

Mountain Broadcasting Corporation
Amendment of Application for Modification of Construction Permit (FCC Form 301)
WMBC-DT, Newton, NJ (FIN: 43952)
Section I, Item 4

PURPOSE OF AMENDMENT

Mountain Broadcasting Corporation ("Mountain"), the licensee of WMBC-TV, Newton, NJ and permittee of associated DTV station WMBC-DT, is hereby amending its pending application to modify its outstanding DTV construction permit (FCC File No. BPCDT-19991029AFC, as proposed to be modified by FCC File No. BMPCDT-20040722ADG) (the "Modification Application"), to provide the Commission with a copy of an Interference Agreement, by and between Mountain and the Nassau County Police Department ("Nassau") (the "Agreement"). Set forth at Attachment B to the Agreement is a description of a filter that Mountain intends to install at the proposed transmitter site, which is designed to prevent interference from WMBC-DT operations on Channel 18 to land mobile operations operating on TV Channel 19 throughout the WMBC-DT service area. No changes are being proposed to the site itself or to any of the technical information provided in the Modification Application, other than the proposed installation of the filter.

As the Commission is aware, and as described in the Modification Application, after more than a decade of diligent efforts to locate and secure approval of a suitable transmitter site, Mountain requested authority to operate from the proposed site in Montclair, NJ last Summer because it was convinced that the site represents the best opportunity for Mountain to upgrade its current reduced power digital broadcasts to full power operations covering its entire service area. As an additional benefit, Mountain demonstrated that grant of the Modification Application also would provide critical funding to enable the New Jersey Public Broadcasting Authority ("NJPBA") to finally construct and commence operation of full power non-commercial, educational station WNJN-DT, serving northern New Jersey, for the first time.

On September 7, 2004, Nassau filed an informal objection to the Modification Application, maintaining that operations of WMBC-DT from the new site might interfere with Nassau's land mobile operations on an adjacent channel. Since that time, Mountain and Nassau have diligently negotiated the attached Interference Agreement, pursuant to which Mountain has agreed to prepare and install a filter as described on Attachment B to the Agreement. The parties' respective technical consultants have each concluded that the filter will block harmful interference to Nassau's land mobile system within relevant areas of Nassau County. In exchange, Nassau has agreed to withdraw its informal objection. Copies of the letter withdrawing that objection and accompanying affidavit, which are concurrently being filed with the Secretary, also are attached.

With the removal of this objection, Mountain submits that the Modification Application should now be granted without further delay. Mountain is an independent, local, minority-owned broadcaster that airs unique foreign language programming for various ethnic groups in the New York metropolitan area and produces its own *daily* newscasts in two different languages. Moreover, Mountain has been unable to construct a new tower that would be

sufficient to accommodate its new digital antenna and maintain its authorized coverage area, due to the inability to acquire a suitable parcel (by sale or lease), unwillingness of local authorities to grant zoning variances, and the general “not in my backyard” opposition from local residents that typically accompanies any proposed new tower construction, even adjacent to its existing tower. Grant of this application presents a “win-win-win” situation for commercial station WMBC-DT, non-commercial, educational station WNJN-DT, and their respective viewers, as well as for Nassau. For WMBC-DT, this application represents a salutary conclusion to Mountain’s long and arduous quest to locate a suitable tower to facilitate full power DTV operations. For WNJN-DT, this application represents a solution to NJPBA’s inability to obtain the necessary additional funding to commence full-power digital broadcasts of PBS and other non-commercial, educational programming for the benefit of viewers in northern New Jersey. For Nassau, the Agreement attached hereto establishes a mechanism to guard against harmful interference to either affected party. Finally, this application will serve the Commission’s goal of furthering the DTV transition in the nation’s largest television market.