

AMENDMENT TO BLH-20040317ACB
COMMONWEALTH BROADCASTING, LLC
WPYA (FM) RADIO STATION
CH 291A - 106.1 MHZ - 2.6 KW
POQUOSON, VIRGINIA
May 2004

TECHNICAL STATEMENT

This Statement was prepared on behalf of Commonwealth Broadcasting, LLC ("CB"), licensee of radio station WPYA, Channel 291A, Exmore, Virginia. CB is operating WPYA pursuant to program test with the facilities authorized in BPH-20031202AAZ (an application for license is pending, BLH-20040317ACB). This instant amendment proposes to increase the power of WPYA to the maximum for a Class A facility and delete the §73.215 contour protection. No other changes are proposed. It is noted the increase in power has been implemented with a simple increase in transmitter power output; there is no change to the antenna system. Attached as Exhibit A is a calculation of the transmitter power output for WPYA.

This increase in effective radiated power is possible due to the voluntary dismissal of a pending application for station WRDU, Wilson, North Carolina. In BPH-20020917AAD, the licensee of the station sought a Class C facility for WRDU. This application required WPYA to protect WRDU as a maximum Class C facility under §73.215. As a result of this dismissal, WPYA is now fully spaced to all licensed, applied for or proposed facilities (as indicated on Exhibit B). Therefore, WPYA can now operate as a maximum equivalent Class A facility. Further, it is respectfully requested that the designation as a contour protected station, pursuant to

§73.215, be deleted. Additionally, attached as Exhibit C is an updated radio frequency radiation statement which shows WPYA remains in compliance with the Commission's exposure rules.¹

Since these changes are requested without the submission of a construction permit application, there are no conditions to address. The conditions outlined in BPH-20031201AAZ are reviewed below, with the exception of the previously addressed contour protection condition. There was a condition referring to the co-located AM station WNIS. The permit notes that the operating power of WNIS should be determined by the indirect method during the construction of the WPYA facility. In addition, the permit included the requirement that prior to and following the construction of the WPYA facilities, a partial proof of performance be conducted on WNIS to show the installation of the WPYA antenna had no effect on the WNIS directional pattern. Results of the partial proof were to be submitted with an application to return WNIS to direct measurement of power simultaneously with the submission of the license application to cover the WPYA permit.

The licensee of station WNIS is Commonwealth Radio, LLC. Principals of CB have attributable interests in WNIS. Prior to the issuance of the WPYA permit, the licensee of WNIS was in the process of replacing one of the four WNIS towers and was operating WNIS under Special Temporary Authority, with parameters at variance while maintaining monitor points. In light thereof, CB could not conduct a pre-construction partial proof on the WNIS system, since WNIS was not operating under licensed parameters. Therefore, CB requests the Commission waive this portion of the WPYA conditions.

1) Further, the minute extension of the city grade contour will not alter the number of subject stations in the radio market in which WPYA is a part (principals of the licensee of WPYA have interests in WROX-FM, Exmore; WKCK-FM, Chesapeake; WTAR, Norfolk; and WNIS, Norfolk, Virginia). As such, a radio market analysis is not being submitted. However, should the Commission request one, it will be submitted.

Further, while the WNIS tower has now been re-built, the licensee of WNIS is still in the process of repairing the ground system and ground screen in the immediate vicinity of the tower that was replaced. Once this system is repaired and/or replaced, as necessary, the WNIS system will be adjusted as needed and a partial proof of performance conducted. The results of this partial proof will be submitted to the Commission on FCC Form 302-AM to return WNIS to direct measurement of power. Since WNIS is not ready to return to normal operation, CB cannot currently conduct the required post-construction proof of performance on WNIS. It is noted that the WPYA antenna system and transmission line are attached to the WNIS tower and an AM isocoupler is installed at the base of the system. Accordingly, CB respectfully requests that the Commission allow WPYA to continue operation pursuant to automatic program test authority, pending completion and submission of the WNIS proof.

The next condition relates to radio frequency radiation issues. CB herein restates that it will, in cooperation with other tower users, reduce the power of WPYA or cease operation, as necessary, to insure that persons having access to the tower will not be exposed to radio frequency electromagnetic fields in excess of the FCC's guidelines (an updated RF review is attached hereto as Exhibit C). The final condition relates to the finality of MM Docket #02-76. CB acknowledges that construction of WPYA was undertaken at its sole risk.

Based on the above, all of the conditions on the permit have been satisfied, pending a final submission of the WNIS proof of performance (as detailed above).