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September 28, 2017

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.; Room TWD-204  
Washington, D.C. 20554

ACCEPTED/FILED

SEP 28 2017

Federal Communications Commission  
Office of the SecretaryRe: W269DH (Facility ID No. 141387)  
Leesburg, VA  
Construction Permit BMPFT-20170410ABSRequest for 30-Day Extension of Construction Permit Deadline

Dear Ms. Dortch:

Pursuant to Section 73.3598 of the Commission's Rules, and on behalf of 1520 Radio Asia LLC ("Radio Asia"), the permittee of unbuilt FM Translator Station W269DH at Leesburg, Virginia, we hereby submit in triplicate this request for a 30-day extension of the authorized period of construction for underlying Construction Permit BMPFT-2017-410ABS (hereinafter referred to as "the W269DH Construction Permit"). A copy of the W269DH Construction Permit is attached.

Radio Asia consummated the purchase of the W288DG Construction Permit on November 17, 2016 pursuant to assignment application BAPFT-20160126AEI. W288DG was formerly known as unbuilt W230CF at Bishopville, Maryland. As part of the assignment process, Radio Asia filed modification application BMPFT-20160129AEV to modify the W230CF facilities to a new transmitting site utilizing Channel 288, and to propose fill-in service operations for Radio Station WTRI-AM at Brunswick, Maryland. Radio Asia is also the licensee of Radio Station WTRI-AM.

Application BMPFT-20160129AEV was filed in accordance with the Commission's *Public Notice DA 1491 (released December 23, 2015), Media Bureau Announces Filing Dates and Procedures for AM Station Filing Window for FM Translator Modifications and Availability of FM Translator Technical Tools*.

By way of brief summary, the W288DG Construction Permit was scheduled to expire on December 27, 2016 but on November 28, 2016, Radio Asia submitted a request for extension of that deadline. At the time BMPFT-20160129AEV was filed, Radio Asia and its technical consultant

were confident that W288DG would be constructed and on-air prior to the December 27, 2016 deadline. However, the Closing for the acquisition of W288DG was delayed twice. Due to the FCC's policies restricting premature construction, Radio Asia could not formally commence the construction of W288DG until the November 17, 2016 Closing. Radio Asia explained that the final logistical matters were to be delayed due to the Thanksgiving and Christmas holidays when equipment deliveries are often delayed, and tower crews slow down their work schedules. Therefore, pursuant to footnote 36 of *Revitalization of the AM Service*, 30 FCC Rcd 12145 (2015), Radio Asia sought a waiver/tolling of the expiration deadline for at least six (6) months. That request was granted and a new May 17, 2017 construction deadline was established.

These matters took on a new perspective when, on February 24, 2017, the Commission released the *Second Report and Order, FCC 17-14 (MB Docket No. 13-249)* to provide greater flexibility for an AM station to place a rebroadcasting FM translator in a location where it will better serve its AM station's listeners. This policy change would allow Radio Asia an opportunity to further modify the W288DG facilities with the relocation of its transmitting site to the Leesburg, Virginia area where there is a greater concentration Indian-Asian households – which is Radio Asia's target audience.

The *Second Report and Order* became effective on April 10, 2017. Accordingly, Radio Asia submitted modification application BMPFT-20170410ABS for proposed operations on Channel 271 at Leesburg, Virginia. On April 17, 2017 a "Petition to Deny" was filed against BMPFT-20170410ABS by Manning Broadcasting, Inc. In order to resolve the issues pertaining to the Petition to Deny, Radio Asia applied for a further modification of facilities, proposing Channel 269 at a different transmitting site. See, BMPFT-20170410ABS. That application was granted, and the construction deadline of October 10, 2017 remained.

Radio Asia has been earnestly working towards the implementation of BMPFT-20170410ABS but has not been able to find an available tower crew because they are all busy trying to restore damaged facilities in the South that were victims of Hurricane Harvey or Hurricane Irma.<sup>1</sup> Attached please find an email summary from Project Manager Vern Egli of Madison Media Partners. We are confident that a brief 30-day extension of the construction period will allow for the successful completion of this project.

At this point in time, Radio Asia has invested over \$120,000 in this project when you add up the original construction permit purchase price, the legal and engineering fees associated with the acquisition and subsequent modifications, site application fees and study charges, broadcast equipment expenses and related administrative expenses. You can be certain that Radio Asia has all intentions of completing this project in order to maximize the broadcast operations of Radio Station WTRI-AM.

