

## **Request for Waiver – Displacement Relief**

Minor Change to FM Translator Station W215BU, Lewisburg, PA

Northeastern Pennsylvania Educational Television Association, Inc. (“NPETA”) respectfully requests a waiver of Section 74.1233(a)(1) of the FCC’s Rules in connection with the instant application for a minor change to the license facility of FM translator station W215BU, Lewisburg, Pennsylvania. This application seeks displacement relief to modify the existing FM translator station for use of Channel 261.

**FM Translator Displacement.** FM translator Station W215BU has been in use since it was originally licensed in 1988, and has operated on channel 215 since 2006. However, the operation of new full-service noncommercial educational FM station WEVW(FM), Elysburg, Pennsylvania, as authorized on co-channel 215 (90.0 MHz), will result in significant co-channel overlap and interference to, and require displacement of, NPETA’s translator station W215BU (see FCC File No BNPED-20071018AWX). Accordingly, in order to retain use and operation of its translator, NPETA must seek modification for operation on a different channel.

**Channel Availability and Preclusion.** As detailed in this Exhibit 12, a channel preclusion study has been conducted and concluded that NPETA cannot use any adjacent, second adjacent, third adjacent, or intermediate frequency channels in connection with the modification of FM translator W215BU. As a result, NPETA is unable to propose a channel change for this translator which corresponds with the minor change provisions of Section 74.1233(a)(1), which states that a major change for an FM translator station is “...is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels, and any change in antenna location where the station would not continue to provide 1 mV/m service to some portion of its previously authorized 1 mV/m service area. All other changes will be considered minor.”

**Use of Channel 261.** As detailed by the instant application, however, NPETA may utilize the proposed channel 261 for this FM translator station in compliance with applicable protection requirements and technical considerations. Accordingly, NPETA respectfully requests a waiver of Section 74.1233(a)(1) to permit displacement of W215BU to channel 261 via this minor change filing. NPETA respectfully submits that the public interest will be well served by the requested channel change and waiver, which would allow continued use of this FM translator station to rebroadcast noncommercial educational programming to the Lewisburg area. NPETA utilizes FM translator W215BU to rebroadcast the signal of its co-licensed noncommercial educational radio station WVIA-FM, Scranton, Pennsylvania.