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December 14, 2016

VIA OVERNIGHT DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD

Re: Request for Waiver of 47 C.F.R § 73.3598
Mel Wheeler, Inc. (250-mile window construction permit)
FM Translator Station W233CK, Troutville, Virginia
Facility Identifier Number: 144940

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AUDIO SERVICES

Dear Ms. Dortch,

Mel Wheeler, Inc., permittee of the construction permit (the "Permit") for FM translator station W233CK, Troutville, Virginia (see FCC File No. BMPFT-20160729ADA), pursuant to 47 C.F.R. §1.3 and §73.3598, hereby requests waiver of the construction deadline for the Permit consistent with 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*, FCC 15-142, 30 FCC Rcd 12145 (2015) ("*AM Revitalization Order*"). Note 36 states that waivers 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 construction and initiation of broadcast operations." *See id.*, n.36.

The Permit that was granted as a result of the Auction 83 window (see FCC File Nos. BNPFT-20030317LKV and BNPFT-20130829ADP), and a 250-mile window modification for the permit granted on August 19, 2016 will expire on January 10, 2017 (see FCC File No. BMPFT-20160729ADA).

Mel Wheeler, Inc. is diligently working to put the translator on the air and is committed to promptly constructing the modified FM translator facility. Every reasonable effort will be made to satisfy the construction permit deadline, however, out of an abundance of caution, and in accordance with the *AM Revitalization Order*, the permittee respectfully requests waiver of the construction permit deadline as it may be necessary to provide additional time for construction.

Sincerely,


Coe W. Ramsey
Counsel to Mel Wheeler, Inc.

cc: Victoria McCauley, FCC (via email)