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AUDIO SERVICES DIVISION

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February 8, 2017

Received & Inspected

FEB 15 2017

FCC Mail Room

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

Re: FM Translator Station K277CW  
Las Cruces, NM  
Facility ID No. 137743  
Request for Further Waiver of  
Expiration of Construction Permit

Dear Ms. Dortch:

On behalf of Carlos Lopez ("CL"), permittee of FM Translator Station K277CW, Las Cruces, New Mexico ("the Station") and Bravo Mic Communications, LLC, ("Bravo"), Licensee of AM Station KOBE Las Cruces, NM., the proposed primary station specified in the pending Modification Application filed for the Station (BMPFT-20160721ACU),<sup>1</sup> 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 will expire on April 9, 2017. The reasons we are requesting an additional six-month extension is due to the following technical reason; the antenna site proximity to Mexico and the Audio Division referred the application to Mexico on November 30, 2016 to get their concurrence. CL requires an additional six months to await the concurrence from the Mexican Government to coexist with the primary stations KOBE Las Cruces, NM for 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 2016-2017 and that modification applicants who participate in AM/FM translator filing windows are encouraged to seek waivers of their construction deadlines.

<sup>1</sup> CL and Bravo have entered a rebroadcast agreement with respect to Stations K277CW and its proposed Primary station, KOBE (AM)

<sup>2</sup> 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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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 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 K277CW. CL hereby commits to prompt construction and initiation of his broadcast operations by K277CW translator station.

In view of the above, CL and Bravo request that the Commission waive its construction deadline rule for Station K277CW and extend the construction permit expiration date for that Station to a date that is 180 days from the Construction Permit Expiration Date of April 9, 2017.

Sincerely,  
Michael Celenza  
Consultant



Cc: (via- e-mail): Robert Gates, Victoria McCauley, Larry Hannif