

Before The
Federal Communications Commission
Washington, D.C. 20554

In re Application of)
)
CLEAR COMMUNICATIONS, INC.) FCC File No. BNPFT-20180502ABQ
)
NEW(FM Translator), Vineland, NJ) Facility ID #202064
Channel 293, 106.5 MHz)
)
For Construction Permit)

To: Office of Secretary
Attn: Chief, Audio Division, Media Bureau

Petition for Reconsideration
And Reinstatement *Nunc Pro Tunc*

Clear Communications, Inc. (“Clear”), through counsel and pursuant to Section 1.106 of the Commission’s Rules, hereby respectfully petitions the Commission for reconsideration of the staff letter¹ dismissing the above-captioned proposal for a new FM translator station to serve Vineland, New Jersey (the “Application”) as a fill-in for its primary station, WMIZ(AM), Vineland, New Jersey, Facility ID 11973, and for reinstatement of the Application, as amended, *nunc pro tunc*. In support of its petition, Clear submits the following.

¹ Letter of James D. Bradshaw, Senior Deputy Chief, Audio Division, Media Bureau to Clear Communications, Inc., dated September 14, 2020 (the “Letter”), a copy of which is attached hereto for convenient reference as Attachment 1. Public notice of the dismissal of the Application was given September 17, 2020. See *Public Notice, “Broadcast Actions,”* Report No. 49825 at 1. As a result, this Petition is timely filed in accordance with the provisions in FCC Rule 1.4(b).

Introduction and Background

Clear filed its Application during one of the special filing windows opened for AM stations to file for new FM translators pursuant to the AM Revitalization Proceeding.² The Application was opposed by Press Communications, LLC (“Press”), alleging that the proposed translator would cause interference to listeners of WTHJ(FM), Bass River Township, New Jersey, on Channel 293. While the Application was pending, the Commission revised its translator interference processing rule in Section 74.1204(f) and asked that Press file a supplemental showing to conform to the minimum showing requirement promulgated in the revised rule.³ Press submitted a supplemental showing on October 9, 2019, identifying 16 listener complaints.

Clear prepared an amendment to the Application in LMS for association with this Petition, but LMS will not allow the amended application to be filed. A copy of the amended Application is attached as Attachment 2 and Clear respectfully requests that FCC staff enable the filing. In the amendment, Clear revises its Application to protect the 16 listeners Press identified by modifying its proposed directional antenna pattern. Accordingly, Clear respectfully requests that the Commission reconsider the dismissal of the Application and reinstate it, as amended, *nunc pro tunc*. The engineering statement about the revised technical proposal is included in Attachment 3.

² The cross-service translator application was filed pursuant to the FCC’s *Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, 30 FCC Rcd 12145 (2015) (“AM Revitalization Proceeding”); Public Notice, “Media Bureau Announces Auction 100 FM Translator Filing Window for Long-Form Applications,” DA 18-256, released March 15, 2018.

³ *Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference*, Report and Order, 34 FCC Rcd 3457 (2019) (“*Translator Interference Order*”), clarified in Order on Reconsideration, FCC 20-141, released October 6, 2020.

The Application, as amended, meets the requirements of FCC Rule 74.1204(f), and is entitled to consideration and processing under that rule.⁴ This petition and the resubmission of the Application, as amended, conform to Commission policy on reinstatement *nunc pro tunc* of dismissed applications.⁵ Pursuant to that policy, Clear has prepared a minor curative amendment and this petition is filed within 30 days of the dismissal of the Application.

Commission Policy Warrants Reconsideration

It is the Commission's stated policy to act favorably on requests for reconsideration of an action dismissing an application when an applicant submits a minor curative amendment within 30 days.⁶ The Commission observed that the *Policy on Incomplete and Defective Applications* is a reasonable accommodation to applicants wishing to participate in the Commission's processes for the evaluation of applications. The Commission acknowledged a public interest benefit in preventing an applicant from losing its place in the processing line, which would have a severe consequence by precluding it from refileing the application. Similarly, given the limited nature of the AM Revitalization filing windows, Clear would be precluded from an opportunity to obtain a fill-in FM translator absent reinstatement and the ability to amend its Application.

⁴ 47 C.F.R. Sec. 74.1204(f).

⁵ Public Notice, "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications," FCC 84-366, released August 2, 1984, 56 P&F Rad.Reg.2d (P&F) 776 (1984) (as subsequently published in the Federal Register, 49 Fed. Reg. 47331, 47332 (Dec. 3, 1984)) (hereinafter *Policy on Incomplete and Defective Applications*).

⁶ *Policy on Incomplete and Defective Applications*, note 5 *supra*. See also Letter from Chief, Audio Division to Lake County Broadcasting (W245BL, Branchport, NY), DA No. 13-2135, released November 7, 2013, at 3, applying the policy to an FM translator construction permit application.

In addition, the FCC's *Translator Interference Order* set forth a remediation process that Clear was waiting to follow. Specifically, the *Translator Interference Order*, paragraph 21, indicates that the "Commission staff will review the contents of the interference claim package. *If compliant with our requirements*, the staff will direct the complainant station to serve the translator operator with a non-redacted copy of the relevant listener complaints so that the translator operator can verify the basic elements of the complaint . . . (emphasis added)." The *Translator Interference Order* continued, at paragraph 35, that the Bureau would "*issue a letter notifying the translator operator that the interference claim package has met our requirements*. This letter *must also establish any intermediate deadlines*, such as a remediation plan deadline, if appropriate (emphasis added)."

Clear has been waiting for that letter from the FCC staff notifying it how long it had to respond and how many listener complaints were deemed compliant. The *Translator Interference Order* reasonably lead Clear to believe that the Commission staff needed to notify Clear that staff found that the interference packet met the minimum threshold requirements, and that staff would thereafter notify Clear that it needed to resolve the complaints within a certain number of days.

Indeed, Clear's consulting engineer confirmed that procedure with the Commission staff in the email exchange with Robert Gates on December 31, 2019, a copy of which is included in Attachment 4. Although Clear recognizes that it cannot rely on the informal statements of FCC staff, the procedure set forth in the *Translator Interference Order* was not followed by staff in this case when it prematurely dismissed Clear's Application. For this additional reason, the Application, as amended, should be reinstated,

and the Letter should be deemed such notice as opposed to a dismissal of Clear's Application.⁷ Otherwise, Clear had insufficient notice that it would need to resolve the listener complaints prior to receiving notice from the FCC staff that Press' supplemental showing met the minimum requirements and how many days Clear would have to respond about how it would protect those listeners.

Here, the Application was dismissed without giving Clear the requisite notice that Press' showing was sufficient to proceed to the next step and without giving Clear the remediation deadlines or identifying which complaints were compliant. Dismissal of the Application deprives Clear of the opportunity to better serve the public as the Commission intended in the *AM Revitalization Order* to allow FM translators to be used to supplement AM station service for all the public interest reasons stated in that Order. Grant of reconsideration and acceptance of the resubmitted Application will reasonably accommodate Clear consistent with Commission policy.

Clear has satisfied the requirements for reconsideration by relying on new facts contained in the proposed amendment to the Application. Moreover, the Commission recently clarified the *Translator Interference Order*, regarding the zone of potential interference and the correct methodology for determining interfering contours.⁸ See Attachment 3. The proposed amendment uses the revised methodology to demonstrate that the amended Application will not cause interference to the 16 listeners identified by Press.

⁷ Because the staff did not follow the procedure to notify Clear about the number of days it had to rebut the listener complaints, it effectively took away Clear's "one bite of the apple" policy in *In re Public Notice "Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications,"* FCC 85-185, 57 P&F Rad.Reg.2d 1603, 1604 (1985).

⁸ *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Order on Reconsideration, FCC 20-141, released October 6, 2020, at para. 16.


Conclusion

For the reasons stated, Clear respectfully requests that the Commission grant this petition for reconsideration, and reinstate *nunc pro tunc* the Application, as amended.

Respectfully submitted,

CLEAR COMMUNICATIONS, INC.

FOSTER GARVEY PC
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Washington, DC 20007
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(202) 965-7880

By: 

Melodie A. Virtue
Its Attorneys

October 14, 2020

ATTACHMENT 1

Dismissal Letter

FEDERAL COMMUNICATIONS COMMISSION
445 12th Street, SW.
Washington, DC 20554

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/media/radio/audio-division

PROCESSING ENGINEER: Larry Hannif-Ali
TELEPHONE: (202) 418-2143
FACSIMILE: (202) 418-1410
MAIL STOP: 1800B3
INTERNET ADDRESS: Larry.Hannif-Ali@fcc.gov

September 14, 2020

Clear Communications, Inc.
P.O. Box 689
Vineland, NJ 08362

In re: NEW(FM), Vineland, NJ
Facility ID No. 202064
BNPFT-20180502ABQ
Petition to Deny

Dear Applicant:

The staff has under consideration: (1) the above-captioned application for a new translator in Vineland, New Jersey; (2) the Petition to Deny (Petition) filed by Press Communications, LLC (Press) on May 23, 2018; (3) the September 9, 2019, staff letter to Press requesting additional information to supplement its Petition in light of the Commission's revised FM translator interference standards¹; and (4) all related pleadings. For the reasons set forth herein, we grant the Petition to Deny and dismiss the application.

In the Petition to Deny and Supplement, Press purports that the proposed translator will cause interference to listeners of WTHJ(FM), Bass River Township, New Jersey on channel 293 (BLH-20060711ACL) and violate 47 C.F.R. Section 74.1204(f) of the Commission's Rules.

The Petition to Deny was pending on August 13, 2019, when the revised Section 74.1204(f) governing predicted interference rules came into effect. When it revised its translator interference rules, the Commission provided that "complaints that have not been acted upon as of the effective date of the rules adopted in this *Report and Order* will be decided based on the new rules. If necessary, parties will be given an opportunity to submit supplemental materials to address the revised rules adopted herein." Accordingly, on September 9, 2019, the Bureau notified Press that it had 30 days to bring the Petition to Deny into compliance with the updated translator interference complaint requirements. On October 9, 2019, Press filed its Supplement, including 16 listener complaints.

In promulgating the revised Section 74.1204(f) of the Rules, the Commission states that "an application for an FM translator station will not be accepted for filing even though the proposed operation would not involve overlap of field strength contours with any other station, as set forth

¹ See *Letter to John F. Garziglia*, Ref. 1800B3-LH-A (MB rel. Sept. 9, 2019) (*Staff Letter*); see also *Amendment of Part 74 of the Commission's Rules Regarding FM Translator Interference*, Report and Order, 34 FCC Rcd 3457 (2019) (*Translator Interference Order*).

in paragraph (a) of this section, if grant of the authorization will result in interference to the reception of a regularly used, off-the-air signal of any authorized co-channel, first, second or third adjacent channel broadcast station, including previously authorized secondary service stations within the 45 dBμ field strength contour of the desired station.” Interference is demonstrated by: (1) the required minimum number of valid listener complaints as determined using Table 1 of Section 74.1203(a)(3) and defined in Section 74.1201(k) of the part; (2) a map plotting the specific location of the alleged interference in relation to the complaining station's 45 dBμ contour; (3) a statement that the complaining station is operating within its licensed parameters; (4) a statement that the complaining station licensee has used commercially reasonable efforts to inform the relevant translator licensee of the claimed interference and attempted private resolution; and (5) U/D data demonstrating that at each listener location the undesired to desired signal strength exceeds -20 dB for co-channel situations, -6 dB for first-adjacent channel situations or 40 dB for second- or third-adjacent channel situations, calculated using the Commission's standard contour prediction methodology set out in Section 73.313 of the Rules.²

Press has followed the required protocol by submitting documentation from 16 listeners certifying that they are regular listeners of WTHJ(FM) at least twice a month at home, at work, or in their cars. By plotting the complainants' specific addresses on a map showing the specific location of the alleged interference in relation to the complaining station's 45 dBμ contour, Press has demonstrated that all complainants listen to WTHJ(FM) and that their addresses are located where the undesired to desired signal strength exceeds -20 dB for co-channel situations, calculated using the Commission's standard contour prediction methodology set out in Section 73.313 of the Rules. Press has also indicated that WTHJ(FM) has been operating within licensed parameters, and it includes a statement that it has used commercially reasonable efforts to inform Clear Communications, Inc., of the claimed interference and attempted a private solution. We find that Press has adequately substantiated its Section 74.1204(f) claims by demonstrating that there are WTHJ(FM) listeners located inside WTHJ(FM)'s 45 dBμ protected contour that are predicted to receive interference from the facilities proposed in the application. Accordingly, we will grant the Petition and dismiss the application.

Accordingly, the May 23, 2018, Petition to Deny filed by Press Communications, LLC, IS HEREBY GRANTED and the application BNPFT-20180502ABQ IS HEREBY DISMISSED. This action is taken pursuant to 47 C.F.R. § 0.283.

Sincerely,

/s/

James D. Bradshaw
Senior Deputy Chief
Audio Division
Media Bureau

cc: John F. Garziglia
Melodie A. Virtue, Esq.

² See 47 CFR § 74.1204(f) (2019).

ATTACHMENT 2

Application as Amended

LMS would not allow Clear to file the attached amended application.
Clear requests that the FCC staff assist in enabling the amended application to be filed.



(DRAFT COPY - Not for submission)
 Amendment to a New FM Translator Station Construction Permit
 Application

File Number: **BNPFT-20180502ABQ** | Submit Date: **10/14/2020** | Lead Call Sign: **NEW** | FRN: **0004284527**

Service: **FM Translator** | Purpose: **Construction Permit Amendment** | Status: **Saved** | Status Date: **10/21/2019**

Filing Status: **Active**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	No

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	No
	Indicate reason for fee exemption:	
	Is the applicant exempt from FCC regulatory Fees?	
Waivers	Does this filing request a waiver of the Commission's rule (s)?	No
	Total number of rule sections involved in this waiver request:	

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
CLEAR COMMUNICATIONS, INC. Doing Business As: CLEAR COMMUNICATIONS, INC.	P.O. BOX 689 VINELAND, NJ 08362 United States	+1 (856) 692- 8888	CHEMPLE@AOL. COM	Company

Contact Representatives (2)

Contact Name	Address	Phone	Email	Contact Type
Clarence M. Beverage <i>BROADCAST ENGINEERING CONSULTANT</i> Communications Technologies, Inc.	23 BINSTED DRIVE MEDFORD, NJ 08055 United States	+1 (609) 451-5296	CBEVERAGE@COMMTECHRF. COM	Technical Representative
Melodie A. Virtue , Esq. . <i>FCC Counsel</i> Foster Garvey PC	1000 Potomac St. N.W. Suite 200 Washington, DC 20007-3501 United States	+1 (202) 298-2527	melodie.virtue@foster.com	Legal Representative

Alien Ownership

Question	Response
1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?	No

2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	No
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	No
4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))	No
5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))	No
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	No
6a) Enter the citation of the applicable declaratory ruling by DA/FCC number or the FCC Record citation, release date, or any other identifying information.	
7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6?	
7a) Enter the File or Docket Number of the Petition for Declaratory Ruling that the applicant has filed for its foreign ownership in connection with this application pursuant to Section 310(b)(4) of the Communications Act.	
8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6?	
9) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act?	No

Legal Certifications

Section	Question	Response
Obligations	Licensee/Permittee certifies that all terms, conditions, and obligations set forth in the underlying construction permit have been fully met.	
	Licensee/Permittee certifies that, apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application to be now incorrect.	
Character Issues	Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with: (a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or (b) any pending broadcast application in which character issues have been raised.	Yes
Adverse Findings	Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
Program Service Certification	Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	Yes

Local Public Notice	Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	Yes
Equal Employment Opportunity (EEO)	If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report.	
Operational Compliance	Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary station being rebroadcast? See 47 C.F.R. Section 74.1232(d).	
	Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.	
Support Compliance	The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee /permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).	N/A
Rebroadcast Certification	For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.	N/A
Station Ready for Operation	Applicant certifies that station is now in satisfactory operating condition and ready for regular operation.	
Programming	The applicant certifies that it is the licensee of the primary station or the applicant certifies that written authority has been obtained from the licensee of the primary station whose programming is to be retransmitted.	
Eligibility Certifications	The applicant certifies that it is a:	
	If the applicant is submitting multiple applications, is this application the "priority" application? See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80, paras. 79-80 (2000).	
	The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.	
	The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.	

Community-Based Criteria	Applicants must certify that they are local to be eligible for LPFM authorizations. An applicant must select "yes" to at least one of the certifications below to be eligible for an LPFM license. The applicant certifies that:	
	it is a nonprofit educational institution or organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	
	it is a nonprofit educational institution or organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	
	it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. See 47 C.F.R. Sections 73.853(c) and 73.7000.	
Ownership	it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.	
	The applicant certifies that: no party to this application has an attributable interest in any low power FM broadcast station	
	1. no party to this application has an attributable interest in any non-LPFM broadcast station, including any full power AM or FM station, FM translator station, full or low power television station, or any other media subject to the Commission's broadcast ownership restrictions	
	2. no party to this application has pending an application for a low power FM, full power AM or FM station, FM translator station, or full or low power television station;	
	the applicant is in compliance with the Commission's policies relating to media interests of immediate family members; and	
Unlicensed Operation	the applicant is in compliance with the Commission's policies relating to investor insulation and the non-participation of non-party investors and creditors.	
	The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.	
Financial	The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.	
Holding Period Certifications	Applicant certifies that this application does not propose a modification to an authorization that was awarded on the basis of a preference for fair distribution of service pursuant to 47 U.S.C. Section 307(b).	

