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December 18, 2007

Federal Communications Commission
Media Services
P.O. Box 358190
Pittsburgh, PA 15251-5190

Re: Request for Waiver to Permit FM Translator to Rebroadcast AM Station Programming: Station KENT(AM), Parowan, Utah (FCC Facility ID No. 129732) and FM Translator K294DR, Cedar City, Utah (FCC Facility ID No. 155010)

To whom this may concern:

AM Radio 1400, Inc., licensee of Station KENT, Facility No. 2934, Vernal, Utah, and Morningstar Media Company, LLC, licensee of Station K249DR, Cedar City, Utah, hereby requests issuance of a Special Temporary Authorization to allow for a waiver of all relevant sections and subsections of Part 74, Subpart L of the Commission's rules for FM translators in order to allow the programming of Station KENT(AM) to be rebroadcast on Station K249DR pending the outcome of the current FCC rulemaking proceeding (RM-11338) in which a change in the FCC's rules is being contemplated that will allow the generalized use of FM translators by AM radio broadcast stations.

At the present time, Sections 74.1201(a), 74.1201(d), 74.1231, 74.1232 and 74.1284© of the Commission's Rules specifically limit the permissible programming service of an FM translator station to the rebroadcast of certain FM broadcast stations that meet the eligibility requirements in Part 74 of the Commission's rules. The public interest would be well served by a grant of this waiver request of all of these rules, pending a permanent change in the rules to allow for AM stations to be rebroadcast on FM translators under certain conditions.

KENT operates with 1 kW daytime and nighttime. Poor ground conductivity causes degradation of the KENT signal during daytime hours, which becomes even worse at night due to nighttime skywave propagation characteristics.

Attached is a map showing the 2.0 mV/m contour of Station KENT(AM), and the current authorized coverage of Station K249DR. As seen in Attachment 1, the proposed coverage of K249DR is entirely within the predicted 2.0 mV/m contour of Station KENT(AM).

The requested waiver is temporary in nature and is requested to extend only until the Commission's final decision in MB Docket No. 87-172. Should that decision ultimately not allow the rebroadcast of programming of AM stations on FM translators to the extent proposed

herein, AM Radio 1400, Inc. will immediately cease or limit the carriage of Station KENT(AM) on Station K249DR.

This waiver request, when considered on a public interest basis, has only benefits to the public, with no countervailing detriments. Expanded local service has always been viewed by the Commission as an important objective to be achieved. It is in the public interest for the Commission to fashion its rules and to grant waivers so that the public, as much as possible, is able to listen to local-area radio stations. Overall, a grant of the waiver requested in this letter will result in a more efficient use of the broadcast spectrum.

The Commission is obligated to treat all applicants in similar manners. *Melody Music, Inc. v. FCC*, 345 F.2d 730, 732 (similarly situated cases should not be treated dissimilarly). Grant of this waiver request will be consistent with similar waivers granted recently by the Media Bureau. Moreover, it is well-established that the foundational bricks of America's system of broadcasting are its AM broadcast stations. While the structure of broadcasting has seen much growth in its 80 or so years of existence (such that FM service has gained dominance in the broadcast arena), service to many communities and areas, particularly such as the small communities surrounding Parowan, Utah, rely upon local-area AM radio stations for much of its news and informational programming. That need will be more fully served by allowing for a station to provide expanded service at night through operation on Station K249DR, while improving the quality of its day-time service. The Commission should do all it can to ensure that the programming provided by Station KENT(AM) may be received by the public in as technically consistent and interference-free manner as possible. This may be achieved by granting this STA request and allowing its rules to be waived, thereby allowing Station KENT(AM) to be rebroadcast on the K249DR FM translator.

The requisite Filing Fee and Anti-Drug Certification is being filed with this request. If we can provide any additional information regarding this request for issuance of a Special Temporary Authorization, please contact this office directly.

Sincerely,

Dan J. Alpert

*Counsel for AM Radio 1400, Inc. and
Morningstar Media Company, LLC*

