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MAR 26 2015

Robert A. Lynch, President
Romar Communications, Inc.
175 Gray Road
Ithaca, NY 14850

Denise Moline, Esq.
Counsel for JMJ Radio, Inc.
358 Pines Blvd.
Lake Villa, IL 60046-6800

Re: Romar Communications, Inc. (Romar)
NEW(AM), Lansing, New York
Facility Identification Number: 136961
File Number: BNP-20020522AAM
Informal Objection

Dear Ms. Moline and Mr. Lynch:

This letter refers to: (1) the above-captioned application filed by Romar to construct a new AM radio station at Lansing, New York; (2) the February 11, 2004, Informal Objection (Objection) filed by Holy Family Communications (HFC), former licensee of station WQOR(AM), Olyphant, Pennsylvania; (3) the March 25, 2004, Opposition filed by Romar; (4) the May 13, 2004, Reply to Opposition filed by HFC; (5) the April 28, 2010, Commission letter requesting that Romar file a fully complete FCC Form 301 application;¹ (6) the Romar June 25, 2010, amendment; and (7) the November 5, 2010, Supplement to the Informal Objection filed by IMJ Radio, Inc. (JMJ), stating it is the current licensee of station WQOR(AM) and adopts all previous pleadings filed by HFC.

In the February 11, 2004, Objection, HFC contends that the Romar measurements of the WQOR(AM) 315° and 335° radials taken in June 1994 (the 1994 measurements) are invalid because they were measured many years before HFC purchased WQOR(AM) and the station may not have been operating correctly during that time period. HFC claims that the measurements it took from WQOR(AM) on the 315° and 335° radials in May and June 2003 (2003 measurements) result in prohibited groundwave overlap between the WQOR(AM) 0.025 mV/m daytime groundwave contour and the proposed 0.5 mV/m contour. HGF seeks dismissal of the application for violation of Section 73.37 of the Commission's rules.

In the March 23, 2004, Opposition to the Objection, Romar states that HFC filed the Objection to circumvent the Commission's rules and expedite a future WQOR(AM) upgrade

¹ By letter dated April 28, 2010, the Commission directed Romar to file this application because the FCC Form 175 short form application for NEW, South Hill, NY (BNP-20000201AEY), which was previously mutually exclusive with the Romar application BNP-20020522AAM, was dismissed on March 31, 2010.

application, and Romar requests a waiver of Section 73.37 in an abundance of caution if the Commission decides to accept the HFC 2003 measurements. Romar also states that its 1994 measurements should be used in lieu of HFC's 2003 measurements because: a) the 1994 measurements were accepted by our staff on November 13, 2003;² b) the conductivity values would not have been affected by WQOR(AM)'s operational problems; c) HFC did not provide the family of curves; d) HFC did not include the affidavits and qualifications of persons taking the measurements; and e) the HFC Objection was submitted three months after Romar's application was accepted for filing.

In the May 13, 2004, Reply to Opposition, HFC submitted: 1) maps comparing the 1994 and 2003 measurements; 2) a map showing the overlap; 3) a certificate of the meter calibration; and 4) a family of curves. HFC also claims that Romar's request for waiver of Section 73.37 is without merit and that the Commission's acceptance of the application on November 13, 2003, does not prohibit HFC from filing an objection, as informal objections can be filed anytime before an application is granted.

In June 25, 2010, Romar submitted an engineering amendment including a new set of measurements of WQOR(AM) 315° and 335° radials taken in June 2010, to replace the 1994 measurements.³

After reviewing the HFC and Romar pleadings, we find that both the HFC 2003 and Romar 2010 measurements are acceptable. Using the methodology set in United Broadcasting Co., Inc., 1 FCC 2d 555, 559 (1965) (the averaging of conflicting field measurement data is an appropriate method for resolving the disputes), we find that the proposed 0.5 mV/m contour would overlap the 0.025 mV/m contour of station WQOR(AM). With respect to Romar's waiver request of Section 73.37. We also find that the prohibited overlap area is not de minimis because it would encompass approximately 6,653 km² and 467,673 persons, and that Romar did not provide any justification for the waiver request. Accordingly, Romar's waiver request of Section 73.37 is hereby DENIED.

Accordingly, the Informal Objection filed by HFC and JMJ is hereby GRANTED in part to the extent discussed herein, and is DENIED in all other respects. Further action on the application will be withheld for a period of thirty (30) days to allow Romar an opportunity to amend the application to eliminate the overlap area. Failure to amend or respond within this time period will result in the dismissal of the application pursuant to Section 73.3568 of the Commission's rules.

Sincerely,



Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Bill Sitzman (Romar)
Charlie Hecht (JMJ)

² The application was accepted for filing by Public Notice 25614, released on November 13, 2003.

³ HFC did not file a response to the Romar June 25, 2010, amendment.