

Response to the FCC letter of July 25, 2007

Nelson Multimedia, Inc.  
WSPY(AM), Millbrook, Illinois  
Facility ID Number: 69700  
BNP-20051031ADG

1. Interference to WPFR – Removed
2. Interference eliminated or greatly reduced per FCC policy on Interference Reduction – current licensed facility gives and receives interference from WLMV.
3. Interference to WZOE reduced while received interference has increased – (a waiver is requested). Interference from all other stations has been greatly decreased in accordance with FCC policy on Interference Reduction.
- 4.a. Tower Site Plan – included
- 4.b. Tower 7-1/2 topo map included
- 4.c. City grade coverage of Millbrook day and night shown
5. 307B information was supplied in October 2005, with supplemental data in March of 2007, it is attached. 307B issue must be reviewed under the “Interference Reduction Policy”. WSPY at its current licensed facility takes and gives a significant amount of interference; some of it extremely severe with WPNA which is a 1<sup>st</sup> Adjacent channel, whose 1 mv/m contour crosses the licensed tower site of WSPY-AM.

This is a First Service to Geneva and will be a First Service to Millbrook Illinois. Both are served well - with more than 5 broadcast services, however, Geneva is a contiguous part of the Chicago urban area which provides many services to Geneva. Millbrook is an isolated stand-alone community, not part of a contiguous urbanized area.

The station at its current licensed city has been through many owners (see attached history), in financial failure, and finally lost its transmitter site. On October 7, 2003 the principals of this application, Larry, Pam and Doug Nelson met at the FCC with Ed DeLaHunt and explored the issues associated with WSPY-AM and discussed the relocation from Geneva Illinois in an urbanized area to a different First Service community out of the Chicago urban area. We were told if interference was reduced it would be possible under the FCC Interference Reduction Policy.

I believe, on balance, the significant reduction in interference, First Service to Millbrook, an incorporated community, warrants a grant and a 307B preference under the Commissions Interference Reduction Policy.

Larry Nelson  
President  
Nelson Multimedia, Inc.

**FEDERAL COMMUNICATIONS COMMISSION**  
445 12<sup>th</sup> STREET SW  
WASHINGTON DC 20554

MASS MEDIA BUREAU  
AUDIO SERVICES DIVISION  
TECHNICAL PROCESSING GROUP  
APPLICATION STATUS: (202) 418-2795  
HOME PAGE: [www.fcc.gov](http://www.fcc.gov)

PROCESSING ENGINEER: HUONG K CHAU  
TELEPHONE: (202) 418-2733  
FACSIMILE: (202) 418-1411  
MAIL STOP: 1800B3

**JUL 25 2007**

John S. Neely, Esq.  
Miller and Neely, P.C.  
6900 Wisconsin Avenue, Suite 704  
Bethesda, MD 20815

In re: Nelson Multimedia, Inc.  
WSPY(AM), Millbrook, Illinois  
Facility ID Number: 69700  
BNP-20051031ADG

Dear Mr. Neely:

This is in reference to the above-captioned major change application to change the principal community of license from Geneva, Illinois to Millbrook, Illinois. The application is a studied pursuant to a Commission Public Notice listing mutually exclusive applications in AM Auction No 84<sup>1</sup>.

A preliminary study of the application reveals the following deficiencies:

1. The proposal would enter the 25% RSS nighttime limitation of station WPFR, Terre Haute, Indiana, in contravention of Section 73.182 of the Commission's rules. Specifically, the WPFR existing 25% RSS is 5.13 mV/m.<sup>2</sup> The proposal would contribute a limit of 1.41 mV/m and would increase the WPFR limit to 5.26 mV/m.

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<sup>1</sup> See Public Notice entitled "AM Auction No. 84 Mutually Exclusive Applications Subject to Auction", Attachment 84-MX, page 2, DA 051604 (Media Bureau, released June 15, 2005).

<sup>2</sup> The existing limit of WPFR is comprised of 3.03 mV/m from WMBD, 1.67 mV/m from WSGB, 1.62 mV/m from WCIN, 1.61 mV/m from WHBC, 1.53 mV/m from WRSW, 1.36 mV/m from WLMV, 1.33 mV/m from WGVU, 1.28 mV/m from WESL and 1.26 mV/m from WSDS.

2. The proposed 0.025 mV/m and 0.5 mV/m daytime groundwave contours would respectively overlap the 0.5 mV/m and 0.025 mV/m daytime groundwave contours of co-channel station WLMV, Madison, Wisconsin, in contravention of Section 73.37 of the Commission's rule.<sup>3</sup>
3. The proposed 0.5 mV/m daytime groundwave contour would overlap the 0.25 mV/m daytime groundwave contours of first-adjacent station WZOE, Princeton, Illinois, in contravention of Section 73.37 of the Commission's rules.
4. Part E of the *Instructions for FCC 301*, entitled Section III-A (AM Engineering), sets forth in detail the data and exhibits that must accompany an FCC 301 application for a new station or for a major change in an existing station. In the table below, we have identified the data and exhibits that are missing from the above-captioned application and must be provided:

	Required Exhibit Description
	1. Directional antenna radiation patterns and tabulations (See Section E, Item 7 of Instructions for FCC 301)
X	2. Antenna site plat showing tower(s) and all required items (See Section E, Item 7 of Instructions for FCC 301)
X	3. Antenna site map with geographic coordinate markings and map margins sufficient to verify antenna location (See Section E, Item 7 of Instructions for FCC 301)
	4. Aerial photographs (See Section E, Item 7 of Instructions for FCC 301)
	5. Coverage map for each proposed mode of operation (See Section E, Item 7 of Instructions for FCC 301)
X	6. Principal community coverage showing for each proposed mode of operation (See Section E, Items 7 and 8 of Instructions for FCC 301)
	7. Allocation study containing both tabulations and maps for each proposed mode of operation (See Section E, Item 10 of Instructions for FCC 301)

5. Pursuant to 47 U.S.C. §307(b), we are required to determine whether the relocation of a facility to another community will "provide a fair, efficient and equitable distribution of radio service...." We have always required a showing under §307(b) from singleton AM applicants that are proposing, inter alia, a change in community of license. See, e.g., *Implementation of Section 309(j) of the Communications Act – Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses*, 13 FCC Rcd 15920, 15964 (1998); *North Texas Radio, Inc.*, 11 FCC Rcd 8531, 8536 (1996). In order to make the determination required by §307(b), we will need a showing regarding the merits of locating the station in the new community as opposed to the former community of license. Therefore, please provide us, within thirty days of the date of this letter, with information regarding the proposed and current communities of license sufficient to enable us to make a §307(b) determination, including the following: (1) the number of stations licensed to the communities; (2) the number of stations providing protected service to the communities; (3) the populations (according to 1990 Census data) of the communities; and (4) a description of the civic, cultural, religious, social, and commercial attributes of the communities.

<sup>3</sup> This finding is based on FCC Figure M3 ground conductivity.

Further action on the subject application will be withheld for thirty days from the date of this letter in order to provide an opportunity to file a curative electronic amendment. Failure to respond or file an amendment within this time period will result in the dismissal of the application pursuant to Section 73.3568 of the Rules.

Sincerely,

A handwritten signature in black ink, appearing to read "Son K. Nguyen".

Son K. Nguyen,  
Supervisory Engineer  
Audio Division  
Media Bureau

cc: Nelson Multimedia, Inc.

## FEDERAL COMMUNICATIONS COMMISSION

445 12<sup>th</sup> STREET SW  
WASHINGTON DC 20554MASS MEDIA BUREAU  
AUDIO SERVICES DIVISION  
TECHNICAL PROCESSING GROUP  
APPLICATION STATUS: (202) 418-2795  
HOME PAGE: www.fcc.govPROCESSING ENGINEER: HUONG K CHAU  
TELEPHONE: (202) 418-2733  
FACSIMILE: (202) 418-1411  
MAIL STOP: 180083

SEP 12 2007

John S. Neely, Esq.  
Miller and Neely, P.C.  
6900 Wisconsin Avenue, Suite 704  
Bethesda, MD 20815In re: Nelson Multimedia, Inc.  
WSPY(AM), Geneva, Illinois  
Facility ID Number: 69700  
BNP-20051031ADG

Dear Mr. Neely:

This is in reference to the above-captioned major change application to change the principal community of license from Geneva, Illinois to Millbrook, Illinois. The application is a studied pursuant to a Commission Public Notice listing mutually exclusive applications in AM Auction No 84.<sup>1</sup> On July 25, 2007, the staff sent a deficiency.<sup>2</sup> On August 17, 2007, you filed a request for additional time to respond to the deficiency letter.<sup>3</sup>

Accordingly, Nelson Multimedia, Inc. is granted 180 days from the date of the original deficiency letter (July 25, 2007) in which to file an amendment bringing the application into substantial compliance with the Commission's rules. No further extension of time to file the requested amendment will be considered. Any curative amendment must be a minor change with respect to the technical submission filed during the AM Auction No. 84 window. Failure to file a curative amendment by **January 25, 2008**, will result in dismissal of the application pursuant to Section 73.3568 of the Commission's Rules.

Sincerely,

Son K. Nguyen  
Supervisory Engineer  
Audio Division  
Media Bureau

cc: Nelson Multimedia, Inc.

<sup>1</sup> See Public Notice entitled "AM Auction No. 84 Mutually Exclusive Applications Subject to Auction", Attachment 84-MX, page 2, DA 051604 (Media Bureau, released June 15, 2005).

<sup>2</sup> In the letter we requested for an amendment to eliminate the interference problems to stations WPFR, WLMV and WZOE. We also requested the applicant to submit a 307(b) showing, and a numbers of exhibits required in Part E of the Instructions for FCC 301 application.

<sup>3</sup> The extension of time request was sent by e-mail.

307(b)  
Engineering and Field Report in Support of  
Major Change to an Existing License  
400W Day 250W Night  
WSPY-AM  
1480 kHz  
Millbrook, Illinois  
for  
Nelson Multimedia, Inc.

October 2005  
Prepared by

Larry Nelson  
Lic # PG-18-9128

Doug Nelson  
Lic # PG00016571

**WSPY-AM  
Engineering Exhibits  
-307(b)-  
Millbrook, Illinois**

The following report was prepared for Nelson Multimedia, Inc. application ARN-20040127ACW for a construction permit for a major change to an existing AM station to be located at Millbrook, Illinois. All contours are based on FCC M-3 and population counts are based on the 2000 US Census. All photos were taken in 2005 by Larry and Pam Nelson.

**Proposed Coverage**

The following shows the day and night population of Day and Night contours of the proposed major change to the existing WSPY-AM station at Millbrook, Illinois 1480 – 400W Day, 250W Night.

<u>DAY</u>				<u>NIGHT</u>	
<u>Millbrook</u>		<u>Population</u>	<u>Sq. KM</u>	<u>Population</u>	<u>Sq. KM</u>
5 mv/m		36,256	646.3		
2 mv/m		68,432	1,606.2		
.5 mv/m		660,355	5,885.1		
5.429 mv/m				29,687	374.9

See the attached map “Millbrook, Illinois Population Study Coverage Map” and “Millbrook, Illinois Population Study Data”.

**Service to Community of Millbrook, Illinois**

Currently there is No AM or FM broadcast station licensed to Millbrook, Illinois. This proposed AM station on 1480 kHz would be the First Service to the community. The community of Millbrook receives non-local distant station contour service by more than 10 AM services 2 mv/m and FM stations 1 mv/m or better. See attached map “Millbrook, Illinois Service Map 307b” and data supporting the map “Millbrook, Illinois AM Service 307b Data” and “Millbrook, Illinois FM Service 307b Data”.

## **Population of Millbrook, Illinois and Additional Pertinent Profile Information on the Community**

Millbrook, Illinois is a growing community located in Kendall County. Millbrook, located on the shores of the Fox River, is a historic community with a long historical agricultural industry. In November 2004 Millbrook incorporated as the Village of Millbrook with an elected Village President, Treasurer, Clerk, and 6 Village Trustees. The community of Millbrook has a school, Millbrook Junior High School, with approximately 108 students.

Millbrook, Illinois has its own US Post Office with approximately 195 boxes and its own zip code of 60536. Millbrook has local civic and social organizations, and active and growing businesses. Among the community organizations are the Millbrook Mighty Ones 4-H Club and Millbrook Hunting Club. The community of Millbrook has held a city-wide auction every November for over 40 years raising thousands of dollars benefiting their volunteer Fire Department. The Fire Department expanded with a new building in 2004. Currently the Fire Department equipment includes an engine, a tanker, a command vehicle, a rescue truck and a grass truck. A new Fox Township building is now under construction on land recently annexed into the Village.

Some of the Millbrook businesses are Citizens Bank (formerly the Millbrook Bank), Winding Creek Nursery, Jellystone RV Resort, G.P. Drafting, Irvine Accounting Services, Tax & Accounting Service of Millbrook, Christian Robt Insurance, Monarch Homes, Beecher's Billiards, Crooked Tree Campground, Millbrook Insurance Associates, and Simply Stitches Quilting supplies.



## Millbrook, Illinois Population 2000

Since Millbrook incorporated in 2002, the U.S. Census 2000 did not breakout a population for Millbrook. To determine the approximate population of Millbrook the following census data was used:

Kendall county

Tract 8906

Block Group 3

Blocks 30+

3051

3050

3049

3048

3047

3046

3045

3033

3032

3031

3030

3029

3028

3027

3026

3025

3024

3023

3006

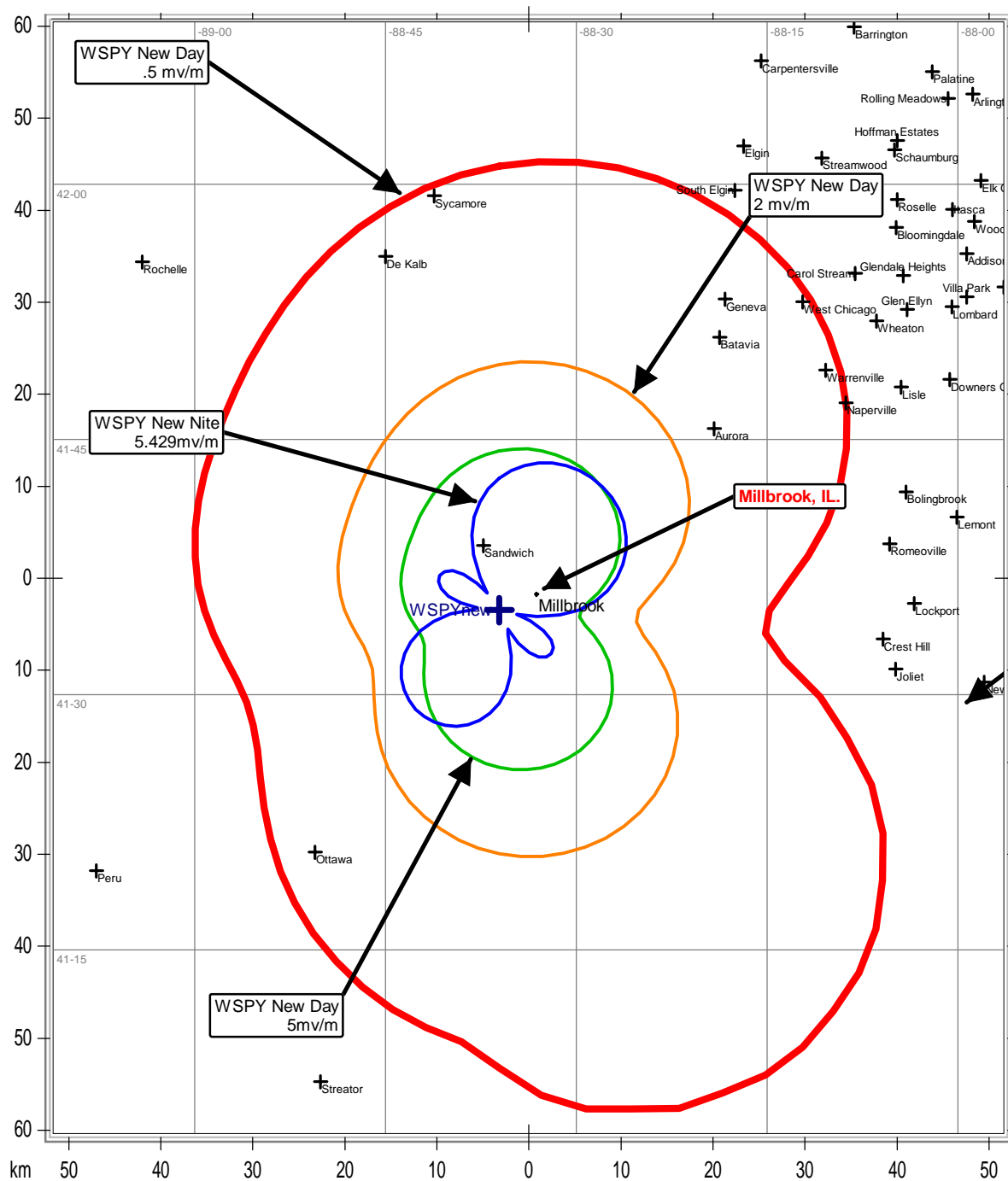
The above information indicates an approximate Millbrook population of 326.

## **Millbrook Illinois Photo Index**

**(Not all businesses are represented)**

- Photo pg 1     Millbrook 4-H Club sign on the Millbrook town limit sign  
Millbrook U.S. Post Office
- Photo pg 2     Millbrook Jr. High school sign  
Millbrook Jr. High school
- Photo pg 3     Overflow temporary classroom at Millbrook Jr. High School  
Millbrook's original Fire Dept. building
- Photo pg 4     Expansion of Fire Department building in Millbrook  
Fox Township Highway Department maintenance building located  
In Millbrook
- Photo pg 5     Millbrook United Methodist Church  
Formerly the Millbrook Bank, now owned by the Citizens Bank Group
- Photo pg 6     Winding Creek Nursery retail facility in Millbrook  
Jellystone Camp – RV Resort in Millbrook
- Photo pg 7     Millbrook Insurance Associates Agency  
Estates of Millbrook at the west edge of Millbrook

## Millbrook, IL. Population Study Coverage Map



State Borders      Lat/Lon Grid

# Millbrook iL 307b Pop Study Data

Callsign : WSPYnew  
 Coordinates : 41-34-59.0 N, 88-36-05.0 W  
 Comments :  
 Frequency (KHz): 1480  
 Power (w): 400.000  
 Pattern : AD  
 Efficiency : 209.911 mV/M  
 Desc : DA2  
 City/State : GENEVA, IL  
 ARN :  
 Licensee : NELSON MULTIMEDIA, INC.

