

05
ORIGINAL

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

FILED/ACCEPTED

MAY 11 2009

Federal Communications Commission
Office of the Secretary

In re the Application of)
)
DREW UNIVERSITY)
)
To Modify the Facilities of Noncommercial)
Educational Class D Station WMNJ(FM),)
Madison, New Jersey (Facility ID 17592))

File No. 20070907ADP

**OBJECTION OF URBAN RADIO I, LLC TO DREW UNIVERSITY
APPLICATION AND PROTEST TO ORDER TO SHOW CAUSE**

Urban Radio I, LLC, the licensee of WBLS(FM), New York, New York ("Urban Radio"), by its attorneys and pursuant to Section 1.87(a) of the Commission's rules, hereby submits its objection to the above-captioned Application of Drew University to modify the facilities of WMNJ(FM), Madison, New Jersey (the "Application") and its protest to the Letter¹ in which the Bureau directs Urban Radio to Show Cause why the Commission should not modify the license of WBLS in order grant the Application, permit WMNJ to change its channel of operation from 205D to 300D, which is a second-adjacent channel to WBLS, cause prohibited interference to WBLS, and waive the relevant Commission rules and procedures in order to permit that interference. As demonstrated below, and in the attached Engineering Statement,² any such action is entirely unjustified as a matter of sound public policy, the facts placed on record by Drew University are incorrect, and, if the Commission is inclined to waive its rules to accommodate the operations of WMNJ, there are fourteen other second-adjacent channels on which its operation would cause significantly less interference than on Channel 300D.

¹ Letter of Peter H. Doyle, Chief, Audio Division, Media Bureau, Reference No. 1800B3-MFW (Apr. 2, 2009). This Protest is filed today consistent with a grant of a one-week extension of time.

² Statement of William J. Getz, Radio Engineer of Carl T. Jones Corporation.

2009 MAY 12 P 2:25
ADMINISTRATIVE SERVICES DIVISION

I. The Waiver Request Relies on Incorrect Facts and Procedures.

Drew University requests a waiver of Section 73.509(d) of the Commission's rules in order to operate on a channel which is second-adjacent to WBLS and contends that the interference which would be caused to WBLS would be 0.03 sq. km (100 meter radius), "largely in the 'Forest Preserve' portion of the campus" of Drew University, affecting no population.³ Those claims are false.

The Drew University proposal would cause an impermissible interference contour of 994 meters radius, almost ten times what Drew University claims.⁴ That interference would affect 4,260 persons.⁵

Why this large, decisive discrepancy? Drew University has not applied the procedures under the Commission's rule for which it requests a waiver. Section 73.509 requires -20 dB as the second adjacent channel desired-to-undesired (D/U) ratio to define the WMNJ interfering contour.⁶ Instead, Drew University arbitrarily changed that standard to "a more realistic -40 dB D/U interference ratio" which it believes to be more "logical."⁷ Thus, in its Application, Drew University redefined the operative Commission rule, without benefit of lawful rule making. Under the standard actually in effect, the interfering contour would be ten times greater than the hopeful fiction proposed in the Application and would cause interference to 4,260 persons.

Consequently, the WMNJ proposal also is a violation of Section 73.512 of the Commission's rules due to the interference it would cause to WBLS. Rather than addressing this second rule violation, and asking for another waiver, on March 23, 2009, Drew University filed a

³ Application, Technical Exhibit, p. 5.

⁴ Engineering Statement, p. 3.

⁵ *Ibid.*

⁶ See Engineering Statement, p. 4.

⁷ Application, Technical Exhibit, p. 5.

"supplement" to its Application, arguing that considerations potentially available for Low Power FM ("LPFM") radio stations should be applicable to WMNJ. WMNJ is a Class D radio station, not an LPFM station, and must comply with the Commission's rules applicable to it, in this case Sections 73.509 and 73.512. Again, absent amendment of the Commission's rules, there is no lawful basis on which to grant the Application.

The Bureau lacks legal authority to grant the waiver sought, or the second waiver needed, by Drew University because they are requests of first impression. The Bureau has not been delegated authority from the Commission to revise interference criteria or to apply LPFM application processing standards to Class D licensees. Indeed, recently the Bureau refused to apply those LPFM interference criteria to another class of radio station, a decision which is squarely contrary to the position Drew University takes in its supplement.⁸

Even hypothetically assuming that LPFM standards were applicable, waiver standards must be applied under the public interest standard applicable to all FCC action. The Commission would not allow an LPFM station to cause interference to 4,260 persons. And as shown in the following section, there are fourteen second-adjacent, and thirty-four third-adjacent, FM channels available to Drew University that would cause less interference than Channel 300.

