

**Federal Communications Commission  
Washington, D.C. 20554**

**AUG 19 1996**

In Reply Refer to  
1800B3-DEB\KDY

Edwin N. Lavergne, Esquire  
Ginsburg, Feldman and Bress  
1250 Connecticut Avenue, N.W.  
Washington, D.C. 20036

Re: WPLY(FM), Media, Pennsylvania  
Application for Construction Permit  
and Related Short-Spacing Waiver Requests  
(File No. BPH-940513IB)

Dear Mr. Lavergne:

We have on file the above-captioned application for construction permit filed by Greater Media Radio Company, Inc. ("Greater Media"), licensee of station WPLY(FM), Media, Pennsylvania. The application is unopposed. Because the application conflicts with certain Commission spacing rules, Greater Media requests waivers of those rules. As set forth below, we find that Greater Media fails to demonstrate that grant of the requested waivers would be in the public interest.

**I. BACKGROUND**

Station WPLY(FM)<sup>1</sup> is licensed to serve Media, Pennsylvania, a community located approximately 12.5 km outside the Philadelphia city limits. Greater Media proposes relocating the WPLY(FM) transmitter 17.2 km from its present site, to a multi-use antenna farm within the Philadelphia city limits ("Roxborough Site"). Greater Media contends that the instant application would create three short-spacings violative of the Commission's spacing rules.<sup>2</sup> Greater Media thus requests the following:

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<sup>1</sup> Station WPLY(FM) is a Class B station operating with 35 kw ERP and 183 meters HAAT.

<sup>2</sup> The Commission's spacing rules, contained in Sections 73.207, 73.213 and 73.215 are discussed, infra.

- (1) waiver of 47 C.F.R. § 73.213(a) to allow WPLY(FM) to reduce the spacing between that station and co-channel station WHTZ(FM), Newark, New Jersey by 16.9 km;<sup>3</sup>
- (2) waiver of 47 C.F.R. § 73.215(a) and (e) to permit WPLY(FM) to be located 3.1 km closer to first-adjacent channel station WJRZ(FM), Manahawkin, New Jersey than the rule presently allows; and
- (3) waiver of 47 C.F.R. § 73.213(a) to reduce the separations by 5.3 km between WPLY(FM) and second-adjacent channel station WFMZ(FM), Allentown.<sup>4</sup>

Greater Media argues that five factors support grant of the requested waivers.

First, Greater Media states that its current site is "unsuitable" due to two types of alleged interference problems. Greater Media initially identifies interference to mobile and non-mobile receivers caused by Receiver-Induced Third Order Intermodulation Effect ("RITOIE")<sup>5</sup> within a 5.5 km radius of the Roxborough Site. Within this area is a portion of the Schuylkill Expressway, a major commuter artery within the city of Philadelphia that passes directly beneath the Roxborough Site. Greater Media claims that it needs "to compete for its livelihood in the Philadelphia market" and the alleged RITOIE interference disrupts its service to the 63,000 households and the "average daily traffic of 83,000" vehicles utilizing the Schuylkill Expressway. Greater Media states that obstructing terrain features contribute to the RITOIE interference in this area. Greater Media also contends that it identifies "multipath" interference in an area on the Eastern edge of Delaware County bordering the city of Philadelphia ("Upper Darby area"). Greater Media states that this interference is due to WPLY(FM)'s signal being reflected off the high-rise buildings of downtown Philadelphia. Greater Media alleges that, although a higher tower at its present site would reduce multipath interference, local zoning restrictions will not permit an increase in the licensed tower's height.

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<sup>3</sup> This 16.9 km of short-spacing sought would be in addition to the already existing short-spacing of 91.8 km which exists between WPLY(FM) and WHTZ(FM). The 91.8 km short-spacing was created by the adoption of the spacing rules in 47 CFR § 73.207 in 1962 and is thus "grandfathered."

<sup>4</sup> The 5.3 km reduction in separation between WPLY(FM) to WFMZ(FM) would be in addition to the existing 8.4 km short-spacing from the minimum separation requirement of 47 C.F.R. § 73.207. The 8.4 km short-spacing was created by the adoption of the spacing rules in 1962 and thus the present short-spacing is "grandfathered."

<sup>5</sup> RITOIE is a type of interference created when strong signals from two stations interact within a receiver to generate a signal on a third frequency. This receiver-generated signal may disrupt reception of any station operating on this third frequency. See WKLX, Inc., 6 FCC Rcd 225, 228 n.2 (1991).

