

# FEDERAL COMMUNICATIONS COMMISSION

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July 22, 2019

FRC of Alabama, LLC  
D/B/A Focus Radio Communications  
1108 Woodmont Avenue SE  
Huntsville, AL 35801

In re: W234AD, Decatur, AL  
BMPFT-20190618AAF  
Facility ID # 72701

Dear Applicant:

This refers to the above-captioned application for W234AD, Decatur, Alabama. Based on the below, we will dismiss the application BMPFT-20190618AAF.

An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the Section states that “a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels”. W234AD is licensed to operate on channel 234. W234AD filed a minor change application<sup>1</sup> to change its channel to channel 288 (IF channel). The applicant filed BMPFT-20190618AAF requesting a waiver of Section 74.1233(a)(1), to move to channel 243, based on interference caused from WYTM(FM), Fayetteville, Tennessee on channel 288.

We have allowed FM translators to waive Section 74.1233(a)(1) only when “displacement” occurs. Displacement occurs when a full service commences operation and there is interference predicted or caused by an existing translator. The current license for WYTM(FM) was granted in 2007. Since the licensed facility W234ADY, on channel 234, does not cause interference to WYTM(FM), Section 74.1233(a)(1) will not be waived.

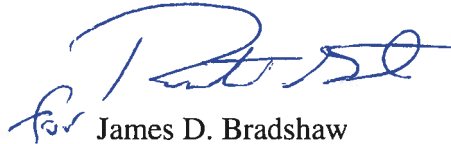
When an applicant seeks waiver of the rules, it must plead with particularity the facts and circumstances which warrant such action. *Columbia Communications Corp. v. FCC*, 832 F.2d 139, 192 (D.C. Cir. 1987), quoting *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F. 2d 644, 666 (D.C. Cir 1968 (per curiam)). We have afforded VCY America, Inc.’s waiver request the “hard look” called for under *WAIT Radio v. FCC*, 418 F. 2d 1153 (D.C. Cir. 1969), but find that the facts and circumstances presented are not sufficient to warrant waiver of 47 CFR Section 74.1233.

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<sup>1</sup> BPFT-20181217AAP.

Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the Application BMPFT-20190618AAF IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Bradshaw", with a stylized flourish at the end.

James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau