

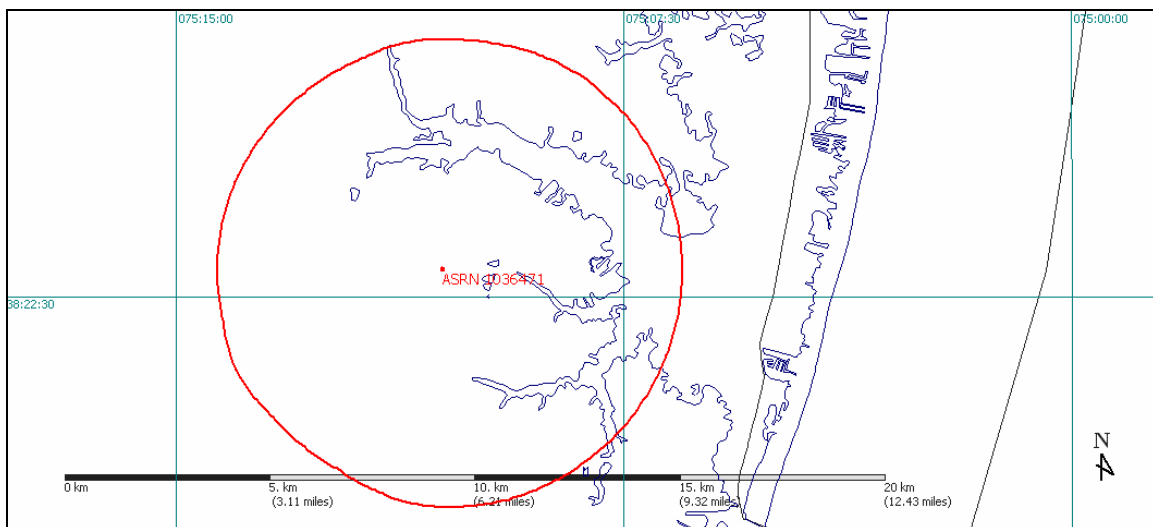
Town of Ocean City
47 C.F.R. 47 § 73.853(3) Waiver Request
LPFM Application
Facility #193877

The instant application proposes a new LPFM to be licensed to the Town of Ocean City (“Applicant”).

The Applicant is a local government entity proposing a to provide public safety radio services under Section 309(j)(2)(A) of the Communications Act of 1934, as amended.

To the extent it is necessary, the applicant respectfully requests a waiver of 47 C.F.R. 47 § 73.853(3). 47 C.F.R. 47 § 73.853(3) provides that applicants proposing a public safety radio service, must have “jurisdiction within the service area of the proposed LPFM station.”

As illustration below demonstrate that the corporate boundary of the Applicant is approximately 2 kilometers from the nearest point of the proposed LPFM station’s service area (60 dBu). However, this point falls over water and no land exists between that point and the Applicant’s corporate boundary.



The Applicant and its residents are regularly threatened by hurricanes and floods. The primary purpose of the proposed LPFM station is to deliver timely emergency notifications and information to the public including travelers that are away from home and unaware of area conditions or current dangers. The proposed LPFM station will be operated and controlled from a studio within the Ocean City Emergency 911 Center as well as the Ocean City, Mobile Command and Communications Vehicle.

The proposed site for the LPFM transmitting antenna is at a location the Applicant already owns and operates. The site was established approximately five miles inland to better withstand storm force winds and flooding. It currently supports the Applicant's other mission-critical communications infrastructure. That infrastructure includes the Applicant's other non-broadcast FCC licensed services.

Furthermore, the service area of the proposed LPFM station includes Maryland U.S. Route 50 (US 50) and Route 90 (MD 90). U.S. 50 and MD 90 are the only two official hurricane evacuation routes available to individuals in the Applicant's jurisdiction.

The instant request is accompanied by a study created by the Maryland Department of Transportation. It indicates that even when the Applicant is not threatened by hurricanes, the annual average daily traffic of U.S. 50 at the Applicant's border is 32,241 vehicles. The same study indicates that the annual average daily traffic of MD 90 at the Applicant's border is 16,142 vehicles. Therefore, even under normal circumstances the LPFM station will permit that Applicant to communicate public safety information to the significant number of individuals entering and leaving its jurisdiction.

Therefore, for the reasons stated herein, the Applicant respectfully submits that a waiver of 47 C.F.R. 47 § 73.853(3) is appropriate to the extent it is necessary.