

# FEDERAL COMMUNICATIONS COMMISSION

445 12th Street, S.W.  
WASHINGTON DC 20554

MEDIA BUREAU  
AUDIO DIVISION  
TECHNICAL PROCESSING GROUP  
APPLICATION STATUS: (202) 418-2730  
HOME PAGE: [www.fcc.gov/media/radio/audio-division](http://www.fcc.gov/media/radio/audio-division)

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MAR 14 2019

Covenant Network  
4424 Hampton Avenue  
St. Louis, MO 63109-2232

In re: W213CD, Vincennes, IN  
BPFT-20180628AAM  
Facility ID No. 144420

Dear Applicant:

This letter refers to the above-captioned application for W213CD, Vincennes, Indiana. For the reasons set forth below, the waiver request is denied and the application is dismissed.

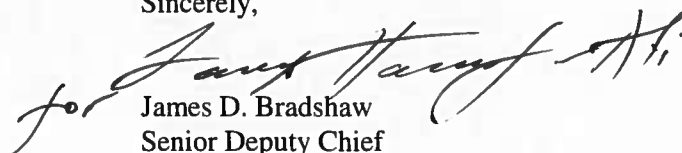
An engineering study of the application reveals that the proposal is a major change pursuant to 47 C.F.R. § 74.1233(a)(1) of the Commission's Rules. Specifically, Section 74.1233(a)(1) states that "a major change is any change in frequency (output channel) except changes to first, second or third adjacent channels, or intermediate frequency channels". W213CD is authorized to operate on channel 213. The application proposes channel 208 by requesting a waiver of Section 74.1233(a)(1) based on interference caused from third-adjacent channel station WVUB(FM), Vincennes, IN.

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. WVUB(FM) has been licensed and operating at its current site since December 12, 2002. W213CD commenced operation in the vicinity of WVUB(FM) on April 18, 2016. Therefore, 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 Covenant Network'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).

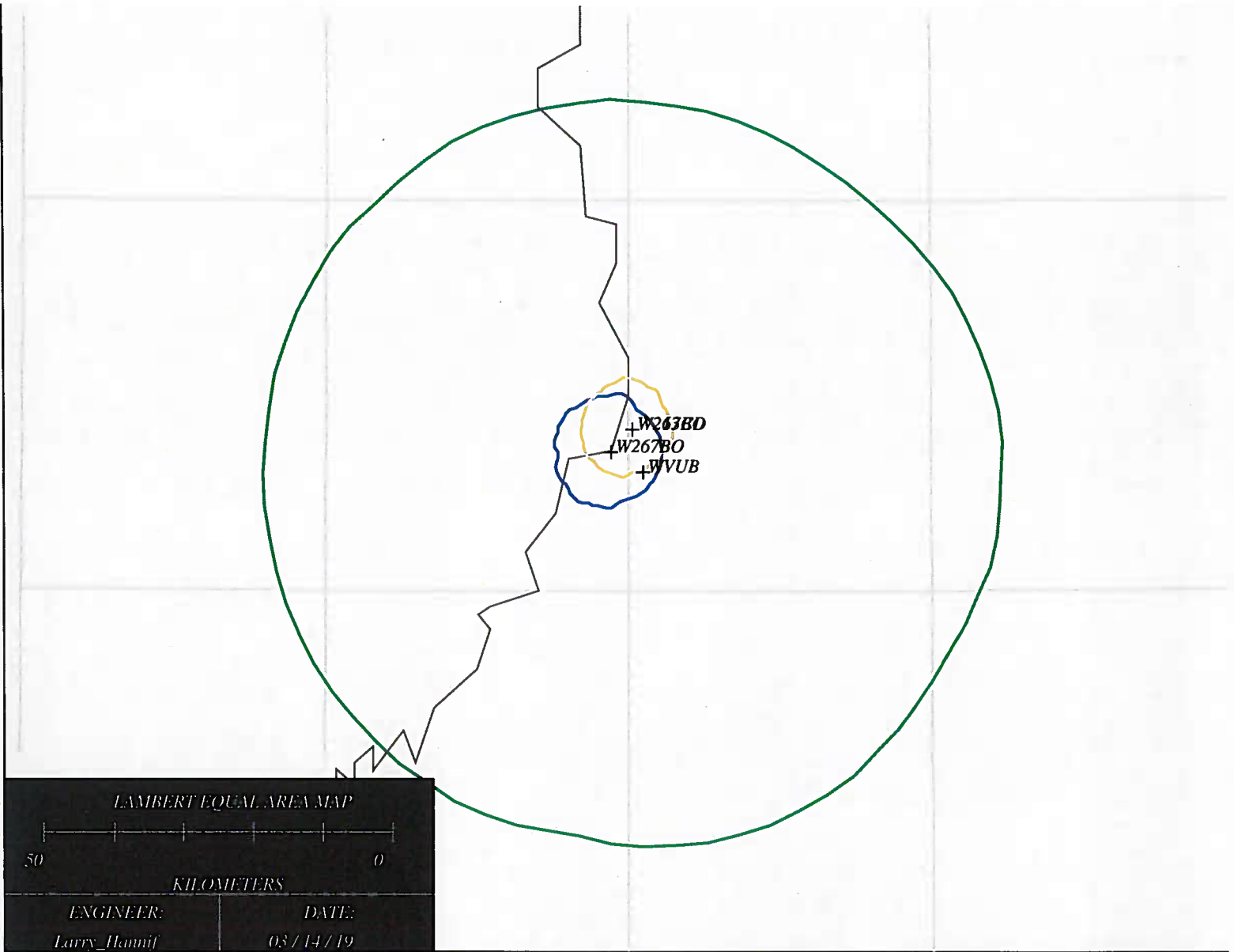
Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the application BPFT-20180628AAM IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



James D. Bradshaw  
Senior Deputy Chief  
Audio Division  
Media Bureau

cc: Dennis J. Kelley



THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP

BOTTOM LATITUDE: 38.04 TOP LATITUDE: 39.27 LEFT LONGITUDE: -88.30 RIGHT LONGITUDE: -86.68

MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 38.65 LONG: -87.49 GRID SPACING: 0.50

KILOMETERS / INCH = 22.41

PLOT MADE ON : 14 March, 2019 12:28 HOURS

call	serv	city,state	application no.	contour	chan	erp	haat	rcamsl	coverage area	A1
WVUB	FM	VINCENNES,IN	BLED-1245	60.0 dBu (50,50)	216B	50.000	152.0	293.0	8799.0 sq km	0
WVUB	FM	VINCENNES,IN	BMLED-20020930ABC	60.0 dBu (50,50)	216B	50.000	152.0	293.0	8799.0 sq km	0
W267BO	FX	VINCENNES,IN	BLFT-20160406ABV	60.0 dBu (50,50)	267D	0.250	30.9	165.0	188.3 sq km	0
W267BO	FX	VINCENNES,IN	BLFT-20161122ACG	60.0 dBu (50,50)	213D	0.055	55.3	192.0	136.5 sq km	0
W213CD	FX	VINCENNES,IN	BPFT-20180628AAM	60.0 dBu (50,50)	208D	0.055	55.3	192.0	136.5 sq km	0

No topographic data is available for this location.

A1 - Number of radials where free space equation was used for field strength calculations.

A7 - Number of radials where a HAAT less than 30 meters was adjusted to 30 meters.