Second, Greater Media states that no other "non-short spaced sites" are available. Greater Media supplies an affidavit of Daniel M. Lerner ("Lerner") who attests that he conducted four site searches for WPLY(FM) over the course of 19 years and concluded that "the only suitable site" is the Roxborough Site. Greater Media states that short-spacings are "typical" for stations in the northeast corridor between Boston and Washington, D.C., and that WPLY(FM) is presently short-spaced to 5 stations. Greater Media contends that "it is not possible to relocate WPLY(FM)'s antenna without worsening the short-spacing to one or more of these stations."

Third, Greater Media indicates that the proposed short-spaced site is the least short-spaced site available. Greater Media states that only two other potential short-spaced sites exist: (1) on One Liberty Plaza in central Philadelphia; and (2) on the Mermaid Lane tower in Wyndmoor, Pennsylvania. Greater Media alleges neither site is satisfactory as the central Philadelphia site would require operation at less than the minimum facilities required for WPLY(FM), and Mermaid Lane would offer "significantly worse" short-spacings.

Fourth, Greater Media cites to a number of public interest benefits that will result from WPLY(FM)'s proposed relocation to the Roxborough Site. Greater Media alleges that grant of the subject waivers will: (1) improve service to over 138,000 persons currently subject to RITOIE interference within WPLY(FM)'s 70 dBu contour; (2) improve service to "in excess of 200,000" mobile listeners on highways in the affected RITOIE area; (3) increase WPLY(FM)'s interference-free service within its 70 dBu contour from 3,115,467 persons to 3,526,576 persons, an increase of thirteen percent (13%); (4) increase WPLY(FM)'s interference-free service within its 60 dBu contour from 4,414,111 to 4,589,967 persons, an increase of four percent (4%); (5) increase WFMZ(FM), Allentown, Pennsylvania's interference-free service within its 54 dBu contour by a net of 9,162 persons; (6) increase the current distance separation between WPLY(FM) and co-channel station WBIG-FM, Washington, D.C. and "reduce or eliminate" predicted interference to both WBIG-FM and WHTZ(FM); (7) allow WQIC(FM), Lebanon, Pennsylvania, to "double its present power" by moving only "3.6 km" to conform with 47 C.F.R. § 73.207; and (8) allow WJRZ-FM, Manahawkin, New Jersey to "increase to full Class A facilities at its present site."

Finally, Greater Media states that the instant waiver request is "fully consistent with prior [Commission precedent]." Greater Media cites Beasley Broadcasting of Philadelphia, Inc. ("Beasley") 100 FCC 2d 106 (1985), where the Commission granted two short-spacing waivers to WXTU(FM), Philadelphia that permitted the station to relocate to the Roxborough Site to alleviate significant deficiencies in WXTU(FM)'s coverage of its community of license. Greater Media also relies upon the Commission staff's decision regarding WQCD(FM), New York, where the staff granted a short-spacing waiver to permit the station to relocate to a de facto antenna farm on the Empire State Building (File No. BPH-890511IG). Greater Media additionally points to the applications of KQRS(FM), Golden

Valley, Minnesota<sup>6</sup> and KTCZ-FM, Minneapolis, Minnesota,<sup>7</sup> where the Commission staff granted waivers of 47 C.F.R. § 73.207 in order to eliminate a RITOE problem by allowing several stations to move to a de facto antenna farm.

## II. DISCUSSION

"An applicant for waiver faces a high hurdle even at the starting gate. When an applicant seeks a waiver . . . it must plead with particularity the facts and circumstances which warrant such action." WAIT Radio v. FCC, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (citing Rio Grande Family Radio Fellowship, Inc., v. FCC, 406 F.2d 664 (D.C. Cir. 1968)); see also David Laustsen, 3 FCC Rcd 2053, 2054 (Comm. Car. Bur. 1988) ("[A] request for waiver . . . must affirmatively demonstrate that application of the rules would frustrate the underlying purposes of the rule"). The Commission requires that an applicant seeking a waiver of a Commission rule make a compelling showing in support of its request. Stoner Broadcasting System, Inc., 49 FCC2d 1011 (1974).

The Commission has placed particular emphasis on the importance of maintaining the integrity of its FM allocation plan, including strict adherence to the mileage separation requirements. The Commission will deviate from its mileage separation requirements, and grant waivers only in the most compelling circumstances. Carroll-Harrison Broadcasting, Inc., 67 FCC2d 254 (1977). After carefully reviewing the five factors urged by Greater Media in support of its waiver requests, we do not find that Greater Media has made a compelling showing warranting waiver of our spacing rules.

### A. Proposed Short-Spacings

1. Background. Because the subject application involves waiver requests under 47 C.F.R. § 73.213 and 47 C.F.R. § 73.215, the following provides some general background on the policies underlying those rules.

Prior to the contour protection rules established in 47 C.F.R. § 73.215, which became effective in 1989, all commercial FM stations since 1962 had been allotted and assigned on the basis of compliance with the minimum spacing requirements of 47 C.F.R. § 73.207. See Amendment of Part 73 of the Commission's Rules to Permit Short-Spaced FM Station Assignments By Using Directional Antennas, Report and Order ("R&O"), 4 FCC Rcd 1681 (1989); recon. granted in part and denied in part, 6 FCC Rcd 5356 (1991). Sections 73.207 and 73.215 were adopted in accordance with Section 307(b) of the Communications Act of 1934, as amended, which requires the Commission to promote a fair distribution of service

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<sup>6</sup> File No. BPH-850710IP.

<sup>7</sup> File No. BPH-870227ML.

across the country. The policy underlying the Commission's spacing rules acts to avoid undue concentrations of stations in urban areas, particularly the largest cities.<sup>8</sup>

Also in 1962, the Commission determined that a number of existing stations were operating from transmitter sites that did not comply with the distance separation requirements set forth in 47 C.F.R. § 73.207. The Commission decided to "grandfather" these stations as permitted short-spaced stations. Subsequently in 1964, the Commission adopted provisions in 47 C.F.R. § 73.213 (now Section 73.213(a)) to govern facilities modifications of those "grandfathered" stations. See Revision of FM Broadcast Rules, Particularly as to Allocation and Technical Standards, Fourth Report and Order, ("Grandfather Order") 40 FCC 868 (1964). Then, in 1987, the Commission amended Section 73.213 to proscribe any change in grandfathered stations which would extend the 1mV/m contour towards the 1 mV/m contour of any other short-spaced station. See Review of Technical Parameters for FM Allocation Rules of Part 73, Subpart B, FM Broadcast Stations, Second Report and Order, 2 FCC Rcd 5693 (1987). That new rule, however, did continue the Commission's previous policy of considering mutual agreements between "grandfathered" stations, as originally set forth in the Grandfather Order.

In fulfillment of the goal of promoting a fair distribution of service across the country, the Commission, during the 27 years between 1962 and 1989, rarely granted waivers of the minimum spacing rules in excess of 6 km, absent compelling circumstances. See, e.g., Musicast of the South, Inc., 45 RR 2d 1213 (1979); Boone Biblical College, 15 FCC 2d 861 (1969), recon. denied, 19 FCC 2d 155 (1969). By 1989, however, a shortage of suitable transmitter sites caused by FAA objections, zoning restrictions, environmental concerns, and other restrictions was becoming a serious impediment to new or expanded FM service. The R&O specifically acknowledged this problem, noting that non-short-spaced sites had become scarce for many stations. R&O at 1681. Thus, to afford FM applicants some additional flexibility in locating potential transmitter sites, the Commission adopted a limited form of short-spacing which provided for contour protection. See 47 C.F.R. § 73.215. However, in part to respond to concerns of overcrowding, the Commission limited the amount of short-spacing which could be proposed by a contour protection station through the spacing table in 47 C.F.R. § 73.215(e). Id. at 1682. The adoption of this spacing table in Section 73.215(e) continues to serve the Commission's goal of a fair distribution of service by preventing applicants from "shoehorning" stations into larger communities which already receive sufficient service at the expense of service to smaller, more suburban or rural communities.

2. First-Adjacent channel station WJRZ-FM, Manahawkin. Station WPLY(FM) is short-spaced to WJRZ-FM as a result of the increase in the Class A spacing requirements in

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<sup>8</sup> See Revision of FM Broadcast Rules, First Report and Order, 33 FCC 309, 322-23 (1962).

Docket 88-375.<sup>9</sup> Thus, WPLY(FM) and WJRZ-FM's modifications are governed by the provisions of 47 C.F.R. § 73.213(c). However, the 92.9 km spacing proposed by WPLY(FM) to WJRZ-FM does not meet the minimum separation requirement of 105 km in 47 C.F.R. § 73.213(c)(1). Although WPLY(FM) is also eligible to utilize the provisions of 47 C.F.R. § 73.215(a) (contour protection) and 47 C.F.R. § 73.215(e) (minimum spacing), the proposed application cannot comply with those provisions absent waiver.

Greater Media's waiver request uses the contour protection portions of 47 C.F.R. § 73.215(a) to show that the proposed WPLY(FM) 54 dBu interfering contour will not overlap the 60 dbu protected contour of WJRZ-FM, assuming that WJRZ-FM was operating with maximum Class A facilities of 6.0 kW ERP and 100 meters HAAT, as required by the rule. Thus, no interference would be caused to WJRZ-FM. Greater Media indicates, however, that with those facilities, the 48 dBu interfering contour of WJRZ-FM would cause prohibited contour overlap to the proposed 54 dBu protected contour of WPLY(FM), in violation of 47 C.F.R. § 73.215(a). To support a waiver, Greater Media contends that this area of overlap would fall within the predicted area of co-channel interference already received from WHTZ(FM) (*see* below). Thus, according to Greater Media, because this area is already subject to co-channel interference from WHTZ(FM), it is already "lost," and no new interference would be received by WPLY(FM). Additionally, Greater Media states that the prohibited overlap area is sparsely populated, with less than 2% of the population within the proposed WPLY(FM) 54 dBu service contour living in the overlap area.

We do not find persuasive the arguments advanced by Greater Media to allow WPLY(FM) to receive from WJRZ-FM the large amount of overlap and resulting predicted interference by a waiver of Section 73.215(a). In the proceeding leading to the adoption of 47 C.F.R. § 73.215, all commentators, including Greater Media, urged that the Commission "should not permit interference by private agreement." R&O at 1683. The Commission agreed, concluding not to revise its rules to permit the voluntary acceptance of additional interference beyond that set forth in 47 C.F.R. § 73.215. R&O at 1687. Greater Media believes that the first-adjacent channel interference to WJRZ-FM can be discounted, since it is effectively "masked" by the greater interference caused by co-channel station WHTZ(FM). However, this result is based on the faulty presumption that where interference is predicted to exist by the ratio method, no service can be received. In truth, because of the statistical nature of FM propagation and reception, and because of various local factors (*e.g.*, type of receiving set and antenna, line-of-sight and terrain obstructions), co-channel or adjacent-channel interference can sometimes occur where none is predicted, or service may occur where interference is expected. Therefore, we disagree with Greater Media's assertion that

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<sup>9</sup> See Amendment of Part 73 of the Rules to Provide for an Additional FM Station Class (C3) and to Increase The Maximum Transmitting Power for Class A FM Stations, Second Report and Order in MM Docket 88-375, 4 FCC Rcd 6375 (1989); recon. granted in part and denied in part, 6 FCC Rcd 3417 (1991).

no one within the predicted interference area would be receiving service from WPLY(FM). We conclude that the second interfering signal would exacerbate any existing interference within these areas, degrading still further the useful service of WPLY(FM).<sup>10</sup> We decline to permit this additional interference through a waiver of 47 C.F.R. § 73.215(a).

Although Greater Media's proposal also seeks a waiver of the spacing limits of Section 73.215(e) to WJRZ-FM, and asks that we apply the waiver thresholds of Section 73.207 to the Section 73.215(e) limitations, we have abandoned the former Section 73.207 waiver thresholds. See R&O at 1685. Because Section 73.215(e) already affords applicants a substantial amount of short-spacing relief from the limits set forth in Section 73.207, we have determined that the former threshold and public interest criteria used to evaluate Section 73.207 spacing waiver requests -- in use prior to the adoption of the R&O -- can not be used to request waivers under the relaxed spacing available under Section 73.215(e). See ECI License Co., Inc. (KNRK), 11 FCC Rcd 1797, 1799-1800 (MMB 1996) (Section 73.207 waiver thresholds not applicable to waiver requests under Section 73.215(e)). We base this policy upon the fact that, to some extent, each waiver of a spacing rule increases the spectral crowding of stations in the FM band and undermines the Commission's statutory obligation to ensure fair and equitable distribution of service. Over time, such waivers would effectively eliminate Sections 73.207 and 73.215(e) as tools for achieving a fair distribution of service. If the former threshold criteria --now discontinued -- are to be revived for requests for waiver of 47 C.F.R. § 73.215(e), we will have defeated a primary purpose for the adoption of the contour protection rule: to provide for increased flexibility in site location while eliminating the need to evaluate complex, time-consuming, and less technically-sound spacing waiver requests. See R&O at 1684.

We do not find it to be in the public interest to grant WPLY(FM) a waiver of 47 C.F.R. § 73.215(e) for the short-spacing proposed in the subject application. As noted above, Section 73.215(e) requires WPLY(FM) to be at least 96 km from WJRZ-FM, while the proposed separation is only 92.9 km. Since 47 C.F.R. § 73.215(e) already affords WPLY(FM) 17 km of relief from the Section 73.207 minimum separation for a fully-spaced station, Greater Media's request therefore actually seeks 20.1 km of short-spacing from the spacing separation of Section 73.207. After reviewing the Commission's records, we cannot find a case where the Commission has approved a spacing waiver of 20.1 km under any circumstances, and, as set forth infra, Greater Media offers no basis to grant such a waiver here.

3. Second-Adjacent channel station WFMZ(FM), Allentown. We also find that a waiver of Section 73.213(a) for additional interference caused to WFMZ(FM) is contrary to

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<sup>10</sup> The F(50,10) curves in 47 C.F.R. § 73.333 do not account for multiple interfering sources operating on different frequencies.

the public interest. Presently, WPLY(FM) causes a "hole" of interference within the protected service contour of WFMZ(FM), which encompasses a 33.6 sq. km area containing 9,162 people. However, from the proposed site, WPLY(FM) will cause interference to WFMZ(FM) in an 88 sq. km area containing 131,476 people.<sup>11</sup> Greater Media again contends that its interference will be "masked" by the existing interference caused by second-adjacent channel station WBEB-FM, Philadelphia, Pennsylvania will effectively "mask" the interference caused by WPLY(FM) to WFMZ(FM).<sup>12</sup> We find, however, that because of the already-present second-adjacent channel interference to WFMZ(FM) from WBEB-FM, it appears likely that reception of WFMZ(FM) in this area will be degraded far more than would be expected from a single interfering station. In any event, we do not agree with Greater Media that because the proposed new interference area falls within an existing interference area created by another station, that a justification for waiver exists, since it may adversely affect listeners who are actually receiving service. Therefore, we cannot find that grant of the requested waiver of Section 73.213(a) with respect to WFMZ(FM) is in the public interest.

4. Co-channel station WHTZ(FM), Newark. As noted above, Greater Media has requested a waiver of Section 73.213(a) to permit WPLY(FM) to locate 16.9 km closer to WHTZ(FM). While Greater Media's proposal would extend WPLY(FM)'s 1 mV/m (60 dBu) contour toward the 1 mV/m contour of WHTZ(FM) in violation of the rule, Greater Media's waiver request demonstrates that both WHTZ(FM) and WPLY(FM) would receive expanded service toward each other by grant of the instant proposal. Specifically, the waiver request claims that the predicted interference presently caused within WHTZ(FM)'s 54 dBu interfering contour would be diminished due to the effects of WPLY(FM)'s proposed directional antenna. Greater Media alleges that the affected area is 67.5 sq. km, containing a population of 46,747. There would be no new areas of interference created to WHTZ(FM) under the subject proposal. If Greater Media had demonstrated a sufficient basis for grant of the waivers needed to WJRZ-FM and WFMZ(FM), we would have been inclined to grant the requested waiver of 47 C.F.R. § 73.213(a) with respect to WHTZ(FM).

## **B. Present Site**

We do not find that Greater Media's alleged interference problems -- RITOIE and multipath -- warrant waiver of the Commission's spacing rules. Greater Media states that both mobile and non-mobile receivers experience the above-noted RITOIE interference. With respect to mobile receivers, the Commission has held that due to their "inherent transient

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<sup>11</sup> This is just slightly smaller than the area of RITOIE interference that WPLY(FM) allegedly experiences from the other stations located at the Roxborough Site (5.5 km radius = 95 sq. km). Thus, at the Roxborough Site the relief from RITOIE interference received by WPLY(FM) would be offset by the creation of an almost equal size of second-adjacent channel interference to WFMZ(FM).

