

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV

FEB 07 2018

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Light of Life Ministries, Inc.
160 Riverside Drive
Augusta, ME 04330

In re: W273DF, Portland, ME
BPFT-20180117ACI
Facility ID # 145419

Dear Applicant:

This refers to the above-captioned application for W273DF, Portland, Maine. Based on the below, we will dismiss the application BPFT-20180117ACI.

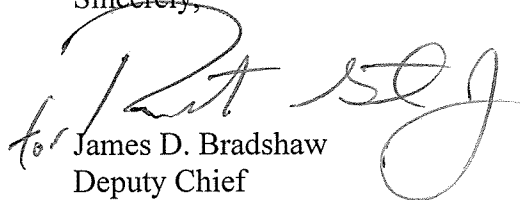
An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the Section states that “a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels”. W273DF is authorized to operate on channel 273. This modification application proposes channel 252 by requesting a waiver of Section 74.1233(a)(1) based on interference caused from co-channel WQSS(FM), Camden, Maine.

We have allowed FM translators to waive Section 74.1233(a)(1) only when “displacement” occurs. Displacement occurs when a full service commences operation and there is interference predicted or caused by an existing translator. The current license for WQSS(FM) was granted in 2016. The current license for W273DF was granted in 2017. W273DF(FM) is considered a “secondary” service station, therefore Section 74.1233(a)(1) will not be waived.

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 Ivan Rene Moore’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 CFR Section 74.1233.

Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the Application BPFT-20180117ACI 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 printed name.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau