

Romar Communications Inc.

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Received & Inspected

JUL 13 2015

FCC Mail Room

July 06, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

re: Romar Communications Inc.
 NEW(AM), Lansing, New York
 Facility ID Number 136961
 File Number: BNP-20020522AAM
 Request for further extension under §73.3566

Dear Ms. Dortch:

Reference is made to the Commission's letter of May 7, 2015 in which the Supervisory Engineer of the Audio Division, Media Bureau granted Romar Communications Inc. ("Romar") an additional sixty (60) days from its earlier-specified deadline to amend Romar's above-referenced application to construct a new AM radio station at Lansing, New York. By this letter, Romar respectfully requests the Commission grant this applicant a second, and presumably final, sixty day extension of that submission deadline so as to complete and submit any potential curative amendments. Romar believes good cause exists for granting this second extension.

Since the Commission's initial deficiency letter of March 26, 2015, and most specifically since the Commission's granting of its most recent extension on May 7th, Romar's principals and their consulting engineer have investigated various potential minor-change engineering solutions which would provide compliance with the Commission's engineering standards, solutions which would not compromise Romar's ability to provide the required 5 mV/m daytime signal over its proposed community of license, and would also not impair Romar's ability to deliver competitive daytime service over the entire Ithaca, NY urbanized area of which Lansing is a part.¹ Satisfying these dual objectives under the Commission's dictates of the March 26, 2015 letter has proved challenging.

¹ See: *Romar Communications, Inc. and KM Communications, Inc.*, Memorandum Opinion and Order, 19 FCC Red 23128 (2004); *reconsideration denied*, Feb. 07, 2008.

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The Romar engineering deficiency outlined in the Commission's March 26th letter responded to the Informal Objection (the "Objection") originally submitted February 10, 2004 by Holy Family Communications ("HFC"), then licensee of co-channel AM station WQOR, Olyphant, PA. On November 04, 2010, WQOR's current owner, J.M.J. Radio, Inc. ("JMJ") provided a Supplement to Informal Objection in which JMJ "adopt[ed] the HFC Informal Objection and related pleadings filed by HFC." At that time, and until recently, both HFC and JMJ retained common FCC legal counsel.

The HFC Informal Objection alleged prohibited daytime contour overlap in violation of §73.37 of the Commission's Rules. Romar disputed and continues to dispute the engineering methodology and conclusions which underpin HFC's (and now JMJ's) assertion. Romar also takes note that the contour overlap alleged would involve only interference allegedly *received by* Romar's proposal, *not caused by* Romar's proposal within the WQOR protected daytime contour. By its letter of March 26th, the Commission effectively "split the difference" between Romar and JMJ, a decision which would require Romar to modify its daytime proposal so as to withdraw its proposed daytime service contour over those areas to the south and east of its antennas, service areas which might otherwise receive prohibited daytime contour overlap from WQOR's interfering signal.² By the staff's calculation, any curative amendment by Romar would need to reduce Romar's daytime coverage by as much as 6,653 square kilometers and by as many as 467,673 persons. The staff denied Romar's request to waive this alleged potential overlap.

On June 30, 2015, the undersigned, Romar's president, and his sister, Marcia E. Lynch, Romar's vice president, traveled to the facilities housing WQOR's main studio in Pittston, PA, and for the first time conferred face-to-face with Mr. Edward C. Niewinski, J.M.J. Radio's president, director, and majority owner. Mr. Robert Reite, JMJ's contract engineer, was also in attendance. Romar's principals intended the meeting to be informational only, to educate all sides as to the objectives of each party and to seek a common understanding of each company's challenges with the goal of formulating a mutually-acceptable solution from which each party might benefit. At its conclusion, all agreed the meeting was productive.

While no decisions were reached—and while JMJ's Informal Objection continues to remain on the record before the Commission—it was agreed that Romar would, at its expense, pursue potential engineering alternatives which might prove acceptable to JMJ in removing the basis for JMJ's complaint. Romar and its consulting engineer have already begun the technical studies required for this analysis. The undersigned expects to commence field measurements that will explore the discussed options later this week. Accordingly, Romar maintains good cause exists for the Commission to grant it additional time so as to explore these engineering options. Should these studies fail to validate alternatives acceptable to JMJ, Romar would then, and only then, proceed to amend its own application to comply with the Commission's March 26th letter. Romar intends to be diligent. Its principals believe a course of action can be determined and placed before the Commission in sixty days' time.

² The Commission's letter cites 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.")

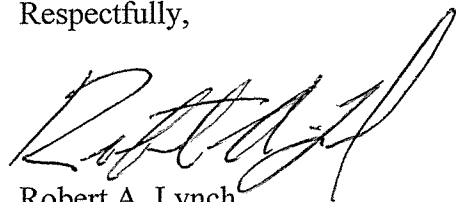
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There is yet a second valid reason for which Romar believes a further extension of the Commission's deadline is justified. At the June 30th meeting, Romar's principals learned for the first time that J.M.J. Radio, Inc. has selected new FCC legal counsel. As Mr. Niewinski informed the undersigned, the station's former counsel, Ms. Denise Moline, Esq., has retired. Assuming Ms. Moline's role as JMJ's counsel is Stuart W. Nolan, Jr., Esq., Managing Attorney with LegalWorks Apostolate, PLLC, Front Royal, VA. Romar believes it only fair that Mr. Nolan be accorded ample opportunity to review the current situation and to offer his client legal advice, if he deems it appropriate. Mr. Nolan is being served with a copy of this extension request.

Romar's instant application to serve Lansing, NY was first submitted the Commission in 1997. Romar reaffirmed its intentions in 2002 and 2010, its technical submission virtually unchanged. The timeline affirms that Romar's principals have been sincere and persistent with their proposal. Given the years that have elapsed, they believe good cause exists for them to diligently pursue reasonable engineering solutions that work to all parties' benefit and would serve the Public Interest. No filing windows for new or major change AM applications are imminent. Mr. Niewinski has informed the undersigned that he supports this extension request. A slight further delay in a final Commission determination on Romar's filing would appear to pose no detriment to WQOR or to any third party.

Accordingly, Romar Communications Inc. respectfully requests sixty (60) additional days be granted by the Commission to allow Romar to determine the appropriate course of action, finalize engineering submissions, and amend its pending application as necessary.

Respectfully,



Robert A. Lynch
President
Romar Communications Inc.

cc. Denise Moline, Esq.
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Federal Communications Commission

Romar Communications Inc.
Public File

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CERTIFICATE OF SERVICE

I, Robert A. Lynch, do hereby certify that a copy of the foregoing "Request for further extension" letter on behalf of Romar Communications Inc. was mailed by First Class U.S. Mail, postage prepaid, this 6th Day of July, 2015 to the following:

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, D.C. 20554

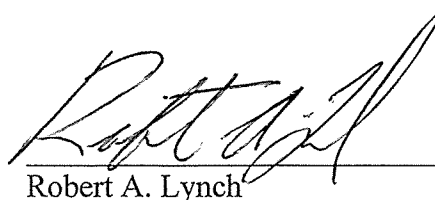
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