	Applicant certifies that this application does not propose a modification to an authorized station that received a credit for superior technical parameters under the point system selection method in 47 C.F.R. Section 73.7003.	
Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b)	Applicant certifies that the proposed station will provide a first rural (reception) service.	
	Applicant certifies that: (a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000; (b) the facilities proposed in this Application will provide Tribal Coverage, as defined in 47 C.F.R. Section 73.7000, of Tribal Lands occupied by the applicant Tribe(s); (c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and (d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license	
	Applicant certifies that the proposed station will provide a first noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1mV/m) service contour and (b) to a minimum of 2,000 people.	
	Applicant certifies that the proposed station will provide a second noncommercial educational aural service, or an aggregated first and second noncommercial educational aural service, to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour and (b) to a minimum of 2,000 people.	
Auction Authorization	If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.	
Tribal Priority – Threshold Qualifications	Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window?	
Petition for Rulemaking /Counterproposal to Add New FM Channel to FM Table of Allotments	This application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. Section 73.202) to add a new FM channel allotment. The petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter- proponent will apply to participate in the auction of the channel allotment requested and specified in this application.	

Point System Factors

New station and major change LPFM applicants must complete the following questions. Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modifications of authorized LPFM stations. Mutually exclusive applicants will be awarded one point for each of the following:

Section	Question	Response
Preliminary Matter	Does this application provide fill-in service only?	
Local Program Origination	The applicant pledges to originate locally at least eight hours of programming per day.	

Main Studio	The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.	
	An applicant claiming a point under 3. must provide the proposed address and telephone number for the main studio.	
	Address Line 1:	
	Address Line 1:	
	City:	
	State:	
	Zip Code:	
	Phone:	
Established Community Presence	The applicant certifies that it is a:	
Local Program Origination and Main Studio	The applicant certifies that it qualifies for a point under both the local program origination and the main studio criteria.	
Established Local Applicant	Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 C.F.R. Section 73.7000, that its governing documents require that such localism be maintained, and that it has placed documentation of its qualifications as an established local applicant in a local public inspection file and has submitted to the Commission copies of the documentation.	
Diversity of Ownership	Applicant certifies that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized station (comparing radio to radio and television to television, including non-fill-in translator stations, other than those identified in (b) below, in which any party to the application has an attributable interest as defined in 47 C.F.R. Section 73.3555, that its governing documents require that such diversity be maintained, and that it has placed documentation of its diversity qualifications in a local public inspection file and has submitted to the Commission copies of the documentation	
	The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.	
State-wide Network	Applicant certifies that (a) it has NOT claimed a credit for diversity of ownership above; (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation.	

Technical Parameters	Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its proposal would serve with a 60 dBu (FM) or Grade B (TV) signal measured in accordance with the standard predicted contours in 47 C.F.R. Sections 73.313(c) (FM), 73.683(TV) and 73.622(e) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include new area proposed only (exclude any area already within the station's existing service area). (Points, if any, will be determined by FCC)	
	New area served in square kilometers (excluding areas of water):	
	Population served based on the most recent census block data from the United States:	
Existing Authorizations	By placing a number below, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, existing authorizations for the following number of relevant broadcast stations. FM translator applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial and FM translator stations other than fill-in stations.	
	(Fill-in Applicants Only.) By placing a number below, the applicant certifies that, in addition to the station identified in (a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, existing authorizations for the following number of FM translators.	
Pending Applications	By placing a number below, the applicant certifies that it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, pending applications for new or major changes to the following number of relevant broadcast stations. FM translator applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial and FM translator stations other than fill-in stations.	
	(Fill-in Applicants Only.) By placing a number below, the applicant certifies that, in addition to the station identified in (a), it and any persons and organizations with attributable interests in the applicant pursuant to 47 C.F.R. Section 73.3555 have, as of the date of filing, pending authorizations for the following number of FM translators.	
Tribes or Tribal Organizations	The applicant certifies it is a Tribe proposing to locate its transmitting antenna site on its Tribal Lands, or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.	

Involuntary Time-Share Information

New station and major change applicants must complete the following questions.

This information will be used only for selection among mutually exclusive applications for the new LPFM stations and major modification of authorized LPFM stations and only in the event that two or more applications are tied after the point system analysis. See 47 C.F.R. Section 73.872

Section	Question	Response
Established Community Presence	Provide the date on which the applicant qualified as local. See 47 C.F.R. Section 73.853(b).	
	Applicant certifies that it has remained local at all times since this date.	

Channel and
Facility
Information

Section	Question	Response
Program Test Authority	The application is operating pursuant to automatic program test authority	
	The applicant is requesting program test authority	
Proposed Community of License	State	New Jersey
	City	VINELAND
	Channel	293
	Frequency	106.5
Facility Type	Facility Type	Commercial
Station Class	Station Class	D

Antenna
Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1045640
Coordinates (NAD83)	Latitude	39° 29' 53.0" N+
	Longitude	075° 04' 30.0" W-
	Structure Type	TOWER-A free standing or guyed struct
	Overall Structure Height	115.5 meters
	Support Structure Height	0.5 meters
	Ground Elevation (AMSL)	17.0 meters
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:100 meters Vertical:100 meters
	Height of Radiation Center Above Average Terrain	Horizontal: Vertical:
	Height of Radiation Center Above Mean Sea Level	Horizontal:117.0 meters Vertical:117.0 meters
	Effective Radiated Power	Horizontal:0.25 Vertical: 0.25
	Transmitter Power Output	- -
Proposed Allotment or Assignment - Coordinates (NAD83)	Latitude	- -
	Longitude	- -

Antenna
Technical Data

Section	Question	Response
Antenna Type	Antenna Type	Directional
Primary Station	Call Sign	WMIZ
	Facility ID	11973
	Frequency	1270
	Channel	0

	Service Code	AM
	City	VINELAND
	State	NJ
Delivery Method	Delivery Method	Internet
	If Other, Please specify:	
Transmitting Antenna	Manufacturer:	BEXT
	Model	LOG R
	Antenna Number of Sections:	
	Antenna Spacing Between Sections:	

Directional Antenna Relative Field Value

Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	0.158	90	0.066	180	0.534	270	0.852
10	0.121	100	0.087	190	0.645	280	0.754
20	0.087	110	0.121	200	0.754	290	0.645
30	0.066	120	0.158	210	0.852	300	0.534
40	0.062	130	0.194	220	0.931	310	0.427
50	0.067	140	0.224	230	0.982	320	0.329
60	0.07	150	0.25	240	1.0	330	0.25
70	0.067	160	0.329	250	0.982	340	0.224
80	0.062	170	0.427	260	0.931	350	0.194

Additional Azimuths

Degree	Value
--------	-------

Technical Certifications

Section	Question	Response
Environmental Effect	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	No
Broadcast Facility	Does the proposed facility comply with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.203, 73.207, 73.213, 73.315, 73.509, 73.515, 73.525, and 73.1125?	
Contour Protection	Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215?	
Community of License Change - Section 307(b)	Is the application being submitted to change the facility's community of license? If 'Yes', an exhibit is required containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b))	
Proposal Compliance	Does the applicant certify that the proposal is for a fill-in translator or booster?	Yes

	Does the applicant certify that the proposal complies with Sections 74.1204, 74.1205, 74.1232, 74.1234 and 74.1235?	Yes
Interference	Does the applicant certify that the proposed facility complies with the engineering requirements of 47 CFR Section 73.807 (a) through (g), 73.825 and 73.827(a)?	
Transmitter Power Output	Does the operating transmitter power output produce the authorized effective radiated power?	
Constructed Facility	The facility was constructed as authorized in the underlying construction permit or complies with 47 C.F.R. Section 74.1251?	
Special Operating Conditions	Was the facility constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit?	
Environmental	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	

Certification

Section	Question	Response
General Certification Statements	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	
	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002(c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND /OR FORFEITURE (U.S. Code, Title 47, §503).	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<u>Vineland Translator Amendment cross reference.pdf</u>	Applicant	All Purpose	Cross referenced exhibit	Done with Virus Scan and/or Conversion
<u>Vineland Translator Amendment cross reference.pdf</u>	Applicant	Amendment	Cross Reference to other exhibit for amendment	Done with Virus Scan and/or Conversion
<u>WMIZ(AM) MINOR AMENDMENT TO PENDING FILL-IN APPLICATION FOR CP ENGINEERING NARRATIVE AND ENVIRONMENTAL 10132020.pdf</u>	Applicant	Technical Certifications	MINOR AMENDMENT ENGINEERING AND ENVIRONMENTATL	Done with Virus Scan and/or Conversion

Amendment

See other attached exhibit in WMIZ(AM) MINOR AMENDMENT TO PENDING FILL-IN APPLICATION FOR CP ENGINEERING NARRATIVE AND ENVIRONMENTAL 10132020.pdf.

