



1300 NORTH 17th STREET, 11th FLOOR  
ARLINGTON, VIRGINIA 22209

OFFICE: (703) 812-0400  
FAX: (703) 812-0486  
www.fhhlaw.com  
www.commlawblog.com

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AUCTION SERVICES DIVISION

M. SCOTT JOHNSON  
(703) 812-0474  
SJOHNSON@FHHLAW.COM

February 5, 2016

Accepted/Files

FEB - 5 2016

Federal Communications Commission  
Office of the Secretary

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

ATTN: Media Bureau (Victoria McCauley)

RE: **Auction 83 FM Translator Construction Period Waiver or Tolling**

W233BU Seymour, IN  
FAC ID: 155988  
BNPFT-20130328AQV  
BNPFT-20030317FDV  
CP Expires: May 1, 2016

Dear Ms. Dortch:

On behalf of The Trustees of Indiana University, permittee, ("**Indiana University**"), permittee of the above referenced FM translator construction permit, the Commission is respectfully requested to waive or toll the May 1, 2016, construction period deadline for the construction permit. In support thereof, the following is shown.

In its Report and Order issued in *Revitalization of the AM Radio Service*, 63 CR 805, (2015) (the "**Report and Order**") establishing two AM-only FM translator filing "windows," the Commission, in Paragraph 15, Footnote 36, acknowledges that a "*substantial majority*" of the approximately 1300 outstanding Auction 83 FM translator construction permits are scheduled to expire in 2016, and provided that Auction 83 FM translator permittees with construction permits expiring in 2016 may seek waivers of their construction deadlines.

The above referenced W233BU construction permit application was filed March 28, 2003, in the Auction 83 FM Translator application filing window (see FCC File No. BNPFT-20030317FDV). The CP was granted May 1, 2013, and will expire on May 1, 2016. As set forth herein, the public interest would be served by waiver of (or tolling of) the expiration of the construction permit. Accordingly, the Commission is respectfully requested to waive (or if it elects toll) the construction period deadline so that W233BU may remain available to rebroadcast an AM radio station as provided in the *Report and Order*.

Marlene H. Dortch, Secretary  
Federal Communications Commission  
February 5, 2016  
Page 2

Consistent with the public interest goals of the *Report and Order*, Indiana University has filed an application for assignment of the W233BU construction permit to Kentucky River Broadcasting Co., Inc. in FCC File No. BAPFT-20160128AWH. Further, Kentucky River Broadcasting Co., Inc., as the proposed assignee, has filed an application for minor modification of the W233BU permit pursuant to procedures outlined in *Report and Order*, see FCC File No. BMPFT-20160129AJU (the “**250 Mile Application**”) to rebroadcast the signal of Class D AM station WEKY(AM), Richmond, Kentucky, (fac id 4811). Rebroadcast of the translator, as modified, will assist WEKY(AM) to better serve the public and among other public interest benefits, advance the Commission’s goal of maintaining local broadcast media to serve the public.

WEKY(AM) is licensed to Wallingford Communications, LLC. Kelly T. Wallingford is an officer, director and 100% voting shareholder of Kentucky River Broadcasting Co., Inc. and the 100% voting member of Wallingford Communications, LLC. As set forth in FCC File No. BMPFT-20160129AJU, Exhibit 1, Mr. Wallingford has committed to prompt FM translator station construction and initiation of operations rebroadcasting WEKY(AM) as required in the *Report and Order*, Paragraph 15, Footnote 36.

Based on the foregoing, the Commission is respectfully requested to waive or toll the W233BU construction permit expiration date for six months from the later of the grant of the above-referenced assignment application or the above-referenced 250 Mile Application.

Sincerely,



M. Scott Johnson  
*Counsel for The Trustees of Indiana University*

cc: John S. Neely  
Counsel for Kentucky River Broadcasting Co., Inc.  
and Wallingford Communications, LLC