

FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, S.W.
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: WWW.FCC.GOV/MB/AUDIO

PROCESSING ENGINEER: ROBERT GATES
TELEPHONE: (202) 418-0986
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: Robert.Gates@fcc.gov

JUL 31 2014

Immanuel Broadcasting Network
P. O. Box 1000
Cartersville, GA 30120

In re: NEW(FX), Atlanta, GA
BNPFT-20130828ADO
Facility ID # 153804

Dear Applicant:

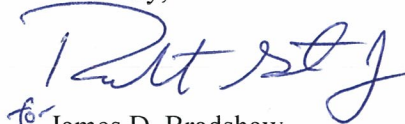
This letter refers to the above-captioned translator application for a new FM translator for Atlanta, Georgia.

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 original "shortform" application (BNPFT-20030317DYG). 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 proposed site is mutually exclusive to its "licensed" facility. This facility is an unbuilt and unlicensed facility. 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).

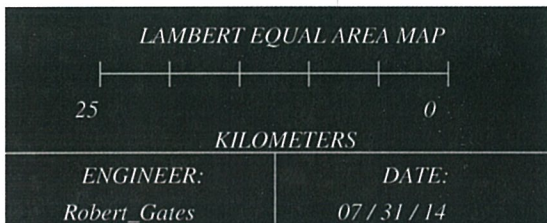
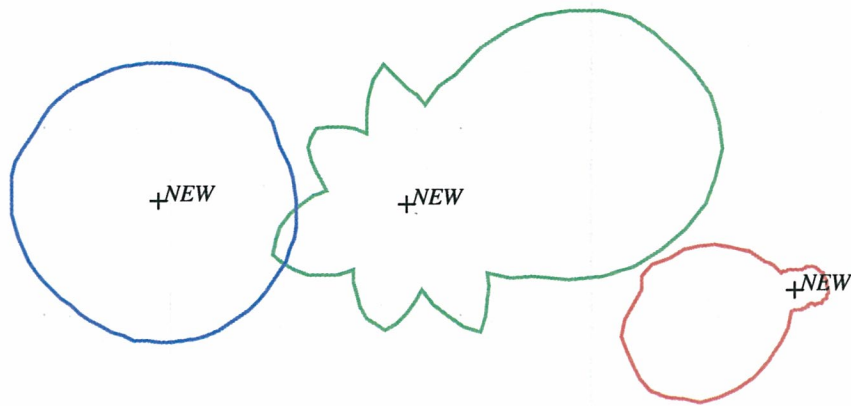
Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the Application BNPFT-20130828ADO IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

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



THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP

BOTTOM LATITUDE: 33.41 TOP LATITUDE: 34.20 LEFT LONGITUDE: -84.65 RIGHT LONGITUDE: -83.62

MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 33.80 LONG: -84.13 GRID SPACING: 0.50

KILOMETERS / INCH = 14.37

PLOT MADE ON : 31 July, 2014 10:39 HOURS

call	serv	city,state	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1
NEW	FX	ATLANTA,GA	BNPFT-20130828ADO	60.0 dBu (50,50)	270D	0.220	98.6	342.0	113.4 sq km	22
NEW	FX	ATLANTA,GA	BNPFT-20030317DYG	60.0 dBu (50,50)	268D	0.250	322.0	601.0	480.0 sq km	0
NEW	FX	ATLANTA,GA	SUPER-20030317DYG	60.0 dBu (50,50)	268D	0.010	322.0	585.0	324.3 sq km	0

No topographic data is available for this location.

A1 - Number of radials where free space equation was used for field strength calculations.

A7 - Number of radials where a HAAT less than 30 meters was adjusted to 30 meters.