

**Request for Waiver of 47 C.F.R. §73.37(a).**

WFED(AM), 1050 kHz, Silver Spring, Maryland (FIN 8672) hereby respectfully requests that the Commission waive Section 73.37(a) of its rules and grant the instant application proposing an increase in power for WFED(AM) to 3.5 kW, among other changes (“Modification Application”). The grant of this waiver request is in the public interest because the facilities proposed in the Modification Application is the best means of overcoming WFED(AM)’s currently deficient signal and permit WFED(AM) to better serve its audience. With only 1 kW of power, as currently licensed, WFED(AM) suffers from deficient coverage and has great difficulty reaching many of its listeners. The station’s signal experiences significant reception problems within and through office buildings, residences and commercial establishments in the Washington D.C. metro area. A grant of this waiver request and the Modification Application is needed to improve the extent and quality of the station’s service to the public.

It is noteworthy in this regard that WFED(AM), Federal News Radio AM 1050, is the only all news radio station dedicated to covering the business and operations of the Federal government as well as those doing business with the government. The station serves Federal workers ranging from political appointees and chief information officers to career Federal employees by providing news and programming addressing topics such as pay and benefits, management, procurement, technology, security and defense. Federal News Radio is also the home of Mike Causey, who has been covering the Federal government for more than 25 years. Since the primary target audience of WFED(AM) are Federal employees, most of whom work and live in Washington D.C. and surrounding communities, a signal that can penetrate metal and concrete office buildings, residences and commercial establishments is one of the station’s major goals. Due to the station’s current signal coverage limitations, WFED(AM) streams its

programming on the internet. However, most government and business agencies discourage using government and business agency computers for radio listening due to large bandwidth requirements. Thus, increasing the power of WFED(AM)'s signal is the best means of overcoming the station's current deficient signal, and delivering news and information to Federal workers.

Waiver of Section 73.37(a) of the Commission's rules in the instant case is justified because the increase in the prohibited overlap (the 0.025 mV/m contour of the facilities proposed in the Modification Application for WFED(AM) to the protected 0.5 mV/m contour of existing AM station WVXX(AM), 1050 kHz, Norfolk, Virginia (FIN 71286) less the current overlap area) results from the anomalous propagation characteristics of a long salt water path. As shown in the Detail Map of Prohibited Overlap in Non-contiguous WVXX Service Area (Exhibit E-5 to the Engineering Statement submitted as Exhibit 18 to the Modification Application (hereafter "New Overlap Map")), a substantial portion of the new overlap area is over salt water in the Chesapeake Bay. The amount of land mass within the new overlap area is very limited. The population in the new overlap area is 8,041. *See* Engineering Statement, at page 6.

The new overlap area is also non-contiguous to WVXX(AM)'s service area. *See* New Overlap Map. WVXX(AM) is a radio station in the Norfolk-Virginia Beach-Newport News, VA radio market, as defined by Arbitron.<sup>1</sup> As shown on the New Overlap Map, the new overlap area is well beyond the Norfolk-Virginia Beach-Newport News, VA radio market and is separated by the Chesapeake Bay.

For the reasons above, the Commission should waive Section 73.37(a) of the Commission's rules and a grant of the instant Modification Application.

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<sup>1</sup> BROADCASTING & CABLE YEARBOOK 2006, at Page D-759.