

FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
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TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
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Michigan Community Radio
3302 N. Van Dyke Road
Imlay City, MI 48444

In re: W248CC, Ecorse, MI
BMPFT-20170718AGJ
Facility ID # 157285

Dear Applicant:

This refers to the above-captioned application for W248CC, Ecorse, Michigan. Based on the below, we will dismiss the application BMPFT-20170718AGJ.

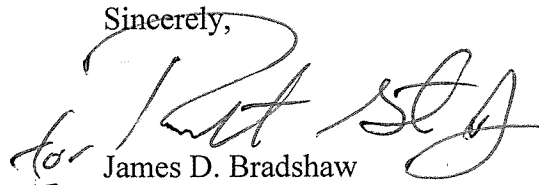
An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the Section states that “a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels”. The unlicensed/unbuilt facility W248CC is authorized to broadcast on channel 248. The application proposes channel 256 requesting a waiver of Section 74.1233(a)(1) based on displacement since there is a “recently licensed co-channel Class B station (facility id#198153) now encompasses the service contour of the translator with co-channel interference.”

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. Since the proposed translator is an unbuilt/unlicensed facility, the proposed facility is not being displaced therefore Section 74.1233(a)(1) will not be waived.

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 Michigan Community Radio’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 BMPFT-20170718AGJ IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,


James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau