

FEDERAL COMMUNICATIONS COMMISSION

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JUL 24 2014

Omni Broadcasting, LLC
21 Miracle Strip Parkway
Ft. Walton Beach, FL 32548

In re: W222BR, Pollard, AL
BPFT-20131018ABO
Facility ID No. 143794

Dear Applicant:

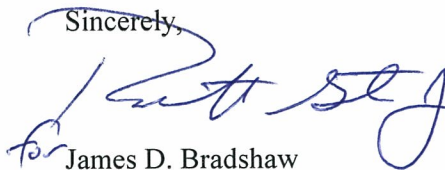
This letter refers to the above-captioned translator application for W222BR, Pollard, Alabama.

An engineering study reveals that the application is in violation of Section 74.1233(a)(1) of the Commission's Rules. Specifically, the proposed 60 dBu service area fails to provide service to some portion of its 60 dBu licensed service area, (BLFT-19930315TA). The applicant recognizes this violation and requests waiver of Section 74.1233(a)(1) of the Commission's Rules claiming that the proposal qualifies for the standard set forth in the *Mattoon* letter.¹ In order to use the *Mattoon* waiver standard, the proposal must rebroadcast the signal of an AM station. The application proposes to rebroadcast WYCT(FM) as its primary station. As a result, the request for waiver of Section 74.1233(a)(1) is denied.

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 Utah State University'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(a)(1).

Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the Application BPFT-20131018ABO IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,


for James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

¹ *The Cromwell Group, Inc. of Illinois*, Letter, 26 FCC Rcd 12685 (MB 2011) ("*Mattoon*").