

RADIO MULTIPLE OWNERSHIP STUDY

prepared for
Nassau Broadcasting II, LLC.

WEEX(AM) 1230 kHz Easton, PA (Facility ID 8596)
WODE-FM Ch. 260B Easton, PA (Facility ID 8595)
WTKZ(AM) 1320 kHz Allentown, PA (Facility ID 27510)

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Introduction

Nassau Broadcasting II, LLC. (“*Nassau*”) is contemplating the acquisition of station WTKZ(AM) (Facility ID 27510, Allentown, PA). The instant study examines this proposed ownership change for compliance with Section 73.3555 of the Rules of the Federal Communications Commission (“FCC” or “Commission”) regarding common ownership of multiple radio stations serving the same markets¹.

As demonstrated herein, the acquisition of station WTKZ will comply with ownership limits specified under Section 73.3555 of the Commission’s Rules.

Definition of the “Market”

A “market” is defined as the area encompassed by the mutually overlapping principal community contours of the radio stations for which common ownership is proposed². Accordingly, an evaluation has been made of the principal community contours of WTKZ along with commonly owned or controlled *Nassau* stations. One such market is formed, which is defined by the principal community contours of the following stations:

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Figures 1 depicts the daytime 5.0 mV/m principal community coverage contours of WTKZ along with the proposed daytime 5.0 mV/m principal community coverage contour of *Nassau*’s WEEX(AM) and the 3.16 mV/m principal community contour of *Nassau*’s WODE-FM. The principal community contour of WTKZ does not overlap any other commonly owned or controlled *Nassau*

¹ In accordance with the FCC Public Notice issued September 10, 2003 (DA 03-2867), references to Section 73.3555 of the Commission’s Rules herein refer to the Rules in effect prior to the *Report and Order* in MB Docket No. 02-277 and MM Docket Nos. 01-235, 01-317, and 00-244 (adopted June 2, 2003). The United States Court of Appeals for the Third Circuit has stayed the effective date of the rules adopted in this *Report and Order* (see *Prometheus Radio Project v. FCC*, No. 03-3388 (3d Cir. Sept. 3, 2003)).

² Order in Implementation of Sections 202(a) and 202(b)(1) of the Telecommunications Act of 1996 (Broadcast Radio Ownership) FCC 96-90, released March 8, 1996 and Memorandum Opinion and Order in Revision of Radio Rules and Policies 7 FCC Rcd 6387, 6395 para. 39 (1992).

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station. The aggregate area encompassed by these contours, illustrated by purple shading in **Figures 1-3**, constitutes the defined “Market.”

Commercial Stations Within Each “Market”

Figure 2 depicts the daytime 5.0 mV/m principal community contour of every operating, commercial AM station that overlaps the Market. Similarly, **Figure 3** shows the 3.16 mV/m (70 dBμ) principal community coverage contours of every operating, commercial FM station that overlaps the Market. The principal community contours of the following twenty-six stations, including those for which common ownership is proposed, overlap some portion of the Market.

<u>Callsign</u>	<u>Freq. or Ch.</u>	<u>City, State</u>	<u>Facility ID</u>
KYW(AM)	1060 kHz	Philadelphia, PA	25441
WAEB(AM)	790 kHz	Allentown, PA	14371
WCHR(AM) ³	1040 kHz	Flemington, NJ	28130
WEEX(AM)	1230 kHz	Easton, PA	8596
WEST(AM)	1400 kHz	Easton, PA	36996
WFIL(AM)	560 kHz	Philadelphia, PA	52193
WGPA(AM)	1100 kHz	Bethlehem, PA	67137
WHOL(AM)	1600 kHz	Allentown, PA	36987
WISP(AM)	1570 kHz	Doylestown, PA	48310
WKAP(AM)	1470 kHz	Allentown, PA	18233
WOR(AM)	710 kHz	New York, NY	7710
WRNJ(AM)	1510 kHz	Hackettstown, NJ	76913
WTKZ(AM)	1320 kHz	Allentown, PA	27510
WVPO(AM) ³	840 kHz	Stroudsburg, PA	47423
WYNS(AM) ³	1160 kHz	Lehighton, PA	69688
WKRF(FM)	Ch. 300A	Tobyhanna, PA	14643
WWYY(FM) ³	Ch. 296A	Belvidere, NJ	54689
WSBG(FM) ³	Ch. 228A	Stroudsburg, PA	47424
WHCY(FM)	Ch. 292A	Blairstown, NJ	11984
WODE-FM	Ch. 260B	Easton, PA	8595
WZZO(FM)	Ch. 236B	Bethlehem, PA	14375
WCTO(FM)	Ch. 241B	Easton, PA	36997
WAWZ(FM)	Ch. 256B	Zarephath, NJ	52601
WLEV(FM)	Ch. 264B	Allentown, PA	39875
WBYN(FM)	Ch. 298B	Boyertown, PA	71310
WAEB-FM	Ch. 281B	Allentown, PA	14372

