

Law Office of
DENNIS J. KELLY
Post Office Box 41177
Washington, DC 20018

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TELEPHONE: 888-322-5291
202-293-2300

TELECOPIER: 973-551-9760
E-MAIL: dkellyfcclaw1@comcast.net

February 1, 2016

Accepted/Files

Honorable Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
Washington, DC 20554

FEB - 1 2016
Federal Communications Commission
Office of the Secretary

Attention: Victoria McCauley, Esquire
Audio Division, Media Bureau

RE: FM Translator W288CN, Upland, Indiana
FCC Facility ID # 143939
File No. BNPFT-20130326ABC
Request for Waiver of 47 CFR §73.3598(a)

Dear Madame Secretary:

On behalf of our client Living Bread Radio, Inc. (LBR), proposed assignee of FM Translator Station W288CN, Upland, Indiana, there is transmitted herewith in triplicate a request for a waiver of Section 73.3598(a) of the Commission's Rules an extension of the expiration date of the above-referenced construction permit for a new FM Translator Station. The current expiration date of said construction permit is April 26, 2016. We would request that this waiver be granted until at least October 26, 2016, six months beyond the current expiration date. This request is being filed pursuant to Section 1.3 of the Commission's Rules and also paragraph 15 and footnote 36 of the *First Report and Order* in MB Docket No. 13-249, **Revitalization of the AM Broadcast Service**, FCC 15-142, released October 23, 2015.

Living Bread Radio, Inc. has entered into an agreement to acquire the W288CN construction permit from its current permittee, Friends of Christian Radio, Inc. LBR proposes to relocate W288CN to the service area of its co-owned Class D AM Broadcast Station WILB, Canton, Ohio.

An FCC Form 345 application for consent to assign the W288CN authorization has been filed and accepted for filing, File No. BAPFT-20160127ACH. Further, LBR has filed an FCC Form 349 application to relocate W288CN to the WILB service area, File No. BMPFT-20160129ACD, which has also been accepted for filing.

The aforementioned footnote 36 states as follows:

A substantial majority of the approximately 1300 outstanding Auction 83 construction permits are scheduled to expire in 2016. Modification applicants in one of these two modification windows may seek waivers of these construction deadlines. See 47 C.F.R. §1.3. Waivers can expand cross-service broadcasting opportunities for AM stations, will allow AM licensees to realize service improvements quickly, will incentivize FM translator permittee participation in the modification window process, and will provide a means to avoid the delays and administrative burdens of re-auctioning this spectrum. Accordingly, we find that a waiver of an Auction 83 FM translator construction deadline is presumptively in the public interest for applicants participating in one of the modification windows, provided that the AM station licensee proposing to use the FM translator for rebroadcasting its AM station commits to prompt FM translator station construction and initiation of broadcast operations.

Since LBR intends to promptly construct and operate W288CN and then use it to rebroadcast its co-owned WILB, Canton, Ohio for at least four years going forward consistent with all relevant and applicable FM Translator rules, a waiver of Section 73.3598(a) is in the public interest, convenience and necessity and should be granted.

Should additional information be desired in connection with the above matter, kindly communicate with this office.

Very truly yours,

A handwritten signature in blue ink, appearing to read "D. Kelly", is written over a horizontal line.

Dennis J. Kelly

cc: Matthew H. McCormick, Esquire