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February 3, 2016

Accepted/Files

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

FEB -3 2016
Federal Communications Commission
Office of the Secretary

Attention: Victoria McCauley, Esquire
Audio Division, Media Bureau

RE: FM Translator K246BW, Edina, Missouri
FCC Facility ID # 156897
File No. BNPFT-20130325AAC
Request for Waiver of 47 CFR §73.3598(a)

Dear Madame Secretary:

On behalf of our clients Covenant Network (Covenant) and Catholic Radio Network, Inc. (CRN), permittee/assignor and assignee, respectively, of FM Translator Station K246BW, Edina, Missouri, 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 24, 2016. We would request that this waiver be granted until at least October 24, 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.

Covenant and CRN have entered into a binding agreement for the assignment of the K246BW construction permit. An FCC Form 345 application for consent to assign K246BW, to which this agreement is attached, has been filed and accepted by the Commission for filing, File No. BAPFT-20160128BFD. CRN intends to use K246BW to rebroadcast its Class B AM Broadcast Station KDMR, 1190 kHz, Kansas City, Missouri. However, under the terms of the FCC's Public Notice, DA 15-1491, released December 23, 2015, CRN will be unable to file a Form 349 application until July 29, 2016. Therefore, we are filing this request in order to keep the K246BW construction permit "alive" beyond July 29, 2016.

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 the proposed assignee intends to promptly construct and operate K246BW and then use it to rebroadcast its co-owned KDMR, Kansas City, Missouri 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 "Dennis J. Kelly". The signature is fluid and cursive, with a large initial "D" and "K".

Dennis J. Kelly