³ In addition to the three stations that form the market, Nassau has an attributable interest in these stations. However, even if these stations were not counted in determining the total number of stations within the market, there are still a total of 18 other stations within the market, which permits Nassau to own the three stations that form the market, pursuant to Section 73.3555(a)(1)(iii) of the Rules.

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According to §73.3555(a)(1)(iii), a radio market with between 15 and 29 commercial stations, such as the case at hand, a party may own, operate, or control up to six commercial radio stations, not more than 4 of which are in the same service (AM or FM). As *Nassau* is proposing to own a total of three stations within the market, two of which are in the same service, the requirements of §73.355(a)(1)(iii) are satisfied.

Contour Methodology

In preparing the attached maps and tables, pertinent station data were extracted from the Commission's engineering databases. For AM stations, these included the operating power, radiation efficiency, directional antenna data (where appropriate), and geographic coordinates. The distances to the 5 mV/m contours were then computed using a digitized version of the Commission's estimated soil conductivity map, Figure M-3 and a computer program which simulates the Commission's AM groundwave propagation curves. For the FM stations, pertinent data for determining the distances to the contour included the antenna elevation above mean sea level, geographic coordinates, effective radiated power, and, where appropriate, directional antenna patterns. The requisite 3.16 mV/m (70 dBu) contours were determined using digitized 3 arc-second terrain data along radials spaced every five degrees from the transmitter site and an implementation of the Commission's TVFMFS computer program which simulates the FM propagation curves. The distances to the principal community contours were then fed into a GIS mapping program that was used to generate the attached maps.

Conclusion

As demonstrated by the foregoing, the assumed ownership would not result in *Nassau* exceeding the ownership limits specified in the Rules.

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Certification

Under the penalty of perjury, the undersigned hereby certifies that the foregoing statement was prepared by him or under his direction, and that it is true and correct to the best of his knowledge and belief. Mr. Ryson is a senior engineer in the firm of *Cavell, Mertz & Davis, Inc.* His qualifications are a matter of record with the Commission.

Daniel G. Ryson

July 20, 2004

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FIGURE 1
PROPOSED COMMONLY-OWNED
COVERAGE CONTOURS (MARKET DEFINITION)

prepared July 2004 for

Nassau Broadcasting II, LLC.

Cavell, Mertz & Davis, Inc.
Manassas, Virginia

Monroe

Warren

Mon

Northampton

Carbon

Schuylkill

WODE-FM
WEEX(AM)
WTKZ(AM)