Finally, Drew University has failed to justify any waiver. It is well established that a waiver applicant "faces a high hurdle even at the starting gate" to meet a heavy burden to "plead with particularity the facts and circumstances which warrant such action."⁹ Drew University has failed to plead any facts or circumstances to justify grant of its Application and the harm that it would cause to WBLS, which clearly would aggrieve Urban Radio. Grant of the Application

⁸ *Centenary College*, Letter Decision, 23 FCC Rcd 17317, 17322 (Audio Div., Dec. 3, 2008).

⁹ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

would be a substantial departure from past Commission decisions applicable to Class D radio stations.¹⁰

II. Other FM Channels Would Cause Less Interference.

Based on the FCC's definition of second-adjacent channel Class D interference, not creative fiction, Urban Radio's consulting engineers have identified fourteen unique channels on which WMNJ could operate which would cause less second-adjacent channel interference to seventeen identified stations in comparison to its proposed use of Channel 300D and the predicted interference caused to WBLS.¹¹

Similarly, Urban Radio's consulting engineers considered the WMNJ interfering potential to third-adjacent channel stations. They found thirty-four unique channels on which WMNJ would cause less third-adjacent interference than would be the case if WMNJ were to propose a third-adjacent channel to WBLS.¹² Finally, the proposed WMNJ technical facility could be operated on thirteen of these 48 unique channels while causing less interference than would be the case for a second- or third-adjacent channel operation to WBLS and while fully complying with co-channel and first-adjacent channel protection requirements.¹³

Urban Radio does not support Drew University's proposal on Channel 300D or any other channel on which it would cause interference in violation of the Commission's rules and procedures. In any event, the Commission must take note that Drew University's proposed use

¹⁰ See, e.g., *Saddleback Community College*, Memorandum Opinion and Order, 11 FCC Rcd 11938 (1996); *Centenary College*, 23 FCC Rcd 17317; *Educational Information Corp.*, Memorandum Opinion and Order, 12 FCC Rcd 6917 (1997); *Spirit Radio of North Florida, Inc.*, Letter Decision, DA 09-557 (Audio Div., Mar. 6, 2009); *Lakeside Telecommunications, Inc.*, Memorandum Opinion and Order, 20 FCC Rcd 763 (2005).

¹¹ Engineering Exhibit, p. 5 and Table A.

¹² Engineering Exhibit, p. 5 and Table B.

¹³ Engineering Exhibit, pp. 5-6 and Table C.

of Channel 300D fails to mitigate the harm of interference, and on that basis, among others, cannot survive under the public interest standard.

III. The Application Should be Dismissed for Lack of Support, or in the Alternative, Designated for a Hearing.

As demonstrated above, the Application is premised on incorrect interference predications. It fails to propose the least harmful alternate channel and cannot pass muster under well-founded waiver precedent. Therefore, it should be dismissed again, as the Commission did on April 1, 2009.¹⁴ However, if the Commission is inclined to entertain the Application any further, then it must designate it for a hearing on the record.¹⁵ On the record, the Commission would be required to determine fundamental questions of fact, which are not established in the Application, such as:

- The scope of the loss of broadcast service due to the interference;
- What other less harmful channels or means are available to WMNJ;
- What other noncommercial, or similar, broadcast services are available;
- Does WMNJ offer unique and irreplaceable broadcast services;
- For what reasons did the Bureau dismiss the Application on April 1, 2009 and then reinstate it on April 2, 2009; and
- Would the public interest support a grant of the Application.

IV. Conclusion

Urban Radio is part of the Inner City Broadcasting family of radio station licensees. As reflected in decades of ownership reports and other FCC submissions, Inner City was founded by

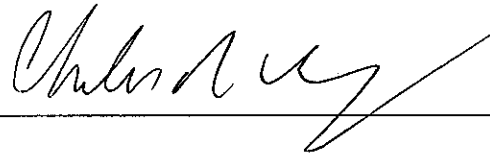
¹⁴ *Public Notice*, Report No. 26958, released April 7, 2009. That notice indicates that the Bureau dismissed the Application on April 1 but reinstated it on April 2, 2009. The Bureau has not released any explanation of either action.

¹⁵ See 47 U.S.C. §316(b); 47 U.S.C. §309(e); Section 1.87(e) of the Commission's rules; *Ashbacker Radio Co. v. FCC*, 32 U.S. 327; 90 L.Ed. 108; 66 S.Ct. 148 (1945).

African Americans and continues to be owned by African Americans. The vast majority of the employees of Inner City's subsidiaries, including Urban Radio, are minorities and women, including among senior management. Not only would a grant of the Application be an improper and unsupportable burden on the operations of WBLS, it would disadvantage one of the nation's most diverse broadcasters. Drew University has failed to support its Application with credible facts and its grant would be a loss to diversity, antithetical to relevant FCC precedent, and contrary to the public interest. Therefore, the Application should be dismissed and the Show Cause order decided in favor of Urban Radio.

Respectfully submitted,

URBAN RADIO I, LLC

By: 

Charles R. Naftalin
Leighton T. Brown
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W., Ste 100
Washington, DC 20006-6801
Phone: (202) 457-7040
Fax: (202) 955-5564
Email: charles.naftalin@hklaw.com

May 11, 2009

Its Attorneys

CARL T. JONES
CORPORATION

**STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF OBJECTION
AND PROTEST TO ORDER TO SHOW CAUSE
FCC FILE NO. BPED-20070907ADP
WMNJ CLASS D FM STATION, MADISON, NEW JERSEY
LICENSED: Ch. 205D (88.9 MHz), 8 watts ERP, 23 m HAAT
PROPOSED: Ch. 300D (107.9 MHz), 8 watts ERP, 30 m HAAT**

Prepared for: Urban Radio I, LLC

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation with offices located in Springfield, VA. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Urban Radio I, LLC ("Urban Radio"), licensee of WBL5(FM), New York, NY, to prepare this statement in response to an Order to Show to the above-referenced Application for Construction Permit filed by Drew University, licensee of Class D station WMNJ, Madison, New Jersey.

The above-referenced WMNJ application requests a channel change from Channel 205D to Channel 300D, in "anticipation of displacement" due to a recently granted construction permit application for a new NCE-FM station on Channel 205A at Bernardsville, New Jersey (FCC File No. BPED-19990716MB, granted February 27, 2009). The proposed WMNJ channel change will cause the Class D station to operate on a second-adjacent channel to WBL5(FM) from a transmitter site located within the WBL5(FM) protected contour in violation of Section 73.509(b) of the FCC Rules. The WMNJ application requests waiver of Section 73.509(b) of the FCC Rules.

STATEMENT OF WILLIAM J. GETZ
WMNJ, MADISON, NEW JERSEY
PAGE 2

The WMNJ application does not request a waiver of Section 73.512 of the FCC Rules. Rather, the Technical Exhibit claims that, “the proposal complies with Section 73.512 of the FCC Rules in demonstrating that no objectionable interference will be caused as a result of the proposed facility”.¹

The WMNJ application was filed on September 7, 2007, and was amended on March 23, 2009. The March, 2009, amendment was simply a two page plus one sentence legal statement entitled, “Supplement to Waiver Request”. The statement is silent as to which Section of the FCC Rules it seeks a waiver. Further, the March, 2009, amendment, involved no technical changes to the originally proposed WMNJ technical facility. On April 1, 2009, nine days after the amendment was filed, the WMNJ application was dismissed, presumably for its violation of Section 73.509 and Section 73.512 of the FCC Rules relating to prohibited overlap and interference caused to second-adjacent channel station WBLS(FM).²

One day later, on April 2, 2009, the WMNJ application dismissal was rescinded and the application was reinstated to pending status per staff action.³ Also on April 2, 2009, Urban Radio was issued its Order to Show Cause as to why the WBLS(FM) license should

¹ See WMNJ Application, CDBS Exhibit 16, Technical Statement, Page 6.

² Urban Radio has been unable to obtain a copy of the April 1, 2009, Audio Division staff letter dismissing the WMNJ application. Therefore, the reason for the application’s dismissal can only be surmised.

³ The staff’s rescission and reinstatement actions were listed via public notice only. No staff letter was sent (See Public Notice, April 7, 2009, Report No. 26958). As is the case with the WMNJ April 1st dismissal, because there is no written staff decision available, the reasons for the April 7th rescission and reinstatement are also unknown.

not be modified to permit WMNJ to operate on Channel 300D as proposed in the Application. This material responds to the Order to Show Cause by advancing a number of reasons why the proposed WMNJ operation on Channel 300D should be denied.