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<sup>1</sup> Section 73.3598(b) of the Commission's Rules allow for the extension of a construction period when a natural disaster such as a hurricane causes the delay. The current scarcity of available tower crews is the direct result of Hurricane Harvey and Hurricane Irma.

Marlene H. Dortch  
September 28, 2017  
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Based upon the foregoing, Radio Asia respectfully submits that good cause exists to extend the expiration date of the W269DH Construction Permit for an additional thirty (30) days.

Respectfully submitted,



Cary S. Tepper  
Counsel for  
1520 Radio Asia LLC

Attachments

cc: Victoria McCauley, Esq. (FCC – by email)  
James Bradshaw (FCC – by email)

## **Construction Permit BMPFT-20170410ABS**



United States of America  
**FEDERAL COMMUNICATIONS COMMISSION**  
**FM BROADCAST TRANSLATOR/BOOSTER STATION**  
**CONSTRUCTION PERMIT**

Authorizing Official:

Official Mailing Address:

1520 RADIO ASIA LLC  
76 NATIONAL ROAD  
EDISON NJ 08817

James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

Facility Id: 141387

Call Sign: W269DH

Permit File Number: BMPFT-20170410ABS

Grant Date: May 22, 2017

The authority granted herein has no effect on the expiration date of the underlying construction permit.

This Permit Modifies Permit No.: BMPFT-20160129AEV

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Name of Permittee: 1520 RADIO ASIA LLC

Principal community to be served: VA-LEESBURG

Primary Station: WTRI (AM) , Frequency 1520 kHz, BRUNSWICK, MD

Via: Other

Frequency (MHz): 101.7

Channel: 269

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 39 deg 02 min 30 sec  
 West Longitude: 77 deg 35 min 45 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules

Antenna type: (directional or non-directional): Directional

Major lobe directions 90  
 (degrees true):

	Horizontally Polarized Antenna:	Vertically Polarized Antenna:
Effective radiated power in the Horizontal Plane (kw):	0.22	0.22
Height of radiation center above ground (Meters):	54	54
Height of radiation center above mean sea level (Meters):	203	203

Antenna structure registration number: 1023975

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 Pursuant to Revitalization of the AM Radio Service, First Report and Order, 30 FCC Rcd 12145, 12153 para. 16 (2015), the permittee/licensee and any successor in interest (licensee) shall be subject to the following restrictions. From the grant of the construction permit and continuing until the facility has achieved four years of on-air operations rebroadcasting the primary AM station identified on this authorization, the licensee may NOT change such primary station being rebroadcast by this translator, nor may it rebroadcast another station when the primary station identified on this authorization is silent. Periods of station silence shall not count toward the fulfillment of this four-year requirement. During this same four-year period the licensee may not assign or transfer the construction permit/license to another party, unless it is to the licensee of the AM station identified on this authorization or unless such assignment or transfer provides for the continuing right of the primary station to rebroadcast on the translator. Minor modifications of this authorization are permitted, provided that the translator will continue to rebroadcast the AM station for which the modification was granted.
- 2 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

Special operating conditions or restrictions:

- 3 Prior to commencing program test operations, FM Translator or FM Booster permittee must have on file at the Commission, FCC Form 350, Application for an FM Translator or FM Booster Station License, pursuant to 47 C.F.R. Section 74.14.

\*\*\* END OF AUTHORIZATION \*\*\*

## **Project Summary Email From Vern Egli**



Subj: **Process of W269DH and extension request**  
Date: 9/27/2017 3:56:12 P.M. Eastern Daylight Time  
From: [vernegli@gmail.com](mailto:vernegli@gmail.com)  
To: [tepperlaw@aol.com](mailto:tepperlaw@aol.com)  
CC: [delawder@aol.com](mailto:delawder@aol.com)

Cary,

Here is a quick overview of where we are in the process to build...

As Darryl had noted, that because of the Hurricane's and the storm coming up the coast, tower crews are in short supply. Many have went south doing work down there and other are running behind because of all the wind and weather from the storms and there tracks coming up the coasts and causing delays on present projects.

We have a tower crew arranged but they find themselves in that state.

We have the tower lease finalized and are in the permit stage with the county to hang our antenna on the tower.. when that is done we are go there...

Equipment is ordered and on it way..

IP to feed the translator has been planed.

So we should have no issues meeting the new install date if the extension is granted....

thanks

Vern Egli  
Madison Media Partners  
Vern Egli  
806 340 1284