**WMIZ(AM) MINOR AMENDMENT TO PENDING FM TRANSLATOR APPLICATION FOR
FILL-IN CP BNPFT-20180502ABQ
CH 293 0.25 kW DA FACILITY ID 202064 VINELAND, NEW JERSEY
ENGINEERING NARRATIVE AND RF RADIATION ENVIRONMENTAL ANALYSIS
OCTOBER 2020**

Clear Communications, Inc. herein amends its pending application for construction permit for AM fill-in translator to specify a directional antenna pattern which fully protects (no 25 dBu F(50,10) contour overlap) the 16 listener locations for FM station WTHJ(FM), Bass River Township, New Jersey, on Channel 293 as Required by Rule Section 74.1204(f). These locations were identified in a supplement to Petition To Deny the WMIZ(AM) fill-in translator filed on October 9, 2019 by Press Communications, LLC licensee of WTHJ(FM). The proposed minor amendment specifies no change in frequency, ERP or site location.

The applicant proposes herein to locate its Bext LOG-R, elliptically polarized, 6 bay, 0.918 wave spaced antenna on the side of the WMIZ(AM) skirt fed tower with its radiation center 100 meters AGL. Utilizing the FCC FM Model online calculator for an EPA type 1 antenna with 250 watts ERP H & V with 0.918 wave spacing on CH 293 gives a maximum calculated power density of 0.38 microwatts per centimeter squared which is 0.2 percent of the 200 microwatts public exposure guideline. Based on this analysis, it is believed that the proposed facility follows OET-65 Public Exposure Guidelines.

The applicant will reduce power or cease transmission as required to meet FCC OET-65 worker Guidelines.

The tower, building and all supporting infrastructure are existing.

An allocation has been run for the minor amendment proposed facility and there is no prohibited overlap to any facility in the allocation on a co or 1st adjacent channel as seen in the study output tabulation below. The proposed site is inside the primary 54 dBu contour of WKVP Camden, NJ on CH 295B and WISX CH 291B Philadelphia, PA. As demonstrated previously these stations are fully protected as described herein.

Search of channel 293 (106.5 MHz Class D) at 39-29-53.0 N, 75-04-30.0 W.

CALL	CITY	ST	CHN	CL	DIST	SEP	BRNG	CLEARANCE
WKVP	CAMDEN	NJ	295	B	45.71	0.00	357.4	-9.31 dB *
WISX	PHILADELPHIA	PA	291	B	65.57	0.00	352.1	-1.04 dB *
WWMXCP	BALTIMORE	MD	293	B	136.89	0.00	262.9	4.67 dB
WWMXLIC	BALTIMORE	MD	293	B	136.89	0.00	262.9	4.63 dB
WJSE	NORTH CAPE MAY	NJ	292	A	47.79	0.00	148.8	7.74 dB
WTHJ	BASS RIVER TOWNSHIP	NJ	293	A	63.80	0.00	76.3	12.66 dB
W294BN	DOVER	DE	294	D	52.70	0.00	230.1	15.14 dB
WPPM-LP	PHILADELPHIA	PA	293	LP100	51.50	24.00	353.4	16.13 dB
W293DS	CAMDEN	NJ	293	D	61.62	0.00	347.1	17.31 dB
W295CJ	CHESTERTOWN	MD	295	D	92.41	0.00	251.2	44.59 dB

- See Free Space

The WKVP and WISX signals at the proposed CH 293 translator site are mapped in BNPFT-20180502ABQ and remain unchanged. The WKVP signal is 62.6 dBu with an associated translator interfering contour value of 102.6 dBu. The WISX signal at the proposed translator site is 54.2 dBu and the associated translator interfering contour value of 94.2 dBu.

Proposed facility consists of a six bay array of Bext LOG R antennas, 0.918 lambda spacing, elliptically polarized with the antenna RC 100 meters AGL. Exhibit 1 is a tabulation of the antenna elevation pattern as provide by Bext. Exhibit 2 is the free space signal level computation showing that the free space signal exceeds 94.2 dBu at 0.1386 kilometers based on 250 watts ERP and beyond that elevation falls below 94.2 dBu. Figure 1 depicts a 0.14 kilometer radius from the tower where at a full 250 watts and the radius is unpopulated except for one residence on the Google Earth satellite view Figure 1 whose center is 451 feet from the tower base at a bearing of 84 degrees. The DA pattern ERP at this bearing is less than 25 watts or 10 dB lower than the 96 dBu free space signal level calculated at a distance of 0.1386 kilometers demonstrating that the signal level is far below the 94.2 dBu value required to create interference.

The above calculations are believed conservative as there is no likelihood of actual interference under any circumstances. However, in an abundance of caution a waiver of 74.1204 is requested should the staff deem that necessary.

Figure 1 attached depicts an Omni 0.14 kilometer radius of possible signal level exceeding 94.2 dBu at depression angles between 90 and 45 degrees.

Figure 2 attached is an AM on FM mapping depicting that the proposed 60 dBu lies entirely within the 60 dBu contour specified in BNPFT-20180502ABQ which demonstrates that the proposed amended facility is a minor change. The proposed 60 dBu coverage contour is located entirely within a 25 mile radius of the WMIZ(AM) transmitter site.

Attached as Appendix 1 is an Engineering Statement fully explaining the proposed change in the directional antenna pattern to fully protect the 16 site locations for which WTHJ(FM) has claimed as listener locations.

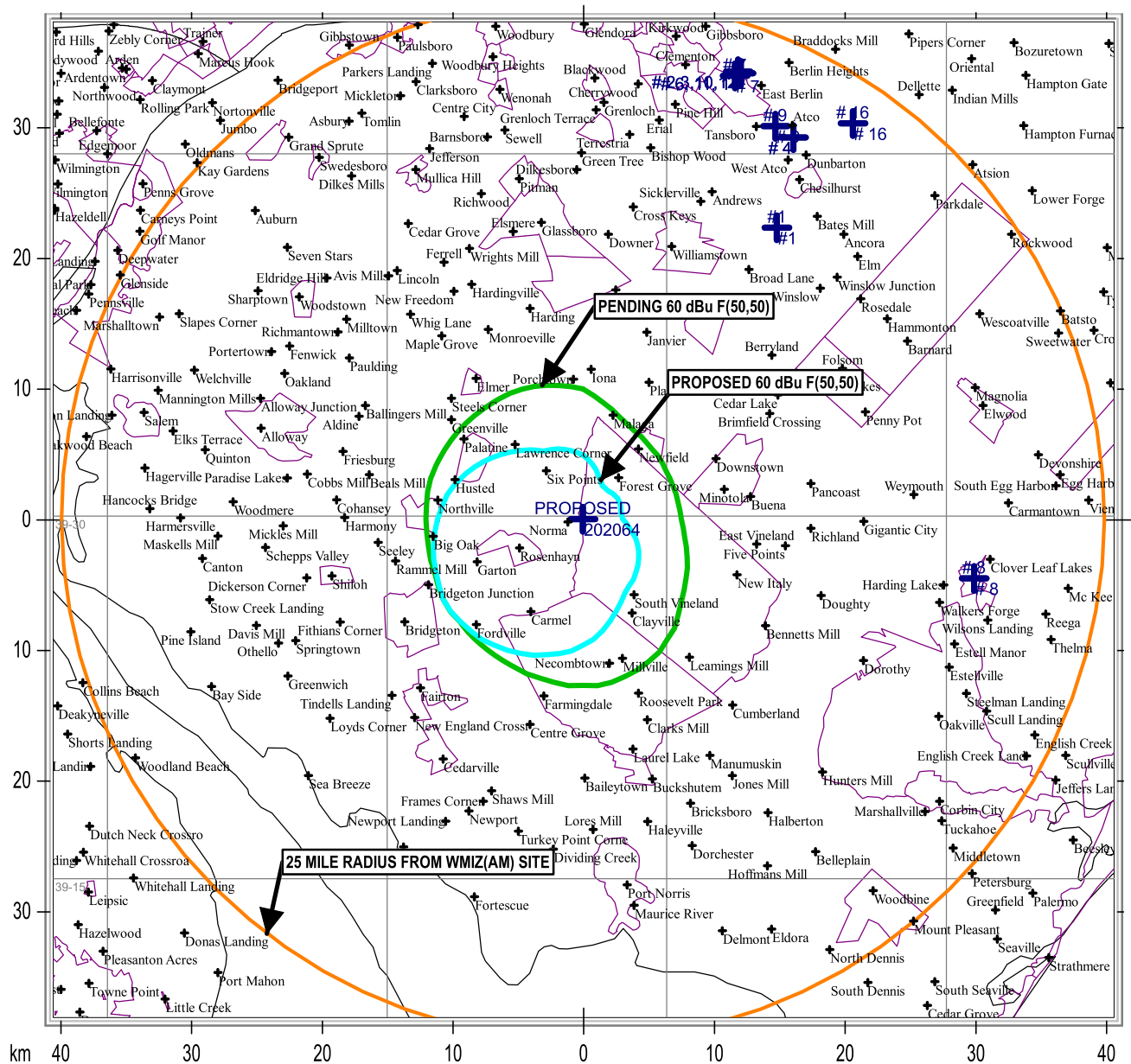
The foregoing was prepared on behalf of Clear Communications, Inc. by Clarence M. Beverage of Communications Technologies, Inc., Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.



Clarence M. Beverage
for Communications Technologies, Inc.
Marlton, New Jersey
October 13, 2020



WMIZ(AM) CH 293 250 WATT BNPFT-20180502ABQ PROPOSED MINOR MOD VINELAND NEW JERSEY



Communications Technologies, Inc. Marlton, New Jersey

National Borders
 City Borders
 Lat/Lon Grid

EXHIBIT 1
ELEVATION PATTERN COMPUTED BY BEXT FOR SIX
STACKED LOG R ANTENNA SPACED 0.918 LAMBDA

Vertical diagram at an azimuth of 240.3° degrees

Dep (°)	Er (%)	ERP (W)	Dep (°)	Er (%)	ERP (W)	Dep (°)	Er (%)	ERP (W)
0.0	88.1	570.2	30.0	3.5	0.9	60.0	5.0	1.8
0.5	84.2	521.9	30.5	3.0	0.7	60.5	5.2	2.0
1.0	80.1	471.4	31.0	2.6	0.5	61.0	5.4	2.2
1.5	75.6	420.0	31.5	2.3	0.4	61.5	5.6	2.3
2.0	70.8	368.8	32.0	2.0	0.3	62.0	5.7	2.4
2.5	65.9	318.9	32.5	1.9	0.3	62.5	5.7	2.4
3.0	60.7	271.3	33.0	1.8	0.2	63.0	5.7	2.4
3.5	55.5	226.8	33.5	1.8	0.2	63.5	5.7	2.4
4.0	50.3	185.9	34.0	1.9	0.3	64.0	5.6	2.3
4.5	45.0	149.2	34.5	1.9	0.3	64.5	5.4	2.1
5.0	39.9	117.0	35.0	2.0	0.3	65.0	5.2	2.0
5.5	34.8	89.1	35.5	2.1	0.3	65.5	5.4	2.1
6.0	29.9	65.7	36.0	2.2	0.4	66.0	5.6	2.3
6.5	25.2	46.8	36.5	2.4	0.4	66.5	5.8	2.5
7.0	20.8	31.8	37.0	2.7	0.5	67.0	6.0	2.6
7.5	16.7	20.5	37.5	3.0	0.7	67.5	6.2	2.8
8.0	12.9	12.3	38.0	3.3	0.8	68.0	6.3	2.9
8.5	9.5	6.7	38.5	3.7	1.0	68.5	6.5	3.1
9.0	6.6	3.2	39.0	4.1	1.3	69.0	6.6	3.2
9.5	4.2	1.3	39.5	4.6	1.5	69.5	6.8	3.4
10.0	2.7	0.6	40.0	5.0	1.9	70.0	6.9	3.5
10.5	2.8	0.6	40.5	5.5	2.2	70.5	7.1	3.7
11.0	3.6	1.0	41.0	5.9	2.6	71.0	7.3	3.9
11.5	4.6	1.5	41.5	6.3	2.9	71.5	7.5	4.1
12.0	5.3	2.1	42.0	6.7	3.3	72.0	7.6	4.3
12.5	5.7	2.4	42.5	7.0	3.6	72.5	7.8	4.5
13.0	5.9	2.6	43.0	7.3	3.9	73.0	8.0	4.7
13.5	5.8	2.5	43.5	7.5	4.1	73.5	8.1	4.9
14.0	5.4	2.2	44.0	7.7	4.3	74.0	8.3	5.0
14.5	4.8	1.7	44.5	7.8	4.5	74.5	8.4	5.2
15.0	4.1	1.2	45.0	7.9	4.6	75.0	8.6	5.4
15.5	3.2	0.7	45.5	7.9	4.6	75.5	8.8	5.7
16.0	2.2	0.4	46.0	7.9	4.6	76.0	8.9	5.9
16.5	1.3	0.1	46.5	7.9	4.5	76.5	9.1	6.1
17.0	1.1	0.1	47.0	7.7	4.4	77.0	9.3	6.4
17.5	1.9	0.3	47.5	7.5	4.2	77.5	9.5	6.6
18.0	3.0	0.7	48.0	7.3	3.9	78.0	9.6	6.8
18.5	4.2	1.3	48.5	7.0	3.6	78.5	9.8	7.0
19.0	5.3	2.1	49.0	6.6	3.2	79.0	9.9	7.3
19.5	6.4	3.0	49.5	6.2	2.9	79.5	10.1	7.5
20.0	7.3	4.0	50.0	5.8	2.5	80.0	10.2	7.7
20.5	8.2	4.9	50.5	5.3	2.1	80.5	10.4	7.9
21.0	8.9	5.8	51.0	4.8	1.7	81.0	10.5	8.2
21.5	9.4	6.5	51.5	4.2	1.3	81.5	10.7	8.4
22.0	9.9	7.2	52.0	3.6	1.0	82.0	10.8	8.6
22.5	10.1	7.6	52.5	3.1	0.7	82.5	10.9	8.8
23.0	10.3	7.8	53.0	2.5	0.4	83.0	11.1	9.0
23.5	10.3	7.8	53.5	1.9	0.3	83.5	11.2	9.2
24.0	10.2	7.6	54.0	1.3	0.1	84.0	11.3	9.4
24.5	10.0	7.3	54.5	0.9	0.1	84.5	11.5	9.6
25.0	9.6	6.8	55.0	0.8	0.0	85.0	11.6	9.8
25.5	9.2	6.2	55.5	1.0	0.1	85.5	11.6	10.0
26.0	8.6	5.5	56.0	1.5	0.2	86.0	11.7	10.1
26.5	8.1	4.8	56.5	2.0	0.3	86.5	11.8	10.2
27.0	7.4	4.0	57.0	2.5	0.5	87.0	11.8	10.3
27.5	6.7	3.3	57.5	3.0	0.7	87.5	11.9	10.4
28.0	6.1	2.7	58.0	3.4	0.9	88.0	12.0	10.5
28.5	5.4	2.1	58.5	3.9	1.1	88.5	12.0	10.6
29.0	4.7	1.6	59.0	4.3	1.3	89.0	12.1	10.7
29.5	4.1	1.2	59.5	4.6	1.6	89.5	12.1	10.8

EXHIBIT 2

FREE SPACE SIGNAL LEVEL

**Computation of Signal Level
2 METERS AGL
Proposed 106.5 MHz FM Translator
VINELAND, NEW JERSEY**

October 12, 2020

Depression Angle, Degrees	Relative Field	ERP Watts	dBk	Distance to the Ground in Kilometers	Free Space Signal
90	0.121	3.6603	-24.4	0.0980	102.7
85	0.116	3.3640	-24.7	0.0984	102.3
80	0.102	2.6010	-25.8	0.0995	101.1
75	0.086	1.8490	-27.3	0.1015	99.5
70	0.069	1.1903	-29.2	0.1043	97.3
65	0.052	0.6760	-31.7	0.1081	94.5
60	0.050	0.6250	-32.0	0.1132	93.8
55	0.008	0.0160	-48.0	0.1196	77.4
50	0.058	0.8410	-30.8	0.1279	94.0
45	0.079	1.5603	-28.1	0.1386	96.0
40	0.050	0.6250	-32.0	0.1525	91.2
35	0.020	0.1000	-40.0	0.1709	82.3
30	0.035	0.3063	-35.1	0.1960	85.9
25	0.096	2.3040	-26.4	0.2319	93.2
20	0.073	1.3323	-28.8	0.2865	89.0
15	0.041	0.4203	-33.8	0.3786	81.6
10	0.027	0.1823	-37.4	0.5644	74.5
5	0.399	39.8003	-14.0	1.1244	91.9
4	0.503	63.2523	-12.0	1.4049	92.0
3	0.607	92.1123	-10.4	1.8725	91.1
2	0.708	125.3160	-9.0	2.8081	88.9
1	0.801	160.4003	-7.9	5.6153	84.0

