



Federal Communications Commission  
Washington, D.C. 20554

December 2, 2014

*In Reply Refer to:*  
1800B3-AJR

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In re: **Temple University of the Commonwealth  
System of Higher Ed**

**WRTI(FM), Philadelphia, PA**  
Facility ID No. 65190  
File No. BRED-20140331AIO

**WJAZ(FM), Summerdale, PA**  
Facility ID No. 65184  
File No. BRED-20140331AJF

**WRTL(FM), Ephrata, PA**  
Facility ID No. 65177  
BRED-20140331AWI

**WRTJ(FM), Coatesville, PA**  
Facility ID No. 90653  
BRED-20140331AWM

**WRTX(FM), Dover, DE**  
Facility ID No. 65181  
BRED-20140331AWO

**WRTY(FM), Jackson Township, PA**  
Facility ID No. 65178  
BRED-20140331AWQ

**Applications for Renewal of Licenses  
Comment Letter**

Dear Counsel:

We have before us the captioned applications (collectively, the "Applications") of Temple University of the Commonwealth System of Higher Ed ("Temple") to renew the licenses of six stations ("Stations") for the license term ending April 1, 2014. We also have before us a Comment Letter

("Comment") filed April 15, 2014, by Pasco L. Schiavo ("Schiavo").<sup>1</sup> For the reasons set forth below, we grant the Applications.

**Background.** In his Comment, while Schiavo does not object to the renewal of the Applications, he requests that the Commission condition the renewal of the license for Station WRTI(FM), Philadelphia, Pennsylvania, requiring the extension of its signal to cover the community of Hazleton, Pennsylvania (population 72,000). In support of this position, Schiavo, a resident of Hazleton, states that Temple has a network of "satellite" radio stations that repeat the programming of "parent" Station WRTI(FM), Philadelphia, Pennsylvania.<sup>2</sup> However, Schiavo explains that there is only sporadically poor or no reception of these radio signals in Hazleton. He questions why Hazleton has been excluded from coverage and requests the imposition of a condition on the renewal of WRTI(FM)'s license, requiring the station to provide coverage to Hazleton.

In its Response, Temple states that it was previously contacted by Schiavo regarding his inability to obtain a listenable signal in Hazleton from WRTI(FM) or the other Temple stations airing the programming of WRTI(FM). Temple states that it responded by explaining that technical difficulties prevent WRTI(FM) from providing a stronger signal to Hazleton.<sup>3</sup> Temple further contends that the Comment is not an objection because it expressly states that Schiavo has no objection to the renewal of the Stations' licenses but wants to comment on extending the Stations' coverage. Accordingly, Temple requests that the Commission renew the Stations' licenses without any conditions.

**Discussion.** After careful review of the record, we decline to impose the requested condition. It is well established that a station cannot involuntarily be required to upgrade or downgrade its facilities to serve other communities.<sup>4</sup> Rather, it is within the discretion of a licensee to determine whether it should change its broadcast facilities or apply for a new "satellite" station or FM translator to expand its service area or fill in coverage gaps in a station's predicted service area. Accordingly, no condition is warranted.

Additionally, we have evaluated the referenced Applications pursuant to Section 309(k) of the Communications Act of 1934, as amended ("Act"), and we find that the Stations have served the public interest, convenience, and necessity during the subject license term. Moreover, we find that there have been no serious violations of the Act or the Rules, nor have there been violations by the Licensee of the Act or the Rules, which, taken together, would constitute a pattern of abuse.

**Conclusion/Actions.** Accordingly, the applications for renewal of the licenses for Stations WRTI(FM), Philadelphia, Pennsylvania (File No. BRED-20140331AIO), WJAZ(FM), Summerdale, Pennsylvania (File No. BRED-20140331AJF), WRTL(FM), Ephrata, Pennsylvania (File No. BRED-

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<sup>1</sup> Temple responded by a letter dated July 11, 2014 ("Response").

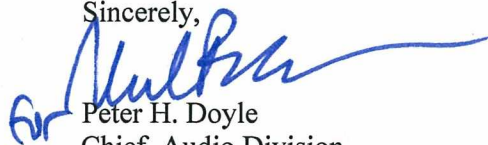
<sup>2</sup> Hazleton is located to the west of WRTY(FM), Temple's station in Jackson Township, and between Temple's translator stations in Wilkes-Barre (W235AA) and Pottsville (W265AB), but outside the listening area of all three stations.

<sup>3</sup> See *Letter from David S. Conant to Pasco J. Schiavo, Esq.*, (Dec. 16, 2013) at 1.

<sup>4</sup> See, e.g., *Muskegon and Manistee, Michigan*, Report and Order, 6 FCC Rcd 6638, (MB 1991) (stating that Commission policy does not provide for the forced upgrade of a station); *Parker, Arizona*, Report and Order, 17 FCC Rcd 9578 (MB 2002) (dismissing a counterproposal because it proposes an involuntary class downgrade, site change, and community of license change for another station); *Markham, Ganado, and Victoria, Texas*, Report and Order, 25 FCC Rcd 836 (MB 2010) (stating that it is not permissible to propose an involuntary lower class channel than was proposed by a station).

20140331AWI), WRTJ(FM), Coatesville, Pennsylvania (File No. BRED-20140331AWM), WRTX(FM), Dover, Delaware (File No. BRED-20140331AWO); and WRTY(FM), Jackson Township, Pennsylvania (File No. BRED-20140331AWQ) ARE GRANTED.

Sincerely,



Peter H. Doyle  
Chief, Audio Division  
Media Bureau