

EXHIBIT 1  
WAY MEDIA, INC.  
COMPREHENSIVE TECHNICAL STATEMENT

NEW TRANSLATOR – BETHANY, OR FACID 140432

FCC FORM 349

This Technical Statement is in support of an amendment to an FCC form 349 Auction 83 Short Form Application BNPFT-20030310BHI filed by WAY Media, Inc. (“WAY”) for a new FM translator station to serve Bethany, OR. This amendment will demonstrate Non-Preclusion of LPFM channels by the technical data noted herein and in the “Tech Box” in Section III-A. This application is being filed at a site other than the original short-form “Tech Box” specified location, at a new height above average terrain and effective radiated power on the requested operating frequency of Channel 236-D.

PRIMARY STATION:

The proposed translator facility will rebroadcast station KKCW (FM) Beaverton, OR FACID 68210, owned by Citicasters Licenses, Inc. and will be classified as a fill-in signal for the primary station. WAY has received permission from Citicasters Licenses, Inc to rebroadcast KKCW (FM) on the translator facility. The 60dBu (50,50) contour KKCW (FM) fully encompasses the proposed 60dBu (50,50) contour of the translator station.

OVERLAP REQUIREMENTS

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 original 2003 short-form transmitter site to the proposed tower location. This waiver, when granted, will provide FM translator fill-in 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. A grant of this waiver will ensure maximum LPFM opportunities in the Portland, OR market while bringing new translator service to a currently under served area. In accordance with the previous waivers granted, the proposed facility is mutually exclusive with the original short-form facility because the proposed 40 dBu (50:10) interfering contour overlaps the short-form 60 dBu (50:50) contour as demonstrated in the attached Map of Contours.

This waiver request is not contradictory to the instructions provided by the Commission for completion of these long-form translator filings. From FCC DA 13-427, Page 2 Instructions:

**Minor Amendments.** The Commission determined that applicants with proposals in Spectrum Limited markets should be given an opportunity to file minor technical amendments (“Technical Amendments”) to their Auction 83 Filing Window tech box proposals to eliminate preclusive impacts to protected LPFM channel/point combinations. Acceptable Technical Amendments include, but are not limited to, changes in channel, site, power, height and antenna pattern that are considered “minor changes.”

This filing involves an original proposal in a Spectrum Limited Market, specifically the Portland, OR market. There is overlap of the proposed 40dBu (50,10) contour with the originally requested 60dBu (50,50) contour; therefore, this waiver request is consistent with previously granted waivers by the Commission staff for "minor change" requests to existing facilities. The sole necessity of this waiver request is to "eliminate preclusive impacts to protected LPFM channel/point combinations", as demonstrated in the LPFM Consideration noted below. The inclusive language of the FCC DA 13-247 instructions, "*includes, but is not limited to...*" did not preclude the request of a waiver as a part of meeting the LPFM protection requirements, therefore, the applicant respectfully requests that this waiver be considered.

#### LPFM CONSIDERATION

While the original 2003 short-form requested location was located in the Portland OR Arbitron Market (#23) and inside that Spectrum Limited Market's LPFM Grid, the proposed application site is located in rural Cowlitz County, WA, a part no Arbitron Market, and is not within 39 km. of the Grid of any Spectrum Available or Spectrum Limited Market Grid. The map attached demonstrates that this facility is not in, nor within 39km of any Market Grid.