Tower	Field	Phase	Spcng	Ornt	Hght	TopLd
1	1.000	0.0	0.0	0.0	87.0	0.0
2	1.128	252.8	153.4	215.1	87.0	0.0
3	1.569	152.6	122.0	184.3	87.0	0.0
4	0.856	18.3	64.9	265.7	87.0	0.0

Brng	Span	mV/M

## Field

Brng	mV/m	Brng	mV/m	Brng	mV/m	Brng	mV/m	Brng	mV/m
0	292.101	75	153.843	150	305.565	225	138.778	300	144.079
5	301.773	80	128.372	155	310.751	230	122.585	305	150.463
10	309.255	85	106.100	160	312.422	235	108.792	310	158.356
15	314.305	90	91.343	165	310.777	240	98.373	315	168.048
20	316.716	95	89.177	170	306.070	245	92.153	320	179.579
25	316.314	100	100.742	175	298.585	250	90.397	325	192.753
30	312.958	105	121.794	180	288.622	255	92.563	330	207.188
35	306.545	110	147.462	185	276.485	260	97.499	335	222.392
40	297.018	115	174.557	190	262.475	265	103.933	340	237.830
45	284.375	120	201.183	195	246.888	270	110.820	345	252.978
50	268.678	125	226.147	200	230.022	275	117.465	350	267.352
55	250.071	130	248.647	205	212.183	280	123.514	355	280.518
60	228.796	135	268.131	210	193.711	285	128.909		
65	205.232	140	284.231	215	174.991	290	133.847		
70	179.952	145	296.736	220	156.487	295	138.728		

0.0 ohm K	: 90.082	1.0 ohm K	: 88.577
RMSS	: 220.657	RMSt	: 209.911
RSS	: 207.105		

Contour type : Ground wave  
 Signal strength : 0.500 mV/m  
 Area covered : 5885.100 sq. km  
 Population covered: 660353 persons

Azimuth Degrees	Field mV/m @ 1 km	Contour mV/m	Distance km
0	292.10	0.500	48.33
5	301.77	0.500	48.98
10	309.25	0.500	49.48
15	314.31	0.500	49.83
20	316.72	0.500	49.99
25	316.31	0.500	49.97
30	312.96	0.500	49.74
35	306.55	0.500	49.30
40	297.02	0.500	48.66
45	284.38	0.500	47.80
50	268.68	0.500	46.67

# Millbrook iL 307b Pop Study Data

55	250.07	0.500	45.27
60	228.80	0.500	43.63
65	205.23	0.500	41.67
70	179.95	0.500	39.41
75	153.84	0.500	36.88
80	128.37	0.500	34.15
85	106.10	0.500	31.46
90	91.34	0.500	29.47
95	89.18	0.500	29.17
100	100.74	0.500	31.62
105	121.79	0.500	36.24
110	147.46	0.500	40.41
115	174.56	0.500	44.88
120	201.18	0.500	48.46
125	226.15	0.500	51.21
130	248.65	0.500	53.88
135	268.13	0.500	55.79
140	284.23	0.500	56.97
145	296.74	0.500	58.05
150	305.56	0.500	58.42
155	310.75	0.500	58.00
160	312.42	0.500	57.75
165	310.78	0.500	56.26
170	306.07	0.500	55.18
175	298.58	0.500	53.07
180	288.62	0.500	49.93
185	276.49	0.500	47.24
190	262.48	0.500	46.20
195	246.89	0.500	45.04
200	230.02	0.500	43.73
205	212.18	0.500	42.24
210	193.71	0.500	40.67
215	174.99	0.500	38.96
220	156.49	0.500	37.16
225	138.78	0.500	35.32
230	122.58	0.500	33.49
235	108.79	0.500	31.80
240	98.37	0.500	30.45
245	92.15	0.500	29.59
250	90.40	0.500	29.34
255	92.56	0.500	29.64
260	97.50	0.500	30.33
265	103.93	0.500	31.18
270	110.82	0.500	32.07
275	117.47	0.500	32.89
280	123.51	0.500	33.60
285	128.91	0.500	34.21
290	133.85	0.500	34.77
295	138.73	0.500	35.32
300	144.08	0.500	35.89
305	150.46	0.500	36.55
310	158.36	0.500	37.35
315	168.05	0.500	38.31
320	179.58	0.500	39.38
325	192.75	0.500	40.59
330	207.19	0.500	41.83
335	222.39	0.500	43.11
340	237.83	0.500	44.35
345	252.98	0.500	45.49
350	267.35	0.500	46.57
355	280.52	0.500	47.53

Contour type : Ground Wave

Millbrook iL 307b Pop Study Data

Signal strength : 2.000 mV/m  
 Area covered : 1606.200 sq. km  
 Population covered: 68432 persons

Azimuth Degrees	Field mV/m @ 1 km	Contour mV/m	Distance km
0	292.10	2.000	26.70
5	301.77	2.000	27.09
10	309.25	2.000	27.38
15	314.31	2.000	27.58
20	316.72	2.000	27.67
25	316.31	2.000	27.65
30	312.96	2.000	27.52
35	306.55	2.000	27.28
40	297.02	2.000	26.90
45	284.38	2.000	26.38
50	268.68	2.000	25.70
55	250.07	2.000	24.89
60	228.80	2.000	23.89
65	205.23	2.000	22.72
70	179.95	2.000	21.36
75	153.84	2.000	19.81
80	128.37	2.000	18.12
85	106.10	2.000	16.44
90	91.34	2.000	15.21
95	89.18	2.000	15.02
100	100.74	2.000	16.01
105	121.79	2.000	17.64
110	147.46	2.000	19.40
115	174.56	2.000	21.05
120	201.18	2.000	22.51
125	226.15	2.000	23.76
130	248.65	2.000	24.83
135	268.13	2.000	25.68
140	284.23	2.000	26.38
145	296.74	2.000	26.89
150	305.56	2.000	27.24
155	310.75	2.000	27.44
160	312.42	2.000	27.50
165	310.78	2.000	27.44
170	306.07	2.000	27.26
175	298.58	2.000	26.96
180	288.62	2.000	26.56
185	276.49	2.000	26.05
190	262.48	2.000	25.44
195	246.89	2.000	24.75
200	230.02	2.000	23.95
205	212.18	2.000	23.08
210	193.71	2.000	22.11
215	174.99	2.000	21.07
220	156.49	2.000	19.97
225	138.78	2.000	18.83
230	122.58	2.000	17.70
235	108.79	2.000	16.65
240	98.37	2.000	15.81
245	92.15	2.000	15.28
250	90.40	2.000	15.12
255	92.56	2.000	15.31
260	97.50	2.000	15.74
265	103.93	2.000	16.27
270	110.82	2.000	16.81
275	117.47	2.000	17.32
280	123.51	2.000	17.76

# Millbrook iL 307b Pop Study Data

285	128.91	2.000	18.16
290	133.85	2.000	18.50
295	138.73	2.000	18.83
300	144.08	2.000	19.18
305	150.46	2.000	19.59
310	158.36	2.000	20.09
315	168.05	2.000	20.66
320	179.58	2.000	21.34
325	192.75	2.000	22.06
330	207.19	2.000	22.82
335	222.39	2.000	23.58
340	237.83	2.000	24.33
345	252.98	2.000	25.02
350	267.35	2.000	25.65
355	280.52	2.000	26.22

Contour type : Ground Wave  
Signal strength : 5.000 mV/m  
Area covered : 646.300 sq. km  
Population covered: 36256 persons

Azimuth Degrees	Field mV/m @ 1 km	Contour mV/m	Distance km
0	292.10	5.000	17.28
5	301.77	5.000	17.56
10	309.25	5.000	17.78
15	314.31	5.000	17.93
20	316.72	5.000	18.00
25	316.31	5.000	17.98
30	312.96	5.000	17.89
35	306.55	5.000	17.70
40	297.02	5.000	17.42
45	284.38	5.000	17.04
50	268.68	5.000	16.55
55	250.07	5.000	15.95
60	228.80	5.000	15.22
65	205.23	5.000	14.36
70	179.95	5.000	13.36
75	153.84	5.000	12.24
80	128.37	5.000	11.02
85	106.10	5.000	9.83
90	91.34	5.000	8.96
95	89.18	5.000	8.83
100	100.74	5.000	9.53
105	121.79	5.000	10.69
110	147.46	5.000	11.95
115	174.56	5.000	13.14
120	201.18	5.000	14.21
125	226.15	5.000	15.13
130	248.65	5.000	15.90
135	268.13	5.000	16.53
140	284.23	5.000	17.04
145	296.74	5.000	17.41
150	305.56	5.000	17.67
155	310.75	5.000	17.82
160	312.42	5.000	17.87
165	310.78	5.000	17.82
170	306.07	5.000	17.69
175	298.58	5.000	17.47
180	288.62	5.000	17.17
185	276.49	5.000	16.80
190	262.48	5.000	16.36
195	246.89	5.000	15.84

# Millbrook iL 307b Pop Study Data

200	230.02	5.000	15.27
205	212.18	5.000	14.62
210	193.71	5.000	13.92
215	174.99	5.000	13.16
220	156.49	5.000	12.36
225	138.78	5.000	11.54
230	122.58	5.000	10.73
235	108.79	5.000	9.98
240	98.37	5.000	9.38
245	92.15	5.000	9.01
250	90.40	5.000	8.90
255	92.56	5.000	9.04
260	97.50	5.000	9.33
265	103.93	5.000	9.71
270	110.82	5.000	10.10
275	117.47	5.000	10.46
280	123.51	5.000	10.77
285	128.91	5.000	11.05
290	133.85	5.000	11.30
295	138.73	5.000	11.54
300	144.08	5.000	11.79
305	150.46	5.000	12.09
310	158.36	5.000	12.44
315	168.05	5.000	12.87
320	179.58	5.000	13.35
325	192.75	5.000	13.88
330	207.19	5.000	14.43
335	222.39	5.000	15.00
340	237.83	5.000	15.53
345	252.98	5.000	16.05
350	267.35	5.000	16.51
355	280.52	5.000	16.92

Callsign : New Nite  
 Coordinates : 41-34-59.0 N, 88-36-05.0 W  
 Comments :  
 Frequency (KHz): 1480  
 Power (w): 250.000  
 Pattern : AN  
 Efficiency : 159.863 mV/M  
 Desc : DA2  
 City/State : GENEVA, IL  
 ARN :  
 Licensee : NELSON MULTIMEDIA, INC.

