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January 10, 2008

David Tillotson
4606 Charleston Terrace, NW
Washington, DC 20007-1911

In re: WASG, Daphne, AL
550 AM, Inc.
File No. BMJP-20051031AGW
Facility ID # 51141

Dear Counsel:

This refers to the above-captioned AM Auction No. 84 application, filed pursuant to the September 7, 2005, public notice to remove mutual exclusivity with other proposals in AM Auction No. 84.¹

The application acknowledges that the 0.5 mV/m contour of the proposed operation would receive prohibited overlap from cochannel station WFLF, Pine Hills, Florida. The applicant requests a waiver of 47 C.F.R. § 73.37(a) based on the salt water path between the two sites. In support of the waiver request, the applicant states that the "salt water portion of the path is...85 percent of the total distance", and asserts that permitting the overlap would be in the public interest because it would allow a first local service at Daphne, Alabama.

Both the staff's study and the applicant's Exhibit 13, Figure 2 show that WFLF's 0.025 mV/m contour would overlap approximately half of the proposed WASG 0.5 mV/m service area. The overlap area includes Daphne, the proposed new city of license. The staff routinely waives the overlap provisions of 47 C.F.R. § 73.37(a) when the signals in question traverse a salt water path and when the overlap does not involve the primary service area of either station.² In this case, the area of overlap does

¹ See *Public Notice*, "AM Auction No. 84 Settlement Period and Section 307(B) Submission Deadline Extended To October 31, 2005," DA 05-2401, 20 FCC Rcd 14492 (2005).


² See *Spann Communications*, 4 FCC Rcd 617 (1989).

lie within the primary service area of the proposed WASG operation, and would include a substantial population.

Accordingly, your request for waiver of § 73.37(a) IS HEREBY DENIED. Further action on the subject application will be withheld for a period of 30 days from the date of this letter to provide an opportunity to amend the application. Failure to respond or file a curative amendment within this time period will result in the dismissal of the application pursuant to 47 C.F.R. Section 73.3568(b). Please note that any amendment must be submitted in the same manner as the original application.

Sincerely,



 Susan N. Crawford
Assistant Chief
Audio Division
Media Bureau