

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, SW
WASHINGTON, DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: Khoa Tran
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410/1411
MAIL STOP: 1800B3
INTERNET ADDRESS: khoa.tran@fcc.gov

AUG 21 2014

Calvary Chapel of Hayward, Inc.
1244 B Street
Hayward, CA 94541

Re: New-LP, Hayward, California, CA
Facility ID No. 193012
Calvary Chapel of Hayward, Inc.
("Calvary")
File No. BNPL-20131018AFW

Dear Applicant:

The staff has under consideration the above-captioned application for a new low power FM (LPFM) station.

An engineering study of the application reveals that it is in violation of 47 C.F.R. § 73.807 with respect to the following stations: (1) second adjacent channel Class B license (BMLH-20111004ACJ) for KOIT(FM), San Francisco, CA; and (2) second adjacent channel Class B license (BMLH-20080818ABJ) for KLLC(FM), San Francisco, CA. Calvary recognizes these violations and requests waiver of § 73.807 with respect to KOIT(FM) and KLLC(FM).

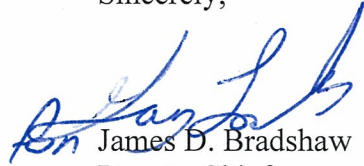
In support of the waiver request, Calvary indicates that the undesired to desired signal strength ratio methodology can be used to define areas of potential interference.¹ Calvary provides an undesired to desired study, claiming that no population and that no land areas are within the interfering contour (109 dBu). However, a study by the staff reveals an interference area encompassing several occupied housing structures that could contain regular listeners of KOIT(FM) and KLLC(FM). Therefore, we conclude that a waiver in the instant circumstances is not warranted.

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 189, 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 your waiver request the "hard look" called for under the *WAIT* Doctrine, *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), but find that the facts and circumstances set forth in the justification are insufficient to establish that granting waiver of 47 C.F.R. § 73.215 would be in the public interest.

¹ 47 C.F.R. § 73.807(e)(1).

Accordingly, in light of the above, the request for waiver of 47 C.F.R. § 73.807 IS HEREBY DENIED and application BNPL-20131018AFW IS HEREBY DISMISSED. This action is taken pursuant to Section 0.283 of the Commission's Rules.²

Sincerely,



James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Keith Leitch

² 47 C.F.R. § 0.283.