Tower	Field	Phase	Spcng	Ornt	Hght	TopLd
1	1.000	0.0	0.0	0.0	87.0	0.0
2	1.640	172.0	75.1	214.9	87.0	0.0
3	0.960	345.7	153.4	215.1	87.0	0.0

Brng	Span	mV/M
-----	-----	-----

Field	Brng	mV/m	Brng	mV/m	Brng	mV/m	Brng	mV/m	Brng	mV/m
0	221.478	75	193.127	150	33.471	225	210.271	300	74.748	
5	248.191	80	161.578	155	15.860	230	199.900	305	71.468	
10	271.575	85	128.702	160	20.466	235	185.649	310	62.307	
15	291.209	90	95.453	165	44.073	240	167.835	315	47.706	
20	306.780	95	62.974	170	70.388	245	146.890	320	29.005	



# Millbrook iL 307b Pop Study Data

25	318.068	100	32.968	175	96.868	250	123.371	325	15.008
30	324.929	105	13.478	180	122.354	255	97.978	330	32.532
35	327.282	110	27.366	185	145.982	260	71.583	335	62.037
40	325.102	115	46.488	190	167.052	265	45.377	340	94.333
45	318.412	120	61.402	195	185.005	270	21.988	345	127.514
50	307.291	125	70.840	200	199.408	275	16.523	350	160.388
55	291.879	130	74.373	205	209.938	280	33.375	355	191.984
60	272.393	135	71.956	210	216.375	285	50.519		
65	249.141	140	63.858	215	218.590	290	63.820		
70	222.539	145	50.669	220	216.542	295	72.104		

0.0 ohm K : 255.011 1.0 ohm K : 217.818  
 RMSS : 168.305 RMSt : 159.863  
 RSS : 467.735

Contour type : Ground Wave  
 Signal strength : 5.429 mV/m  
 Area covered : 374.900 sq. km  
 Population covered: 29687 persons

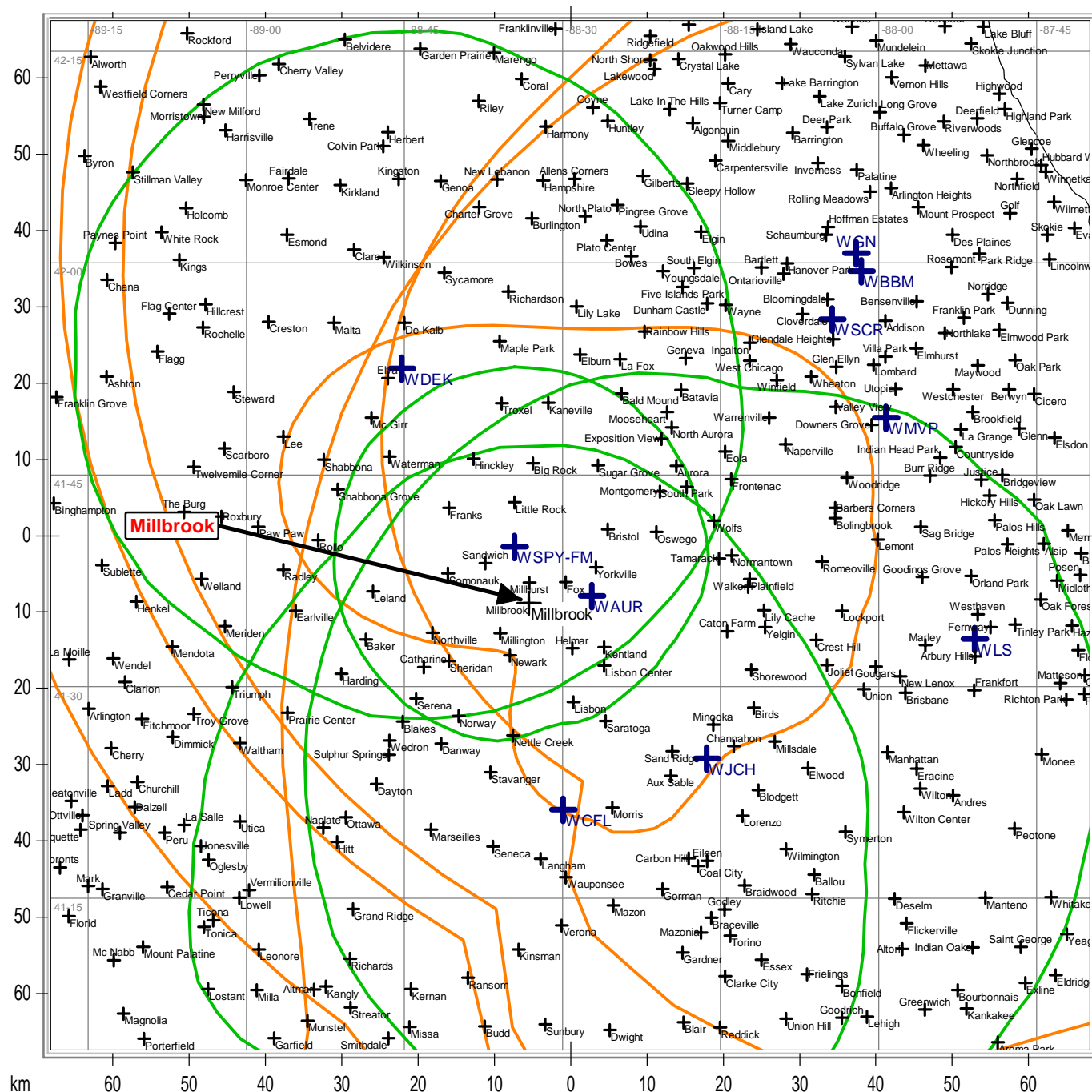
Azimuth Degrees	Field mV/m @ 1 km	Contour mV/m	Distance km
0	221.48	5.429	14.31
5	248.19	5.429	15.21
10	271.57	5.429	15.95
15	291.21	5.429	16.54
20	306.78	5.429	16.98
25	318.07	5.429	17.30
30	324.93	5.429	17.49
35	327.28	5.429	17.55
40	325.10	5.429	17.49
45	318.41	5.429	17.31
50	307.29	5.429	17.00
55	291.88	5.429	16.55
60	272.39	5.429	15.98
65	249.14	5.429	15.24
70	222.54	5.429	14.35
75	193.13	5.429	13.28
80	161.58	5.429	12.01
85	128.70	5.429	10.52
90	95.45	5.429	8.75
95	62.97	5.429	6.65
100	32.97	5.429	4.17
105	13.48	5.429	2.02
110	27.37	5.429	3.61
115	46.49	5.429	5.38
120	61.40	5.429	6.54
125	70.84	5.429	7.21
130	74.37	5.429	7.44
135	71.96	5.429	7.28
140	63.86	5.429	6.72
145	50.67	5.429	5.72
150	33.47	5.429	4.21
155	15.86	5.429	2.31
160	20.47	5.429	2.86
165	44.07	5.429	5.17
170	70.39	5.429	7.17
175	96.87	5.429	8.83
180	122.35	5.429	10.20
185	145.98	5.429	11.33
190	167.05	5.429	12.24
195	185.01	5.429	12.97
200	199.41	5.429	13.52

# Millbrook iL 307b Pop Study Data

205	209.94	5.429	13.91
210	216.37	5.429	14.14
215	218.59	5.429	14.21
220	216.54	5.429	14.14
225	210.27	5.429	13.92
230	199.90	5.429	13.54
235	185.65	5.429	12.99
240	167.83	5.429	12.28
245	146.89	5.429	11.37
250	123.37	5.429	10.25
255	97.98	5.429	8.89
260	71.58	5.429	7.26
265	45.38	5.429	5.28
270	21.99	5.429	3.03
275	16.52	5.429	2.39
280	33.38	5.429	4.20
285	50.52	5.429	5.71
290	63.82	5.429	6.72
295	72.10	5.429	7.29
300	74.75	5.429	7.47
305	71.47	5.429	7.25
310	62.31	5.429	6.61
315	47.71	5.429	5.48
320	29.01	5.429	3.77
325	15.01	5.429	2.21
330	32.53	5.429	4.12
335	62.04	5.429	6.58
340	94.33	5.429	8.68
345	127.51	5.429	10.46
350	160.39	5.429	11.96
355	191.98	5.429	13.23

□

# Millbrook, IL Service Map 307b



Millbrook IL service AM Data 307b

CALL FORMAT	ST	CITY ARN LONGITUDE	FREQ OWNER	PAT	AG	PWR	DESC
LATITUDE							
WBBM	IL	CHICAGO	780.00000 LD			50.000	ND1
41-59-26.0 N		BL20000208ABZ 88-01-39.0 W	INFINITY BROADCASTING EAST INC.				
WAUR	IL	SANDWICH	930.00000 LD			2.500	DA2
41-36-26.0 N		BL19880328AI 88-27-11.0 W	STARBOARD MEDIA FOUNDATION, INC.				
WMVP	IL	CHICAGO	1000.00000 LD			50.000	DA2
41-49-04.0 N		BL19911113AA 87-59-17.0 W	SPORTS RADIO CHICAGO, LLC				
WLS	IL	CHICAGO	890.00000 LU			50.000	ND1
41-33-21.0 N		BL19860731AL 87-50-54.0 W	WLS, INC.				
WGN	IL	CHICAGO	720.00000 LU			50.000	ND1
42-00-42.0 N		BL 88-02-07.0 W	WGN CONTINENTAL BROADCASTING CO.				
WSCR	IL	CHICAGO	670.00000 LU			50.000	ND1
41-56-01.0 N		BL 88-04-23.0 W	INFINITY BROADCASTING EAST INC.				

Millbrook IL service FM Data 307b

CALL FORMAT LATITUDE	ST	CITY ARN LONGITUDE	FREQ OWNER HAAT:m AMSL:m	CHN	CL	ERP	STAT
WJCH Unknown or 1-2-55.0	IL	JOLIET New CP BLED19860505KF 88-16-19.0 W 152.9	91.90000 FAMILY STATIONS, INC. 7 319.000		B	50000.00	LIC
WCFL Unknown or 1-21-17.0	IL	MORRIS New CP BLH19920129KB 88-29-55.0 W 137.8	10.70000 ILLINOIS DISTRICT COUNCIL OF ASSEMBL 2 316.000		B	50000.00	LIC
WDEK Unknown or 1-52-33.0	IL	DEKALB New CP BMLH20011206AAS 88-5-16.0 W 150.9	92.50000 WDEK, INC. 7 12.000		B	20000.00	LIC
WSPY-FM Unknown or 1-39-55.0	IL	PLANO New CP BLH19900716KG 88-3-3.0 W 13.000	107.10000 NELSON ENTERPRISES, INC. 3 8.000		A	1500.00	LIC













Millbrook - Fox  
Fire Dept. Bld  
New Building













JERROLD D. MILLER  
JOHN S. NEELY\*

\*ADMITTED PA AND DC ONLY

LAW OFFICES

MILLER AND NEELY, P. C.

