

FEDERAL COMMUNICATIONS COMMISSION
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APPLICATION STATUS: (202) 418-2730
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Ivan Rene Moore
6150 Shenandoa Avenue
Los Angeles, CA 90056

In re: W273AT, Mequon, WI
BPFT-20100628AOJ
Facility ID # 149984

Dear Applicant:

This refers to the above-captioned application for W273AT, Mequon, Wisconsin. For the reasons set forth below, we dismiss the application.

An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the rule 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.” W273AT is authorized to operate on channel 273. This application proposes channel 230 and requests a waiver of Section 74.1233(a)(1), claiming displacement caused by interference to WNWC-FM, Madison, Wisconsin.

W273AT began operating on June 27, 2007, licensed to Port Washington, Wisconsin.¹ Since W273AT began operating, W273AT has filed four additional license applications² that have increased the effective radiated power and moved the facility approximately 35 kilometers to the south. At its current site,³ W273AT has received interference complaints from listeners of co-channel facility WNWC-FM, Madison, Wisconsin.

The applicant states that W273AT would continue to cause interference to WNWC-FM even if W273AT reduced its effective radiated power from 99 watts to 50 watts since the complaints are near the location of the antenna site. Therefore, the applicant has applied for an application to change the channel from 273 to 230 to resolve the interference.

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 with new or

¹ License, BLFT-20070627ACW, specified a transmitter site located at 43° 23' 6.9" N and 87° 55' 11.3" W

² BLFT-20091007ADP, BLFT-20091020ABX, 20091027AEK and BLFT-20100426ABJ

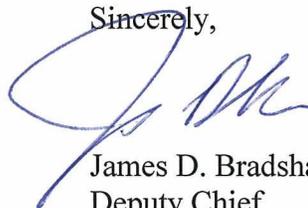
³ License, BLFT-20100426ABJ, specified a transmitter site located at 43° 04' 19" N and 87° 57' 7" W and an effective radiated power of 99 watts.

modified facilities and interference is predicted to or caused by an existing translator. A translator is not “displaced” as a result of a voluntary action on the part of the translator station itself. The interference caused to WNWC-FM started when W273AT changed location and commenced operation with parameters specified in BLFT-20100426ABJ. No other complaints have been filed against W273AT at the previously licensed sites.

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 Ivan Rene Moore’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-20100628AOJ 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 'J. Bradshaw', is written over the typed name and title.

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

CC: Aaron P. Shainis