

February 2011
LPFM Station KONR-LP
Anchorage, Alaska Channel 291L1
Request for Waiver of §73.870

The proposed KONR-LP move is from coordinates of N Latitude 61-06-30.00 x W Longitude 149-44-23.00 (Point 1) to N Latitude 61-08-48.00 x W Longitude 149-52-28.00 (Point 2) which is a distance of 8.4 kilometers.

§73.870 *Processing of LPFM broadcast station applications* states that, "A minor change for an LP100 station authorized under this subpart is limited to transmitter site relocations of 5.6 kilometers or less", which would make this a major change application. The KONR-LP licensee respectfully requests a waiver of §73.870 to allow the slightly greater distance move.

In *Creation of a Low Power FM Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, MM Docket 99-25, FCC 07-204, released December 11, 2007 (<http://www.fcc.gov/fcc-bin/audio/FCC-07-204A1.doc>) the Commission said,

Our experience to date confirms our belief that in most instances the interests of both full-service and LPFM stations can be accommodated. We applaud those full-service stations that have provided technical and/or financial assistance to LPFM stations that have been required to undertake facility modifications to remain on the air. We are particularly appreciative of those broadcasters that have consented to short-spacings to avoid LPFM station displacements. We urge licensees seeking community of license modifications or other changes that could lead to LPFM displacement or signal degradation to continue these cooperative efforts on a going-forward basis. The Media Bureau also has played an important role in crafting technical solutions to preserve LPFM stations potentially at risk from new station and facility modification proposals. It already has taken action on dozens of LPFM modification applications that were filed to eliminate or reduce caused interference to or received interference from a full-service FM station. We direct the Media Bureau to continue to attempt to resolve conflicts between full-service and LPFM stations in ways that accommodate the interests of both services.

In this instance the licensee of KONR-LP and the licensee of second-adjacent-channel station KWHL (MCC Radio LLC) have cooperated to ensure that the LPFM station will be able to remain on the air. Indeed, the licensee of KWHL has cooperated by offering space on one of its towers to KONR-LP and by providing a letter consenting to grant of this application.

It is further noted that the proposed 60 dBu contour of KONR-LP is entirely contained within the station's licensed 60 dBu contour. Therefore, assuming that the minor change distance limitation codified in §73.870 was adopted in order to prevent LPFM stations from dramatically shifting their service areas, that concern is not present in this particular case.

We therefore believe that the public interest justifies a waiver of §73.870 of the Commission's Rules and that FCC staff has authority to issue a permit to construct on the proposed KONR-LP frequency at the location requested herein.

Hatfield & Dawson Consulting Engineers