Lehigh

Berks

Hunterdon

Bucks

Montgomery

7 0 7 14 21

Kilometers

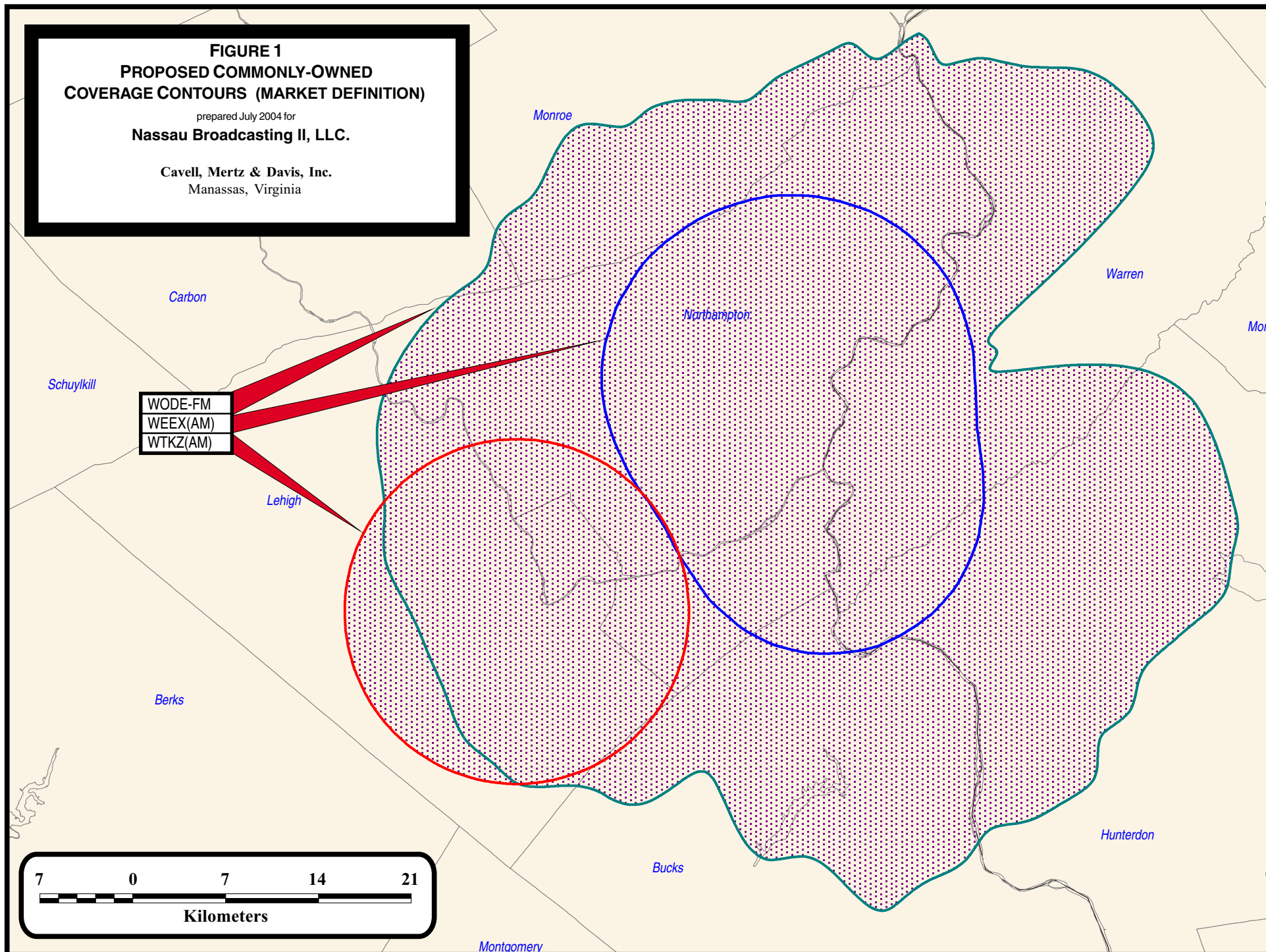
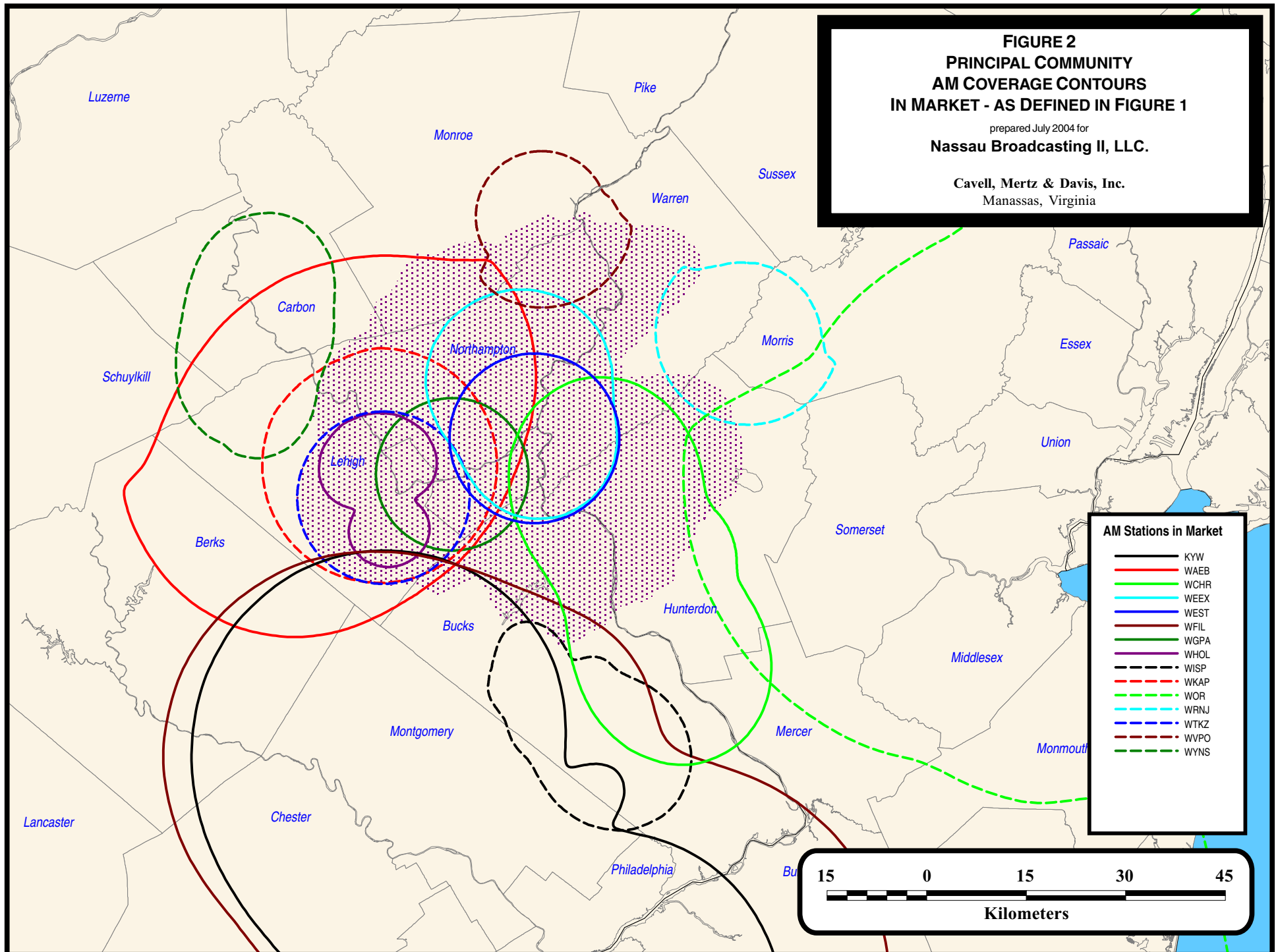


FIGURE 2
PRINCIPAL COMMUNITY
AM COVERAGE CONTOURS
IN MARKET - AS DEFINED IN FIGURE 1

prepared July 2004 for
Nassau Broadcasting II, LLC.

Cavell, Mertz & Davis, Inc.
Manassas, Virginia



**FIGURE 3
PRINCIPAL COMMUNITY
FM COVERAGE CONTOURS
IN MARKET - AS DEFINED IN FIGURE 1**

prepared July 2004 for

Nassau Broadcasting II, LLC.

Cavell, Mertz & Davis, Inc.
Manassas, Virginia

