

**Changes Contained in this Application**

This application is being filed solely to change the channel of K220ET to channel 273; there were no changes made to the station's physical facilities. K220ET has been operating with its current facilities since the original license to cover was granted to Colorado Christian University on 4/24/05 (BLFT-19950424TQ). Colorado Christian University's originally granted CP application (BPFT-19940701TA) included a Request for Waiver of 74.1235 which was granted by the FCC (see attached request and FCC grant letter). Educational Media Foundation requests this waiver continue with the proposed facility.

Changes to the application are as follows:

1. Section III-A, Item 1: Channel updated.
2. Section III-A, Item 12: Exhibit 12 has been updated.

PINK

Am 408

FCC MAIL SECTION

DEC 13 10 20 AM '94

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D. C. 20554

DISPATCH BY

December 12, 1994

In Reply Refer To:  
1800B4-JAD

Colorado Christian University, Inc.  
16075 West Belleview Avenue  
Morrison, CO 80465

In Re: FM Translator Application  
Channel 220, 91.9 MHz  
Price, Utah  
BPFT-940701TA

Dear Applicant:

This concerns the above-referenced application of Colorado Christian University, Inc. ("CCUI") for a new noncommercial educational FM ("NCE-FM") translator station to serve Price, Utah and CCUI's companion request for a "white area" waiver of the power limitations of 47 C.F.R. Section 74.1235. For the reasons presented below, we will grant the application and the waiver request.

Section 74.1235(b) would limit CCUI's proposed translator to a maximum effective radiated power ("MERP") of 10 watts at radial directions 60, 90, 120, and 210 degrees; 11 watts at radial directions 30, 240 and 270 degrees; 13 watts at radial directions 150 and 180 degrees; 23 watts at radial directions 000 and 330 degrees; and 41 watts at the radial direction of 300 degrees. CCUI seeks a waiver in order to operate the translator with 250 watts MERP. In support of its waiver request, CCUI explains that its proposed service area is not served by any full service noncommercial educational radio stations. Therefore, it argues that the 250 watts MERP is necessary in order to serve a "white area" and to reach all populated areas of the Price, Utah area. (This is supported by an exhibit which shows that there is no NCE-FM station placing a 60 dBu (1 mVm) signal within CCUI's 60 dBu (1 mVm) contour.) Additionally, CCUI states that the transmitter site selected is unique in its ability to provide coverage to the proposed community of license.

When seeking a waiver of a rule, a licensee must plead with particularity the facts and circumstances which warrant such action. Rio Grande Family Radio Fellowship, Inc. v. FCC, 406 F.2d 664, 666 (D.C. Cir. 1968). The Commission is obligated to give all such requests a "hard look." However, an applicant for waiver faces a high hurdle. WAIT Radio v. FCC, 418 F.2d 1153, 1157 (D.C. Cir. 1969). We conclude that CCUI has met its burden of persuasion.

Section 74.1235(b) permits 250 watts MERP at low antenna heights. Additional height above average terrain ("HAAT") must be traded for reduced power. See Sections 74.1235(b)(1) and (2). However, the Commission stated that it would be favorably disposed toward waiving the power limitations of Section 74.1235, up to 250 watts MERP at any HAAT, if the applicant demonstrates that service to a greater distance would reach only a "white area," and the public interest would thereby be served. See Report and Order In the Matter of Amendment of Part 74 of the Commission's Rules Concerning FM Translator Stations, 5 FCC Rcd 7212, 7227 at para. 108 (1990), modified, 6 FCC Rcd 2334 (1991), recon. denied, 8 FCC Rcd 5093 (1993). For the purposes of applying the waiver standard to NCE-FM translators, the Commission will consider any area that is not served by a full service public radio station to be a white area (even if there is a full service commercial station serving the area). Id.

After careful consideration, we find that the areas to be served by the proposed facility are not served by any full service NCE-FM radio station. We also find that there are no other suitable transmitter sites which would be able to provide adequate coverage to the proposed community of license. Based on the above, we conclude that the proposed facility will enable CCUI to better serve the identified white areas and that the public service would therefore be served by grant of the waiver and application.


Accordingly, for the reasons stated above and pursuant to 47 C.F.R. Section 0.283, CCUI's request for waiver of 47 C.F.R. Section 74.1235(b) IS GRANTED and the application (BPFT-940701TA) filed by Colorado Christian University, Inc. for a construction permit to operate a new NCE-FM translator station for Price, Utah, IS GRANTED.

Sincerely,



Alan J. Schneider, Chief  
Auxiliary Services Branch  
Audio Services Division  
Mass Media Bureau

cc: Peter Gutmann, Esq.



*JDurst:asb:asd:mmb*  
*j:jhurst\940701TA.waw*

PRICE, UTAH  
FM TRANSLATOR APPLICATION  
COLORADO CHRISTIAN UNIVERSITY, INC.

REQUEST FOR WAIVER OF 74.1235  
TO ALLOW 250 WATTS ERP

DISCUSSION

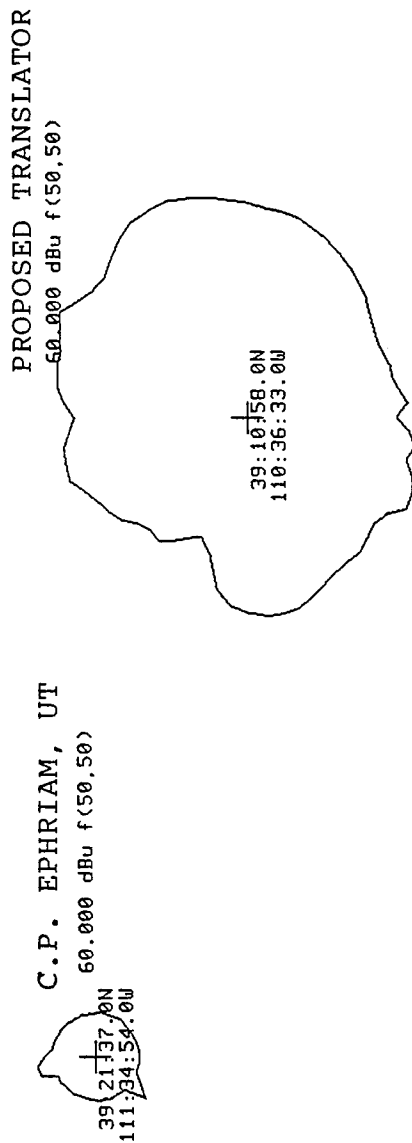
The translator as envisioned would serve not only Price, Utah, but also Wellington, Castle Dale, Orangeville, Huntington, and many other small rural communities in this remote part of Utah. The only place that the translator could be located where a sufficient input signal for the translator to operate properly was the Cedar Mountain Electronic Site. Cedar mountain has a commanding view of the basin to the north, east, and west. However it is quite remote and distant from any community. A prediction of the 6 dBu contour using the power level of 10 watts as specified by the height vs MERP tables in the FCC rules 74.1235 demonstrates that the signal from the translator would be too weak to cover any community with sufficient signal. (See Appendix A, Page 2)

When the power is increased to 250 watts ERP, predictions show that several small communities are included in the 60 dBu contour (see Appendix A, Page 2) and although Price is not within the 60 dbu contour sufficient signal is anticipated to provide some coverage to the city.

In addition, study of the predicted 250 watt 60 dBu contour reveals that the translator coverage clearly does not overlap any other educational AM or FM Educational station contour. (See Appendix A, Page 1) The translator's entire coverage is in a white area for educational broadcasts. *OK*

Therefore, it is respectfully requested that the FCC rule 74.1235 pertaining to power output be waived. And that the translator for Price, Utah be authorized to operate with an ERP of 250 watts to allow the translator to better cover the Price, Utah area.

PRICE, UTAH  
 FM TRANSLATOR APPLICATION  
 COLORADO CHRISTIAN UNIVERSITY, INC.  
 APPENDIX A PAGE 1



Scale 1: 1000000.

KZMU, MOAB, UT  
 60.000 dBu f(50.50)