Interference Caused to WBLS(FM)

It is an uncontested fact that the proposed WMNJ operation on Channel 300D will cause some degree of interference to second-adjacent channel station WBLS(FM). According to the WMNJ application, the proposed WMNJ interfering contour extends only 100 meters from the proposed WMNJ antenna site, contains no (zero) population, and encompasses only four residential buildings on the Drew University campus.⁴ However, as shown on the attached Exhibit 1, the proposed WMNJ interfering contour actually extends nearly 10 times this distance (994 meters) and encompasses hundreds of buildings both on and off the Drew University campus. Based on United States 2000 Census block data, the predicted area of WMNJ interference caused to WBLS(FM) contains a significant population of 4,260 persons. As a result, the proposed WMNJ operation is in violation of both Section 73.512 of the FCC Rules (significant objectionable interference would be caused) and Section 73.509(b) of the FCC Rules (prohibited second-adjacent channel overlap would be caused).

The discrepancy between the results of the Drew University interference analysis and the Urban Radio interference analysis is easily explained. The Urban Radio analysis

⁴ See WMNJ Application, CDBS Exhibit 16, Technical Statement, Page 5.

was performed in accordance with Section 73.509(d) of the FCC Rules using the appropriate -20 dB second-adjacent channel desired-to-undesired (D/U) ratio to define the WMNJ interfering contour in the vicinity of the WMNJ antenna site. The Drew University interference analysis used its own D/U ratio (-40 dB) to define the WMNJ interfering contour in the vicinity of the WMNJ antenna site. The Drew University application requests a "waiver" of Section 73.509 to employ its own definition of interference for Class D stations. With its own definition of interference in use, the Drew University application claims it causes no 'interference' to WBLS(FM) and thereby satisfies Section 73.512 of the FCC Rules. The circular nature of this argument is obvious.

The only justification Drew University has advanced in support of its waiver request for relaxing the Class D second-adjacent protection requirements of Section 73.509(d) of the FCC Rules are as follows: (1) Drew University "believes" Section 73.509(d) should have been changed in 2000 but the FCC forgot; and, (2) Drew University believes the interference ratio used in Section 73.509(d) "is not logical".⁵ It is clear that neither of these professional opinions (valid or not) are compelling technical justification for a waiver of FCC Rules.

⁵ See WMNJ Application, CDBS Exhibit 16, Technical Statement, Page 5. Also, it should be noted that the Supplement to Waiver Request, filed in March 2009 relies wholly on the incorrect interference numbers contained in the Drew University technical exhibit.

Alternate Channels for WMNJ

Table A compares the predicted interference caused by WMNJ to other second-adjacent channel stations relative to its proposed impact on WBLS(FM). As Table A shows, the WMNJ interfering contour would be smaller, and its interference potential would be less, if WMNJ proposed to operate on a second-adjacent channel to any of 17 FM stations in the radio market other than WBLS. Of the potential second adjacent channels listed in last two columns of Table A, there are 14 unique channels on which WMNJ could operate and cause less interference to the existing second-adjacent channel full service station in comparison to the predicted interference the WMNJ proposed Channel 300B facility would caused to WBLS

Similarly, Table B compares the impact of the WMNJ technical facility on third-adjacent channel stations relative to its proposed impact on WBLS(FM). As Table B shows, the WMNJ interfering contour would be smaller and its interference potential would be less if WMNJ proposed to operate on a third-adjacent channel to any of 17 stations in the radio market other than WBLS. Of the potential third adjacent channels listed in last two columns of Table B, there are 34 unique channels on which WMNJ could operate and cause less interference to the existing third-adjacent full service station in comparison to the predicted interference that WMNJ would cause to a WBLS from a third adjacent channel.

Table C lists the 48 unique channels culled from Table A and Table B (as discussed above, 14 from Table A and 34 from Table B) and studies the impact of WMNJ on each

STATEMENT OF WILLIAM J. GETZ
WMNJ, MADISON, NEW JERSEY
PAGE 6

channel. As set forth on Table C, of the 48 candidate channels, there are thirteen alternate channels which would be better suited for WMNJ than its proposed Channel 300D.⁶ The exact technical facility proposed in the pending WMNJ application on Channel 224, 228, 232, 236, 240, 244, 248, 264, 272, 276, 280, 284 or 291 would be compliant with FCC's cochannel and first-adjacent channel protection requirements. In addition, on any of these thirteen alternate channels WMNJ would cause less second or third adjacent channel interference to any other station in the radio market in comparison to the interference that would be caused to WBLS on a second or third adjacent channel basis.⁷

This statement and the attached Exhibits have been prepared by me or under my direct supervision and are believed to be true and correct.

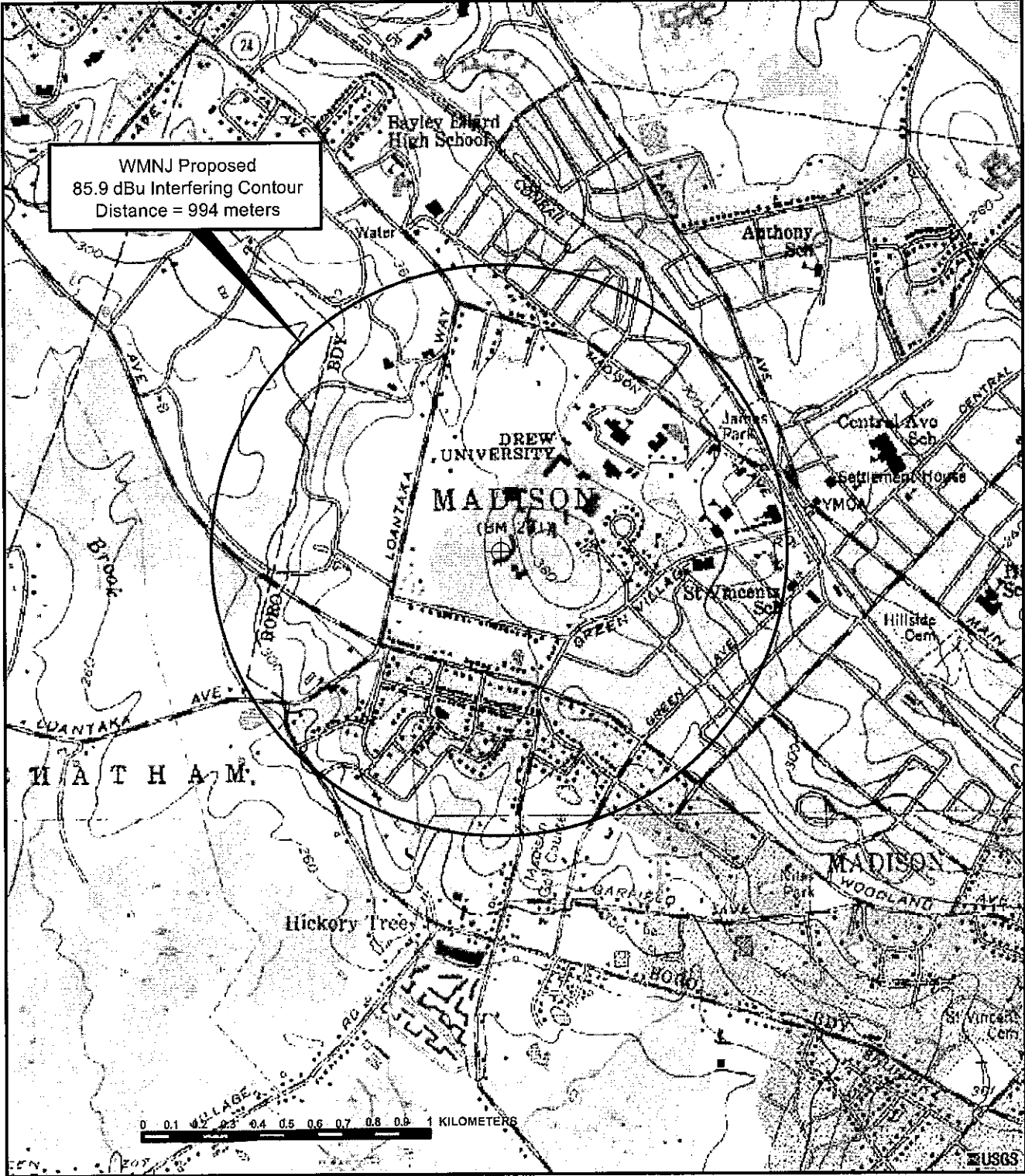
DATED: May 5, 2009



William J. Getz

⁶ In Table C, the thirteen alternate channels contain the note 'SAME' or 'XLA' (See discussion in Table C).

