

FEDERAL COMMUNICATIONS COMMISSION
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SEP 19 2014

Calvary Chapel of Twin Falls, Inc.
P. O. Box 391
Twin Falls, ID 83303

In re: K201EN, Everett, WA
BPFT-20140508ABL
Facility ID # 89734

Dear Applicant:

This refers to the above-captioned application for K201EN, Everett, Washington. Based on the below, we will dismiss the application BPFT-20140508ABL.

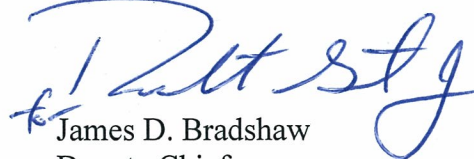
An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the Section states that “a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels”. K201EN is authorized to operate on channel 201. This modification application proposes channel 211 by requesting a waiver of Section 74.1233(a)(1) based on interference caused to co-channel KWAQ(FM), Ocean Park, Washington.

We have allowed FM translators to waive Section 74.1233(a)(1) only when “displacement” occurs. Displacement occurs when a full service commences operation and there is interference caused by an existing translator. KWAQ(FM) has been licensed and operating since December 19, 2011. We have not received any complaints from KWAQ(FM)’s listeners to determine if K201EN is interfering with KWAQ(FM). Since there is no evidence that K201EN is interfering with KWAQ(FM), the proposed facility is not being displaced therefore Section 74.1233(a)(1) will not be waived.

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 Ivan Rene Moore’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-20130508ABL 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 stylized flourish at the end.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau