

Coverage, Principal City
Transmitter Site Location

Petition for Sec. 73.315(a) (transmitter location) waiver and modification of construction permit, granted for Class C FM broadcast station. Proposal will provide 3.16 mV/m signal to 99.88 percent of population. Portion of city not within 3.16 mV/m contour is more than 9 miles from downtown, and consists of undeveloped land annexed to city several years ago.

F.C.C. 77-21

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In Re Application of

QUALITY BROADCASTING CORPORATION,
LAS VEGAS, NEVADA

HAS: 93.1 MHz, #226, 42 kW, 1190 feet
(CP)

REQ: 93.1 MHz, #226, 30 kW, 45 feet

For Modification of Construction Permit

File No.
BMPH-14516

MEMORANDUM OPINION AND ORDER

(Adopted: January 4, 1977; Released: January 14, 1977)

BY THE COMMISSION: COMMISSIONER LEE ABSENT.

1. The Commission has before it for consideration (i) the above-captioned application of Quality Broadcasting Corporation (Quality) for modification of its construction permit for a new commercial FM broadcast station at Las Vegas, Nevada, which includes a request for waiver of Section 73.315(a) of the Commission's Rules; and (ii) a letter from Quality dated October 16, 1976 in support of its waiver request.

2. In an engineering exhibit, Quality notes that its 3.16 mV/m (70 dBu) contour will not encompass a portion of the area within the city boundaries of Las Vegas, as required by Section 73.315(a) of the Commission's Rules.¹ However, it states that only 148 persons reside within that portion of Las Vegas not within the proposed 3.16 mV/m contour. Thus, it is asserted that the proposal will provide principal city coverage to 99.88 percent of the population of Las Vegas.

3. In support of its waiver request, Quality states that the area not within the proposed 3.16 mV/m contour is more than 9 miles from the down-town area, and consists of presently undeveloped land annexed to the city several years ago. Also, Quality states that its original site has become prohibitively expensive, and that it has "explored every

¹ Section 73.315(a) reads as follows: The transmitter location shall be chosen so that, on the basis of the effective radiated power and antenna height above average terrain employed, a minimum field strength of 70 decibels above 1 microvolt per meter (dBu), or 3.16 mV/m per meter, will be provided over the entire principal community to be served.

reasonable avenue" for increasing its coverage. Finally, Quality claims that other FM stations licensed to Las Vegas also do not place a city grade signal over the entire city.

4. We believe that a waiver of Section 73.315 would be appropriate here. In *Lester H. Allen*, 15 FCC 2d 767 (1968), we waived that Section for two competing applicants for an FM station at Ocean City, New Jersey because that community's irregular shape and the necessity to locate the transmitter some distance from the community (to meet spacing requirements) made compliance impossible. Moreover, in the AM broadcast area, we have repeatedly waived the companion principal city coverage requirements (Sections 73.24(j) and 73.188(b) of the Rules) on showings of substantial compliance or *de minimis* shortfalls in prescribed signal intensity values. *KDEF Broadcasting Company*, 30 FCC 635 (1961); *WRMA Broadcasting, Inc.*, 28 FCC 2d 432 (1971); *Community Broadcasting Company of Hartsville*, 32 FCC 2d 800 (1972).

5. In these circumstances, and particularly in light of the small number of people residing in the unserved area and the availability of other services within that area, we find waiver of the principal city field intensity requirements to be appropriate.

6. Accordingly, Section 73.315(a) IS WAIVED and the application IS GRANTED with the following special condition:

The principal city field intensity requirements imposed by Section 73.315(a) of the Rules ARE WAIVED to the extent necessary to permit operation from the transmitter site and with the facilities described in this authorization.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS, *Secretary*.