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\* not admitted in Maryland

April 28, 2016

Accepted / Filed

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

APR 28 2017

Federal Communications Commission  
Office of the Secretary

Re: **W288DG (Facility ID No. 141387)**  
**Frederick, MD**  
**Construction Permit BMPFT-20160129AEV**

**Request for Tolling 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 W288DG at Frederick, Maryland, we hereby submit in triplicate this request for the tolling of the authorized period of construction for underlying Construction Permit BMPFT-20160129AEV (hereinafter referred to as "W288DG Construction Permit"). A copy of the W288DG Construction Permit is attached.<sup>1</sup>

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 tolling 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

<sup>1</sup> There is a typo on the W288DG Construction Permit. The Permittee's name is 1520 Radio Asia LLC (not 1520 Radio Asis LLC).

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. At this time, Radio Asia is considering the proper response to the petition. The filing of a further modification application is possible so it is highly unlikely that this unbuilt FM translator station will be on-air by the current May 17, 2017 construction deadline.

At this point in time, Radio Asia has invested nearly \$100,000 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.

Also attached is a Declaration from the Chief Executive Officer of Radio Asia wherein Radio Asia commits to promptly construct BMPFT-20170410ABS once the Commission grants that application.

Based upon the foregoing, Radio Asia respectfully submits that good cause exists to extend the expiration date of the W288DG Construction Permit for an additional six (6) months.

Respectfully submitted,



Cary S. Tepper  
Counsel for  
1520 Radio Asia LLC

Attachment

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

## Declaration of Hasmukh Shah

Hasmukh Shah, under penalty of perjury, declares as follows:

I am the Chief Executive Officer of 1520 Radio Asia LLC ("Radio Asia"), the new permittee of unbuilt FM Translator Station W288DG, which is now authorized to rebroadcast Radio Station WTRI-AM at Brunswick, Maryland. Radio Asia is also the licensee of WTRI-AM.

Since Radio Asia consummated the acquisition of the W288DG Construction Permit last year we have continually explored ways to maximize service to our target audience as a fill-in for WTRI-AM. When 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 gave 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.

We have about \$100,000 invested in this FM translator project and we have all intentions to construct the modified translator facility once application BMPFT-20170410ABS is granted.

Executed this 20th day of April, 2017



Hasmukh Shah

**Construction Permit BMPFT-20160129AEV**



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

Authorizing Official:

Official Mailing Address:

1520 RADIO ASIS LLC  
76 NATIONAL ROAD  
EDISON NJ 08817

James D. Bradshaw  
Deputy Chief  
Audio Division  
Media Bureau

Facility Id: 141387

Call Sign: W288DG

Permit File Number: BMPFT-20160129AEV

Grant Date: February 19, 2016

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

This permit modifies permit no.: BNPFT-20130827ACW

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 ASIS LLC

Principal community to be served: MD-FREDERICK

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

Via: Other

Frequency (MHz): 105.5

Channel: 288

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 39 deg 26 min 24 sec

West Longitude: 77 deg 24 min 40 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 180  
(degrees true):

Horizontally	Vertically
Polarized	Polarized
Antenna:	Antenna:

Effective radiated power in the Horizontal Plane (kw): 0.11

Height of radiation center above ground (Meters): 11

Height of radiation center above mean sea level (Meters): 112

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 12 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- 1 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.
  
- 2 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.

## Special operating conditions or restrictions:

- 3 Warning signs which describe the radiofrequency electromagnetic field radiation hazard must be posted at appropriate intervals. Access must be restricted to prevent the exposure of humans to RF emissions in excess of the FCC guidelines (OET Bulletin 65, Edition 97-01, released August 1997). Permittee shall submit documentation of compliance with this special operating condition when filing FCC Form 350, application for license.
  
- 4 Pursuant to Revitalization of the AM Radio Service, First Report and Order, 30 FCC Rcd 12145, 12153 para. 16 (2015), the permittee 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 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.

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