

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
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Michael Butler Broadcasting, LLC
P. O. Box 780146
2045 Alabama Highway 229
Tallasse, AL 36078

In re: W293BK, Tallasse, AL
BPFT-20170717AAB
Facility ID # 141195

Dear Applicant:

This refers to the above-captioned application for W293BK, Tallasse, Alabama. Based on the below, we will dismiss the application BPFT-20170717AAB.

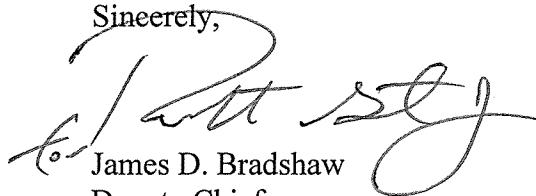
An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the Section states that “a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels”. W293BK is authorized to operate on channel 293. This modification application proposes channel 234 by requesting a waiver of Section 74.1233(a)(1) based on interference caused from the application, BPH-20170627ABF, for co-channel WZNN(FM), Maplesville, Alabama.

We have allowed FM translators to waive Section 74.1233(a)(1) only when “displacement” occurs. Displacement occurs when a full service commences operation and there is interference predicted or caused by an existing translator. The proposed application, BPH-20170627ABF, was dismissed on October 26, 2017. Since the proposed application, BPH-20170627ABF, was dismissed and therefore will not cause interference to W293BK, Section 74.1233(a)(1) will not be waived. Furthermore, the license for WZNN(FM) has been cancelled on November 15, 2017.

When an applicant seeks waiver of the rules, it must plead with particularity the facts and circumstances which warrant such action. *Columbia Communications Corp. v. FCC*, 832 F.2d 139, 192 (D.C. Cir. 1987), quoting *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F. 2d 644, 666 (D.C. Cir 1968 (per curiam)). We have afforded Ivan Rene Moore’s waiver request the “hard look” called for under *WAIT Radio v. FCC*, 418 F. 2d 1153 (D.C. Cir. 1969), but find that the facts and circumstances presented are not sufficient to warrant waiver of 47 CFR Section 74.1233.

Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the Application BPFT-20170717AAB IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Bradshaw", written over the word "Sincerely,".

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau