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JUL 30 2014

Magnum Radio, Inc.
1021 N. Superior Avenue
Suite 5
Tomah, WI 54660

In re: W237CJ, Reedsburg, WI
BPFT-20140313ABC
Facility ID No. 150574

Dear Applicant:

This letter refers to the above-captioned translator application for W237CJ, Reedsburg, Wisconsin.

An engineering 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 60 dBu licensed service area, (BLFT-20070910AAI). The applicant recognizes this violation and requests waiver of Section 74.1233(a)(1) of the Commission's Rules claiming that the proposal qualifies for the standard set forth in the *Mattoon* decision.[1] The *Mattoon* decision granted the proposed translator if three criteria were met. One of the criteria is that the proposal must be mutually exclusive with the licensed facility.

The applicant recognizes that the proposal is not mutually exclusive with its licensed facility. The applicant claims that moving the facility to a location free of interference to WLOX(FM) is a valid substitution for the mutual exclusivity criteria as stipulated in *Mattoon*. We disagree. We have not received any complaints from listeners of WLOX(FM) therefore we believe that there is no interference caused or received from W237CJ. Since the application proposes contours that are not mutually exclusive with its licensed facility, the request for waiver of Section 74.1233(a)(1) 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 Magnum Radio, Incorporated'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).

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

Accordingly, the request for waiver of 74.1233(a)(1), IS HEREBY DENIED, and the Application BPFT-20140313ABC 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

cc: Andrew J. Disterhaft