SUITE 704

6900 WISCONSIN AVENUE

BETHESDA, MD 20815

*Handwritten:* STAMP RETURN

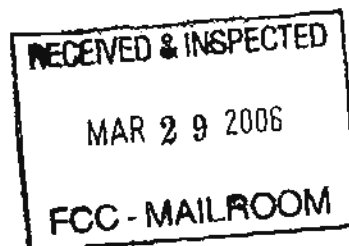
(301) 986-4160

FAX: (301) 986-4162

2006 MAR 29 P 2:06

March 27, 2006

Secretary  
Federal Communications Commission  
Washington, DC 20554



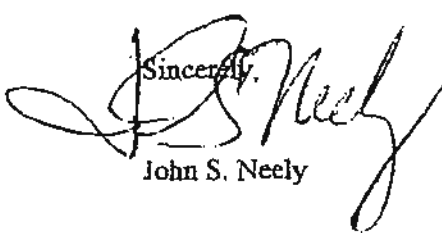
RE: Supplement to §307(b) Showing  
WSPY(AM) Facility ID No. 69700  
Millbrook, IL (major change), File No. BMJP-20040127ACW

Dear Madam Secretary:

Transmitted herewith in triplicate on behalf of Nelson Multimedia, Inc., applicant for a major change of AM station WSPY, as referenced above, is a supplement to the applicant's October 31, 2005, Section 307(b) amendment to the pending application.

Please address any questions concerning this matter to the undersigned.

Sincerely,

  
John S. Neely

encs.

The following information supplements the 307(b) showing filed by Nelson Multimedia, Inc., ("Nelson") October 31, 2005, concerning MX Group 84-18.

After reading the Audio Division's decision of March 2, 2006, concerning WMCW, Harvard, Illinois (DA-06-502), Nelson would like to clarify its 307(b) showing for major change in community of license from Geneva, IL to Millbrook, IL, and incorporate by reference certain material already a matter of public record in the Commission's files.

The proposed major change would remove the sole transmission service licensed to Geneva, IL, and establish the first local transmission service at Millbrook, IL. As stated in the applicant's pending Form 301 (File No. BMJP-20051031ADG) and the Engineering Report submitted with its Joint Request for Approval of Settlement filed October 31, 2005, the proposed major change of station WSPY should be processed pursuant to the Commission's Interference Reduction Policy, Policies to Encourage Interference Reduction Between AM Broadcast Stations 67 RR 2d 1612, 5 FCC Rcd 4492, (1990) ("Interference Reduction Policy") copy attached.

To encourage interference reduction and revitalize the AM band, the Interference Reduction Policy recognizes the public interest in deleting or modifying an AM station broadcast license, including the broadcast license for a community's sole local transmission service, which causes and receives interference. Nelson hereby expressly reasserts the Interference Reduction Policy in this proceeding and seeks a waiver of the policy against removing the sole local transmission service.

The Commission's consolidated database system indicates that prior to Nelson acquiring control of the broadcast license in 2001, WSPY had been through a series of station ownership changes and unconsummated sales. (See Exhibit 1) According to previous station licensees, the station operated at a financial loss. In April 2001, the then-current owner, Valley Communications, Inc., determined that the radio station could not pay its own costs and was not worthy of further investment nor resources. The licensee turned the station off the air, sold the transmitter/studio real estate to pay accumulated losses and determined to surrender the license for cancellation if the assignment of license to Nelson was not consummated.

On June 28, 2001, Nelson assumed the broadcast license and purchased the station's tangible assets including the transmitter, phaser equipment, etc. The station's licensed tower site was already under development for residential use and was not available for purchase or use by a radio tower. Nelson next took steps to restore broadcast operations. Service resumed with reduced power from a temporary transmitter site pursuant to an STA granted March 4, 2002. Nelson then sought to locate a permanent transmitter site which would serve Geneva, IL, and satisfy the Commission's AM technical requirements. Further information concerning steps to restore operations and the search for a temporary and permanent tower site are a matter of public record in various STA requests which are incorporated herein by reference.

The city of Geneva is an urbanized area within the Chicago metro area. A new directional antenna array serving Geneva will require approximately 10 acres of land to satisfy directional pattern technical requirements. After a thorough search, Nelson, determined that the scarcity of

sufficiently sized and situated parcels of vacant land in the urbanized area, the very tight area to locate the different licensed day and night directional patterns, zoning concerns, and airport locations (air space clearance) precluded an alternate licensed tower site which would serve Geneva consistent with the Commission's technical requirements. Even if each of these substantial hurdles could be cleared successfully, the exorbitant cost of prime real estate in a highly developed urbanized area would irrationally overwhelm the modest revenue of a low powered AM station which receives significant interference in a competitive metro market. Faced with this reality, Nelson began to explore alternate geographical areas where antennas might be relocated.

After a considerable search, Nelson found an alternate location and filed a major change application during the 2004 AM Auction 84 filing window. Larry and Pam Nelson, principals of Nelson, purchased a ten acre transmitter site for the proposed tower site in rural LaSalle/Kendall County, Illinois.

Paragraphs 11 thru 14 of the Interference Reduction Policy describe that when an applicant proposes to delete or modify an AM station, the applicant must demonstrate that a sufficient "local service floor" will be maintained in a community losing a local transmission service. The policy anticipates that the public interest in interference reduction may result in the loss of a community's sole local transmission service. Due to the unique public interest factors which might be presented in each situation, the Commission determined to apply the local service floor issue on a case by case basis. Local service floor issues were explored in 1996, when the Commission cancelled three AM broadcast licenses to accommodate a power increase for WWRL(AM) New York, NY, to serve an area already well served by at least 5 broadcast stations. Included among the cancelled broadcast licenses was that of WERA, the only local transmission service licensed to Plainfield, NJ. The Letter Ruling determined that the residents of Plainfield, NJ, would not be harmed by the loss of the sole local transmission service due to the fact that the community was in a metro area and would continue to be well-served by the primary service contour of at least five other stations: WFAN, WOR, WABC, WCBS and WBBR. (Copy of Letter Ruling attached)

The low-powered directional facilities licensed to WSPY(AM) (1kw Day, 500W Night DA-2) receive a significant amount of interference. The station has had a very difficult time competing in its Chicago market as evidenced by frequent transfers and assignments of station control over the last 20 years, failed attempted station sales, financial difficulty, and the penultimate owner's decision to sell the tower site to pay accrued expenses and possibly surrender the license for cancellation rather than sell the station as a going concern. Further, the tight directional patterns, the unavailability of adequate sites, metro air space and zoning issues and the high real estate costs are major impediments that have made it impractical if not impossible to locate a technically sufficient tower site providing the necessary city-grade signal to Geneva.

The Chicago metro-area is one of the largest radio markets in the nation. The city of Geneva receives 25mv/m or better AM service from WGN, WBBM, WSCR; 5mv/m or better from WLS, WYLL, WBIG, WRMN, etc. (based on M-3). Moreover, there are numerous other Chicagoland AM and FM stations serving Geneva with a primary service contour. This is more primary

service for the community than five services cited as sufficient for Plainfield, NJ, in the WWRL Letter Ruling and the two services cited as sufficient at ¶13 of the Interference Reduction Policy.

The Millbrook proposal significantly reduces given interference on first adjacency .25mv/m to .5mv/m by a total of 874.89 KM and reduces given interference to WPNA by 250,098 persons; WGEZ by 4,821 persons, and WZOE by 10,385 persons. Further, the proposal reduces a more severe interference of .5mv/m to .5mv/m significantly to WPNA by 554,798 persons and completely removes the .5mv/m to .5mv/m overlap with WCFJ (See Exhibit 2). As mentioned above, the station's licensed facilities receive significant interference which would be reduced or eliminated by the proposed change of community.

The proposed move from the Chicago urbanized area to rural Millbrook is also consistent with the Commission's concern when a station proposes to abandon rural service area in favor of relocating to an urbanized area. Nelson is proposing to move the facility from an urbanized metro, significantly reduce destructive interference given and received, and provide a first local transmission service to rural Millbrook, Illinois. This proposal invokes Priority 3 factors which have a higher public interest than the Priority 4 factors used in the WWRL Letter Ruling to justify the cancellation of the only local transmission service to Plainfield, NJ, in favor of WWRL's power increase to serve areas already well-served by more than five aural services.

Taken as a whole, the Millbrook proposal will maximize efficient spectrum use by reducing the interference caused to a number of stations, allow WSPY to reduce the interference received by its licensed operation which is not possible at Geneva, and all with the additional public interest benefits of creating a first local transmission service at Millbrook.



The application of Nelson Multimedia, Inc. for a major change AM construction permit at Millbrook, IL, is amended to submit the attached Section 307(b) information.

A handwritten signature in black ink, appearing to read 'Larry Nelson', is written over a horizontal line.

