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March 22, 2006

Family Educational Association, Inc.
P.O. Box 371177
Cayey, PR 00747-1177

In re: WPLI (FM), Levittown, PR
Family Educational Association, Inc.
Facility ID No. 11620
Construction permit application BPED-20060111ABM

Dear Applicant:

Application BPED-20060111ABM, as amended March 1, 2006, is seeking authorization to change WPLI's present directional antenna system (0.034 kW horizontally polarized and 0.100 kW vertically polarized) to a new 0.100 kW nondirectional antenna system.

Presently, WPLI has second-adjacent channel contour overlap caused to WCRP, Guyama, PR and WPUC-FM, Ponce, PR. In other words, the existing 100 dBu interfering contour of WPLI lies within the 60 dBu protected service contours of WCRP and WPUC-FM.[1] The proposed changes would increase the area of prohibited contour overlap, in violation of Section 73.509 of the Commission's rules. Recognizing this, the application requests that waiver of Section 73.509 be granted to allow the increased prohibited contour overlap.

In support of the request for waiver, WPLI notes that the population served within its 60 dBu contour would increase from 105,600 to 148,790 (an increase of 40.9%) and the station's service area over land would increase from 48 sq. km to 54.3 sq. km. On the other hand, WPLI's 100 dBu interfering contour would change from 0.68 sq. km containing 3,162 persons to 1.55 sq. km, containing 9,347 persons, increases of 0.87 sq. km and 6,185 persons, respectively. The new WPLI interfering contour would encompass 0.027% of the land area within the 60 dBu service area of WCRP, and affect 0.311% of the population within that contour. Similarly, the new WPLI interfering contour would encompass 0.020% of the land area within the 60 dBu service area of WPUC-FM, and affect 0.023% of the population within that contour.[2]

On review, we conclude that waiver of Section 73.509 is minimally justified in this instance. *Educational Information Corporation (WCPE),* 6 FCC Rcd 2207 (1991) permits the staff to grant waivers of Section 73.509 for second-adjacent channel stations where the staff can find that "the benefit of increased noncommercial educational service so heavily outweighs the potential for interference in very small areas." In this instance, the size of WPLI's

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1 WPLI (formerly WKVN-FM) was originally authorized as a Class D secondary station. In 1995 (in construction permit BPED-19930823IA), the station was authorized to increase to minimum Class A facilities without increasing the existing prohibited contour overlap by using a directional antenna to increase the ERP to 0.100 kW only toward the ocean, while maintaining the existing Class D service contour on land.

2 With regard to the waiver request, we note that an additional adjustment has been included for vertical-only polarization so as to further reduce the area and population said to be affected within the 100 dBu interfering contour of WPLI. However, we do not find this adjustment valid, and we have not considered it (or arguments related to this adjustment) in our evaluation of this waiver request.

60 dBu land area service increases by only 6.3 sq. km or 13%. Nor is the population gained within WPLI's 60 dBu service contour (43,190 persons) compellingly large compared to the losses in population served by WCRP and WPUC-FM within the WPLI 100 dBu interfering contour (6,185 persons). However, WPLI only proposes to increase its 100 dBu interfering contour area by the small figure of 0.87 sq. km. The relative sizes of the prohibited contour overlap with respect to the 60 dBu contours of WCRP and WPUC-FM (0.037% and 0.020%, respectively) compare favorably with the figures cited in *Saddleback Community College* and *Educational Information Corporation*. And unlike KSBR in *Saddleback Community College,* WPLI presently exists with prohibited contour overlap to WCRP and WPUC-FM. Moreover, none of the WPLI 60 dBu service contour would receive interference from another station.

Accordingly, waiver of Section 73.509 with respect to WCRP and WPUC-FM IS GRANTED, and application BPED-20060111ABM, being otherwise acceptable for filing, IS ALSO GRANTED. This action is taken pursuant to Section 0.283 of the Commission's rules.

Sincerely,

Dale E. Bickel
Senior Electronics Engineer
Audio Division
Media Bureau

cc: Mr. Doug Vernier