

2016 SEP -8 A 10: 21

AUDIO SERVICES DIVISION

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Received & Inspected

SEP 07 2016

FCC Mail Room

August 31, 2016

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
ATTN: Chief, Media Bureau, Audio Division

Re: FM Translator Station K245CB
Houston, Texas
Facility ID No. 148484
Request for Further Waiver of
Expiration of Construction Permit

Dear Ms. Dortch:

On behalf of Carlos Lopez ("CL"), permittee of FM Translator Station K245CB, Houston, Texas ("the Station") and Martin Broadcasting, ("Martin"), Licensee of AM Station KYOK Conroe, Texas, the proposed primary station specified in the pending Modification Application filed for the Station (BMPFT-20160129ABF),¹ and pursuant to Section 1.3 of the Commission's rules, this will request a waiver of Section 73.3598 of the Commission's rules to permit CL additional time to construct the station.

The original construction permit for the Station expired of April 29, 2016. The reasons we are requesting an additional 30 day extension is due to the following technical reason; the antenna site where CL was to construct the translator no longer will allow him to construct due to possible intermodulation issues with public safety radio communications equipment already on this site. Also, due to the fact that Martin Broadcasting never completed construction on their am construction permit for the city of license for Katy, TX File Number BP-20110407ABH. CL requires an additional 30 days to file a new modification application to a new location and coexist with the primary stations KYOK Conroe, TX to be a fill in service. At note 36 of the *AM Revitalization First Report and Order*, the Commission states that there are approximately 1,300 outstanding construction permits for FM translators which are scheduled to expire in 2016 and that modification applicants who participate in AM/FM translator filing windows are encouraged to seek waivers of their construction deadlines.

¹ CL and Martin have entered into a rebroadcast agreement with respect to Stations K245CB and its proposed Primary station, KYOK (AM)

² See *Revitalization of the AM Radio Service* (First Report and Order), 30 FCC Rcd 12145 (2015) ("AM Revitalization First Report and Order").

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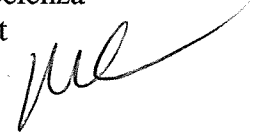
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The Commission has recognized that waivers would expand broadcasting opportunities for AM Stations, would allow AM licensees to realize service improvements quickly and would incentivize FM translator permittees to participate in the modification window process, thereby, providing a means to avoid the delays and administrative burdens of re-auctioning the spectrum.

All of those beneficial factors are present in the instant case. As such, a waiver of the Commission construction deadline would clearly be in the public interest with respect to Station K245CB. CL hereby commits to prompt construction and initiation of his broadcast operations by K245CB translator station.

In view of the above, CL and Martin request that the Commission waive its construction deadline rule for Station K245CB and extend the construction permit expiration date for that Station to a date that is thirty days from the Request for Waiver of Construction Permit Expiration Date of September 3, 2016.

Sincerely,
Michael Celenza
Consultant

A handwritten signature in black ink, appearing to read 'M. Celenza', is written over the printed name and title.

cc (via- e-mail): Robert Gates