Larry Nelson  
President  
Nelson Multimedia, Inc

Date: March 23, 2006

Brief Summary of CDBS records concerning Station transfers/assignments

1980 Sold to Miller Broadcasting from Brickhouse

1980 - 1983 - Unclear what happened. Miller had station back by 1983 transfer per FCC on-line records

1983 Transfer from Miller Broadcasting to Gamel November 1983

(old owner said because of financial difficulties)

1983 - 1985 - Unclear what happened - Cassens must have acquired by 1985

1985 Transfer from Cassens back to Gamel

(old owner said because of financial difficulties)

1988 Local owners sell to Valley Communications due to financial difficulties

1990 and 1993 Valley tries to sell but deals fall through (per Valley)

April 1996 CCC Communications Inc files to purchase WFXW

1998 License renewal issue - lost records, EEO, Sale to CCC on hold

2000 Pending Sale finally died - per old owners ?

4-1-2001 Off air due to financial difficulties

6-28-2001 Nelson purchased

3-04-2002 Nelson obtained STA and then restored station to air

2002 to Current - Nelson has operated the station on an STA. Principals Larry and Pam Nelson met with Ed DeLaHunt to discuss WSPY-AM STA and Interference Reduction move.

**Interference Reduction Data****Interference to WPNA .5mv/m Contour**

From .25mv/m:

Current License 1,433,441 population 1,690.57 sq KM

New Millbrook 1,183,346 population 1,428.48 sq KM

**Interference Reduced by: 250,096 persons-17.5% 262.09 sq KM - 15.5%**

From .5mv/m:

Current license 827,968 population

New Millbrook 273,170 population

**Interference Reduced by 554,798 persons - 67.7%****Interference to WCFJ .5mv/m Contour**

From .25mv/m:

Current License 134.58 sq KM

New Millbrook 127.23 sq KM

**Interference Reduced by: 7.35 sq KM 5.3%**

From .5mv/m:

Current License 4.18 sq KM

New Millbrook 0 sq KM

**Interference Reduced by: 4.18 sq KM 100%****Interference to WGEZ .5mv/m**

From .25mv/m:

Current License 5,934 population 320.15 sq KM

New Millbrook 1,113 population 37.04 sq KM

**Interference Reduced by: 4,821 persons-81% 283.11 sq KM - 88.4%****Interference to WZOE .5mv/m**

From .25mv/m:

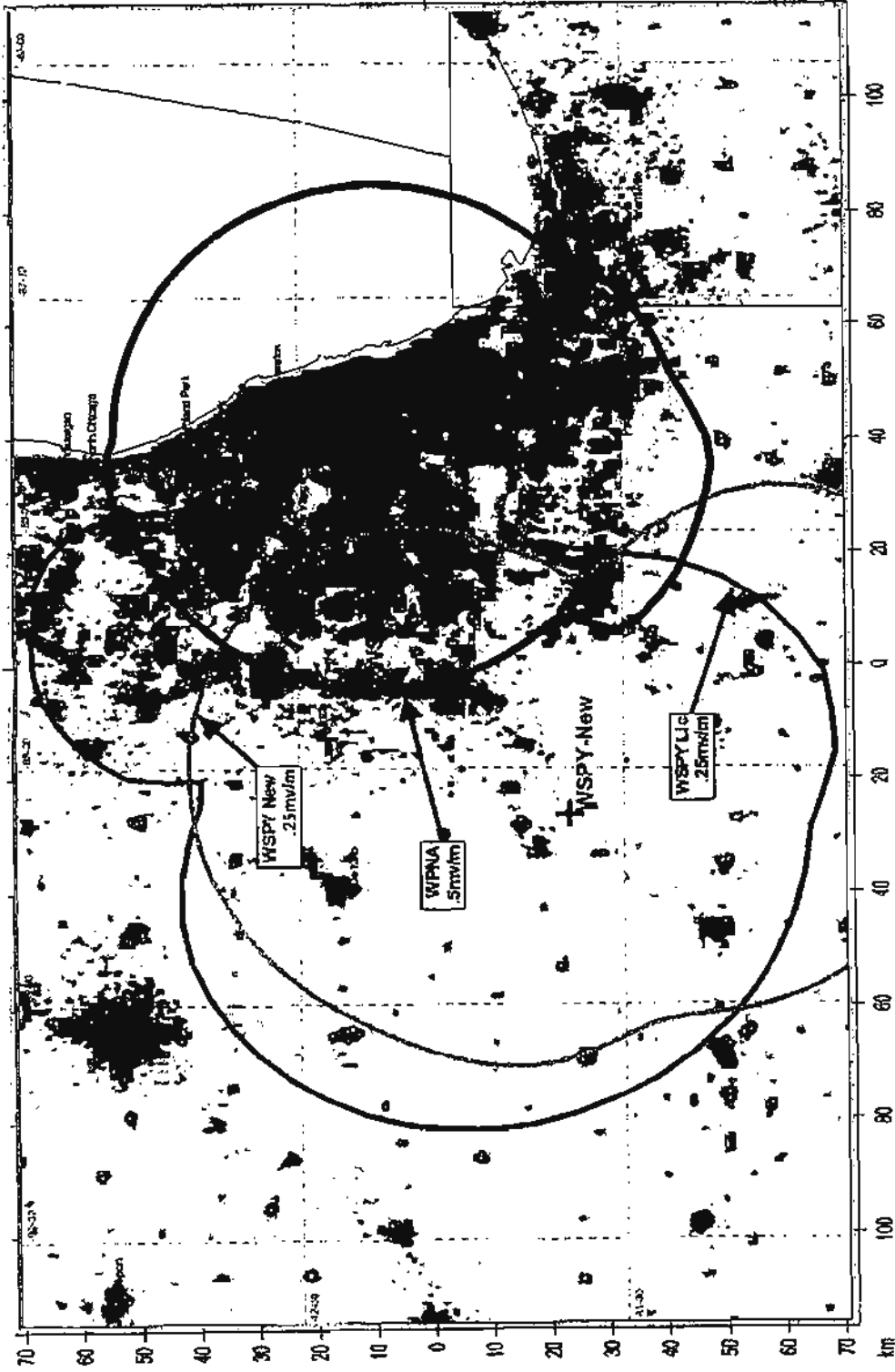
Current License 13,184 population 636.14 sq KM

New Millbrook 2,799 population 313.80 sq KM

**Interference Reduced by:10,385 persons-78.7% 322.34 sq KM - 50.7%**

Note: Nelson Multimedia, Inc. intends to take field readings to measure the conductivity for it's proposed new transmitter site this summer and adjust the pattern of the day directional to reflect the readings obtained; thus, the population and area of interference may vary but the overall magnitude of the interference reduction will remain similar.

25mv/m Interference Reduction to WPNA 250,098 Persons, 262.09 Km.

