



Federal Communications Commission
Washington, D.C. 20554
September 23, 2014

In Reply Refer to:
1800B3

Nancy A. Ory, Esq.
Lerman Senter PLLC
2000 K Street, N.W., Suite 600
Washington, DC 20006-1809

In re: **WIOA(FM), San Juan, Puerto Rico**
Facility ID No. 8151

WRXD(FM), Fajardo, Puerto Rico
Facility ID No. 51428
Request for Waiver of 47 C.F.R. §73.3556

Dear Ms. Ory:

This letter addresses the September 22, 2014, request, filed on behalf of Spanish Broadcasting System Holding Company, Inc., licensee of Station WIOA(FM), San Juan, Puerto Rico, and WRXD Licensing, Inc., licensee of Station WRXD(FM), Fajardo, Puerto Rico (collectively, the “Licensees” and the “Stations”). The Licensees request a temporary waiver of Section 73.3556(a) of the Commission’s Rules¹ to permit simulcast programming on the Stations from September 12, 2014, through September 26, 2014.

The Licensees state that they are commonly owned by parent company Spanish Broadcasting System, Inc. (“SBS”) and that SBS has entered into a programming agreement pursuant to which International Broadcasting Corp. is to provide programming to Station WIOA(FM). They indicate that WIOA(FM) current airs a Spanish Adult Contemporary and WRXD(FM) airs a “Spanish tropical” format, but upon commencement of the programming agreement, SBS plans to migrate WIOA’s programming to WRXD(FM). Licensees requests the waiver to minimize listener confusion and facilitate the transition of the audience for WIOA(FM)’s programming format to WRXD(FM).

In view of the brief period of time requested, it appears that the proposed waiver will have no adverse effect on economic competition or on other aspects of competition and diversity in the Puerto Rico market.² Under these circumstances, we find that a limited waiver of the provision of Section 73.3556(a), which prohibits program duplication on WIOA(FM) and WRXD(FM) is consistent with the public interest.

¹ 47 C.F.R. § 73.3556(a).

² See generally *Letter to Roy R. Russo, Esquire*, 5 FCC Rcd 7735 (M.M. Bur. 1990); *Letter to Kevin C. Boyle, Esq., WHWK(FM), Croydon, Indiana and WQLL(FM), Louisville, Kentucky*, reference 1800B3-SBB (M.M. Bur., May 23, 1996).

Accordingly, the September 22, 2013, request, filed on behalf of Spanish Broadcasting System Holding Company, Inc. and WRXD Licensing, Inc., IS HEREBY GRANTED, and Section 73.3556(a) of the Rules IS HEREBY WAIVED to the extent of permitting the simulcast of programming on WIOA(FM) and WRXD(FM) until September 26, 2014. The Licensees are cautioned to seek Commission consent prior to the institution of such actions in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter H. Doyle", with a stylized flourish extending to the right.

Peter H. Doyle
Chief, Audio Division
Media Bureau



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WASHINGTON, DC

September 22, 2014

VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request for Waiver of FCC Rule 47 C.F.R. § 73.3556(a)

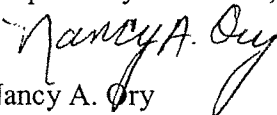
Dear Ms. Dortch:

On behalf of Spanish Broadcasting System Holding Company, Inc., licensee of Station WIOA(FM), FCC Facility ID No. 8151, San Juan, Puerto Rico ("WIOA"), and WRXD Licensing, Inc., licensee of Station WRXD(FM), FCC Facility ID No. 51428, Fajardo, Puerto Rico ("WRXD"), we respectfully request that the Commission grant a waiver of Section 73.3556(a) of its rules to permit simulcasting of programming on WIOA and WRXD, for a 14-day period starting on or about September 12, 2014.

WIOA and WRXD are commonly-owned by parent company Spanish Broadcasting System, Inc. ("SBS"). SBS has entered into a Programming Agreement with International Broadcasting Corp. ("IBC") pursuant to which IBC will commence providing programming to Station WIOA. SBS currently broadcasts a Spanish Adult Contemporary format on WIOA and a Spanish Tropical format on WRXD. Upon commencement of the Programming Agreement, SBS plans to migrate the programming on WIOA to WRXD. In order to minimize listener confusion and facilitate the transition of WIOA's audience to WRXD, SBS desires to simulcast the programming for only a 14-day period. Accordingly, grant of this waiver is in the public interest.

Please let me know if I can provide additional information.

Respectfully submitted,


Nancy A. Ory

cc: Michael Wagner (via email)