

## REQUEST FOR WAIVER OF SECTION 74.1233(a)(1)

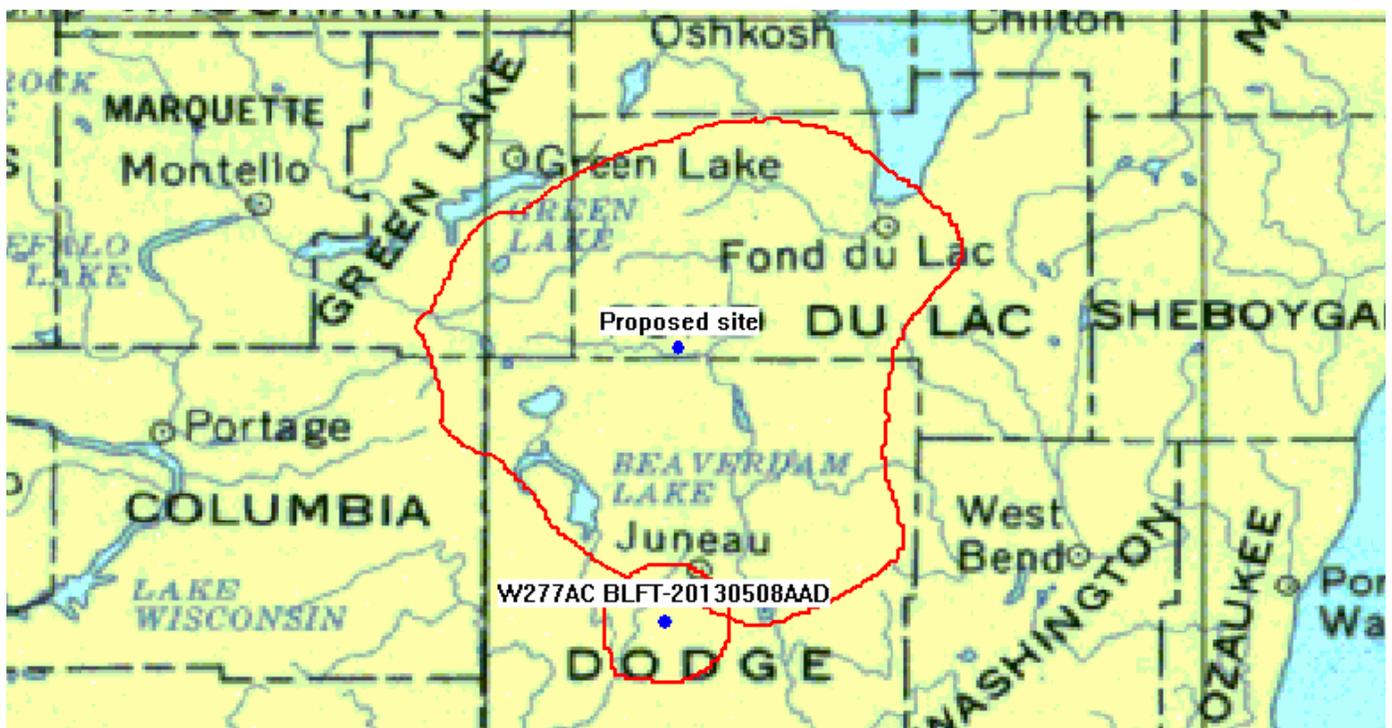
Applicant requests waiver of Section 74.1233(a)(1) of the Commission's rules to permit a move of translator W277AC, which is proposed to be a fill-in translator for WFDL(AM). This waiver, when granted, will avoid unnecessary and onerous translator move expenses, and preserve Commission staff resources that would otherwise be required to process an interim step application if the strict procedural standards of Section 74.1233(a)(1) were followed.

Section 74.1233(a)(1) requires the 60 dBu contours of the existing and proposed FM translator facilities to overlap in order to be regarded as a minor change application. However, section 74.1204(a) of the Commission's rules prohibits a co-channel translator to have overlapping protected and interfering contours between the existing and proposed facility.

No other station is permitted to locate where such a prohibited contour overlap would occur. This instant application proposes a mutually-exclusive short-spacing relationship to the existing facility. **Figure 1** shows the 60dBu F[50,50] protected contour of the licensed facility overlaps the 40 dBu F[50,10] interfering contour of the proposed facility. Therefore, applicant requests the Commission to treat this instant application as a minor change by way of waiver.

This waiver request proposes a co-channel distance limitation for an FM translator transmitter site move application intended as fill-in service for an AM station. There is precedence from Commission waivers of 74.1233(a)(1) for similar circumstances.<sup>1</sup>

Accordingly, applicant requests that the Commission grant this waiver of 74.1233(a)(1) permitting a one-step move for W277CC which proposes to serve as a fill-in translator for an AM station, and in which the distance being moved is no greater than the sum of the distances to each of the co-channel protected and interfering contours of the existing and proposed facilities (See Figure 1 on the following page) analogous to current FM contour application rules and practice.



**Figure 1**

<sup>1</sup> See BPFT-20101025ABR (Cromwell) and BPFT-20110912AAG (Divine Word).