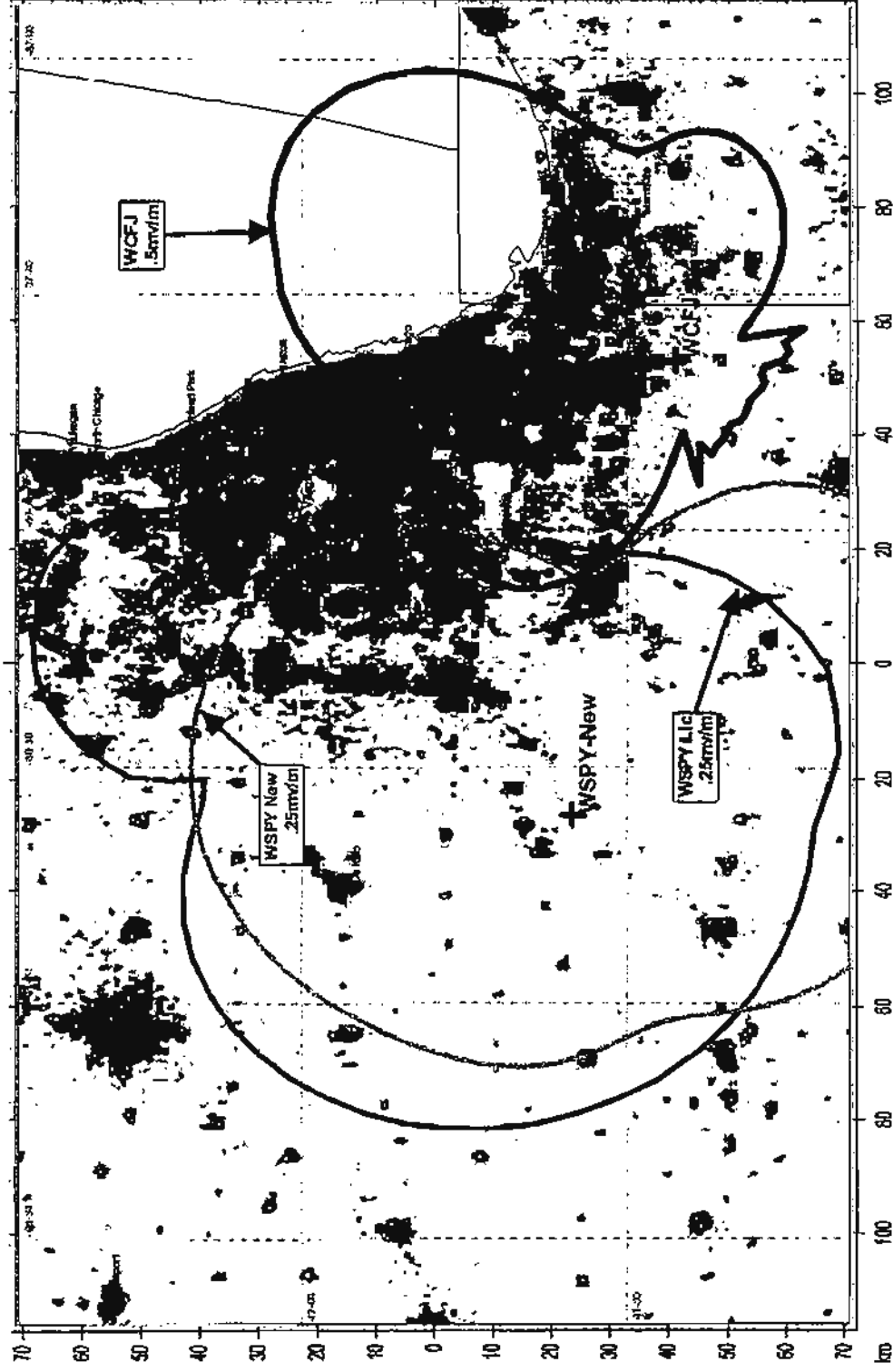


2000 U.S. Census and FCC M-3

Map Scale: 1:100,000 1 cm = 10.03 km V/H Size: 141.35 x 231.77 km

Larry Nelson & Doug Nelson Groundwave, Inc. March 2006

# 25mv/m Interference Reduction to WCFJ 7.35 Sq. Km.

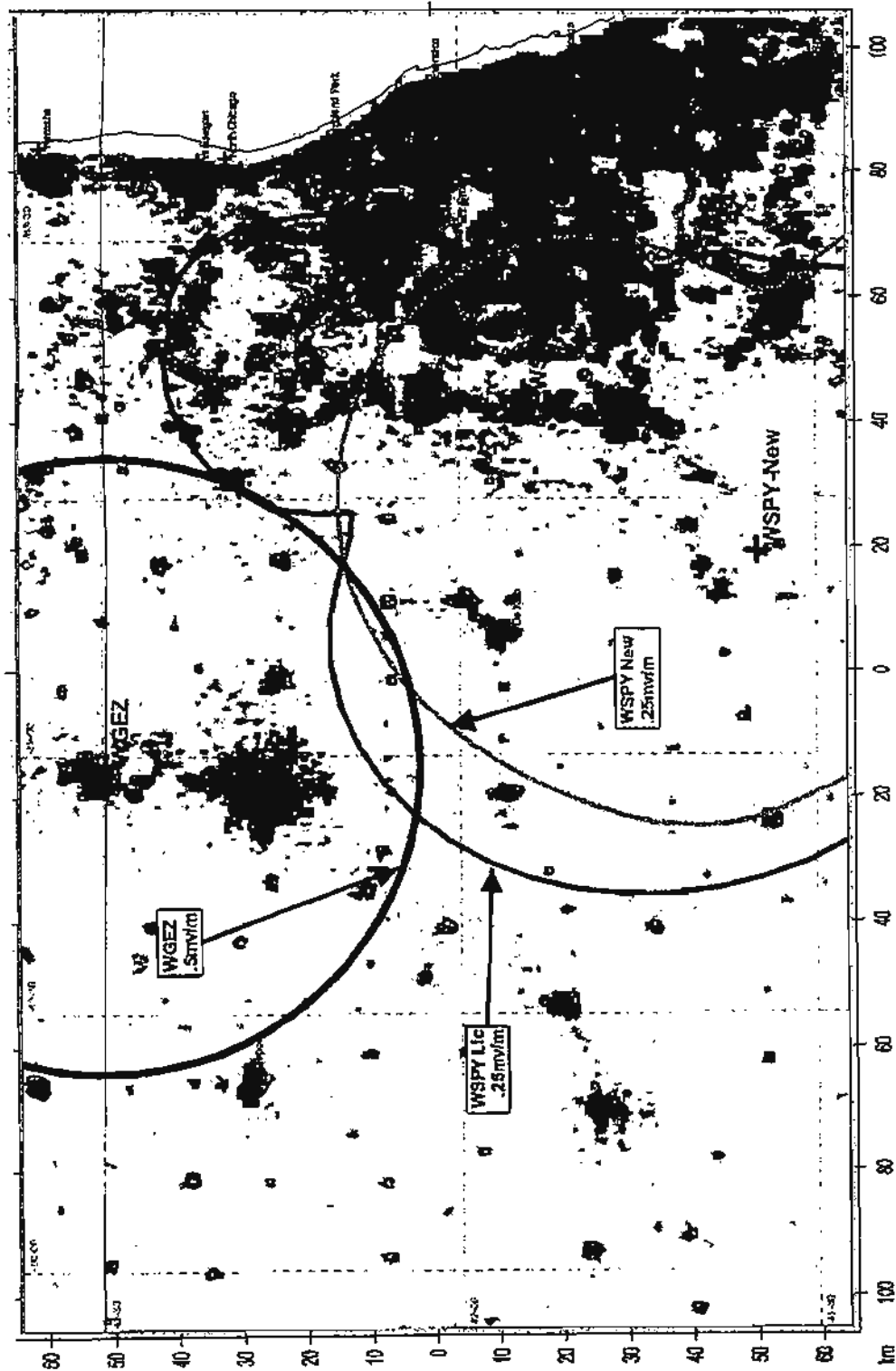


2000 U.S. Census and FCC M-3

Map Scale: 1:1001698 1 cm = 10.03 km VIB Size: 141.35 x 231.77 km

Larry Nelson & Doug Nelson Groundwave, Inc. March 2006

.25mv/m Interference Reduction to WGEZ 4,821 Persons, 283.11Sq. Km.

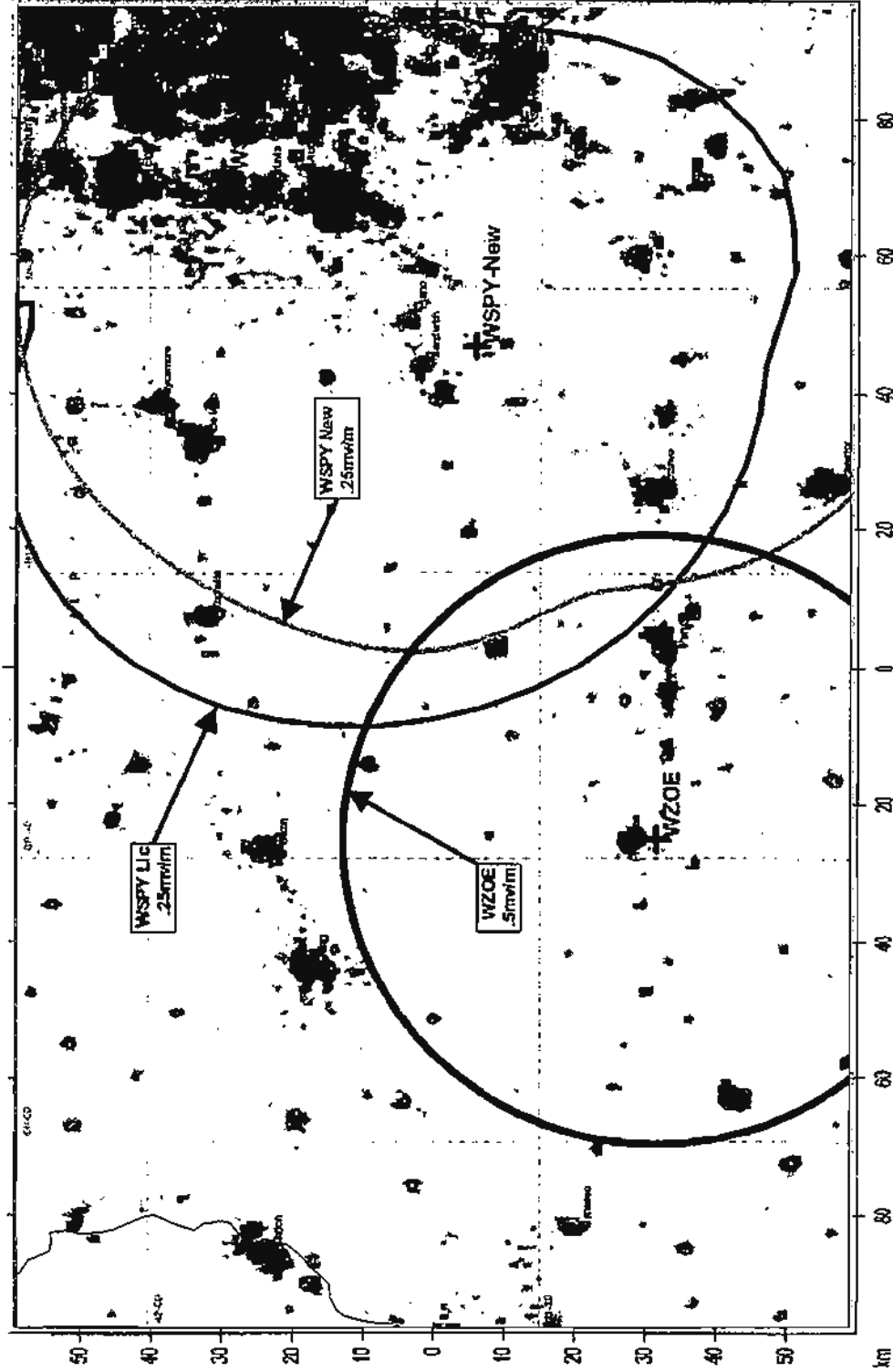


2000 U.S. Census and FCC M-3

Map Scale: 1:970000 1 cm = 9.10 km V/H Size: 128.30 x 210.34 km

Larry Nelson & Doug Nelson Groundware, Inc. March 2005

.25mv/m Interference Reduction to WZOE 10,385 Persons, 322.34 Sq. Km.

