

March 10, 2016

VIA HAND DELIVERY

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

ATTN: Victoria McCauley, Audio Division, Media Bureau

Re: Brandy Communications, Inc.
Request for Waiver of Construction Permit Term
BMPFT-20160129ADH
K279CS, Ottawa, KS, Fac. ID 140405

Dear Secretary Dortch:

Brandy Communications, Inc. ("Brandy"), through counsel, hereby requests a waiver of the Commission's rules to extend the term of Station K279CS's underlying construction permit BMPFT-20160129ADH (the "Permit") for at least six months, as proposed in the AM Revitalization First Report and Order.¹ Brandy is the proposed assignee of FM Translator K279CS, Ottawa, Kansas, Fac. ID 140405.² It is requested that the waiver be applied when the Commission grants the proposed assignment for the station.

The Commission recently granted the application for the Permit, which specified a minor modification of K279CS to change its channel and relocate the station to serve as a fill-in translator for KOFO(AM), Ottawa, Kansas, Fac. ID 6648. The application was a "250-Mile Window Application," filed in the first AM/FM translator window specified in the Public Notice released December 23, 2015³ as part of the Commission's efforts to revitalize the AM service. Brandy is the licensee of Station KOFO.

The Commission may waive its rules if good cause is demonstrated by the petitioner.⁴ The Commission recognized the benefits that a fill-in FM translator would bring an AM station licensee and authorized the creation of filing windows within which an applicant could propose what would normally

¹ See *Revitalization of the AM Radio Service*, First Report and Order, FCC 15-142, MB Docket No. 13-249 (2015) ("AM Revitalization Order").

² The application requesting Commission approval of the assignment of Station K279CS from Screen Door Broadcasting, LLC to Brandy is submitted contemporaneously with this request.

³ See *Media Bureau Announces Filing Dates And Procedures For AM Station Filing Window For FM Translator Modifications And Availability of FM Translator Technical Tools*, Public Notice, DA 15-1491, released December 23, 2015.

⁴ See 47 C.F.R. § 1.3.

be major changes to a translator's facilities to facilitate the acquisition of the translator by the AM station licensee.⁵ However, Section 73.3598 of the Commission's rules⁶ specifies a three year period for construction of a broadcast facility and a number of available translators are already in the last year of their term. Therefore, the Commission determined that a waiver of the construction deadline for a translator modified in one of the filing windows was presumptively in the public interest.⁷ Good cause for a waiver of Station K279CS's construction deadline is demonstrated.

The Permit expires on January 15, 2017. Brandy respectfully requests a waiver of the construction deadline for Station K279CS to extend its term for at least six (6) additional months. If the Commission determines that a longer extension is warranted, Brandy requests that such additional time be added to the six (6) months.

Cordially yours,



Nathaniel J. Hardy
Counsel for Brandy Communications, Inc.

⁵ See AM Revitalization Order, at ¶ 11.

⁶ See 47 C.F.R. § 73.3598.

⁷ See AM Revitalization Order, at fn. 36.