ensuring it will not occur again. Further, Licensee filed this renewal application immediately after being alerted to the problem by FCC staff.

For the foregoing reasons, Licensee respectfully requests waiver of certain FCC rules and the deadline to file the Translator's license renewal application.