⁷ The WMNJ operation on any of the alternate channels presented herein simply would be less objectionable than the proposed operation on Channel 300D because less interference would be caused to existing stations. Interference caused on an alternate channel, even if it is lesser than the amount of interference the proposed Channel 300D facility would cause to WBLS(FM), may still impact far too great a population to be considered acceptable under Section 73.512 of the FCC Rules. Therefore, this statement and the supporting exhibits draw no conclusions and offer no opinion on the acceptability of any of the alternate channels presented herein.



MAP OF TRANSMITTER SITE
AND SURROUNDING VICINITY
WMNJ, MADISON, NEW JERSEY
CHANNEL 300D, 8 watts, 30 m HAAT
APRIL, 2009

Table A

Study of WMNJ Impact on Existing
Second-Adjacent Channel Stations
Relative to Proposed Channel 300D

According to the WMNJ Application (Technical Exhibit, Narrative at Page 5) the desired WBLS(FM) predicted field strength at the WMNJ transmitter site is 65.9 dBu. **Any alternate channel where the desired field strength of a 2nd or 3rd adjacent channel station is greater than 65.9 dBu would be preferred over the proposed channel 300D (these channels are italicized in the Table below).** This is because, as shown below, the interference potential of WMNJ would be less impactful on the incumbent second-adjacent channel station in an area of higher desired field strength.

WMNJ-APP Primary Preclusion (Desired Station)	Channel	Desired Station Field Strength At WMNJ Site (dBu)	WMNJ §73.509(b) Interfering Contour (dBu)	Interfering Contour Radius (meters)	Potential Second Adjacent Channels	
					Lower	Upper
WBGO	202B1	61.8	81.8	1609	200	204
WSOU	208A	62.5	82.5	1487	206	210
WJSV	213A	57.7	77.7	1609	211	215
WFUV	214B	49.9	69.9	1740	212	216
WNYE	218B	58.7	78.7	1609	216	220
<i>WXRK</i>	<i>222B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>X</i>	<i>224</i>
<i>WPAT-FM</i>	<i>226B</i>	<i>68.3</i>	<i>88.3</i>	<i>763</i>	<i>224</i>	<i>228</i>
<i>WNYC-FM</i>	<i>230B</i>	<i>68.3</i>	<i>88.3</i>	<i>763</i>	<i>228</i>	<i>232</i>
<i>WFME</i>	<i>234B</i>	<i>83.4</i>	<i>103.4</i>	<i>134</i>	<i>232</i>	<i>236</i>
<i>WPLJ</i>	<i>238B</i>	<i>67.5</i>	<i>87.5</i>	<i>836</i>	<i>236</i>	<i>240</i>
<i>WQXR-FM</i>	<i>242B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>240</i>	<i>244</i>
<i>WQHT</i>	<i>246B</i>	<i>67.5</i>	<i>87.5</i>	<i>836</i>	<i>244</i>	<i>248</i>
<i>WSKQ-FM</i>	<i>250B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>248</i>	<i>252</i>
<i>WRKS</i>	<i>254B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>252</i>	<i>X</i>
WBAI	258B	65.7	85.7	1029	256	260
<i>WHTZ</i>	<i>262B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>X</i>	<i>264</i>
<i>WCBS-FM</i>	<i>266B</i>	<i>67.5</i>	<i>87.5</i>	<i>836</i>	<i>264</i>	<i>268</i>
<i>WRXP</i>	<i>270B</i>	<i>67.3</i>	<i>87.3</i>	<i>856</i>	<i>268</i>	<i>272</i>
<i>WWFS</i>	<i>274B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>272</i>	<i>276</i>
<i>WKTU</i>	<i>278B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>276</i>	<i>280</i>
<i>WAXQ</i>	<i>282B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>280</i>	<i>284</i>
<i>WWPR-FM</i>	<i>286B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>284</i>	<i>X</i>
WCAA	290B1	56.3	76.3	1609	288	292
<i>WLTW</i>	<i>294B</i>	<i>67.2</i>	<i>87.2</i>	<i>866</i>	<i>X</i>	<i>X</i>
WBLS	298B	65.9	85.9	994	296	300

