

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 Twelfth Street, S.W.**  
**WASHINGTON DC 20554**

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

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PROCESSING ENGINEER: Harding.Chism  
TELEPHONE: (202) 418-2700  
FACSIMILE: (202) 418-1410  
MAIL STOP: 1800B3  
INTERNET ADDRESS: [Harding.Chism@fcc.gov](mailto:Harding.Chism@fcc.gov)

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

In re: KKJA(FM), Redmond, OR  
Facility ID No. 92285  
Calvary Chapel of Twin Falls, Inc.  
BPED-20140917ABP

Dear Applicant:

This letter is in reference to the above-captioned minor change construction permit application to modify the effective radiated power ("ERP") and the antenna height above average terrain ("HAAT"). KKJA also requests waiver of the contour overlap provisions of Section 73.509. For the reasons stated below, we grant KKJA's waiver request and the application.

***Waiver Request.*** An engineering review of the application reveals that it is in violation of § 73.509 with respect to the following stations: (1) third-adjacent channel Class A license (BLED-20061003ACX) of KVRA(FM), Sisters, Oregon; and (2) third-adjacent channel Class A license (BLED-20061005AEA) of KVLB(FM), Bend, Oregon. Specifically, the proposed protected contour (60 dBu) totally encompasses the interfering contour (100 dBu) of KVRA and KVLB. KKJA recognizes these violations and requests waiver of § 73.509.

In support of its waiver request, KKJA states that it will not cause interference to any of the stations listed above. KKJA also believes that the total area of overlap from both facilities constitutes less than 1% of the area within KKJA's proposed 60 dBu contour. In addition, KKJA claims that the proposed facilities would increase its overall coverage area from its presently licensed area of 6121 square kilometers to 8063 square kilometers (a 32% increase). Furthermore, KKJA indicates that the proposed facilities will increase coverage to 127,767 persons, an increase of 54%. Finally, KKJA cites *Educational Information Corporation*, 6 FCC Rcd 2207 (1991), as evidence of the Commission's willingness to consider waivers of overlap received. Moreover, KKJA believes that the overlap proposed here is *de minimis* and, when considered along with the increased service area, concludes that a waiver of § 73.509 is warranted in this case.

***Discussion.*** KKJA's request to receive third-adjacent channel overlap is similar to the request submitted by WCPE(FM), Raleigh, NC in the *Educational Information Corporation* case. In that case it was stated that:

The Commission has long recognized the unique characteristics of the noncommercial service and the need for flexibility to respond to the growing demand for such service. We are also more sensitive today to the increasing limitations within the reserved band which reflect the increased

demand for service over the last 30 years. For these reasons, we are now inclined to grant waivers of second or third adjacent channel overlap in circumstances such as WCPE's, where the benefit of increased noncommercial educational service so heavily outweighs the potential for interference in very small areas. However, because of the concern for the ability of the stations causing interference to make any future changes in their own facilities, as discussed below, we believe that the waiver of interference received must be granted with the acknowledgement that future modifications proposed by the affected licensees will not be construed as a *per se* modification of the waiver recipient's license.

Accordingly, in light of the Commission's policy on this matter, the requested waiver of 47 C.F.R. § 73.509 will be granted.

**Conclusion.** We have afforded KKJA's request for waiver of 47 C.F.R. § 73.509 the "hard look" called for under *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), and find that the facts and circumstances presented in the applicant's justification is sufficient to establish that grant of the requested waiver would be in the public interest. Accordingly, KKJA's request for waiver of 47 C.F.R. § 73.509 IS HEREBY GRANTED. Furthermore, application File No. BPED-20140917ABP IS HEREBY GRANTED subject to the following condition:

Further modification of KLVN(FM), Facility ID No. 70676, Bend, Oregon will not be construed as a *per se* modification of KKJA's authorization. (See Educational Information Corporation, 6 FCC Rcd. 2207 (1991)).

Further modification of KVRA(FM), Facility ID No. 88436, Sisters, Oregon will not be construed as a *per se* modification of KKJA's authorization. (See Educational Information Corporation, 6 FCC Rcd. 2207 (1991)).

The authorization is enclosed. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rodolfo F. Bonacci".

Rodolfo F. Bonacci  
Assistant Chief  
Audio Division  
Media Bureau

cc: Lois Mills