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Educational Media Foundation
5700 West Oaks Blvd.
Rocklin, CA 95765

In Re: W225AP, St. Paul, MN
Facility ID # 142406
BPFT-20110915ACR

Informal Objection

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for W225AP, St. Paul, Minnesota; (2) the October 18, 2011 Informal Objection filed by Jeff Sibert; (3) all related pleadings. For the reasons set forth herein, we deny the Informal Objection and grant the minor change application.

Jeff Sibert purports that the proposed translator application should be dismissed for the following reasons:

1. It will pose a significant and serious handicap to the establishment of future LPFM stations in contradiction to Local Community Radio Act of 2010.
2. The application proposes power levels in excess of those allowed by 74.1235(b) and is ineligible for processing under 74.1235(a).
3. Rebroadcasting a digital HD only signal, without its analog counterpart, is an abuse of the FM translator service.
4. The application would allow EMF to effectively originate programming on a 'super-power' translator that serves approximately one million people in the Minneapolis/St. Paul market.
5. The translator is unnecessary as listeners can purchase an inexpensive HD radio receiver to receive KFXN's HD multicast programming.

The Commission has created policies and procedures to comply with the Local Community Radio Act of 2010 ("LCRA").[1] These policies and procedures are designed to fully and faithfully effectuate the licensing directives set forth at Section 5 of the LCRA while also taking into account the constraints of limited spectrum and technical licensing requirements. The policies and procedures do not include limitations or restrictions on existing stations within

[1] Creation of a Low Power Radio Service and Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations, Fourth Report and Order and Third Order on Reconsideration, MM Docket No. 99-25, released March 19, 2012.

Arbitron markets proposing facility modifications. Therefore, this minor change application does not violate any procedures intended to preserve limited LPFM opportunities in this market.

With respect to the claims that the translator would be in violation of the power limitations of 74.1235, the translator proposes to increase the effective radiated power to 99 watts and rebroadcast the HD channel 2 of KFXN-FM. The proposed 60 dBu service contour will be entirely within the 60 dBu service contour of KFXN-FM, making this translator a "fill-in" translator. Fill-in translators may operate with up to 250 watts. The translator proposes 99 watts and, therefore, complies with Section 74.1235.

The translator is proposing to rebroadcast the HD Channel 2 of KFXN-FM. The Commission clearly stated in its 2007 Digital Audio Broadcasting Second Report and Order that FM stations may use their additional digital bit rate capacity as they wish. Furthermore, there is no prohibition on translator stations rebroadcasting any digital stream channel from the primary station.[2] Therefore, we deny the Informal Objection.

The Objection's additional claims do not violate any Commission rules or policies and, therefore, are not an impediment to grant.

Accordingly, the October 18, 2011 Informal Objection IS HEREBY DENIED and BPFT-20110915ACR IS HEREBY GRANTED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: Jeff Sibert
David Oxenford

[2] Letter Decision, Chief, Audio Division, Media Bureau, DA 10-764, FM Translator Station W277BS, Ithaca, NY, released May 3, 2010.