

Exhibit 30-A

Supplement to Exhibit 30 Request for IF Spacing Waiver

In response to a letter from Rodolfo F. Bonacci dated August 5, 2013 (the “Letter”), Cox Radio, Inc. (“Cox”) amends its construction permit application¹ to address the short spacing cited in the Letter.² According to the Letter, the proposed facilities for WALR-FM, Palmetto, Georgia (which are identical to the station’s existing facilities), are short-spaced by four kilometers to the facilities contemplated in the construction permit for fifty-third adjacent channel (“IF”) station WVFJ-FM, Greenville, Georgia. By this amendment, Cox seeks a waiver of IF spacing requirements in Section 73.207 of the Commission’s rules. Grant of this waiver is in the public interest because it will permit WALR-FM to continue to operate with its existing facilities and continue to serve its existing listeners.

Under appropriate circumstances, the Commission will grant a waiver of the IF spacing rules.³ To obtain a waiver, an applicant must demonstrate that (1) a fully-spaced site is not available, (2) the proposed transmitter site is the least short-spaced site available, and (3) that

¹ FCC File No. BPH-20130625ABZ.

² On September 4, 2013, Cox requested a two week extension of time to submit this amendment. Therefore, this amendment is timely submitted. Cox is not withdrawing its Exhibit 30 to this application. Nor is Cox withdrawing the pleadings that it has submitted in this proceeding and in the proceeding regarding the license application for WVFJ-FM. For the reasons stated in Exhibit 30 to this application and in the pleadings that Cox has submitted in this proceeding, WALR-FM’s Class C0 facilities retain frequency protection. Cox is submitting this waiver as an alternative option (and without prejudice to Cox’s rights) should the Commission ultimately rule that WALR-FM lost frequency protection when the Commission granted the one-step downgrade and changed the community of license for WALR-FM.

³ *Amendment of Part 73 of the Commission’s Rules to Permit Short-Spaced FM Station Assignments by Using Directional Antennas*, 4 FCC Rcd 1681, 1694 n.1 (1989).

grant of the waiver is in the public interest.⁴ Moreover, the Commission will relax its waiver requirements upon a showing of “an unusual combination of public interest factors.”⁵

As an initial matter, grant of this waiver request will not result in any actual interference. When the Commission adopted its current IF spacing rules, it determined, after exhaustive review, that a protection level of 36 mV/m would prevent harmful interference.⁶ As a result, the current mileage separation rules are based on protection levels of 36 mV/m. As shown in the Comprehensive Technical Exhibit to this application, the 36 mV/m contours for the current facilities for WALR-FM and the facilities in the WVFJ-FM construction permit do not overlap. Thus, grant of this waiver request will not result in harmful interference.

A fully spaced site for WALR-FM is not available, and the present facilities for WALR-FM are the least short spaced site from which WALR-FM may operate. As Cox explained in Exhibit 30 to this application and in the pleadings in this proceeding, WALR-FM has operated with its existing facilities as a Class C0 station since 2005. In 2009, Cox filed an application to downgrade WALR-FM to a Class C1 facility and to change the station’s community of license to Palmetto, Georgia.⁷ The Commission granted the construction permit on April 29, 2010, but, as Cox explained in its Consolidated Reply and Opposition, which is incorporated herein by reference, a variety of factors including opposition from the local government and likely FAA opposition prevented Cox from constructing those facilities. An FAA Determination of Hazard also prevented Cox from constructing at a nearby site.⁸ Despite Cox’s efforts over a three year period, it has been unable to find a suitable site to operate WALR-FM as a Class C1 or C0

⁴ See *id.*

⁵ *Edens Broadcasting, Inc.*, 5 FCC Rcd 2576, 2577, ¶10 (1990).

⁶ *FM Allocation Rules (Distance Separations for IF-Related FM Stations)*, 4 FCC Rcd 3557, 3560, ¶23 (1989).

⁷ See FCC File No. BPH-20091124ABA.

⁸ See Consolidated Reply and Opposition, at 5

facility. Moreover, as demonstrated in the Comprehensive Technical Exhibit, there are no existing towers from which WALR-FM can operate as a Class C0 facility. The existing site is the least short spaced option available for WALR-FM.

Grant of this waiver request is in the public interest. First, it will not result in any new interference or exacerbate any existing interference. The 36 mV/m contours for WALR-FM and WVFJ-FM do not overlap, and as explained in Exhibit 30, WALR-FM does not propose any physical changes to its existing facilities. Thus, it will maintain the existing short spacings with respect to certain stations that requested contour protection pursuant to Section 73.215 toward WALR-FM.⁹ Second, grant of this waiver will allow WALR-FM to maintain its existing facilities and to continue to serve its existing listeners. As the Commission has stated on numerous occasions, “[t]he public has a legitimate expectation that existing service will continue.”¹⁰ Grant of this application will fulfill that legitimate expectation.

Without a grant of this application, WALR-FM will be forced to downgrade to a Class C1 facility at its own site. As explained in the Comprehensive Technical Exhibit, if that were to occur, 495,090 people would lose service. Moreover, many of those service losses would occur in rural, underserved areas. Indeed, 8,962 people in the loss area would be underserved listeners receiving 4 or fewer services.

The public interest benefits from grant of this application are at least as compelling as in prior cases where the Commission has granted a short spacing waiver. In *Caloosa*,¹¹ the Commission granted a waiver where the proposed site was the only location that the FAA had approved and grant of the waiver provided television service to 34,000 people. Similarly, in *Fort*

⁹ See *Killeen and Cedar Park, Texas*, 15 FCC Rcd 1945, ¶11 (MMB 2000).

¹⁰ *Amendment of the Commission’s Rules Regarding the Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd 7094, 7097, ¶ 19 (1990)

¹¹ *Caloosa Television Corp.*, 3 FCC Rcd 3656 (1988).

*Myers*¹² an FM broadcast station provided first aural service to 8,090 persons and second aural service to 13,570 persons. The Commission found that providing the new service to 20,000 persons without constructing a new tower outweighed the negative aspect of the three-mile short-spacing. Here, WALR-FM also proposes to operate from an existing tower, and WALR-FM also has encountered significant FAA opposition. For WALR-FM, however, the public interest benefit is even greater because without a grant a substantially larger population that in *Caloosa* and *Fort Myers* combined is at risk of losing relied-upon service. Hundreds of thousands of actual listeners of WALR-FM would lose service without any corresponding benefit of reduced interference. Accordingly, Cox respectfully submits that grant of this application and a waiver of the IF spacing rule serves the public interest.

¹² *Fort Myers Broadcasting Co.*, 77 FCC 2d 863 (1980).