

UNITED STATES OF AMERICA  
FEDERAL COMMUNICATIONS COMMISSION  
FM BROADCAST STATION LICENSE  
(NON-COMMERCIAL EDUCATIONAL)

File No. BLND-1123  
Call Letters WNYU-FM  
Official No. 644

Subject to the provisions of the Communications Act of 1934, subsequent Acts, and Treaties, and Commission Rules made thereunder, and further subject to conditions set forth in this license, 1 the LICENSEE

NEW YORK UNIVERSITY

is hereby authorized to use and operate the radio transmitting apparatus hereinafter described for the purpose of broad-

casting for the term beginning August 9, 1973 and ending June 1, 1975  
(3 a.m. Local Time) (3 a.m. Local Time)

The licensee shall use and operate said apparatus only in accordance with the following terms:

1. On a frequency of 89.1 megacycles;  
Effective radiated power of 8.3 kilowatts; (H&V)  
Antenna height above average terrain of 255 feet. (H&V)
2. Transmitter output power 4.2 kilowatts.
3. Hours of operation: Unlimited time.
4. With the station located at:

New York, New York

The maximum effective radiated power in the direction of station WSOU, South Orange, New Jersey (247° true) shall not exceed 1.2 kilowatts.

5. With the main studio of the station located at:  
566 La Guardia Place  
New York, New York

The apparatus herein authorized to be used and operated is located at:

Tech. II Bldg., New York University Campus  
181st Street & University Avenue  
Bronx, New York

North Lat. 40° 51' 26"  
West Long. 73° 54' 48"

Transmitter may be operated by remote control from 566 La Guardia Place,  
New York, New York

and is described as follows:

RCA, BTF-5B

(or other transmitter currently listed in the Commission's "Radio Equipment List, Part B, Aural Broadcast Equipment" for the power output herein authorized and, if applicable, for stereophonic and SCA operation).

ANTENNA: JAMPRO, JSOP-3DA, three-sections (H&V), directional, side-mounted on a  
65-foot guyed tower on the roof of Technology II Building. Overall height above  
ground: 195 feet.

The Commission reserves the right during said license period of terminating this license or making effective any changes or modification of this license which may be necessary to comply with any decision of the Commission rendered as a result of any hearing held under the rules of the Commission prior to the commencement of this license period or any decision rendered as a result of any such hearing which has been designated but not held, prior to the commencement of this license period.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by section 606 of the Communications Act of 1934.

1 This license consists of this page and pages 2.

Dated: August 9, 1973



vsl

FEDERAL COMMUNICATIONS COMMISSION,

Ben F. Waple

Secretary

F.C.C. - Washington, D. C.

8-9-73

If the United Nations desires to utilize the facilities on a part-time basis, such use, based on good faith negotiations, shall be set forth in a written agreement submitted to the Commission for prior approval. Control over program content shall remain with the University.

If the United Nations desires to operate the station, it shall give one year's notice to the University which shall, subject to prior Commission approval, assign all its interest in such operation. Compensation for the equipment, machinery and materials assigned shall be on the basis of cost less depreciation with disputes settled by majority vote of individually selected appraisers and an independent appraiser chosen by them.

Any dispute between the parties not resolved by negotiations shall be referred to arbitration in accordance with the rules of the American Arbitration Association then obtaining.

New York University shall have broadcasting rights and privileges during the following hours: Monday through Friday, from 4:00p.m. to 1:00 a.m. the following morning. Fairleigh Dickinson University shall have broadcasting rights and privileges for all other hours, except there will be a silent period from 3:45 to 4:00 p.m. on each weekday, and from 1:00 a.m. to 1:15 a.m., from Tuesday morning through Saturday morning, to assure that there will be no interference or conflict between the schedules or operations of the two Universities; provided, however, that the parties may, from time to time, by mutual agreement, provide for equitable adjustments for broadcasts of special programming, or for the reallocation of broadcast time.

United States of America  
FEDERAL COMMUNICATIONS COMMISSION  
**NON COMMERCIAL EDUCATIONAL**  
**FM BROADCAST STATION LICENSE**

File No. **BRED-511**

Call Sign **W F D U**

Subject to the provisions of the Communications Act of 1934, as amended, treaties, and Commission Rules, and further subject to conditions set forth in this license, <sup>1/</sup> the LICENSEE

**FAIRLEIGH DICKINSON UNIVERSITY**

is hereby authorized to use and operate the radio transmitting apparatus hereinafter described for the purpose of broadcasting for the term ending 3 a.m. Local Time: **JUNE 1, 1981**

The licensee shall use and operate said apparatus only in accordance with the following terms:

1. Frequency (MHz) ..... **89.1**
2. Transmitter output power .... **650 watts**
3. Effective radiated power .... **550 watts (H&V)**
4. Antenna height above  
average terrain (feet) .... **500 feet (H&V)**
5. Hours of operation ..... **XXXXXX SHARE TIME WITH WNYU-FM**
6. Station location ..... **TEANECK, NEW JERSEY**
7. Main studio location ..... **795 Cedar Lane**  
**Teaneck, New Jersey**
8. Remote Control point ..... **795 Cedar Lane**  
**Teaneck, New Jersey**

9. Antenna & supporting structure: North-Latitude: **40 ° 57 ' 39 "**  
West Longitude: **73 ° 55 ' 23 "**

**GATES, FMC-2-A, 2 sections (H&V), mounted on a self supporting tower.**  
**Overall height above ground 425 feet**

10. Transmitter location ..... **E.H. Armstrong Field Lab.**  
**Route 9W, Alpine Tower**  
**Alpine, New Jersey**

11. Transmitter(s) ..... **GATES, FM-1-H3**

12. Obstruction markings specifications in accordance with the following paragraphs of FCC Form 715 **1, 3, 12\* & 21**
13. Conditions **---\*Par. 12 modified to read: "to require side lights to be installed as follows in lieu of 2/3 & 1/3 levels: 130' level, on diagonally opposite corner of tower; 240' level, on opposite ends of the outriggers and at the center of the tower; 320' level, on opposite ends of the outriggers and at the center of the tower; 400' level, on opposite ends of the outriggers".**

The Commission reserves the right during said license period of terminating this license or making effective any changes or modification of this license which may be necessary to comply with any decision of the Commission rendered as a result of any hearing held under the rules of the Commission prior to the commencement of this license period or any decision rendered as a result of any such hearing which has been designated but not held, prior to the commencement of this license period.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by section 606 of the Communications Act of 1934.

<sup>1/</sup> This license consists of this page and pages **2--**

**This supersedes authorization of same date to correct time.**

Dated: **MAY 11, 1978**

FEDERAL  
COMMUNICATIONS  
COMMISSION



Fairleigh Dickinson University

BRED-511  
W F D U

If the United Nations desires to utilize the facilities on a part-time basis, such use, based on good faith negotiations, shall be set forth in a written agreement submitted to the Commission for prior approval. Control over program content shall remain with the University.

If the United Nations desires to operate the station, it shall give one year's notice to the University which shall, subject to prior Commission approval, assign all its interest in such operation. Compensation for the equipment, machinery and materials assigned shall be on the basis of cost less depreciation with disputes settled by majority vote of individually selected appraisers and an independent appraiser chosen by them.

Any dispute between the parties not resolved by negotiations shall be referred to arbitration in accordance with the rules of the American Arbitration Association then obtaining.

New York University shall have broadcasting rights and privileges during the following hours; Monday through Friday, from 4:00 p.m. to 1:00 a.m. the following morning. Fairleigh Dickinson University shall have broadcasting rights and privileges for all other hours, except there will be a silent period from 3:45 to 4:00 p.m. on each weekday, and from 1:00 a.m. to 1:15 a.m., from Tuesday morning through Saturday morning, to assure that there will be no interference or conflict between the schedules or operations of the two Universities; provided, however, that the parties may, from time to time, by mutual agreement, provide for equitable adjustments for broadcasts of special programming, or for the reallocation of broadcast time.

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

B  
FCC 67-607  
98575

In re Applications of	)	
	)	
NEW YORK UNIVERSITY	)	
New York, New York	)	Docket No. 17454
	)	File No. BPED-742
Requests: 89.1mc, #206; 8.3kw(H); 7.7kw(V); 220 ft.	)	
	)	
FAIRLEIGH DICKINSON UNIVERSITY	)	
Teaneck, New Jersey	)	Docket No. 17455
	)	File No. BPED-751
Requests: 89.1mc, #206; 550w(H); 550w(V); 500 ft.	)	
	)	
For Construction Permits	)	

MEMORANDUM OPINION AND ORDER

Adopted May 17, 1967; Released May 23, 1967

By the Commission: Commissioners Bartley and Loevinger absent; Commissioner Cox abstaining from voting.

1. The Commission has before it for consideration (a) the above captioned and described applications; (b) "Petition for Reconsideration of Staff Action and Acceptance of Application, Nunc Pro Tunc, together with Waiver of the Rules or Acceptance of Minor Corrective Amendment" filed by Fairleigh Dickinson University ("FDU"); (c) "Petition for Reconsideration" of acceptance of FDU's application filed by New York University ("NYU"); (d) FDU's "Opposition to Petition for Reconsideration"; (e) FDU's "Petition for Reconsideration" of acceptance of NYU's application; (f) NYU's "Opposition to Petition for Reconsideration"; and (g) FDU's "Reply to Opposition to Petition for Reconsideration."

2. On May 2, 1966, the Commission released its Memorandum Opinion and Order 13 FCC 2d 579, 7 RR 2d 273 (1966) approving the agreement between NYU and the United Nations, which, subject to certain conditions, would permit NYU to utilize Channel 206, which in the New York area is reserved by Note 1 to Section 73.501(a) of the Commission's Rules for use by the United Nations. In so doing, the Commission accepted the NYU application for filing subject to the submission of an amendment eliminating any 1 mv/m interference with other FM stations. In addition, the Commission held that the channel should be made available to other applicants on the same basis, 1/ and specified that the NYU amendment and other applications would have to be received by June 16, 1966.

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1/ As indicated in the second further ordering clause below, if either application is granted it will be subject to conditions specified in the original agreement between NYU and the United Nations.

3. FDU's petition for reconsideration requested acceptance Nunc Pro Tunc of its application which had been tendered on June 16, 1966 and returned as unacceptable for filing on June 24, 1966 because of 1 mv/m interference which would have been received. FDU's position was that the Commission should either waive the rule barring the interference or accept its corrective amendment. By delegated authority, the resubmitted application as amended was accepted for filing on July 22, 1966. NYU then sought reconsideration of this action arguing that FDU did not tender an acceptable application before expiration of the cut-off period and that this late-filed application should not have been accepted. Simultaneously, FDU's opposed NYU's petition and filed its own petition for reconsideration attacking acceptance of the amended NYU application. Subsequent opposition and reply pleadings were filed by NYU and FDU, respectively.

4. Although the sequence of events is somewhat complex, the issues which are presented are not. Simply stated, NYU argued that the timely-filed version of FDU's application was in conflict with the Commission's rules and was not accompanied by a request for waiver as required by Section 1.566 of our rules. Thus, FDU's application, which was not brought into conformity with our rules until after the cut-off period ran, should not have been accepted. FDU's response contended that NYU's amended application also was defective in that it was not properly signed, and as a result it too failed to meet the cut-off date. Nevertheless FDU supported the Commission's action accepting both applications as the wisest course under the circumstances. It was FDU's point, however, that if its application must be returned, NYU's must suffer a like fate.

5. Although the pleadings also contain considerable discussion regarding the relative importance of the deficiencies in the two applications, we need not dispose of these arguments, for as both parties apparently acknowledge, we are free to waive the cut-off date and accept the applications. In both cases, the applications were not acceptable for filing when the cut-off period expired; one application violated the specific non-interference requirement specified in our rules and public notice, and the other was not properly signed. Both applications are now in proper form and we have concluded that the public interest would best be served by reaffirming our earlier acceptance of the applications to permit their prompt designation for hearing.

6. Since no determination has yet been reached on whether the antenna proposed by NYU would constitute a menace to air navigation, an issue regarding this matter is required.

7. The respective proposals are for different communities. Consequently, it will be necessary to determine pursuant to Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

8. Except as indicated below, the applicants are qualified to construct and operate as proposed. However, because of their mutual exclusivity, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, as of the opinion that the applications must be designated for hearing on the issues set forth below.

IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by NYU would constitute a menace to air navigation.
2. To determine, in the light of Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.
3. To determine, in the event it is concluded that a choice between applications should not be based solely on considerations relating to Section 307(b), which of the proposals would better serve the public interest.
4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

IT IS FURTHER ORDERED, That the Federal Aviation Administration IS MADE A PARTY to the proceeding.

IT IS FURTHER ORDERED, That in the event either application is granted it shall be subject to the following conditions:

If the United Nations desires to utilize the facilities on a part-time basis, such use, based on good faith negotiations, shall be set forth in a written agreement submitted to the Commission for prior approval. Control over program content shall remain with the University.

If the United Nations desires to operate the station, it shall give one years notice to the University which shall, subject to prior Commission approval, assign all its interest in such operation. Compensation for the equipment machinery and materials assigned shall be on the basis of cost less depreciation with disputes settled by majority vote of individually selected appraisers and an independent appraiser chosen by them.

Any dispute between the parties not resolved by negotiations shall be referred to arbitration in accordance with the rules of the American Arbitration Association then obtaining.

IT IS FURTHER ORDERED, That to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

IT IS FURTHER ORDERED, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 1.594 of the Rules.

FEDERAL COMMUNICATIONS COMMISSION

Ben F. Waple  
Secretary