

**WRPR-FM  
Ramapo College of New Jersey  
Mahwah, NJ  
FID 55029**

**FCC Violations During Preceding License Term:  
Adherence to Minimum Operating Schedule;  
Discontinued Operations**

WRPR-FM (“Licensee,” the “College” or “the station”) was off the air for a period of more than 30 days without having received Special Temporary Authority (“STA”) to remain silent.

The station went silent on June 12, 2013, and returned to the air on February 27, 2016. Licensee has determined, after the fact, that it appears to have failed to obtain authority from the Commission concerning the station’s temporary cessation of operations, or to notify the Commission of the station’s subsequent resumption of broadcast operations. The station’s violations of FCC rules was not willful; indeed, as explained below, Licensee intended to comply with FCC requirements, hired FCC counsel for that purpose, and believed that necessary actions had been taken. It realized that an STA was not obtained only when it began preparation of its current renewal application.

The events that gave rise to this violation were as follows:

- WRPR-FM is run as a student organization under the general supervision of the Center for Student Involvement at Ramapo College of New Jersey. The College, a small liberal arts institution, is part of the New Jersey public higher education system. The station operates on a limited budget, has never had a full-time employee or even dedicated part-time employee, has been operated by student volunteers, and has depended on limited supervision by staff from other College departments. Matters concerning equipment and technical performance of the station are dealt with by an outside engineer who provides services to the station on a part-time, contract basis.
- In early 2013, it was determined that major repairs and renovation were required for the College building on top of which the WRPR antenna and associated equipment were located (the “G Wing building”), and that construction would begin in Summer of 2013. See [G-Wing Renovation / Adler Center Addition - Capital Projects || Ramapo College of New Jersey](#). The construction, which was priced at about \$20 million, would require that the antenna and its associated equipment be removed and temporarily relocated. The plan was that the station would be off the air briefly while the antenna was moved to an alternate location, the station would then be operated during construction with the

antenna at an alternate location, and the antenna would then be reinstalled on top of the G Wing building at the completion of construction.

- The temporary relocation never happened. A protracted process – first concerning funding and capital appropriation, then during design, then in obtaining competitive bids required under state procurement laws, and later during execution – turned what was expected to be a standard construction project into a 2 ½ year marathon, with the end result that renovation of the building, reinstallation of the antenna and related equipment, and re-start of broadcast activities did not occur until February 2016.
- Throughout this period, Licensee’s outside technical consultant kept the College apprised of the progress, or lack thereof, on the project. A first class licensed broadcast engineer, he served as de facto technical advisor to the station. He apprised the College management team responsible for the building construction (with representatives from both capital and IT departments) of the importance of promptly getting the station back on the air, and repeatedly pushed for the resolution of the funding, planning and construction delays that were preventing the station from returning to operation, as did staff of the Center for Student Involvement. No fewer than 75 emails were sent during the construction period attempting to expedite completion of the project, and emphasizing the impact of delays on the station’s ability to operate.
- In 2015, the College appointed a new Vice President of Enrollment Management and Student Affairs, who also pushed for completion of the project and to get WRPR back on the air. Although he was promised that the project would be finished in the Fall of 2015, that did not happen.
- Licensee’s technical consultant advised the Center for Student Involvement that the FCC should be notified that the station would be off the air temporarily due to the construction and necessary antenna relocation. Based on that advice, in May 2013, Licensee hired a Washington DC law firm that specializes in FCC practice, which was recommended by the deputy attorney general who represented the College at the time, based on the firm’s work with another New Jersey state university, to take the necessary actions regarding the station’s off-air status, as well to assist the station with its upcoming license renewal. Following initial discussions with the attorney at the firm to which the College had been referred, he delegated the matter to another attorney in the firm.
- The attorney working with the College said that a priority would be to notify the FCC of WRPR’s off-air status. For example, in an email dated November 25, 2013, he stated: “Although all of the issues are important, perhaps the greatest priority will be to notify the FCC of the WRPR off-air status since June 12, 2013 and seek FCC authority for the

silent status. Then we will work on the antenna issues as well as catch-up ownership reports if required.”

- Based on its communications with the law firm, College representatives understood that what was required was for notice to be given to the FCC of the station’s off-air status, and for a request to be filed for authority to remain off the air.
- The College believed that the law firm would take the necessary actions to provide such notice to, and seek such authority from, the FCC. However, Licensee has been unable to find a copy of any such notification, or request for STA, in its files, and its current FCC counsel have not been able to find any such notice or request in the station’s online FCC file. Thus, Licensee is unsure whether its then-FCC counsel, or anyone from the College, ever provided such notice to, or sought an STA from, the FCC.
- The law firm engaged by the College also was tasked with handling the station’s license renewal application, and to make any additional FCC filings necessary due to damage to the station’s antenna that occurred during construction on the G Wing building. With then-counsel’s guidance, the College submitted its renewal application, and renewal was granted by the Commission effective June 1, 2014, with a license term extending through June 1, 2022.
- Licensee had never before worked with this, or any other, outside attorney on broadcast matters. Previously, the only legal assistance available to the station was provided on an ad hoc basis by an attorney in the New Jersey Attorney General’s Office who had no specialized experience regarding the FCC or broadcasting. Licensee assumed that, when it explained the issues that needed to be addressed to its newly engaged FCC firm, they would do what was needed to be done, i.e., file with the Commission whatever was necessary to comply with FCC regulations and license requirements.
- After the foregoing work with its then-FCC counsel in 2013, and submission and grant of its renewal application in 2014, Licensee had no further contact with those attorneys until January 4, 2016, when it reengaged them regarding a minor matter concerning correction of FCC records relating to the polarization of the station’s transmitter; Licensee was advised of this issue by its contracted engineer. At that time, there was no discussion with counsel of the station previously having been off the air, of FCC authority for that temporary suspension of broadcasting, or of any notice being submitted to the Commission regarding resumption of broadcasting. Thus, nothing at that time alerted Licensee that some action regarding the station having been off the air – i.e., obtaining STA – should have been, but was not, accomplished, or was necessary when the station resumed operations in February 2016.

- At the same time that all of this was unfolding, staff resources to oversee the station's operations grew even more limited as stress on the college budget caused cuts in the station's operating budget. For example, the 2018-19 station budget of \$13,000 was cut to \$10,400 for 2019-20, and then, during the Covid 19 pandemic, to \$6,000 for 2020-21. Likewise, the Covid 19 pandemic placed extraordinary demands on staff, diverting their attention from station operations to the challenges of keeping the College, its administration and academic classes operating on a remote basis.
- In addition, on November 18, 2015, during due diligence performed while renovation of the station building was ongoing, a sweep and analysis of the transmission system performed by the contractor hired to reinstall the antenna revealed possible damage to the main antenna. The damage may have occurred when the antenna was being removed, or while it was in storage. The antenna ultimately had to be replaced, which delayed re-start of station broadcasts for an additional three months, until February 2016.
- During this period, Licensee explored other means of continuing to provide service to its community of license. For example, during Fall 2014 and in September 2015, there were attempts to operate the station over the internet while the College was awaiting re-installation of the antenna, and the station resumed full internet streaming on February 23, 2015.
- As a consequence of Licensee not realizing, in 2014 when it sought renewal of its license, that its then-FCC counsel had not taken necessary actions regarding the station's silent period from June 2103 through February 2016, certain responses in Licensee's 2014 renewal application regarding the station's operating status were inaccurate. Those inaccuracies were unintentional and were unknown to Licensee at the time its renewal application was filed. The College's then-FCC counsel did not advise it that those questions should be answered differently.

In hindsight, it is now apparent that the College should not have merely assumed that its then-FCC attorneys would make the necessary filings with the FCC, and that it should have checked to see that necessary submissions had been made. However, as a small public college, it had no dedicated staff for the station, which resulted in a lack of adequate oversight of what its student volunteers, and then-outside counsel, did regarding silent-station notifications and authorization. Further, the disruption caused by the major reconstruction of the G Wing building, and the related capital and IT challenges and distractions that the project faced, diverted necessary attention from compliance with regulatory requirements.

The College acknowledges its violations, and has already embarked on a program to improve oversight of the station's operations and compliance with FCC regulations. Principally, the College:

- is increasing the station's annual budget from \$6,000 to \$16,000;
- is forming a Compliance Committee, headed by the College's General Counsel, that will assist with operation of the station, including its compliance with FCC requirements;
- is appointing a faculty liaison from the Communication Arts Convening Group to assist with radio station operations; and
- has retained new FCC counsel to guide its compliance with all applicable regulatory requirements.

In light of all of the facts and circumstances presented, Licensee respectfully suggests the following resolution: that (1) it voluntarily enter into an agreement with the Commission memorializing these and other appropriate remedial requirements, including Licensee's submission of a report to the omission in one year regarding Licensee's compliance with FCC rules and remedial conditions imposed by the Commission; and (2) to promote equity and fairness, the Commission exercise its discretion under 47 U.S.C. § 312 (g) to extend or reinstate, and then to renew, the station's license, conditioned on the College's compliance with the remedial requirements imposed by the Commission.

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