

FEDERAL COMMUNICATIONS COMMISSION

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MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio

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Cowan Broadcasting, LLC
P.O. Box 7408
Bend, OR 97708

In re: K237FE, Prineville, OR
BPFT-20120927AKN
Facility ID No. 65260

Dear Applicant:

This letter refers to the above-captioned translator application for K237FE, Prineville, Oregon.

Our study of the application reveals that it is in violation of Sections 74.1201(g), 74.1231(b), 74.1232(d), and 74.1232(e) of the Commission's Rules.¹ Specifically, the translator's coverage contour (60 dBu) is not contained within its primary station's coverage contour (60 dBu). In addition, the translator proposes to receive the signal from the primary station via terrestrial microwave facilities, is owned by the licensee of its primary station, and will receive financial support from the licensee of its primary station, KNLX(FM), Prineville, OR. The applicant recognizes these violations and requests waiver of the Commission's Rules. In support of its waiver request, Cowan Broadcasting, LLC ("Cowan") states that the proposed primary station KNLX (BLH-20080702AFF) provides service to parts of Bend, Oregon, but experiences signal degradation due to terrain obstructions within that region. Cowan further states that due to power limitations imposed by the Bureau of Land Management ("BLM"), KNLX is restricted from operating with full Class C2 facilities, limiting its service contour. It further claims that if KNLX were operating with full Class C2 facilities, the station's 60 dBu contour would be extended sufficiently to allow this proposed translator to provide fill-in service and comply with the rules.

The Commission gives the highest priority to translator applicants proposing fill-in service with the primary requirement that the "coverage contour must be contained within the primary station's coverage contour."² By choosing to locate at the current site, KNLX has accepted the power limitation imposed by the Bureau of Land Management and therefore is not entitled to serve an area that would be encompassed by the 60 dBu contour if KNLX were at maximum Class C2 facilities.

¹ 47 C.F.R. §§ 74.1201(g), 74.1231(b), 74.1232(d) and 74.1232(e).

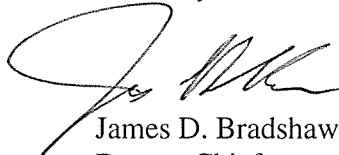
² See 47 C.F.R. §§ 74.1201(g).

While there are relatively few stations located on BLM land, there are numerous reasons why stations either choose to operate or must operate with less than maximum power. Granting such a waiver in this situation would entitle any station operating with less than class maximum power to the same relief. Doing so would change the fill-in requirements for hundreds of commercial FM stations. Furthermore, KNLX provides adequate service to its community of license, Prineville, OR. Hence, Section 74.1201(g) will not be waived to allow the proposed facility to be considered fill-in to station KNLX. In addition, while Cowan proposes to deliver its KNLX signal (via the translator) to the community of Bend, Oregon, we note that the community is not lacking radio reception and is well served by multiple radio stations. We further note that signal degradation of FM stations such as KNLX is not unusual. When considered on its merits, the reasons stated in the waiver request do not justify waiver of the rules. Furthermore, the applicant has not cited instances where the Commission has waived the rules in similar circumstances.

When an applicant seeks waiver of the rules, it must plead with particularity the facts and circumstances which warrant such action. *Columbia Communications Corp. v. FCC*, 832 F.2d 139, 192 (D.C. Cir. 1987), quoting *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F. 2d 644, 666 (D.C. Cir 1968 (per curiam)). We have afforded Cowan Broadcasting, LLC's, waiver request the "hard look" called for under *WAIT Radio v. FCC*, 418 F. 2d 1153 (D.C. Cir. 1969), but find that the facts and circumstances presented are not sufficient to warrant waiver of 47 C.F.R. Sections 74.1201(g), 74.1231(b), 74.1232(d), and 74.1232(e).

Accordingly, the request for waiver of 47 C.F.R. Sections 74.1201(g), 74.1231(b), 74.1232(d), and 74.1232(e), IS HEREBY DENIED, and the application BPFT-20120927AKN IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Bradshaw', is written over the typed name.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: William D. Silva
Eric C. Swanson