

Request for Interim Waiver of Section 73.207 of the Commission's Rules

As noted in Exhibit 26 to this application, the proposed WLOQ(FM) facility and allocation reference coordinates are presently short-spaced to the licensed facilities of WFUS(FM), Channel 278C, Bradenton, Florida. WFUS(FM) has pending an application to change the WFUS(FM) city of license to Gulfport, Florida and to change its licensed channel from Channel 278C to Channel 278C0 (FCC File No. BPH-20070119ADL). Upon a grant of this WFUS(FM) application, the short-spacing will be eliminated.

Significant public interest benefits will be afforded by the requested upgrade. As shown in the Section 307(b) showing contained in this application, in addition to significant increases in area and population served, the community of Windermere, Florida will receive its first local transmission service.

Under the Commission's rules, an application must generally protect licensed facilities, construction permits and prior-filed applications. There is an exception, however. If the FCC's staff acts on an application to license the new WFUS(FM) facilities specified in FCC File No. BPH-20070119ADL prior to examining this application and setting any deadline for corrective amendments, then the FCC's broadcast licensing procedures do not require the return of an application that was unacceptable at the time of filing but which came into compliance with the FCC's technical rules prior to any deadline for corrective amendments. See Station WKVE, Semora, North Carolina, 18 FCC Rcd 23411, 23423 (2003). In WKVE, the Commission stated that it would not take adverse action on a formerly short-spaced application based solely upon its acceptability as filed, when subsequent events prior to staff review result in a fully acceptable application.

Accordingly, for the public interest reasons noted above, and pursuant to the Commission's policy enunciated in WKVE, an interim waiver of Section 73.207 of the Commission's rules is requested to the end that this application is not examined and processed until such time as the WFUS(FM) license to cover FCC File No. BPH-20070119ADL is granted.