FEDERAL COMMUNICATIONS COMMISSION
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WASHINGTON, DC 20554

MEDIA BUREAU
AUDIO DIVISION
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JAN 10 2014

Power Ministries
3092 SW Harbor Hills Road
Dunnellon, FL 34431-3245

Re: WRLE-LP, Dunnellon, FL
Facility ID No. 133335
Power Ministries
File No. BPL-20130723ACM

Dear Applicant:

This letter refers to the above-captioned application for a minor change to a licensed facility. For the reasons stated below, we will dismiss the application.

The proposed transmitter site fails to meet the minimum spacing requirements of 47 C.F.R § 73.807. Specifically, the site proposed is 118.5 kilometers from the licensed facility (BLH-20081201AGU) of first-adjacent channel Class C Station WMGF(FM), Mount Dora, FL. The required spacing pursuant to § 73.807 is 120 kilometers. The applicant recognizes this violation and requests a waiver of the minimum spacing requirements. In support of the waiver request, the applicant has provided signal strength measurements of WMGF in the service area of WRLE-LP.

Please note that "Making Appropriations for the Government of the District of Columbia for FY 2001" ("the Act")[1], was signed into law on December 21, 2000. Section 632(a) of the Act requires LPFM applicants to protect co-channel and adjacent-channel stations by way of spacing separations. There is a significant potential for interference from short-spaced co- and first-adjacent channel LPFM operations. The Act indicates that the Commission cannot eliminate this requirement without prior Congressional approval. Therefore, the FCC lacks authority to waive the co- and first adjacent channel spacing separation requirements. This prohibition was again re-affirmed in the Local Community Radio Act of 2010.[2]

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[1] Pub. L. No.106-553, 114 Stat. 2762A-111(2001).
[2] Pub. L. No.111-371, 124 Stat. 4072 (2011).

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 189, 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 your waiver request the "hard look" called for under the *WAIT* Doctrine, *WAIT Radio v. FCC*, 418 F2d 1153 (D.C. Cir. 1969), but find that the facts and circumstances set forth in the justification are insufficient to establish that granting waiver of 47 C.F.R. § 73.807 would be in the public interest.

Thus, the request for waiver of 47 C.F.R. § 73.807 IS HEREBY DENIED and application BPL-20130723ACM IS HEREBY DISMISSED as unacceptable for filing. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau