

**APPLICATION FOR STATION LICENSE**  
**COMMONWEALTH BROADCASTING, L.L.C.**  
**WPYA (FM) RADIO STATION**  
**CH 291A - 106.1 MHZ - 1.7 KW**  
**POQUOSON, VIRGINIA**  
**March 2004**

**TECHNICAL STATEMENT**

This Statement was prepared on behalf of Commonwealth Broadcasting, L.L.C. ("CB"), licensee of radio station WPYA, Channel 291A, Exmore, Virginia. CB also holds an outstanding construction permit authorizing minor changes in the facilities of WPYA, including a change in community of license to Poquoson, Virginia (BPH-20031202AAZ). This instant application seeks a license to cover this outstanding construction permit. The WPYA facilities have been constructed as authorized in the underlying permit.<sup>1</sup> Attached as Exhibit A is a calculation of the transmitter power output for WPYA.

There were four conditions placed on the WPYA permit. The first states the permit was issued pursuant to §73.215 contour protection. CB acknowledges this condition and will comply with it. The second condition refers 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, both 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

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1) It is noted that in conjunction with this instant application, the licensee of WROX-FM has submitted an application for license to implement its change of community of license to Exmore, Virginia, as replacement service for WPYA.

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, L.L.C. 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 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.

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 third 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. 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).