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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Accepted/Files

NOV 10 2014

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Public Media of New England, Inc.)
)
Application for New Low Power FM)
Station at Haverhill, Massachusetts)

MX Group: 240

File No.: BNPL-20131113AKZ

Facility Id: 193811

To: The Secretary

Attn: Chief, Audio Division
Media Bureau

OPPOSITION TO INFORMAL OBJECTION

Public Media of New England, Inc. (“Public Media”), by its attorneys and pursuant to Section 73.3587 of the Commission’s rules, hereby submits this Opposition to the Informal Objection filed by Boston Radio Association (“BRA”) on or about October 23, 2014 (the “Objection”) with regard to Public Media’s above-captioned application for construction permit for a new Low-Power FM (LPFM) station to serve Haverhill, Massachusetts (the “Application”).

The sole basis for BRA’s Objection is its belief that Public Media is a pirate radio operator because it operates an AM radio station on 1640 kHz. Specifically, BRA states that “there should be no question that Mr. TIMOTHY J. COCO (Public Media of New England) is an actual pirate radio operator, and that Mr. TIMOTHY J. COCO falsely certified compliance with the FCC’s rules with respect to the operation of an unlicensed radio station.”¹ BRA provided purported evidence of Public Media’s operation of a pirate radio station, including excerpts from Public Media’s website.

¹ *Objection*, pg. 3.

The Objection must be dismissed. While BRA is correct that Public Media operates an AM station on 1640 kHz, BRA's classification of that station as a "pirate" operation is incorrect.

Public Media's AM radio station is authorized pursuant to Part 15 of the Commission's rules. Section 15.219 of the Commission's rules permits operation of an unlicensed intentional radiator in the AM radio band at very low power.² As described in the attached Statement of Timothy J. Coco, Public Media's station operates within the power limits set forth in the Commission's rules, with an FCC-approved transmitter – the Hamilton Rangemaster.³

Thus, although BRA is correct that Public Media operates an unlicensed AM radio station, such operation does not violate Section 301 of the Communications Act or the Commission's rules. The radio station operated by Public Media is specifically authorized pursuant to Part 15 of the Commission's rules. Public Media's answer to Section II, Question 8 was completely accurate, and there was no attempt to "mislead the FCC" as alleged by BRA.⁴

An Informal Objection filed pursuant to Section 73.3587 of the Commission's rules must provide "adequate and specific factual allegations sufficient to warrant the relief requested."⁵ In the instant case, BRA has pointed at Public Media's operation of an AM station on 1640 kHz as the sole basis for its requested relief (i.e., the dismissal of the Application), but, as demonstrated herein, BRA's claim that Public Media is operating a "pirate" station is completely false.

² See 47 C.F.R. § 15.219(a) (2014) ("The total input power to the final radio frequency stage (exclusive of filament or heater power) shall not exceed 100 milliwatts."). See also *OET Bulletin No. 63*, "Understanding the FCC Regulations for Low-Power, Non-Licensed Transmitters," available at <http://www.fcc.gov/encyclopedia/oet-bulletins-line>, last visited November 4, 2014.

³ See Exhibit A.

⁴ *Objection*, pg. 3.

⁵ 47 C.F.R. § 73.3587 (2014). See *Area Christian Television, Inc.*, 60 RR 2d 862, 864 (1989) (citing *WFBM, Inc.*, 47 FCC 2d 1267 (1974), and *License Renewal Applications-Los Angeles, California, Area*, 68 FCC 2d 75 (1978)).

Therefore, Public Media respectfully requests that the Commission: (i) dismiss BRA's Informal Objection and (ii) grant Public Media's application for a new LPFM station at Haverhill, Massachusetts.

Respectfully submitted,

PUBLIC MEDIA OF NEW ENGLAND, INC.

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November 10, 2014

STATEMENT OF TIMOTHY J. COCO

I, Timothy J. Coco, do hereby state, under penalty of perjury, the following:

1. I am President of Public Media of New England, Inc. ("PMNE"). PMNE operates a local radio programming service that serves residents of Haverhill, Massachusetts and surrounding areas. Our programming is distributed via the Internet and local cable television systems, and on a AM broadcast station that operates pursuant to Part 15 of the FCC's rules. The transmitter for our broadcast station is a Hamilton Rangemaster, which has obtained equipment authorization from the Commission.

2. PMNE is not in any way a "pirate" radio operator. Our operations are fully consistent with Part 15 of the FCC's rules and have been at all times.



TIMOTHY J. COCO

November 7, 2014

EXHIBIT A

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
GRANT OF EQUIPMENT AUTHORIZATION
Certification

Hamilton PCB Design 213 Caraway Lane Cary NC 27519

Date of Grant: 07/17/1998 Application Dated: 05/08/1998

Attention: Keith Hamilton

NOT TRANSFERABLE

EQUIPMENT AUTHORIZATION is hereby issued to the named GRANTEE, and is VALID ONLY for the equipment identified hereon for use under the Commission's Rules and Regulations listed below.

FCC IDENTIFIER: NWXAM1000
Name of Grantee: Hamilton PCB Design
Equipment Class: Part 15 Low Power Communication Device Transmitter

Notes:

Grant Notes	FCC Rule Parts	Frequency Range (MHZ)	Output Watts
	Frequency Tolerance	Emission Designator	
37	15	1.2 - 1.71	%

CERTIFICATE OF SERVICE

I, Nellie Martinez-Redicks, a Secretary with Drinker Biddle & Reath, LLP, hereby certify that on this 10th day of November, 2014, I caused a copy of the foregoing **Opposition to Informal Objection** to be served by first-class mail, postage prepaid to the following:

Boston Radio Association
c/o Peter D'Acosta
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By: 
Nellie Martinez-Redicks