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Federal Communications Commission  
Office of the Secretary

Repp Law Firm  
1629 K Street, N.W., Suite 300  
Washington, D.C. 20006-1631  
T 202.656.1619  
F 202.400.3737  
[marissa@repplawfirm.com](mailto:marissa@repplawfirm.com)  
[www.repplawfirm.com](http://www.repplawfirm.com)

Marlene Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

**Re: Request for Waiver of Construction Permit Deadline  
Construction Permit for FM Translator W249CU  
Westchester, MA/Philadelphia, PA  
FCC Facility ID No. 138663  
File Nos. BNPFT-20130822AAV, BMPFT-20160927ADK**

Dear Ms. Dortch:

This request is being submitted on behalf of AMFM Radio Licenses, LLC (“AMFM”) pursuant to Section 1.3 of the Commission’s rules and in accordance with footnote 36 of the *AM Revitalization First Report and Order*,<sup>1</sup> and the Modification Window Procedures Public Notice.<sup>2</sup> That footnote states 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 station construction and initiation of broadcast operations.

AMFM is the holder of an Auction 83 construction permit for a new FM translator station W249CU, Westchester, Massachusetts, FCC Facility ID No. 138663 (the “Station”), File No. BNPFT-20130822AAV (the “Construction Permit”). An application to modify the Construction Permit was filed during a “250-mile modification window” established by the Commission’s *AM Revitalization Order*.<sup>3</sup> The Modification Application, which is currently pending, specifies

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<sup>1</sup> See *Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 30 FCC Rcd 12145 (2015) (the “*AM Revitalization Order*”).

<sup>2</sup> See Public Notice, Media Bureau Initiates AM Revitalization Outreach Efforts Modification Window Procedures and Requirements Announced, DA 15-1215 (Med. Bur. rel. Oct. 26, 2015).

<sup>3</sup> See File No. BMPFT-20160927ADK (the “Modification Application”).

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AM station WDAS, Philadelphia, Pennsylvania (which is licensed to AMFM) as the primary station to be rebroadcast by the Station.

AMFM hereby requests a waiver of the construction deadline of the Construction Permit until the latest date permitted by the Commission.<sup>4</sup> AMFM hereby commits to prompt construction of the Station and initiation of service. A waiver of the construction deadline here will promote the public interest by facilitating cross-service broadcasting opportunities for an AM station and allowing an AM licensee to realize service improvements quickly, thus avoiding the delay and administrative burdens of re-auctioning the spectrum.

Please direct communications regarding this request to the undersigned counsel in addition to the permittee.

Respectfully submitted,

REPP LAW FIRM

By:   
Marissa G. Repp

Counsel to AMFM Radio Licenses, LLC

cc: Victoria M. McCauley, Audio Division (via e-mail)

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<sup>4</sup> The Construction Permit was slated to expire on December 12, 2016. This waiver request is being filed within thirty (30) days of such date and thus may be considered by the Commission.