Notes:

Antenna radiation center above ground (meters): 98

Maximum ERP (watts) at 0° Depression angle: 250

Free Space Signal = $106.92 - 20 \cdot \log(\text{distance in km}) + \text{dBk}$

Relative Field from Bext Log-R 0.918 wave spacing

APPENDIX 1 - FIVE PAGES

ENGINEERING STATEMENT IN SUPPORT OF PETITION FOR RECONSIDERATION AND GRANT OF APPLICATION FOR CP FOR NEW WMIZ(AM) FILL-IN TRANSLATOR FACILITY ID 202064 CH 293 106.5 MHz VINELAND, NEW JERSEY

The following Engineering Statement has been prepared on behalf of Clear Communications, Inc., (“Clear”) licensee of station WMIZ(AM), Vineland, New Jersey and applicant for new fill-in translator as specified in FCC File No. BNPFT-20180502ABQ, FCC Facility ID No. 202064. On September 14, 2020, the staff of the Audio Division of the Media Bureau dismissed the above noted application after reviewing a Petition to Deny filed by Press Communications, LLC, licensee of WTHJ(FM), CH 293, 106.5 MHz, Bass River Township, New Jersey. The Petition to Deny described 16 listener locations and associated certifications as regular listeners located inside the WTHJ(FM) 45 dBu and determined that each location was located where the undesired to desired (U/D) signal strength exceeds -20 dB based on the FCC standard contour methodology set out in section 73.313 of the Rules. The staff letter concluded that Press adequately substantiated its Section 74.1204(f) claims by “...demonstrating that there are WTHJ(FM) listeners located inside WTHJ(FM)’s 45 dBu protected contour that are predicted to receive interference from the facilities proposed in the **Clear** application...” emphasis added.

Clear notes that the FCC released an Order on Reconsideration on October 6, 2020 in MB Docket No. 18-119, “Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference.” At paragraph 16 the Order clarifies that Rule 74.1204(b) includes guidance on using F(50,50) curves for protected contours and F(50,10) curves for interfering contours for purpose of making U/D calculations. Clear certifies that its calculation of contours in this statement are based on 74.1204(b).

Press depicted its 16 protected listeners in an area located well outside the WTHJ 60 dBu contour and near the outer edge of its 45 dBu contour northwest of the WTHJ site predominantly in Camden County, New Jersey, with one listener in Atlantic County and two in Burlington County. Clear herein amends its application by modifying its translator antenna pattern to significantly reduce its signal, no change in frequency or proposed site location, so that each of the 16 listener locations lie outside the proposed translator 25 dBu. By definition the undesired to desired (U/D) signal strength no longer exceeds -20 dB based on the FCC standard contour methodology as set out in section 73.1204(b) of the Rules.

Figure 1, attached, depicts the BNPFT-20180502ABQ pending 25 dBu F(50,10) contour in red and the proposed minor mod 25 dBu F(50,10) contour in purple. While the current contour envelops all 16 listener locations, the new contour overlaps none of the listener locations.

Figure 2, attached, is an AM on FM mapping depicting the BNPFT-20180502ABQ pending 60 dBu in green and the proposed 60 dBu in blue. The proposed 60 dBu lies wholly inside the original 60 dBu. The proposed 60 dBu lies within a 25 mile radius of the WVL T transmitter site. Figure 2 also depicts the locations of the WTHJ 16 interference locations far from the proposed translator service area.

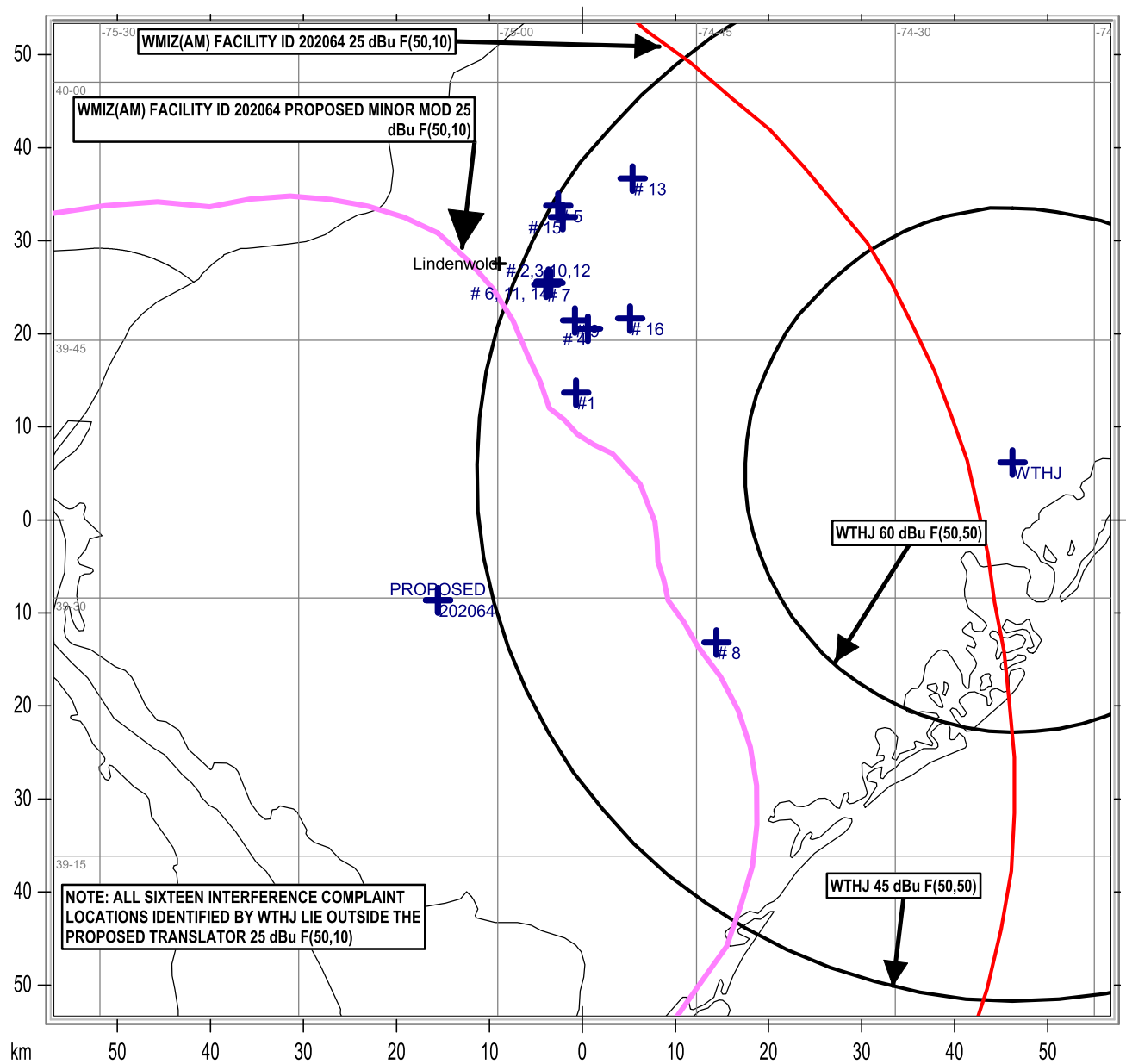
Figure 3 depicts only the proposed minor mod 25 dBu F(50,10) contour and proposed 60 dBu F(50,50) contours and the WTHJ 45 dBu F(50,50) contour with county boundaries. This map clearly shows that all 16 WTHJ interference locations are located well outside the proposed minor mod 25 dBu contour, thus, no longer subject to interference.

The foregoing was prepared on behalf of Clear Communications, Inc. by Clarence M. Beverage of Communications Technologies, Inc., Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.



