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AUDIO SERVICES DIVISION

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Received & Inspected

OCT 26 2016

FCC Mail Room

October 13, 2016

**VIA FEDERAL EXPRESS**  
**and REGULAR MAIL**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW, Room TW-A325  
Washington, DC 20554

**Request for Waiver of 47 C.F.R. § 73.3598**  
**Cimarron Communications Co., LLC**  
**FM Translator Station K243BU, Palisade, Colorado**  
**Facility Identifier Number: 149085**

Dear Ms. Dortch:

Cimarron Communications Co., LLC ("Cimarron"), permittee of FM translator station K243BU, Palisade, hereby requests a waiver (47 CFR §1.3 and §73.3598) of the construction deadline for the K243BU construction permit pursuant to Note 36 in the *First Report and Order, Further Notice of Proposed Rule Making and Notice of Inquiry* in MB Docket No. 13-249, *Revitalization of the AM Radio Service*, 30 FCC Rcd 12145 (2015). Note 36 states that waiver of the Auction 83 FM translator permit deadlines are "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 station construction and initiation of broadcast operations.

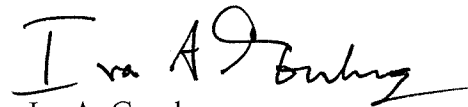
K243BU has a permit that was granted as a result of the Auction 83 window filings (see BNPFT-20130306ADN), and the permit is scheduled to expire on October 22, 2016. Cimarron is in discussions with an owner and a prospective owner of a Class A Station licensed to Salt Lake City, Utah but Cimarron will not be in a position to file a 250 mile window application to relocate K243BU in order to rebroadcast an AM station, from Salt Lake City, Utah because both current owner and purchaser are reluctant to enter into any agreement unless there is a tolling of the construction period to construct K243BU. Cimarron will have a rebroadcast consent agreement with the owner of the AM station should we reach an agreement for him or his prospective purchaser to buy K243BU. We are advised that the owner of the AM station will commit to promptly construct and initiate operation of the translator once the agreement to purchase has been negotiated; an assignment application is filed; and proposed 250 mile window

relocation application is granted so that the current owner of the Salt Lake City, Utah AM station (or any other Class A or B station) can be rebroadcast as contemplated in the AM Revitalization Order.

Accordingly, Cimarron respectfully request a waiver of 47 CFR §1.3 and §73.3598 to toll the construction deadline of the permit for K243BU until six months after processing of a modification application is filed in 250 mile window is complete.

Cimarron has designated Ward Holmes as an authorized agent to assist us in this matter and he is available to respond to any questions that you may have. He can be reached at Ward@frontier.net or (970) 749-2914.

Very truly yours,

A handwritten signature in black ink, appearing to read "Ira A. Gomberg". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ira A. Gomberg  
CEO and Manager  
Iragomberg@gmail.com  
(917) 754-4176

cc: Victoria McCauley, Audio Division, Media Bureau (via email: victoria.mccauley@fcc.gov)  
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