

### **Request for Waiver**

Santa Monica Community College District (“SMCCD”) is a political subdivision of the State of California. SMCCD is governed by a publicly-elected board of trustees and operates Santa Monica Community College, which is located in Santa Monica, California.

SMCCD hereby requests a waiver of Section 74.1233(b)(1) of the Commission’s rules, 47 C.F.R. §74.1233(b)(1), to permit FM translator station K214CR, Twenty-Nine Palms, California (Facility ID 83662) (“K214CR”), move from Channel 214 to Channel 207 through the filing of the instant minor change application. In support of this request, SMCCD states the following:

The tower upon which K214CR’s transmitter is located is mounted on a building which is owned by a U.S. Navy facility located in Twenty-Nine Palms. The Navy has informed SMCCD that the building upon which the tower is located is going to be torn down in the early fall of 2013 and its lease will then be terminated. As a result, K214CR is going to lose its existing transmitter site.

In addition, K214CR is soon going to be displaced by a proposed new FM station to be licensed to Yucca Valley, California which is authorized to operate on first-adjacent Channel 213A (File No. BNPED-20071022ABF) (the “Yucca Valley CP”), the transmitter site for which is located only 15.8 kilometers (9.8 miles) from K214CR’s licensed site and 16.1 kilometers (10 miles) from its proposed new transmitter site.<sup>1</sup>

As demonstrated in the engineering exhibit to this application, there are no adjacent channels available to which K214CR can relocate. See Exhibit 12 hereto.

The waiver requested herein would provide substantial public interest benefits. Due to (i) the loss of K214CR’s transmitter site, (ii) the fact K214CR soon will be displaced by a first-adjacent FM station in Yucca Valley, and (iii) the absence of any available adjacent channels to which K214CR can relocate, a grant of the requested waiver would serve the public interest because it would enable K214CR to continue to provide the residents of Twenty-Nine Palms, California with the noncommercial educational programming of primary station KCRW(FM), Santa Monica, California, who have received such programming from K214CR for more than 15 years. This is significant because K214CR is the only radio station airing National Public Radio programming in the area. Furthermore, through the technical facilities proposed in the instant application, K214CR will be able to provide enhanced service such that its 60 dBu contour will provide service to 51,414 persons. See Exhibit 12 hereto.

The Commission previously has granted similar waivers authorizing FM translators to move to non-adjacent channels. See, e.g., K212FW, Joplin, Missouri (File No. BPFT-20090817ACF); W274BG, Montgomery, Alabama (File No. BMPFT-20090519ABU); and K266BE, Las Cruces, California (File No. BPFT-20091027AAL). SMCCD submits that the circumstances in this case warrant similar treatment and a grant of the requested waiver.

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<sup>1</sup> An application (File No. BAPED-20130627ACA) was recently filed to assign the Yucca Valley CP from Centro Cristiano De Fe, Inc. to Advance Ministries, Inc. d/b/a New Life Christian School (“Advance Ministries”). The ultimate parent of Advance Ministries is the licensee of two (2) full-power FM stations and 36 FM translators, including K257DV, Twenty-Nine Palms, California and K281BN, Yucca Valley, California. See File No. BON-20110418ACQ. Thus, there is a substantial likelihood that the Class A facility in Yucca Valley will be constructed.