FEDERAL COMMUNICATIONS COMMISSION
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MEDIA BUREAU
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JUL 6 2011

John C. Trent, Esq.
Putbrese Hunsaker & Trent, P.C.
200 South Church Street
Woodstock, Virginia 22664

Re: Buddy Tucker Association, Inc. (BTA)
WMOB(AM), Mobile, Alabama
Facility Identification Number: 7740
File Number: BP-20101012AEM

Dear Mr. Trent:

This letter is in reference to the above-captioned minor change application filed by BTA to modify station WMOB(AM) by changing the transmitter site, directional antenna patterns, and increasing power; and the March 7, 2011 amendment. We noted that BTA requested a waiver of Section 73.24(i) of the Commission's rules concerning the daytime 5 mV/m and nighttime interference free (NIF) coverage contours. We will deny the waiver request and dismiss the application for the following reasons.

Section 73.24(i) requires the daytime 5 mV/m and the NIF contour must cover 100% and 80% respectively, of the station's community of license. A preliminary review of the amended application reveals that the proposed daytime 5 mV/m and the NIF contours of 14.4 mV/m cover Mobile less than the requirements set forth by Section 73.24(i). BTA recognizes this shortcoming and requests a waiver of Section 73.24(i). In support of its waiver request, BTA claims that the proposal would increase the coverage to Mobile by 15% daytime and 10% nighttime.

When an applicant seeks a waiver of a rule, it must plead with particularity the facts and circumstances which warrant such action.[1] We have afforded the applicant's waiver request the "hard look" called for under the doctrine of *Wait Radio,*[2] but find that the facts and circumstances set forth in the application and waiver request are insufficient to establish that grant of the requested waiver of Section 73.24(i) would be in the public interest. Specifically, we find that the proposal would reduce the coverage to Mobile by 14.2% daytime and 2.3% nighttime. Accordingly, BTA's request for a waiver of Section 73.24(i) is hereby DENIED.

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[1] *See Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664, 666 (D.C. Cir. 1968).

[2] *See Wait Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) ("*Wait Radio*").

Based on the forgoing and pursuant to Section 0.283 of the Commission's rules, the application File Number: BP-20101012AEM is hereby DISMISSED as unacceptable for filing.[3]

Sincerely,

Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Merle E. Rinehart

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[3] In the Public Notice entitled *"Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications"*, FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications nunc pro tunc where the original application was returned and where a relatively minor curative amendment was filed in conjunction with a petition for reconsideration within 30 days of the date of the dismissal. Any amendment filed later than 30 days will be returned as untimely. See 47 U.S.C. § 405, 47 C.F.R. § 1.106(f). In this regard, it should be emphasized that the above deficiencies were discerned after a preliminary study of the application. A detailed review was not made of the entire application to determine whether other deficiencies exist which would preclude acceptance for filing, or result in a subsequent dismissal. Inasmuch as the applicant will not be afforded a second opportunity to correct another deficiency, the applicant is encouraged to carefully review the entire application.