X = Channel eliminated by another primary preclusion (i.e. interfering contour distance \geq 994 m relative to another station listed in Table)

Table B

Study of WMNJ Impact on Existing
Third-Adjacent Channel Stations
Relative to Proposed Channel 300D

According to the WMNJ Application (Technical Exhibit, Narrative at Page 5) the desired WBLS(FM) predicted field strength at the WMNJ transmitter site is 65.9 dBu. **Any alternate channel where the desired field strength of a 2nd or 3rd adjacent channel station is greater than 65.9 dBu would be preferred over the proposed channel 300D (these channels are italicized in the Table below).** This is because, as shown below, the interference potential of WMNJ would be less impactful on the incumbent third-adjacent channel station in an area of higher desired field strength.

WMNJ-APP Primary Preclusion (Desired Station)	Channel	Desired Station Field Strength At WMNJ Site (dBu)	WMNJ §73.509(b) Interfering Contour (dBu)	Interfering Contour Radius (meters)	Potential Third Adjacent Channels	
					Lower	Upper
WBGO	202B1	61.8	101.8	161		205
WSOU	208A	62.5	102.5	149	205	211
WJSV	213A	57.7	97.7	258	210	216
WFUV	214B	49.9	89.9	634	211	217
WNYE	218B	58.7	98.7	230	215	221
<i>WXRK</i>	<i>222B</i>	<i>67.2</i>	<i>107.2</i>	<i>87</i>	<i>219</i>	<i>225</i>
<i>WPAT-FM</i>	<i>226B</i>	<i>68.3</i>	<i>108.3</i>	<i>76</i>	<i>223</i>	<i>229</i>
<i>WNYC-FM</i>	<i>230B</i>	<i>68.3</i>	<i>108.3</i>	<i>76</i>	<i>227</i>	<i>233</i>
<i>WFME</i>	<i>234B</i>	<i>83.4</i>	<i>123.4</i>	<i>13</i>	<i>231</i>	<i>237</i>
<i>WPLJ</i>	<i>238B</i>	<i>67.5</i>	<i>107.5</i>	<i>84</i>	<i>235</i>	<i>241</i>
<i>WQXR-FM</i>	<i>242B</i>	<i>67.2</i>	<i>107.2</i>	<i>87</i>	<i>239</i>	<i>245</i>
<i>WQHT</i>	<i>246B</i>	<i>67.5</i>	<i>107.5</i>	<i>84</i>	<i>243</i>	<i>249</i>
<i>WSKQ-FM</i>	<i>250B</i>	<i>67.2</i>	<i>107.2</i>	<i>87</i>	<i>247</i>	<i>253</i>
<i>WRKS</i>	<i>254B</i>	<i>67.2</i>	<i>107.2</i>	<i>87</i>	<i>251</i>	<i>257</i>
WBAI	258B	65.7	105.7	103	255	261
WHTZ	262B	67.2	107.2	87	259	265
<i>WCBS-FM</i>	<i>266B</i>	<i>67.5</i>	<i>107.5</i>	<i>84</i>	<i>263</i>	<i>269</i>
<i>WRXP</i>	<i>270B</i>	<i>67.3</i>	<i>107.3</i>	<i>86</i>	<i>267</i>	<i>273</i>
<i>WWFS</i>	<i>274B</i>	<i>67.2</i>	<i>107.2</i>	<i>87</i>	<i>271</i>	<i>277</i>
<i>WKTU</i>	<i>278B</i>	<i>67.2</i>	<i>107.2</i>	<i>87</i>	<i>275</i>	<i>281</i>
<i>WAXQ</i>	<i>282B</i>	<i>67.2</i>	<i>107.2</i>	<i>87</i>	<i>279</i>	<i>285</i>
<i>WWPR-FM</i>	<i>286B</i>	<i>67.2</i>	<i>107.2</i>	<i>87</i>	<i>283</i>	<i>289</i>
WCAA	290B1	56.3	96.3	304	287	293
WLTW	294B	67.2	107.2	87	291	297
WBLS	298B	65.9	105.9	100	295	

**Alternate Channels Available for WMNJ
Which Are Less Objectionable than the
Proposed Channel 300D**

The Alternate Channels listed below were obtained from Table A and Table B. These channels were found to be less objectionable to existing second and third adjacent channel stations in comparison to the proposed WMNJ operation on Channel 300D. Note that the power levels indicated in Table below are capped at the WMNJ proposed ERP of 8 watts.

