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AUG 2 2 2014

Northwest Rock N Roll Preservation Society
P. O. Box 5672
Lacey, WA 98509

In re: NEW(FX), Union Mill, WA
BMPFT-20140711AAV
Facility ID # 146771

Dear Applicant:

This refers to the above-captioned application for a new FM translator in Union Mill, Washington. Based on the below, we will dismiss the application BMPFT-20140711AAV.

An engineering study has revealed the application is a major change application pursuant to 47 C.F.R. § 74.1233(a)(1). Specifically, the Section 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". The "longform" (BNPFT-20130829AIA) specified Channel 253. This modification application proposes channel 277 requesting a waiver of Section 74.1233(a)(1) based on displacement caused by a new application (BNPH-20110630AGJ) on channel 253.

We have allowed FM translators to waive Section 74.1233(a)(1) only when "displacement" occurs. Displacement occurs when a full service commences operation and there is interference predicted or caused by an existing translator. Since the proposed translator is an unbuilt/unlicensed facility, the proposed facility is not being displaced therefore Section 74.1233(a)(1) will not be waived.

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 BMPFT-20140711AAV IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau