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

PROCESSING ENGINEER: Robert Gates
TELEPHONE: (202) 418-0986
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: Robert.Gates@fcc.gov

JAN 22 2016

John M. Dowdy
P. O. Box 2639
Gulfport, MS 39505

In re: W261CU, Poplarville, MS
BPFT-20151230AQX
Facility ID No. 153123

Dear Applicant:

This letter refers to the above-captioned translator application for W261CU, Poplarville, Mississippi.

Our study reveals that the application is in violation of Section 74.1233(a)(1) of the Commission's Rules. Specifically, the proposed 60 dBu service area fails to provide service to some portion of its current 60 dBu licensed service area, (BLFT-20151218AUN).

The applicant recognizes this violation and requests waiver of Section 74.1233(a)(1) of the Commission's Rules by using a waiver granted to The Cromwell Group, Inc. of Illinois.[1] The waiver was granted based on several criteria. The first criteria is that the facility does not have a history of filing serial minor modification applications. The second criteria is that the proposed facility's contour is mutually exclusive with the licensed facility's contour. The third criteria is that the proposed translator does not implicate the concerns raised by the Commission concerning available frequencies in some markets and the fourth criteria is that the proposal will be a fill-in to an AM or FM station.

The first criteria is that the facility does not have a history of filing serial minor modifications application. This facility initially commenced operation in July of 2007 (BLFT-20070702ABI). Since the initial license, the facility has filed and licensed four changes of locations (BLFT-20100114ADM, BLFT-20100122ABZ, BLFT-20100812ABP and BLFT-20151218AUN) locating more to the East each time. This evidence shows that serial minor modifications are used to request a Mattoon waiver therefore, the Mattoon waiver is denied.

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 The Original Company, Incorporated's

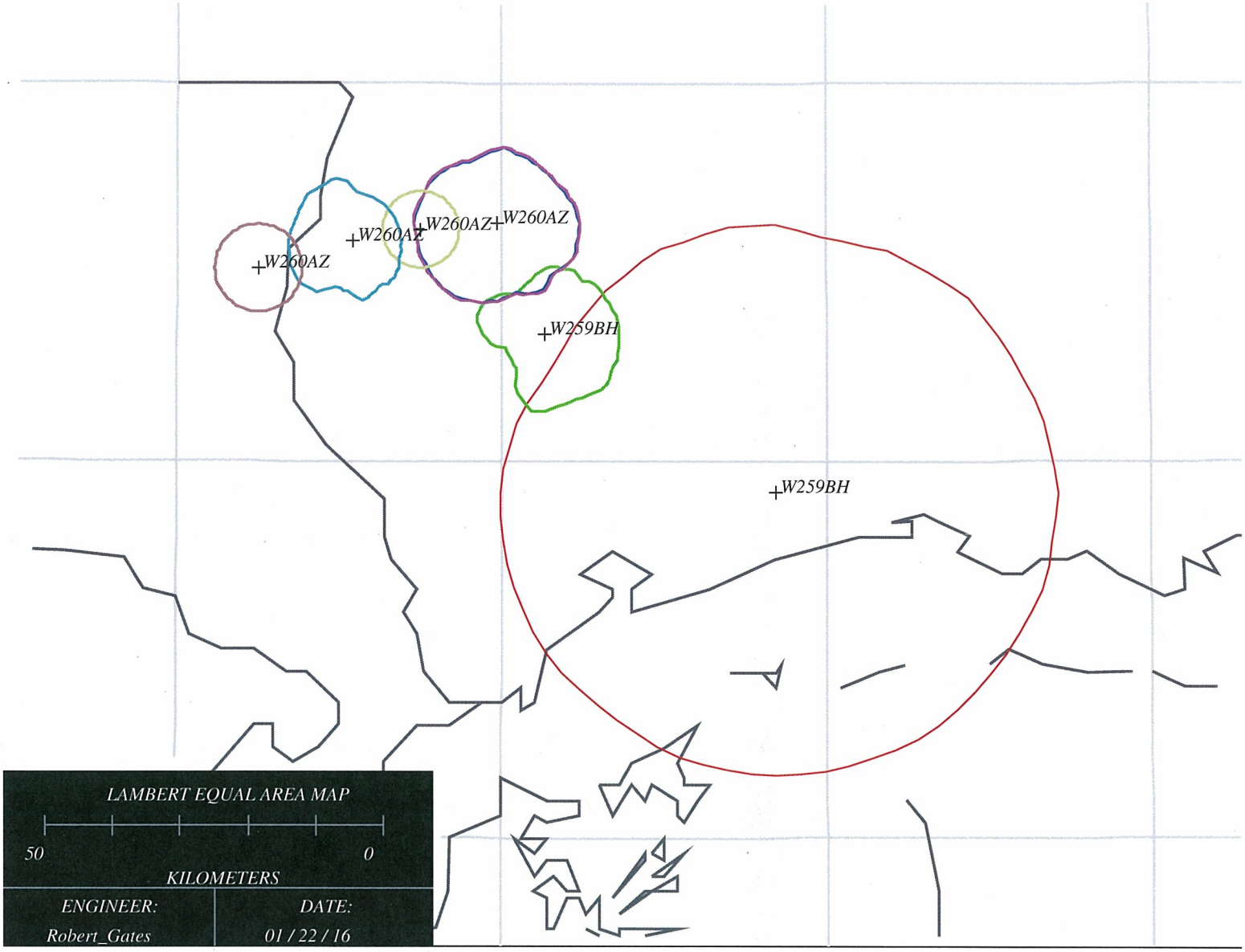
[1] *The Cromwell Group, Inc. of Illinois*, Letter, 26 FCC Rcd 12685 (MB 2011) ("*Mattoon*").

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-20151230AQX IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

for James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau



THE FOLLOWING IS A LIST OF THE DATA WHICH APPEARS ON THE ABOVE MAP
BOTTOM LATITUDE: 29.86 TOP LATITUDE: 31.14 LEFT LONGITUDE: -90.14 RIGHT LONGITUDE: -88.44
MAP: ENLARGED CONUS MAP PROJECTION: Lambert Equal-area CENTER LAT: 30.50 LONG: -89.29 GRID SPACING: 0.50
KILOMETERS / INCH = 23.49
PLOT MADE ON : 22 January, 2016 9:08 HOURS

call	serv	city,state	application no.	contour		chan	erp	haat	rcamsl	coverage area	A1
W259BH	FX	GULFPORT,MS	BPFT-20151230AQX	40.0 dBu	(50,10)	261D	0.130	116.3	131.0	5142.4 sq km	0
W259BH	FX	POPLARVILLE,MS	BLFT-20151218AUN	60.0 dBu	(50,50)	261D	0.250	62.2	110.0	298.6 sq km	0
W260AZ	FX	POPLARVILLE,MS	BLFT-20101220AAE	60.0 dBu	(50,50)	259D	0.250	78.9	146.0	409.8 sq km	0
W260AZ	FX	POPLARVILLE,MS	BLFT-20100812ABP	60.0 dBu	(50,50)	260D	0.250	78.4	148.0	419.6 sq km	0
W260AZ	FX	BOGALUSA,LA	BLFT-20100122ABZ	60.0 dBu	(50,50)	260D	0.100	3.3	58.0	99.8 sq km	0
W260AZ	FX	BOGALUSA,LA	BLFT-20100114ADM	60.0 dBu	(50,50)	260D	0.250	38.8	77.0	218.0 sq km	0
W260AZ	FX	BOGALUSA,LA	BLFT-20070702ABI	60.0 dBu	(50,50)	260D	0.170	3.4	42.0	130.1 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.