

Catholic Radio Network, Inc. (CRN) respectfully requests a 30 day waiver of the current January 9, 2017 expiration date on its construction permit as modified for FM Translator Station K229CY, Overland Park, Kansas.

CRN consummated its acquisition of K229CY (formerly K266BW, Rolla, Missouri) from Covenant Network on March 24, 2016. This was done as a part of the AM Revitalization program for AM stations to buy FM translator stations and relocate them to their markets within 250 miles of the transmitter site of the FM translator station being acquired.

CRN paid \$15,000.00 for the K266BW/K229CY construction permit. Since then, it acquired all necessary equipment to construct this station. The problem has been with confirming a transmitter site. CRN had reasonable assurance for a tower operated by American Tower; however, it turned out that the American Tower employee CRN was dealing with was replaced by a new American Tower representative who determined that the K229CY signal would interfere with other existing users of the American Tower site.

CRN has secured a new transmitter site at Queen of the Holy Rosary Catholic Church in Overland Park, Kansas. CRN has expended approximately \$25,000.00 on equipment and consultants since acquiring the construction permit.

If expedited action can be taken on the application to which this is attached, CRN believes that it can have K229CY ready for operation within 7-10 calendar days.

The Commission's standard for waiver of Section 73.3598 of its Rules is that it will waive the broadcast construction period for "rare and exceptional circumstances beyond the permittee's control". Under this standard, the Commission has granted a thirty (30) day extension to permittees that have "substantially constructed authorized facilities, only to have circumstances beyond their control prevent timely final completion".

Based on Audio Division precedents, CRN and its FM translator station K229CY, Overland Park, Kansas would qualify for such a thirty day extension. See, e.g., **Letter to John Trent, Esq. re WQBQ(FM), Leesburg, Florida** (MB, December 28, 2004) (30-day waiver was granted for applicant that fully constructed prior to construction deadline but could not immediately file license application; **Letter to Dan Alpert, Esq. re KANS(FM), Osage, Kansas** (MB, June 20, 2003) (30-day waiver was

granted to applicant which was unable to complete the final 99 feet of a 499 foot tall tower by the construction deadline). The undersigned has knowledge that the Audio Division in 2012 granted similar waivers of Section 73.3598(a) for thirty day extensions of the construction permits for KTXW(AM), Manor, Texas (Facility ID #160615; no letter sent), for KFOY(AM), Sparks, Nevada (Facility ID # 160030; letter of Peter H. Doyle, Esq. dated April 26, 2012), and for WFJS(AM), Trenton, New Jersey (Facility ID #53443, granted by e-mail, no letter sent).

As shown above there are "rare and exceptional circumstances" that are hindering completion of construction. Furthermore, the FCC has determined that the public interest, convenience and necessity would be served by having as many FM translator stations rebroadcasting AM stations as possible. The station that K229CY would rebroadcast, KMVG, 890 kHz, Gladstone, Missouri, is a pure daytimer with no pre- or post-sunrise authority; WLS(AM) in Chicago, Illinois is the dominant Class A AM station and precludes non-daytime operation of KMVG. KMVG needs this translator station in order to provide full-time service to the public.

It is therefore requested that the Commission waive Section 73.3598(a) to permit an additional thirty (30) days, until and including February 8, 2017, to complete the construction of K229CY.