

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV

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CSN International
P. O. Box 890820
Temecula, CA 92589

In re: W292EM, Lafayette, IN
BPFT-20180102AAI
Facility ID # 140803

Dear Applicant:

This refers to the above-captioned application for W292EM, Lafayette, Indiana. Based on the below, we will dismiss the application BPFT-20180102AAI.

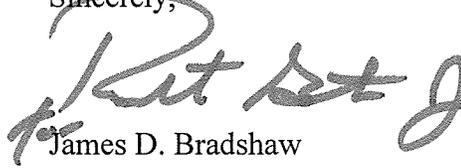
An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the Section states that “a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels”. W292EM is authorized to operate on channel 292. This modification application proposes channel 278 by requesting a waiver of Section 74.1233(a)(1) based on interference caused from co-channel WCDQ(FM), Crawfordsville, Indiana.

We have allowed FM translators to waive Section 74.1233(a)(1) only when “displacement” occurs. Displacement occurs when a full service commences operation and there is interference predicted or caused by an existing translator. The current license for WCDQ(FM) was granted in 1999. The initial/current license for W292EM was granted in 2016. WCDQ(FM) is considered a “secondary” service station, therefore Section 74.1233(a)(1) will not be waived.

When an applicant seeks waiver of the rules, it must plead with particularity the facts and circumstances which warrant such action. *Columbia Communications Corp. v. FCC*, 832 F.2d 139, 192 (D.C. Cir. 1987), quoting *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F. 2d 644, 666 (D.C. Cir 1968 (per curiam)). We have afforded Ivan Rene Moore’s waiver request the “hard look” called for under *WAIT Radio v. FCC*, 418 F. 2d 1153 (D.C. Cir. 1969), but find that the facts and circumstances presented are not sufficient to warrant waiver of 47 CFR Section 74.1233.

Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the Application BPFT-20180102AAI IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Bradshaw". The signature is stylized and cursive, with a large initial "J" and "B".

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau