

WTTH(FM): Request for Special Temporary Authority

Equity Communications, L.P. ("Equity"), holder of the Commission license for commercial FM radio broadcast station WTTH(FM), Margate City, NJ (Fac. ID 40030) (the "Station") hereby respectfully requests special temporary authority pursuant to section 73.1635 of the Commission's Rules to operate the Station with unlicensed facilities for a period of up to 180 days. A similar request is being filed for station WZBZ(FM), also licensed to Equity.

Equity was granted a construction permit in 2020 to relocate the station's facilities to a new transmitter site with a non-directional antenna (LMS File No. 0000093646). The construction permit included a condition providing that the Station could not commence operations with the new facilities under program test authority until measurements had been done to establish compliance with the Commission's Rules regarding spurious emissions, which measurements were to be submitted with the license application. Equity proceeded to construct the facilities in accordance with the construction permit and the Station commenced broadcasting with the construction permit facilities in December 2020. However, Equity failed to perform the measurements at that time or to file a license application.

Equity realized that it had failed to perform the measurements and file the license application in March, 2023. By then, although the facilities had been completed prior to the February 25, 2023 construction permit expiration date, there was not sufficient time to perform the measurements and file an application for license within the 30 day "grace period" following such expiration.¹ Equity filed a new application for minor modification of the Station's facilities on April 5, 2023 (LMS File No. 0000213524) essentially to replicate the facilities already constructed under the previous construction permit. This STA request is being filed in order to provide temporary authorization for the Station's continued operation until the Commission acts on the pending minor modification application.

Attached as Exhibit A to this request are measurements performed by Bryan Shaw of B Plus Communications on March 28, 2023 demonstrating that the Station as currently operating complies with Sections 73.317(b)-(d) of the Commission's Rules, as was required in the initial construction permit.

Because the Station has been operating with the relocated facilities since December 2020 without any known complaints of interference, was constructed with facilities authorized under the initial construction permit, and has been shown to be in compliance with the Commission's spurious emissions rules, there is no technical reason why the Station should not be permitted to continue to operate until the Commission acts on the pending minor modification application. Equity's failure to file for a license prior to expiration of the construction permit was inadvertent and is regretted, and Equity understands that the Commission may take enforcement action with regard to this matter. Nonetheless, grant of the requested STA would serve the public interest as it would permit the Station to continue to operate and to serve its listeners until the minor modification application is acted upon. Because a virtually identical

¹ See *WKLC, Inc.*, 28 FCC Rcd 2061 (MB 2013) (Commission will waive the automatic construction permit expiration provision of section 73.3598(e) of its Rules and accept a license application if (i) the facilities were constructed in compliance with the permit and were ready for operation before the permit expired, and (ii) the license application is filed within 30 days of the permit expiration date.

minor modification application was granted in 2020, and the period between the actual cancellation of the initial construction permit and filing of the new minor modification application was a matter of days, hopefully the new modification application can be acted on and granted promptly and the period during which the STA is necessary would be brief. Equity commits to filing an application for license as soon as practicable after a grant of the minor modification application.

EXHIBIT A

Spurious Emissions Measurements

B Plus Communications, LLC
525 S. Washington Street Easton MD 21601

Introduction: This report of findings is based on data collected at the FM broadcast facility located in Atlantic City, NJ. The report includes measurements offered as proof that the combined operations of the WTTH (96.1 MHz.) and WZBZ (99.3 MHz.) transmitters are in compliance with the FCC Rules and Regulations as required by the Code of Federal Regulations (CFR) Title 47 section 73.317 paragraph (b) through (d). In brief, the measurements presented in this report shows that the third order inter-modulation (IM) products generated by this diplexed system are less than the maximum allowable level as required by section 73.317 (b) through (d).

Bryan Shaw of B Plus Communications, LLC located in Easton, Maryland performed the measurements summarized herein on March 28, 2023. Remote technical assistance was provided by Robert J. Clinton of Cavell Mertz & Associates Inc. All of the measurements referenced below were made from the combiner system output directional coupler sample port. These measurements were made using an Agilent E4402B spectrum analyzer with 30dB of external attenuation and 5 dB of internal attenuation.

The diplexed stations WTTH at 96.1 MHz and WZBZ at at 99.3 MHz can potentially generate 3rd order intermodulation products at 92.9 and 102.5 MHz as shown in the list below. Three additional frequencies are also listed whose signals were detected in the RF spectrum measurements but which are generated by licensed FM stations whose broadcast antennas are located in close proximity to the diplexed system that is the subject of this report.

Station 1	WTTH	96.1	Measured at -35.63 dB
Station 2	WZBZ	99.3	Measured at -35.08 dB
IMP 1.2 (2x96.1-99.3)		92.9	Measured at -116.6 dB
IMP 2.1 (2x99.3-96.1)		102.5	Measured at -118.0 dB
Station 3	WAYV	95.1	
Station 4	WFPG	96.9	
Station 5	WPUR	107.3	

The table below summarizes the results. It shows the measured value for each station, the measured value for each 3rd order intermodulation product, and the delta value between the two.

Station	Measurement	IMP	Measurement	Delta
WTTH	-35.63 dB	1.2	-116.6 dB	-80.97 dB
WTTH	-35.63 dB	2.1	-118.0 dB	-82.37 dB
WZBZ	-35.08 dB	1.2	-116.6 dB	-81.52 dB
WZBZ	-35.08 dB	2.1	-118.0 dB	-82.92 dB

Conclusion: Based upon my observations and measurements taken on March 28, 2020 and presented in this document, I, Bryan Shaw, find the transmitters and combiner system for the diplexed operation of WTTH and WZBZ to be in proper working order. Furthermore, the measured data reveals no inter-

B Plus Communications, LLC
525 S. Washington Street Easton MD 21601

modulation products in excess of 80 dB below carrier levels generated from or within the stations operating on the installed system. Based on this recorded data, I conclude that WTTH and WZBZ are in compliance with the requirements of Section 73.317 paragraph (b) through (d) of the FCC Rules and Regulations.

Statement: The author of this report is a broadcast engineer with more than 20 years of experience in FM and AM radio. He began working as a broadcast engineer at Great Scott Broadcasting from 1999 until the company sold its stations in 2014. There he worked for and trained under the Director of Engineering Terry J. Dalton, who is now the owner-operator of Stellar Communication Systems, LLC and has authored multiple reports submitted to the FCC. The author of this report served as Chief Engineer for MTS Broadcasting from 2009 until the company sold its stations in 2018. He has worked as a contract engineer for multiple broadcasting companies since 2009 and since 2019 has been the owner-operator of B Plus Communications, LLC.