

October 2012
KACS(FM) Channel 213C3
Rainier, Washington
Waiver Requested for Received Second Adjacent Channel Overlap

Chehalis Valley Educational Foundation (“CVEF”) proposes to increase the power and service area of its station KACS (Facility ID #10685), which is presently licensed on Channel 213A under BLED-20050214AAH. The proposed upgraded facility has been designed so as to not cause any prohibited contour overlap to any existing station, authorization, or pending application, as per §73.509 of the Commission’s Rules. However, the proposed increased 60 dBu service area would receive overlap from one licensed second-adjacent-channel full-power station, specifically KVTI Channel 215C1 Tacoma.

This proposal will not cause overlap to KVTI as the proposed 100 dBu F(50,10) interfering contour of KACS will not overlap that station’s 60 dBu F(50,50) protected contour. However, the proposed KACS 60 dBu F(50,50) contour will receive overlap from the 100 dBu F(50,10) contour of KVTI.

The 60 dBu contour from the proposed KACS facility encompasses an area of 3,189 sq km and a population of 511,808 persons per the 2010 Census (using the block centroid method).

Area and Population in Received Overlap Area from KVTI	Percentage of Proposed KACS 60 dBu Area and Population
47 sq km 24,192 persons	1.5% area 4.7% population

No overlap, and thus no interference, will occur within the boundaries of the KACS community of license.

In *Educational Information Corporation*, Memorandum Opinion and Order, 6 FCC Rcd 2207 (1991), the Commission noted that it would be inclined to grant waivers of second- or third-adjacent channel overlap in circumstances where the benefit of increased non-commercial service heavily outweighs the potential for interference in very small areas. “...the Commission has given the staff delegated authority to act on waivers of received overlap of up to 10 percent where sufficient

justification is provided.” *Educational Information Corporation* at 7. “The Commission has long recognized the unique characteristics of the noncommercial service and the need for flexibility to respond to the growing demand for such service. We are also more sensitive today to the increasing limitations within the reserved band which reflect the increased demand for service over the last 30 years. For these reasons, we are now inclined to grant waivers of second or third adjacent channel overlap in circumstances such as WCPE's, where the benefit of increased noncommercial educational service so heavily outweighs the potential for interference in very small areas.” *Educational Information Corporation* at 10.

CVEF hereby submits that the circumstances of the instant case are functionally equivalent to those in *Educational Information Corporation*, and respectfully requests a waiver of §73.509 of the Commission’s Rules to permit the grant of the proposed KACS facility. CVEF acknowledges that future modifications proposed by the licensee of KVTI will not be construed as a *per se* modification of the KACS license at Rainier.

The licensed KACS 60 dBu contour encompasses an area of 1,455 sq km and a population of 74,200 persons. The grant of this waiver request will allow KACS to increase its 60 dBu service area by 119% and its 60 dBu service population by 590%. CVEF believes that this represents a significant increase in non-commercial service to the area, justifying grant of the requested waiver.

