

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

SEP 21 2018

In re: W248CC, Ecorse, MI
BPFT-20180731ABQ
Facility ID No. 157285

Dear Applicant:

This letter refers to the above-captioned application for W248CC, Ecorse, Michigan. For the reasons set forth below, the waiver request is denied and the application is dismissed.

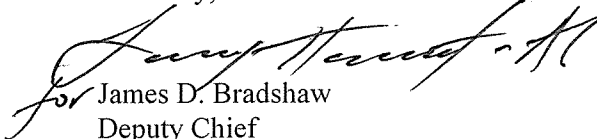
An engineering study of the application reveals that the proposal is a major change pursuant to 47 C.F.R. § 74.1233(a)(1) of the Commission's Rules. Specifically, Section 74.1233(a)(1) states that "a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels". W248CC is authorized to operate on channel 248. The application proposes channel 256 by requesting a waiver of Section 74.1233(a)(1) based on interference caused from co-channel Canadian station CBEW-FM, Windsor, Ontario.

We have allowed FM translators to waive Section 74.1233(a)(1) only when "displacement" occurs. Displacement occurs when a full service FM station commences operation in the vicinity of a translator and there is interference predicted to or caused by the existing translator. CBEW-FM has been licensed and operating at its current site since December 1, 2010, and modified its operational parameters on August 19, 2014. Hence, displacement is not warranted in this case and 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(a)(1).

Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the application BPFT-20180731ABQ IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,


for James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Edward Czelada