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\*not admitted in MD

March 8, 2016

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Federal Communications Commission  
Office of the Secretary

Marlene H. Dortch, Secretary  
Federal Communications Commission  
The Portals, TW-A325  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: FM Translator Station K237FO  
Facility ID Number 141819  
Blue Earth, MN  
**REQUEST FOR WAIVER OF  
SECTION 73.3598**

Dear Ms. Dortch:

On behalf of WRPX, Inc., licensee of Radio Station WDGY, Facility ID No. 6440, Hudson, Wisconsin ("WDGY"), this will request a waiver of the construction requirements of Section 73.3598(a) of the FCC Rules and Regulations (47 C.F.R. § 73.3598(a)). In support hereof, the following is submitted.

Minnesota Public Radio is currently the permittee of FM Translator Station K237FO, pursuant to Construction Permit File No. BNPFT-20130327AHT, granted May 7, 2013. This is an Auction 83 construction permit. The present deadline for completion of construction and filing an application for license is May 7, 2016.

There is currently pending an application for assignment of the Construction Permit to WDGY (File No. BAPFT-20160224AAM). There is also currently pending a contingent application for modification of the Construction Permit to change the transmitter location, change output channel and make other appropriate changes (File No. BMPFT-20130225AAM).

The pending modification application was filed in the First Modification Window pursuant to the *First Report and Order, Further Notice of Proposed Rule Making and Notice of Inquiry*, FCC 15-142, released October 23, 2015 ("*Revitalization Order*") and the Media Bureau's Public Notice, DA 15-1215, released October 26, 2015 ("*Revitalization PN*").

In the *Revitalization Order*, the Commission noted, at footnote 36, that "we find that a waiver of an Auction 83 FM translator construction deadline is presumptively in the public interest for applicants participating in one of the modification windows, provided that the AM station licensee proposing to use the FM translator for rebroadcasting its AM station commits to prompt FM translator construction and initiation of broadcast operation".

The *Revitalization PN* further specified that a modification application filer "may seek a waiver of a CP deadline, provided that the waiver request includes a commitment to promptly construct the modified FM translator station". It also required that a waiver request "include supporting information regarding construction commitments".

The WDGY licensee does propose to use the referenced FM translator for rebroadcasting Station WDGY. See BAPFT-20160224AAM, Section III, Item 10 and BMPFT-20160225AAM, Section III-A, Item 2.

The WDGY licensee also commits to prompt construction of the translator station, as modified, and initiation of broadcast operation.

Although the *Revitalization PN* does not specify what "supporting information" is appropriate or sufficient, WDGY offers the following.

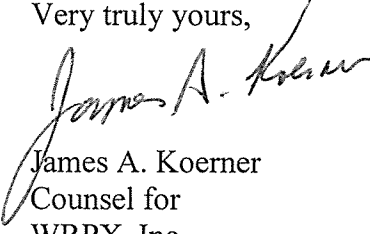
The tower on which WDGY proposes to mount the FM translator antenna (ASR No. 1063037) is owned by 630 Radio, Incorporated, an entity 100% owned by Gregory O. Borgen, the 100% owner of WRPX, Inc., the WDGY licensee. Accordingly, there is no need for negotiation of a tower lease agreement or payments to a lessor.

Mr. Borgen purchased Station WDGY since 1988 and has operated it ever since. As such, the station and its ownership are well known in the community, stable, and able to acquire the necessary equipment and place the translator station on the air promptly.

Based upon the foregoing, it is requested that a waiver of the construction requirements of Section 73.3598(a) be waived, and that WRPX, Inc. be afforded a period of at least six months from the later of (a) final grant of the pending assignment application, or (b) final grant of the pending modification application.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,



James A. Koerner  
Counsel for  
WRPX, Inc.

Cc: James Bradshaw (FCC) (via email)  
Melodie A. Virtue, Esq. (via email)  
Gregory O. Borgen