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November 3, 2015

WYRS Broadcasting
PO Box 730
Manahawkin, NJ 08050

In re: NEW(FM), Toms River, NJ
Facility ID No. 151896
BNPFT-20130826ADX
Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application filed by WYRS Broadcasting (“WYRS”) for a new FM translator in Toms River, New Jersey; and, (2) the Petition to Deny filed by Greater Philadelphia Radio, Inc. (“Greater Philadelphia”) on September 18, 2013. For the reasons set forth herein, we grant the Petition to Deny and dismiss the application.

In its Petition, Greater Philadelphia purports that the proposed translator application fails to comply with Section 74.1204(f) of the Commission’s Rules with respect to WPEN(FM), licensed to Burlington, NJ. In order to provide convincing evidence under Section 74.1204(f) that grant of the translator construction permit “will result in interference to the reception” of an existing full-service station, an opponent must provide, at a minimum: (1) the name and specific address of each listener for which it claims credit; (2) some demonstration that the address of each purported listener falls within the 60 dB μ contour of the proposed translator station;¹ (3) some evidence, such as a declaration from each of the claimed listeners, that the person listens to the full-service station at the specified location; and (4) evidence that grant of the authorization will result in interference to the reception of the “desired” station at that location. The “undesired-to-desired” (“U/D”) signal strength ratio methodology may be used to demonstrate the potential for interference under Section 74.1204(f).² Section 74.1204(f) requires the objector to show that a specific U/D signal strength ratio is exceeded at the location of a *bona fide* listener of the desired station to establish that interference will result.

In its Petition, Greater Philadelphia provides the names and addresses of a couple of WPEN listeners. One of these listeners is located within the 60 dB μ contour of the proposed translator. WYRS does

¹ The best method is to plot the specific addresses on a map depicting the translator station’s 60 dB μ contour.

² See *The Association for Community Education, Inc.*, FCC 04-155, Para. 13, (rel. July 8, 2004).

not refute these claims. Since the petitioner has demonstrated that it has at least one listener within the proposed 60 dBu contour of the proposed translator, and that listener will likely receive interference from the proposed translator, we will grant the petition and dismiss the application.

Accordingly, the September 18, 2013, Petition to Deny filed by Greater Philadelphia Radio, Inc. IS HEREBY GRANTED and BNPFT-20130826ADX IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

cc: John W. Bagwell
Charles W. Loughery