SAME = The exact technical facility proposed in the pending WMNJ application may be proposed on the alternate channel and would result in less objectionable interference than the proposed facility on Channel 300D.

XLA = The technical facility proposed in the pending WMNJ application, ignores required protection to a pending application for a new FM Translator station to serve Livingston, NJ, on Channel 300D (FCC File No. BNPFT-20030317EYW). In the event the Audio Division allows WMNJ to ignore the protection requirements of Section 73.509(b) with respect to pending translator applications, then the alternate channels with the XLA note would also be available for WMNJ. These alternate channels would also allow for the exact technical proposal and would result in less objectionable interference than the proposed facility on Channel 300D.

N/A = The protection requirements presented by the primary protection precludes use of the channel.

WMNJ Alternate Channel	Primary Protection	Channel	Permissible WMNJ ERP (DA-MAX) (watts)	Pattern Minimum Toward Primary Protection (watts)	Note
219	WNYE	218B1	8	0.4	
223	WXRK	222B	N/A	N/A	
224	WQBU-FM	224A	8	8	SAME
225	WPAT-FM	226B	N/A	N/A	
227	WPAT-FM	226B	N/A	N/A	
228	WVIP	228A	8	8	SAME
229	WNYC-FM	230B	N/A	N/A	
231	WNYC-FM	230B	N/A	N/A	
232	WJLK	232A	8	8	SAME
233	WFME-FM	234B	N/A	N/A	
235	WFME-FM	234B	N/A	N/A	
236	WZZO	236D	8	8	SAME

WMNJ Alternate Channel	Primary Protection	Channel	Permissible WMNJ ERP (DA-MAX) (watts)	Pattern Minimum Toward Primary Protection (watts)	Note
237	WPLJ	238B	N/A	N/A	
239	WPLJ	238B	N/A	N/A	
240	WRAT	240A	8	8	XLA
241	WQXR-FM	242B	N/A	N/A	
243	WQXR-FM	242B	N/A	N/A	
244	WCTZ	244A	8	8	XLA
245	WQHT	246B	N/A	N/A	
247	WQHT	246B	N/A	N/A	
248	WNUW	248B	8	8	XLA
249	WSKQ-FM	250B	N/A	N/A	
251	WSKQ-FM	250B	N/A	N/A	
252	WMGQ	252A	8	1	
253	WRKS	254B	N/A	N/A	
257	WAWZ	256B	N/A	N/A	
259	WBAI	258B	N/A	N/A	
263	WHTZ	262B	N/A	N/A	
264	WHUD	264B	8	8	SAME
265	WCBS-FM	266B	N/A	N/A	
267	WCBS-FM	266B	N/A	N/A	
268	WKXW	268B	8	0.3	
269	WRXP	270B	N/A	N/A	
271	WRXP	270B	N/A	N/A	
272	WSUS	272A	8	8	XLA
273	WWFS	274B	N/A	N/A	
275	WWFS	274B	N/A	N/A	
276	WPRB	277B	8	8	SAME
277	WKTU	278B	N/A	N/A	

WMNJ Alternate Channel	Primary Protection	Channel	Permissible WMNJ ERP (DA-MAX) (watts)	Pattern Minimum Toward Primary Protection (watts)	Note
279	WKTU	278B	N/A	N/A	
280	WFAS	280A	8	8	SAME
281	WAXQ	282B	N/A	N/A	
283	WAXQ	282B	N/A	N/A	
284	WSPK	284B	8	8	XLA
285	WWPR-FM	286B	N/A	N/A	
289	WDHA-FM	288A	N/A	N/A	
291	WISX	291B	8	8	SAME
297	WBLS	298B	N/A	N/A	

CERTIFICATE OF SERVICE

I, Judy Norris, a legal secretary with the law firm of Holland & Knight LLP, hereby certify that on the 11th day of May, 2009, a copy of the foregoing Objection of Urban Radio I, LLC to Drew University Application and Protest to Order to Show Cause, was hand delivered (where indicated) and deposited in the U.S. mail, postage prepaid, addressed to:

Peter H. Doyle*
Chief, Audio Division
Media Bureau
Federal Communications Commission
Washington, DC 20554

Francisco Montero, Esq.
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street
11th Floor
Arlington, VA 22209-3801
Counsel for Drew University

*Hand delivered



Judy Norris