Clarence M. Beverage
for Communications Technologies, Inc.
Marlton, New Jersey
October 12, 2020

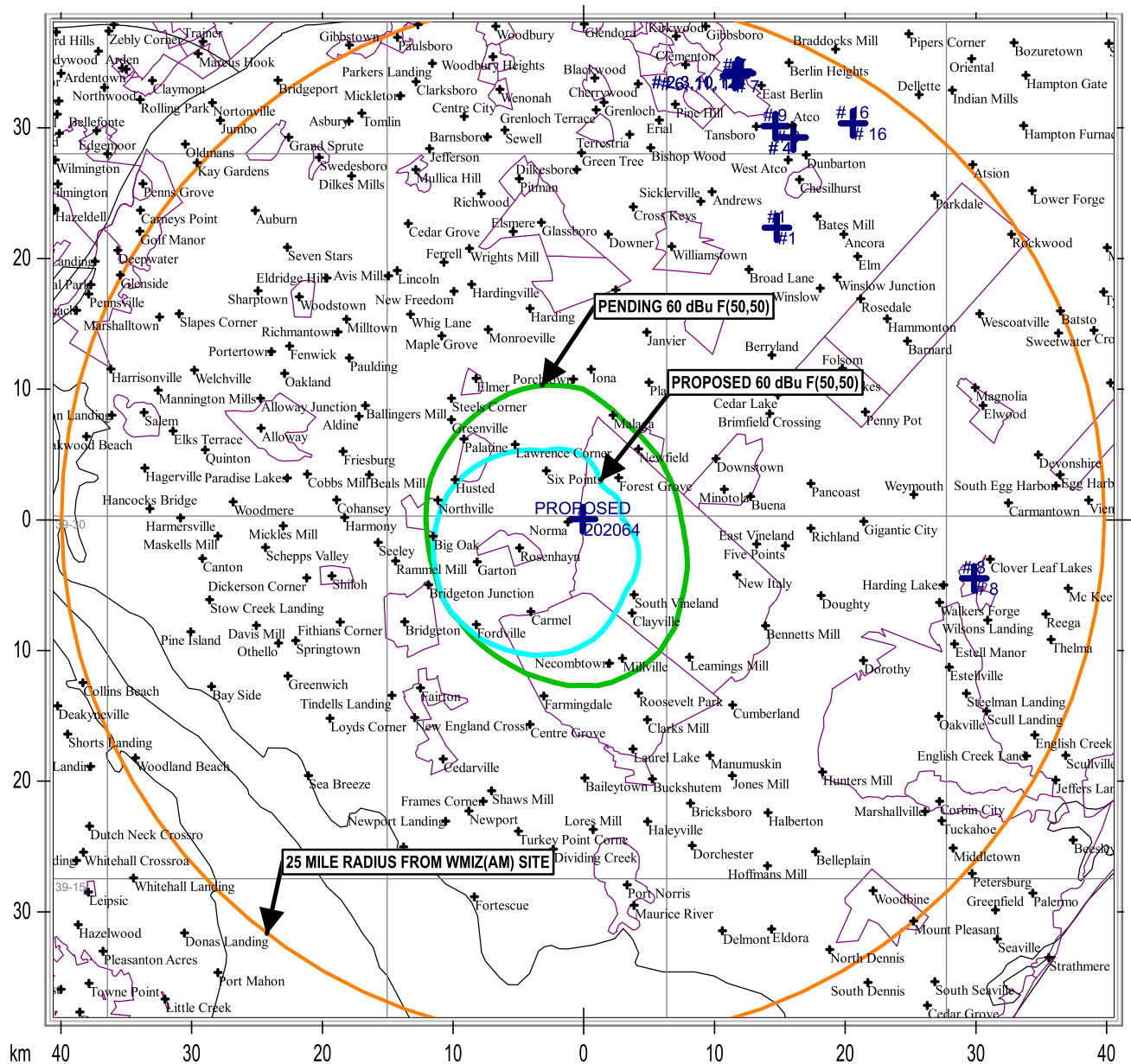
WMIZ(AM) CH 293 BNPFT-20180502ABQ PROPOSED MINOR MOD VINELAND NEW JERSEY



Communications Technologies, Inc. Marlton, New Jersey

National Borders Lat/Lon Grid

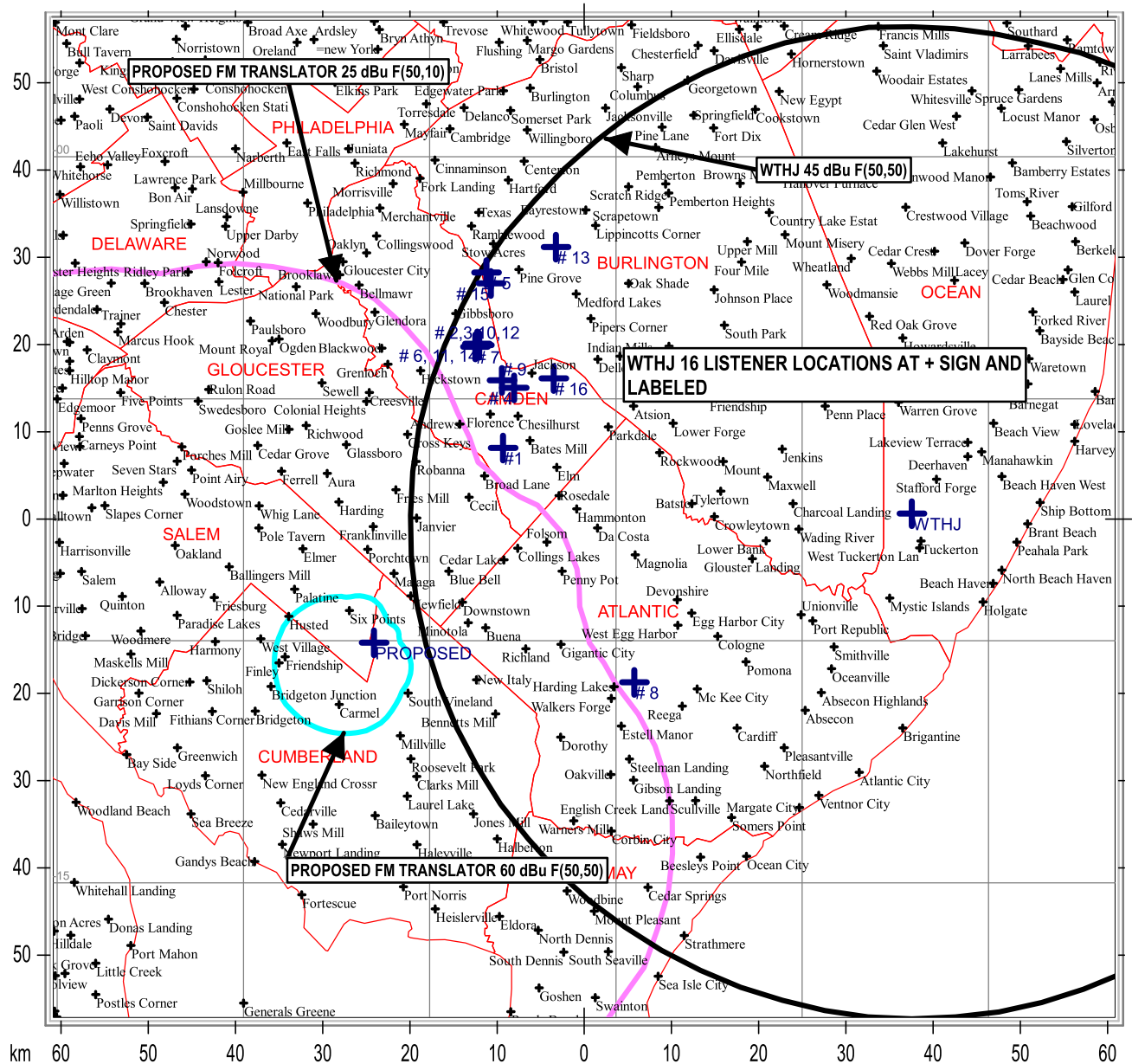
WMIZ(AM) CH 293 250 WATT BNPFT-20180502ABQ PROPOSED MINOR MOD VINELAND NEW JERSEY



Communications Technologies, Inc. Marlton, New Jersey

National Borders
 City Borders
 Lat/Lon Grid

WMIZ(AM) CH 293 250 WATT BNPFT-20180502ABQ PROPOSED MINOR MOD VINELAND NEW JERSEY



Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

ATTACHMENT 3

Technical Statement

ENGINEERING STATEMENT IN SUPPORT OF
PETITION FOR RECONSIDERATION AND GRANT OF APPLICATION FOR CP
FOR NEW WMIZ(AM) FILL-IN TRANSLATOR FACILITY ID 202064
CH 293 106.5 MHz VINELAND, NEW JERSEY

The following Engineering Statement has been prepared on behalf of Clear Communications, Inc., (“Clear”) licensee of station WMIZ(AM), Vineland, New Jersey and applicant for new fill-in translator as specified in FCC File No. BNPFT-20180502ABQ, FCC Facility ID No. 202064. On September 14, 2020, the staff of the Audio Division of the Media Bureau dismissed the above noted application after reviewing a Petition to Deny filed by Press Communications, LLC, licensee of WTHJ(FM), CH 293, 106.5 MHz, Bass River Township, New Jersey. The Petition to Deny described 16 listener locations and associated certifications as regular listeners located inside the WTHJ(FM) 45 dBu and determined that each location was located where the undesired to desired (U/D) signal strength exceeds -20 dB based on the FCC standard contour methodology set out in section 73.313 of the Rules. The staff letter concluded that Press adequately substantiated its Section 74.1204(f) claims by “...demonstrating that there are WTHJ(FM) listeners located inside WTHJ(FM)’s 45 dBu protected contour that are predicted to receive interference from the facilities proposed in the **Clear** application...” emphasis added.

Clear notes that the FCC released an Order on Reconsideration on October 6, 2020 in MB Docket No. 18-119, “Amendment of Part 74 of the Commission’s Rules Regarding FM Translator Interference.” At paragraph 16 the Order clarifies that Rule 74.1204(b) includes guidance on using F(50,50) curves for protected contours and F(50,10) curves for interfering contours for purpose of making U/D calculations. Clear certifies that its calculation of contours in this statement are based on 74.1204(b).

Press depicted its 16 protected listeners in an area located well outside the WTHJ 60 dBu contour and near the outer edge of its 45 dBu contour northwest of the WTHJ site predominantly in Camden County, New Jersey, with one listener in Atlantic County and two in Burlington County. Clear herein amends its application by modifying its translator antenna pattern to significantly reduce its signal, no change in frequency or proposed site location, so that each of the 16 listener locations lie outside the proposed translator 25 dBu. By definition the undesired to desired (U/D) signal strength no longer exceeds -20 dB based on the FCC standard contour methodology as set out in section 73.1204(b) of the Rules.

Figure 1, attached, depicts the BNPFT-20180502ABQ pending 25 dBu F(50,10) contour in red and the proposed minor mod 25 dBu F(50,10) contour in purple. While the current contour envelops all 16 listener locations, the new contour overlaps none of the listener locations.

Figure 2, attached, is an AM on FM mapping depicting the BNPFT-20180502ABQ pending 60 dBu in green and the proposed 60 dBu in blue. The proposed 60 dBu lies wholly inside the original 60 dBu. The proposed 60 dBu lies within a 25 mile radius of the WVLTV transmitter site. Figure 2 also depicts the locations of the WTHJ 16 interference locations far from the proposed translator service area.

Figure 3 depicts only the proposed minor mod 25 dBu F(50,10) contour and proposed 60 dBu F(50,50) contours and the WTHJ 45 dBu F(50,50) contour with county boundaries. This map clearly shows that all 16 WTHJ interference locations are located well outside the proposed minor mod 25 dBu contour, thus, no longer subject to interference.

The foregoing was prepared on behalf of Clear Communications, Inc. by Clarence M. Beverage of Communications Technologies, Inc., Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.



Clarence M. Beverage
for Communications Technologies, Inc.
Marlton, New Jersey
October 12, 2020

ATTACHMENT 4

Email exchange with FCC staff re complaint processing procedures.

Melodie Virtue

From: Robert Gates <Robert.Gates@fcc.gov>
Sent: Tuesday, December 31, 2019 5:28 PM
To: Clarence Beverage
Cc: Melodie Virtue; John.Garziglia@wbd-us.com; Larry Hannif-Ali
Subject: Re: PROCEDURAL QUESTION CONCERNING STATION OBJECTIONS TO AN APPLICATION FOR NEW FM TRANSLATOR

Clarence,
The 90 day clocks are not set in stone. The PN states that. I don't know which case this one is but I know Larry is working on a couple. I will look into it. Kim Varner will send out the final letter. If interference, then you will do what you need to do to resolve the interference.
I hope this helps,
Rob

From: Clarence Beverage <CBeverage@CommTechRF.com>
Sent: Tuesday, December 31, 2019 3:18:31 PM
To: Robert Gates <Robert.Gates@fcc.gov>
Cc: Melodie Virtue <melodie.virtue@foster.com>; John.Garziglia@wbd-us.com <John.Garziglia@wbd-us.com>
Subject: PROCEDURAL QUESTION CONCERNING STATION OBJECTIONS TO AN APPLICATION FOR NEW FM TRANSLATOR

Hi Rob,

I hope that you have been able to enjoy this holiday season. Best wishes to everyone on this e-mail for a good 2020.

A recap of a pending case and then a question for you. This is intended to be as generic a question as possible.

We represent Clear Communications, applicant for a new AM fill-in FM translator, File Number BNPFT-20180502ABQ, Facility ID No. 202064 in Vineland, NJ. Melodie Virtue is our client's FCC Legal counsel. John Garziglia represents Press Communications, L.L.C. (Press) licensee of FM station WTHJ(FM), Bass River Township, NJ.

Jim Bradshaw sent John a letter dated September 9, 2019, requesting additional information concerning the interference complaint filed by Press. On October 9th John filed a supplement to the interference complaint in response to the September 9th letter. It is our understanding that a 90 day clock started on October 9th for the FCC to act on the case. However, it is totally unclear to us what the FCC action could be and therefore what might be required from the translator applicant.

Suppose the FCC response to Press is that the interference complaint has been perfected. Will there be a 30 day letter sent to the translator applicant providing an opportunity to respond to the full service station updated complaint by amending its application to clear all of the "listener" interference locations of interference? If so, 1) will that be another 90 day clock process and, 2) if that is also completed and accepted, does that complete the process by CP grant and the translator is able to construct without further delay?

We know this is complicated but hope you can help us understand the process moving forward. I suspect others in the industry would also find great benefit in understanding how the FCC is moving these cases going forward.

Thank you in advance for your response to the above, Rob.

Clarence



Clarence M. Beverage
Communications Technologies, Inc.
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Marlton, NJ 08053
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Fax: 609-367-9166
Email: cbeverage@commtechrf.com
web site www.commtechrf.com

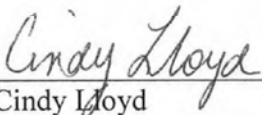
Certificate of Service

The undersigned, an employee of Foster Garvey PC, hereby certifies that a copy of the foregoing "Petition for Reconsideration and Reinstatement *Nunc Pro Tunc*" was served this date, by electronic mail upon the following:

Albert Shuldiner, Chief
Media Bureau, Audio Division
Federal Communications Commission
Albert.Shuldiner@FCC.gov

James D. Bradshaw, Senior Deputy Chief
Media Bureau, Audio Division
Federal Communications Commission
James.Bradshaw@fcc.gov

John F. Garziglia, Esq.*
Womble Bond Dickinson (US) LLP
John.Garziglia@wbd-us.com
Counsel for Press Communications, LLC


Cindy Lloyd

Dated: October 14, 2020

*Consent to email service provided by counsel

Federal Communications Commission Washington, D.C. 20554	Approved by OMB 3060-0423 (November 2005)	FOR FCC USE ONLY
Informal Objection / Petition to Deny / Petition for Reconsideration / Application for Review / Opposition / Reply / Supplement Read Instructions/FAQ before filling out form		FOR COMMISSION USE ONLY FILE NO.

Section I - General Information

1.	Party Filing Pleading or Appeal CLEAR COMMUNICATIONS, INC.		
	Mailing Address P.O. BOX 689		
	City VINELAND	State or Country (if foreign address) NJ	Zip Code 08362 -
	Telephone Number (include area code) 8566928888		E-Mail Address (if available) CHEMPLE@AOL.COM
2.	Contact Representative MELODIE A. VIRTUE		Firm or Company Name FOSTER GARVEY PC
	Mailing Address 1000 POTOMAC STREET, N.W., SUITE 200		
	City WASHINGTON	State or Country (if foreign address) DC	ZIP Code 20007 -
	Telephone Number (include area code) 2022982527		E-Mail Address (if available) MELODIE.VIRTUE@FOSTER.COM
3.	Purpose: <input type="radio"/> Informal Objection <input type="radio"/> Petition to Deny <input checked="" type="radio"/> Petition for Reconsideration <input type="radio"/> Application for Review <input type="radio"/> Opposition <input type="radio"/> Reply <input type="radio"/> Supplement		
4.	[Enter File Number] File Number: BNPFT - 20180502ABQ	Pleading Filed Date :	Pleading Filer Name:
5.	Attach pleadings		[Exhibit 1]

I hereby certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations.

Typed or Printed Name of Person Signing MELODIE A. VIRTUE, ESQ.	Typed or Printed Title of Person Signing COUNSEL - FOSTER GARVEY PC
--------------------------------------------------------------------	------------------------------------------------------------------------

Signature

Date

10/14/2020

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

Exhibits

Exhibit 1

Description: PETITION FOR RECONSIDERATION AND REINSTATEMENT NUNC PRO TUNC

Attachment 1

Description
<u>Petition for Reconsideration and Reinstatement Nunc Pro Tunc</u>

Federal Communications Commission

FCC MB - CDBS Electronic Filing

Account number: 897803

**Description: PETITION FOR RECONSIDERATION AND REINSTATEMENT NUNC
PRO TUNC**

Successfully filed at Oct 14 2020 4:19PM

Based on the information supplied, no fee is required.

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