

FEDERAL COMMUNICATIONS COMMISSION

**445 Twelfth Street, S.W.
WASHINGTON DC 20554**

MAR 15 2011

MEDIA BUREAU

AUDIO DIVISION

APPLICATION STATUS: (202) 418-2730

HOME PAGE: www.fcc.gov/mb/audio/

PROCESSING ENGINEER: Harding Chism

TELEPHONE: (202) 418-2700

FACSIMILE: (202) 418-1411

MAIL STOP: 1800B3

INTERNET ADDRESS: Harding.Chism@fcc.gov

University of San Francisco
2130 Fulton Street
San Francisco, California 94117

In re: KUSF(FM), San Francisco, CA
Facility ID No. 69143
University of San Francisco
BPED-20110211ADA

Dear Applicant:

This letter is in reference to the above-captioned minor change application to modify effective radiated power, height, location and class of the licensed facilities of KUSF. KUSF also requests waiver of the contour overlap provisions of 47 C.F.R Section 73.509 with respect to the second-adjacent Class A license for KALX(FM), Berkeley, CA. For the reasons stated below, we deny KUSF's waiver request and dismiss the application.

Educational Information Corporation (WCPE), 6 FCC Rcd 2207 (1991) permits the staff to consider requests for waiver of Section 73.509 for second- and third-adjacent channel noncommercial educational stations, "where the benefit of increased noncommercial educational service so heavily outweighs the potential for interference in very small areas." The applicant must provide sufficient justification to meet this criterion. Absent such information, "when faced with a choice between increased coverage with increased interference on one hand, and lesser but adequate coverage without prohibited interference on the other, the Commission favors the latter." 6 FCC Rcd at 2208, quoting from Board of Education of the City of Atlanta (WABE-FM), 82 FCC 2d 125 (1980). Evidence supporting a request for waiver typically consists of computations of area and population gained within the proposed 60 dBu contour (as compared to the existing area and population), area and population within the opposite station's 100 dBu interfering contour, and discussion of any other factors that support grant of a waiver. The waiver request should also acknowledge that any future modifications by the opposite station (KALX) would not be construed as a per se modification of KUSF's license. Here, KUSF has provided insufficient justification in support of its request for waiver. Consequently, waiver of Section 73.509 is not warranted, and the request for waiver IS DENIED.

Accordingly, application BPED-20110211ADA IS HEREBY DISMISSED as unacceptable for filing. These actions are taken pursuant to 47 C.F.R. Section 0.283.

Sincerely,



Rodolfo F. Bonacci
Assistant Chief
Audio Division
Media Bureau

cc: Dawn M. Sciarrino, Esq.