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Federal Communications Commission
Office of the Secretary

February 8, 2016

VIA HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington DC 20554
Attn: Chief, Media Bureau, Audio Division

**Re: FM Translator Station K228FC
Kingsville, TX
Facility ID No. 138173
Request for Waiver of
Construction Permit Expiration Date**

Dear Ms. Dortch:

On behalf of Armida A. Saille (“AAS”), permittee of FM Translator Station K228FC, Kingsville, Texas (the “Station”) and Royal Flush, LLC (“Royal Flush”), licensee of AM Station KTAE, Austin, Texas, the proposed primary station specified in the pending Modification Application recently filed for K228FC (BMPFT-20160129AYC), and pursuant to Section 1.3 of the Commission’s rules, this will request a waiver of Section 73.3598 of the Commission’s rules to permit AAS and Royal Flush additional time to construct the Station.

The construction permit for the Station currently expires on October 31, 2016. As noted above, AAS has filed a Modification Application under the Commission’s FM translator window to rebroadcast an AM station,¹ which application is currently pending. AAS and Royal Flush have also filed an application to assign K228FC from AAS to Royal Flush (BAPFT-20160129AYF) and that application is also pending.

At note 36 of the *AM Revitalization First Report and Order*, the Commission states that there are approximately 1,300 outstanding construction permits for FM translators which are scheduled to expire in 2016 and that modification applicants who participate in AM/FM translator filing windows are encouraged to seek waivers of their construction deadlines.

¹ See *Revitalization of the AM Radio Service* (First Report and Order), 30 FCC Rcd 12145 (2015) (“*AM Revitalization First Report and Order*”).

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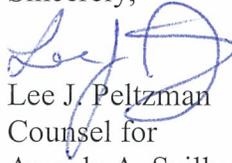
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The Commission has recognized that these waivers would expand broadcasting opportunities for AM stations, would allow AM licensees to realize service improvements quickly and would incentivize FM translator permittees to participate in the modification window process, thereby, providing a means to avoid the delays and administrative burdens of re-auctioning the spectrum.

All of those beneficial factors are present in the instant case. As such, a waiver of the Commission construction deadline would clearly be in the public interest with respect to Station K228FC. AAS and Royal Flush commit to prompt construction and initiation of broadcast operations by the translator station.

In view of the above, Armida A. Saille and Royal Flush, LLC hereby request that the Commission waive its construction deadline rule for Station K228FC and extend the construction permit expiration date for the Station to a date that is six months from FCC final approval of the Station's pending Modification Application.

Sincerely,



Lee J. Peltzman
Counsel for
Armida A. Saille and
Royal Flush, LLC

cc (via e-mail): Peter Doyle, Esq.
Victoria McCauley, Esq.
James Bradshaw
Robert Gates