<sup>12</sup> As WBEB-FM and WPLY(FM) are four channels apart, they cause no interference to each other.



nature," the Mass Media Bureau is justified in excluding both mobile and battery-powered receivers from RITOIE resolution requirements. See WKLX, Inc. ("WKLX"), 6 FCC Rcd 225, 227 (1991) ("[A] mobile receiver moving through the potential interference area will encounter constantly varying propagation paths and signal strengths from the pertinent station, resulting in a continuously varying potential for interference").<sup>13</sup> Regarding the non-mobile receivers, because the alleged RITOIE interference is not occurring within Media, WPLY(FM)'s community of license, Greater Media does not provide a sufficient basis for waiver of the spacing rules. Cf. Beasley Broadcasting, 100 FCC 2d 106 (1985) (Significant signal deficiencies in the station's community of license may warrant waiver of the Commission's spacing rules). Similarly, because the alleged multipath interference occurs in the Upper Darby area and not in Media, Greater Media fails to warrant a waiver of the spacing rules on that basis. See Beasley Broadcasting, supra.

### C. Alternative Sites

We cannot conclude that Greater Media's documentation of its search for the least short-spaced site supports the requested waivers of the Commission's spacing rules. As noted above, Greater Media admits that it depends upon the Philadelphia market for its "economic survival." Indeed, all of the alternative sites identified by Greater Media, including the Roxborough Site, are east of Media within the Philadelphia market or on its border. Significantly, Greater Media fails to provide documentation that it has investigated sites outside of the Philadelphia market from which it could place the requisite principal community contour over Media. Greater Media's interest in more effectively competing in the Philadelphia market does not provide a basis to waive our spacing rules. The Commission has expressly declined to grant similar requests for waivers of our spacing rules "for the sole purpose of improving service to a near-by larger community that is already well-served." ECI License Company, L.P. (WYUU), 11 FCC Rcd 3545, 3546 (1996) (Denial of request for waiver of 47 C.F.R. § 73.215 where station's alleged reception problems not in community of license) (citations omitted).

### D. Claimed Public Interest Benefits

The above-noted "public interest benefits" cited by Greater Media, even when taken as a whole, do not outweigh the distinct disadvantages of waiving our spacing rules under the facts presented here. First, regarding the alleged RITOIE interference, we have noted above that the Commission does not extend protection to mobile receivers. Second, given that the RITOIE and multipath interference allegedly being experienced by non-mobile receivers occurs outside WPLY(FM)'s community of license, it bears little weight in favor of waiver. Third, while there is merit to Greater Media's contention that WPLY(FM)'s spacing

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<sup>13</sup> The Commission further noted that RITOIE interference therefore does not establish a prima facie case of license modification requiring Commission action. See WKLX at 226.

separation would be increased to WBIG-FM and WQIC(FM),<sup>14</sup> those benefits are outweighed by the above-noted increase in interference presented to both WJRZ-FM and WFMZ(FM) under Greater Media's proposal.

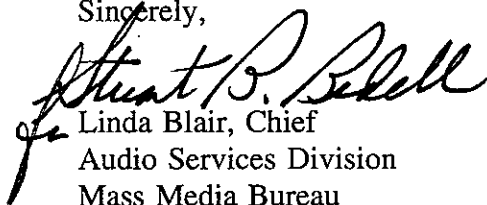
### E. Cited Precedent

Contrary to Greater's Media claim, the cited short-spacing waivers granted by the Commission staff are distinguishable from the facts presented in the subject waiver request. In the case of the licensee in Beasley, 100 FCC 2d at 106, and in the applications for waiver filed by WQCD(FM), KQRS(FM)<sup>15</sup> and KTCZ-FM, all of the stations were granted spacing waivers to resolve demonstrated RITOIE interference within their respective communities of license. Greater Media, however, does not claim that WPLY(FM) suffers interference in Media, its community of license. Moreover, none of the above-cited waiver grants involved a spacing deficiency of 20.1 km, which Greater Media requests in the subject application.

### III. CONCLUSION

The May 13, 1994 request for waivers of 47 C.F.R. §§ 73.213 and 73.215 filed by Greater Media Radio Company, Inc. IS DENIED, and the associated application for construction permit (File No. BPH-940513IB) IS DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

  
Linda Blair, Chief  
Audio Services Division  
Mass Media Bureau

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<sup>14</sup> Greater Media's assertion that its proposal provides WQIC(FM) with an opportunity to increase power and coverage is too speculative without the provision of a detailed analysis, which was not included in the waiver request.

<sup>15</sup> Although KQRS(FM) did not individually experience interference in its community of license, its waiver was granted to accommodate a group of stations who were experiencing RITOIE in their community of license. See File No. BPH-850710IP.