

FEDERAL COMMUNICATIONS COMMISSION
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May 23, 2011

Lake Murray Broadcasting, Inc.
239 Beachwoods Drive
Lexington, SC 29072

Re: WLXM-LP, Lexington, SC
Facility ID No. 131555
Lake Murray Broadcasting, Inc.
File No. BPL-20110511ACU

Dear Applicant:

This letter refers to the above-captioned application for a minor change and the request for waiver of the second adjacent channel spacing rules.

Waiver Request

In the application, Lake Murray Broadcasting, Inc. ("LMB") proposes to operate station WLXM-LP on Channel 291L1 creating a second adjacent channel short-spacing to the license (BMLH-20090107AGS) for WEKL(FM), Augusta, GA. LMB states that the channel currently authorized (300L1) in the license (BLL-20101220AAJ) for WLXM-LP is receiving interference from co-channel station WLNK, Charlotte, NC (BMLH-20050728ALG).

Discussion

On December 11, 2007, the Federal Communications Commission released *Creation of a Low Power Radio Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking.¹ The *Third Report and Order* established the requirement for requesting waiver of § 73.807 regarding second adjacent channel spacing. To be considered for a waiver, there must be an impending encroachment or displacement action from a full-service FM facility that would severely impact or curtail the LPFM's operation. The second adjacent waiver procedures will be limited to those situations in which the implementation of the full-service new station modification would result in the full-service and LPFM stations operating at less than the minimum distance set forth in Section 73.807. Therefore, a waiver request involving an established full-service station, that is fully spaced and that is not modifying its facilities, will not qualify as an action to request the relief provided by the *Third Report and Order*.

¹ See *Creation of a Low Power Service*, Third Report and Order and Second Further Notice of Proposed Rulemaking, FCC 07-204 (rel. December 11, 2007) ("*Third Report and Order*").

Conclusion

Accordingly, in light of the above, the request for waiver of the second adjacent channel spacing rules IS DENIED and application BPL-20110511ACU being unacceptable for filing, IS HEREBY DISMISSED. This letter does not imply any judgment on the third adjacent channel spacing rules. This action is taken pursuant to Section 0.283 of the Commission's Rules.²

Sincerely,



Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

cc: John C. Trent

² 47 C.F.R. § 0.283.