

FEDERAL COMMUNICATIONS COMMISSION
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AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio

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Turquoise Broadcasting Company, L.L.C.
P.O. Box 64125
Tucson, AZ 85728

In re: K300BZ, Kodiak, AK
BPFT-20080815ACA
Facility ID No. 142585

K282AU, Kodiak, AK
BMPFT-20080815ABZ
Facility ID No. 142580

K271BF, Kodiak, AK
BPFT-20080815ABY
Facility ID No. 142573

Dear Applicant:

This refers to the above-captioned applications for K300BZ, K282AU, and K271BF, Kodiak, Alaska.

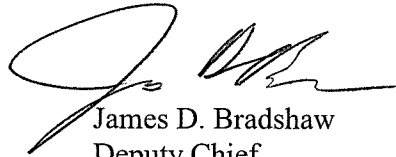
An engineering study of the applications reveal that they are in violation of 47 C.F.R. § 74.1231(b). The applicant recognizes this violation and requests waiver of Section 74.1231(b). Section 74.1231(b) of the Commission's Rules states that a "non-fill-in" translator in the commercial band may be used for the purpose of retransmitting the signal of a primary FM radio broadcast station or another translator station which is received directly through space

The applicant claims that the waiver is necessary because the proposed facility of KMXT(FM) (BPED-20060810AIG) will cause blanketing interference to the input frequencies of the associated primary stations and would therefore make "direct-off-air" reception unreliable. We note that such impediments to receiving a clear input signal does not justify waiver of the rules. Turquoise Broadcasting Company L.L.C. ("TBC") cites three situations where the Commission has supposedly waived the "alternate delivery method" requirement. K210CF and K216DF are both noncommercial educational translators operating on reserved channels and are therefore allowed alternative signal delivery means. Furthermore, since K296DC was licensed prior to the new rules adopted November 8, 1990 (MM Docket No. 88-140) released December 4, 1990, K296DC

is not an example where the Commission has granted a similar waiver request. These situations are therefore not relevant to the applicant's waiver request. 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 Turquoise Broadcasting Company'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 74.1231(b). Accordingly, we will deny the waiver request and dismiss the applications.

Accordingly, the request for waiver of 74.1231(b), IS HEREBY DENIED, and the Applications BPFT-20080815ACA, BMPFT-20080815ABZ, and BPFT-20080815ABY ARE 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', with a stylized flourish at the end.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau