

TELECOMMUNICATIONS ENGINEERING

GRAY FRIERSON HAERTIG & ASSOC.

820 NORTH RIVER STREET, SUITE 100

PORTLAND, OREGON 97227

503-282-2989

503-654-1142

FACSIMILE
503-282-3181

ELECTRONIC MAIL
gfh@haertig.com

10 January 2007

Section VII, Question 13

Exhibit 15

Prepared for Salt Pond Community Radio

REQUEST TO WAIVE 47 CFR §73.509
TO ACCEPT THIRD CHANNEL ADJACENT INTERFERENCE

A computerized allocation study reveals that the proposed 60 dB μ coverage contour overlaps the 100 dB μ interfering contours of third channel adjacent WMEP, Camden Maine, and the licensed and permitted facilities of third channel adjacent WHSN, Bangor, Maine. There is no overlap between the proposed 100 dBu interfering contour and the 60 dBu protected contours of the above mentioned stations.

In Educational Information Corporation (WCPE(FM)), 6 FCC Rcd 2207 (1991) ("WCPE") the Commission states regarding received second and third channel adjacent interference:

"The Commission has long recognized the unique characteristics of the noncommercial service and the need for flexibility to respond to the growing demand for such service. We are also more sensitive today to the increasing limitations within the reserved band which reflect the increased demand for service over the last 30 years. For these reasons, we are now inclined to grant waivers of second and third channel adjacent overlap in circumstances such as WCPE's, where the benefit of increased noncommercial educational service so heavily outweighs the potential for

interference in very small areas.

Attached are map exhibits showing the location, extent and relationship of the proposed 60 dB μ coverage contour and the 100 dB μ interfering contours of WMEP and the licensed and permitted facilities of WHSN. The permitted WHSN interfering contour completely encompasses the licensed WHSN interfering contour.

The facilities proposed herein will produce a 20% increase in the area and an 80% increase in the population within the WERU protected contour. The applicant believes that this constitutes a significant increase in noncommercial educational service. (See attached exhibit showing the location and extent of the existing and proposed WERU 60 dB μ contours.)

The area of overlap between the proposed 60 dB μ coverage contour and the WMEP interfering contour is 2.19 Sq. KM, which represents 0.03% of the proposed WERU coverage area. The area of overlap with the licensed WHSN interfering contour is 0.43 Sq. KM, representing 0.0059% of the proposed WERU coverage area. The area of overlap with the permitted WHSN interfering contour is 2.2 Sq. KM, representing 0.03% of the proposed WERU coverage area. Assuming that WHSN builds out its permitted facilities, **the total area receiving third channel adjacent interference would be 4.39 Sq. KM, representing 0.06% of the proposed WERU coverage area.**

In WCPE, the Commission granted waivers of 47 CFR §73.509, as regards received second channel adjacent interference, representing 0.45% and 0.39% of the area within the station's coverage contour. The two areas of prohibited overlap allowed in WCPE were not congruent; therefore the total area of overlap represents 0.84% of the station's coverage contour.

The population within the area of overlap between the proposed 60 dB μ coverage contour and the interfering contour of WMEP is 112, representing 0.08% of the proposed WERU service population. The population within the area of overlap between the proposed 60 dB μ coverage contour and the interfering contour of the licensed WHSN facilities is 816, representing 0.61% of the proposed WERU service

population. The population within the area of overlap between the proposed 60 dB μ coverage contour and the interfering contour of the permitted WHSN facilities is 1,718, representing 1.28% of the proposed WERU service population. Assuming that WHSN builds out its permitted facilities, **the total population receiving third channel adjacent interference would be 1,830, representing 1.37% of the proposed WERU coverage population.**

The applicant believes that the area and population which might receive interference from the facilities of WMEP and WHSN are *de minimus*.

Therefore, the applicant believes that the benefit of the significant increase in the noncommercial educational service that the proposed facilities affords greatly outweighs the potential for interference in a very small area, and that the proposed prohibited overlap is consistent with the public interest calculus set forth in WCPE.

The applicant hereby respectfully requests a waiver of 47CFR§73.509, as it pertains to prohibited overlap between the facilities proposed herein and the facilities of WMEP and WHSN.