

FEDERAL COMMUNICATIONS COMMISSION
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JUL 23 2014

Alabama Christian Radio, Inc.
908 Opelika Road
Auburn, AL 36830

In re: W256BZ, Alexander City, AL
BPFT-20130423ABO
Facility ID No. 150242

Dear Applicant:

This letter refers to the above-captioned application for W256BZ, Alexander City, Alabama. For the reasons set forth below, the waiver request to move to a non-adjacent channel is denied and the application is dismissed.

Review of the application indicates that the proposed modification would be in violation of 47 CFR Section 74.1233(a)(1). Section 74.1233(a)(1) states that minor modifications are limited to co-channel, first, second, third adjacent and intermediate frequencies. The applicant recognizes this violation and therefore requests a waiver of Section 74.1233(a)(1).

W256BZ has been operating, with its current operation¹, since October 9, 2012. W256BZ received a letter from Rick Peters, on April 10, 2013, stating that W256BZ is interfering with reception of WBAM-FM. In an attempt to resolve the interference, W256BZ has filed the application to move from channel 256 to channel 263 and has requested a waiver Section 74.1233(a)(1).

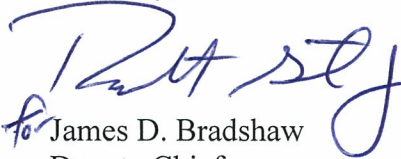
We have permitted FM translators to waive Section 74.1233(a)(1) only when "displacement" occurs. Displacement occurs when a full service FM station modifies its facilities and/or commences operation and there is interference predicted to or caused by an existing translator. The interference caused to WBAM-FM started when W256BZ commenced operation with the parameters specified in BLFT-20121009ABF. Because the translator caused the interference by commencing operations, displacement is not warranted and Section 74.1233(a)(1) will not be waived.

¹ BLFT-20121009ABF

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 Alabama Christian Radio, Incorporated'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 74.1233.

Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the Application BPFT-20130423ABO IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Bradshaw", with a small "for" written to the left of the signature.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Danny Langston