

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
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NOV 29 2011

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Four Rivers Community Broadcasting Corp.
P.O. Box 186
Sellersville, PA 18960

Re: WBYO(FM); Sellersville, PA
Facility ID No. 7922
Four Rivers Community Broadcasting Corp.
BMPED-20111024AAF

WBYX(FM); Stroudsburg, PA
Facility ID No. 22181
Four Rivers Community Broadcasting Corp.
BPED-20111024AAG

Dear Applicant:

This letter is in reference to the above-captioned minor change application for WBYO to modify effective radiated power and antenna height, and the above-captioned contingent minor change application for WBYX to modify effective radiated power. WBYO also requests waiver of the contour overlap provisions of 47 C.F.R § 73.509 with respect to second-adjacent Class A license for WJCS, Allentown, PA. For the reasons stated below, we deny WBYO's waiver request and dismiss the applications.

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 (WJCS) would not be construed as a *per se* modification of WBYO(FM)'s license. Here, WBYO(FM) 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.

In light of the above, Application BMPED-20111024AAF is unacceptable for filing pursuant to 47 C.F.R. § 73.3566(a) and IS HEREBY DISMISSED. We note that the application was filed as part of a contingent application group with BPED-20111024AAG. Pursuant to 47 C.F. R. § 73.3517(e), dismissal of any one of the related applications as unacceptable will result in the dismissal of all related applications. Therefore, contingent application BPED-20111024AAG IS HEREBY DISMISSED. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



Edna V. Prado
Supervisory Engineer
Audio Division
Media Bureau

cc: Malcolm G. Stevenson