

**FEDERAL COMMUNICATIONS COMMISSION**  
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MEDIA BUREAU  
AUDIO DIVISION  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: WWW.FCC.GOV

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VCY America, Inc.  
3434 W. Kilbourn Avenue  
Milwaukee, WI 53208

In re: W250CO, Appleton, WI  
BPFT-20181210AAQ  
Facility ID # 140786

Dear Applicant:

This refers to the above-captioned application for W250CO, Appleton, Wisconsin. Based on the below, we will dismiss the application BPFT-20181210AAQ.

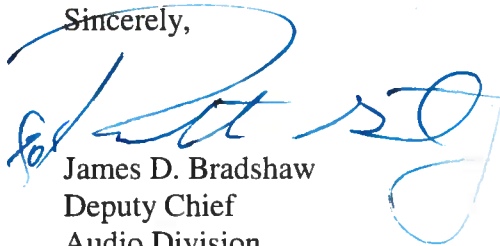
An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the Section states that “a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels”. W250CO is authorized to operate on channel 250. This modification application proposes channel 286 by requesting a waiver of Section 74.1233(a)(1) based on interference caused from first-adjacent WLKN(FM), Cleveland, Wisconsin.

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 current license for WLKN(FM) was granted in 1999. The current license for W250CO was granted in 2018 and the previous license was granted in 2016 on channel 247. Since WLKN(FM) has not modified its facilities since 1999 and the translator modifications to channel 250 is now causing interference to the existing WLKN(FM), 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 VCY America, Inc.’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-20181210AAQ IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

A handwritten signature in blue ink, appearing to read 'James D. Bradshaw', is written over the word 'Sincerely,'. The signature is stylized and includes a large loop at the end.

James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau