

Justification for Non Routine 106 grant

WXYZ of Bayamon, P.R. has an application (BPH-210416AE), that is in contravention of 73.207 of the Commissioner's Rules in that the proposed site is shortspaced with ~~a~~ a vacant FM channel assignment.

Specifically, the proposed antenna site is located only 37 miles from ~~the adjacent channel~~ ^{the} reference point for ~~a~~ a second adjacent channel assignment to Ponce, P.R. ~~a~~ instead of the required 40 miles. The applicant has accordingly requested a waiver of Rule 73.207.

Justification for granting the waiver request is as follows. ~~The justification~~ There is a lack of available non shortspaced sites due to unusually rugged terrain and limited land area. The applicant submitted a showing of his attempts to find a suitable non shortspaced site and points out that alternative ~~of the~~ sites that are not shortspaced, either do not have clear line of sight path to Bayamon, or, would present severe shadowing problems. Due to a mountain range present between Bayamon and Ponce, the signal from Bayamon would effectively be blocked from reaching Ponce.

Consequently, based on the justification given above, this waiver request is granted.