

REQUEST FOR WAIVER UNDER 47 CFR 74.1204(d)

This narrative exhibit will request a waiver of the interference protection requirements of 74.1204 with regard to the requirement that this instant proposal and its associated interference contour would cause interference within the protected 60 dBu contour of the second-adjacent W295BY, Elmira, NY. This waiver is allowable under the rules stated in 47 CFR 74.1204(d).

The rationale for such a waiver request is as follows:

1. W295BY, Elmira, NY, second adjacent channel facility to this translator proposal, is protected from interference within its 60 dBu contour from the associated interference contour (based on 47 CFR 74.1204(a)(1); using the FCC F(50/10) curves) which need be 40 dBu greater than the associated coverage contour (W295BY) that would encompass the proposed translator antenna site and that contour which is 40 dBu greater than the associated coverage contour.
2. This translator's antenna location is located within the 60 dBu contour (based on 73.333 F(50/50)) of W295BY, Elmira, NY. This proposal will use the predicted desired to undesired coverage method to determine the appropriate interference contour that need be used with regard to W295BY. Included as an attachment (W299BV 107.3 Desired to Undesired) is a map showing that the 65 dBu coverage contour of W295BY encompasses the proposed antenna site along with the entire proposed 105 dBu interference contour. As the proposed 105 dBu interference contour is 40 dBu greater than the 65 dBu contour of W295BY than this contour is the appropriate interference contour for this analysis and it is clearly evident that interference will only occur within this 105 dBu interference contour of this proposed translator.

3. Given this translator's requested effective radiated power of 85 watts, directional; the predicted 105 dBu interference contour for this proposal would be small. At any HAAT value, the maximum 105 dBu contour distance for this proposal is 364 meters towards 270 degrees.

4. This proposed translator antenna is to be situated 6 meters above ground on a 6 meter tall pole. This proposed translator site is situated in a sparsely populated rural hilltop tower farm area. W299BV 107.3 Geo Map, W299BV 107.3 Sat Map, and W299BV 107.3 105 dBu Contour Report; attachments to this exhibit, clearly shows how rural the area is within the 105 dBu interference contour of this proposal with no dwellings at all located within this contour. The rule in 47 CFR 74.1204(d) states "an application otherwise precluded by this section will be accepted if it can be demonstrated that no actual interference will occur due to intervening terrain, lack of population or such factors as may be applicable." In this particular case, as shown in this exhibit, it is clearly evident that there is a "lack of population" as defined in 47 CFR 1204(d) thus allowing this translator to operate at this proposed location.

Given the reasons outlined above, the waiver of 47 CFR 74.1204 with regards to 47 CFR 74.1204(d) would appear to stand in the public interest as it would increase the coverage area of a radio facility in this area and impose no hardship to the referenced facility, W295BY, Elmira, NY.