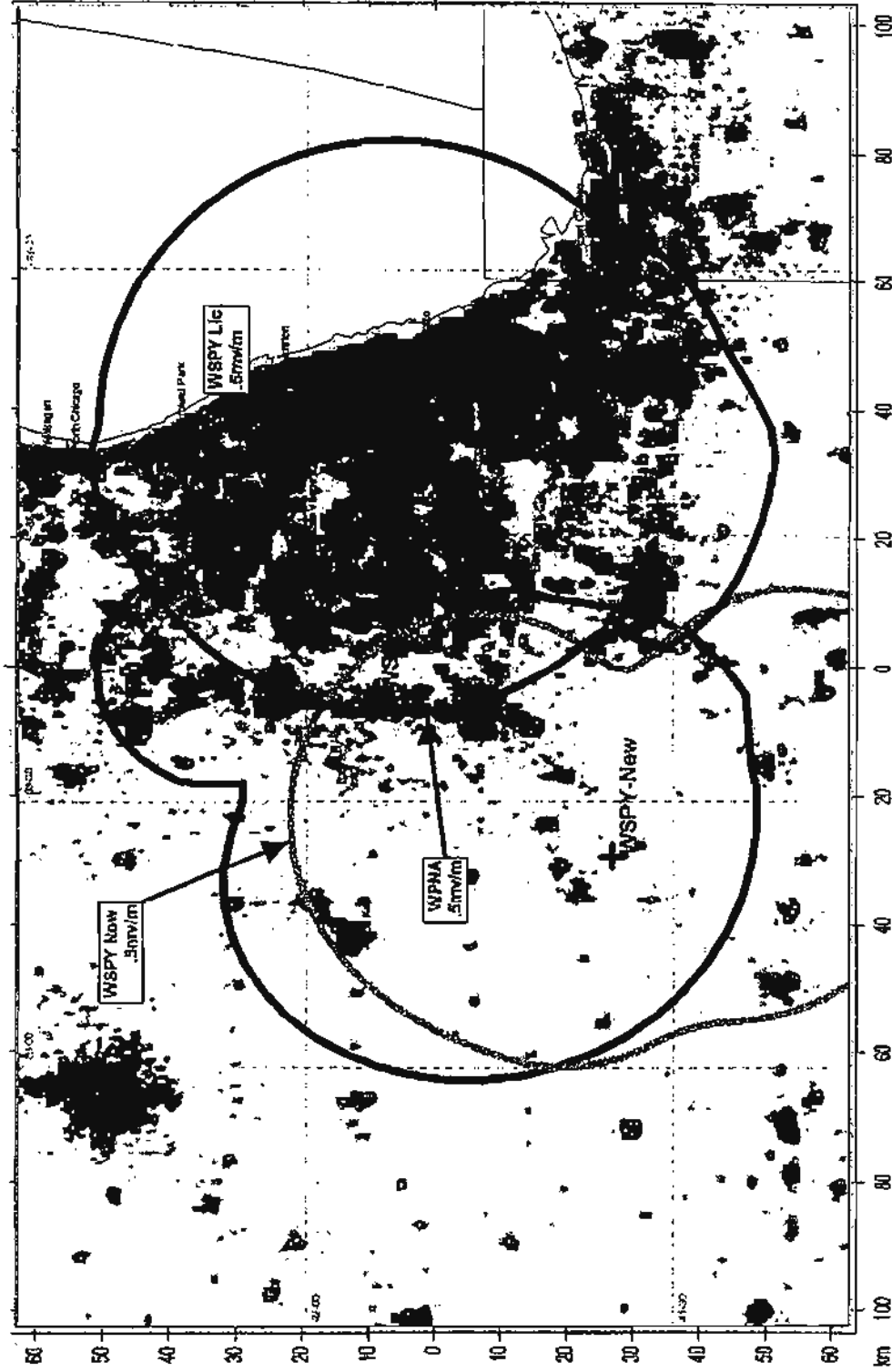


2000 U.S. Census and FCC M-3

Map Scale: 1:83947 1 cm = 8.34 km V/H Size: 117.56 x 192.76 km

Larry Nelson & Deeg Nelson Groundwave, Inc. March 2006

# .5mv/m Interference Reduction to WPNA 554,798 Persons



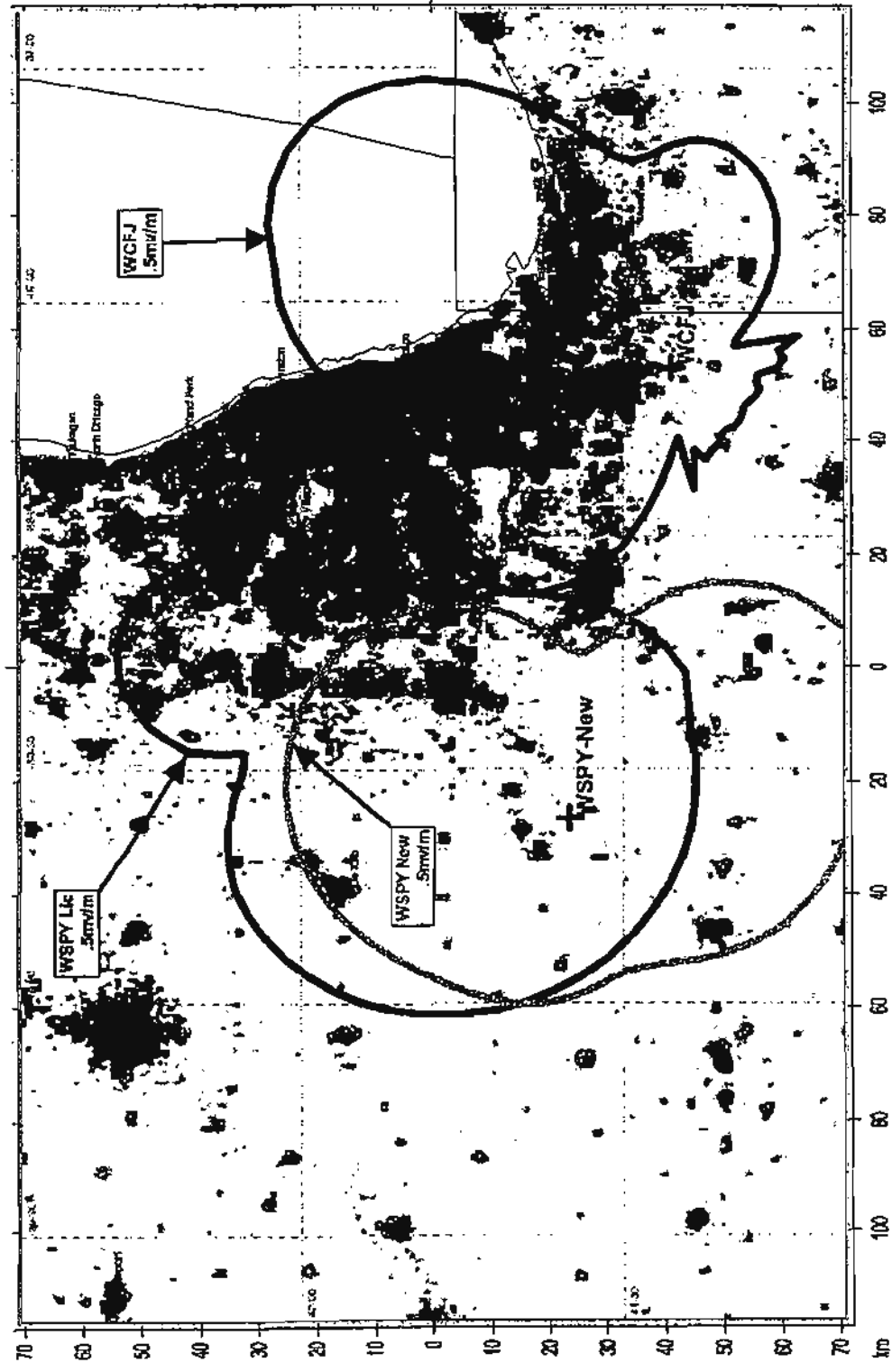
2000 U.S. Census and FCC M-3

Map Scale: 1:806752 1 cm = 8.87 km V/H Size: 125.01 x 204.97 km

Larry Nelson & Doug Nelson Groundwave, Inc. March 2005



.5mv/m Interference Reduction to WCFJ 4.18 Sq. Km.



2000 U.S. Census and FCC M-3

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

December 5, 1996

IN REPLY REFER TO:  
1800B3-BSH

Steven J. Stone, Esq.  
Rubin, Winston, Diercks, Harris & Cooke, L.L.P.  
1333 New Hampshire Ave., N.W., 10th Floor  
Washington, D.C. 20036

In re: WWRL(AM), New York, NY  
Major Change of Facilities  
BP-960611AB

Dear Mr. Stone:

This is in reference to the above-captioned application filed by Unity Broadcasting Network-New York, Inc. ("Unity"), licensee of WWRL(AM), New York, New York, for a major change to the broadcast facilities of WWRL(AM). This construction permit application seeks consent for WWRL(AM) to increase its daytime operating power from 5 kW to 25 kW and to make changes in its directional antenna system to increase WWRL(AM)'s interference-free 0.5 mV/m daytime contour. In conjunction with this application, Unity has filed an Amended Joint Petition to Grant Applications Pursuant to Interference Reduction Agreements ("Joint Petition"). (FN1) Additionally, Unity requests a waiver of 47 C.F.R. Section 73.37, as grant of the above-captioned application would result in de minimis contour overlap. (FN2)

Furthermore, a petition to deny the above-captioned application was filed on November 8, 1996 by Blount Communications, Inc. ("BCI"), licensee of station WARV(AM), Warwick, Rhode Island. On December 5, 1996, BCI requested that its petition to deny be withdrawn. For the reasons stated below, we will grant the subject application, as conditioned, and the attendant waiver request, and grant BCI's request to withdraw its petition to deny and dismiss the petition.

**Agreement**

The parties joining Unity in the Joint Agreement are Main Street Broadcasting Company, Inc. ("Main Street"), licensee of WLNG(AM), Sag Harbor, New York; Cloud 9 Broadcasting, Inc. ("Cloud 9"), licensee of WERA(AM), Plainfield, New Jersey; and Comko, Ltd. ("Comko"), licensee of WQQW(AM), Waterbury, Connecticut. The parties request approval of an overall interference reduction plan which improves utilization of the 1600 kHz frequency in the New York metropolitan area. Specifically, the Joint Petition provides for: (1) an Asset Purchase and Interference Reduction Agreement between Unity and Main Street, calling for the transfer of certain assets and the FCC license of WLNG(AM) to Unity. (FN3) Upon consummation, the license of WLNG(AM) will be relinquished; (2) an Asset Purchase and Interference Reduction

Agreement between Unity and Cloud 9, which provides for the transfer of certain assets and the FCC license of WERA(AM) to Unity. (FN4) Upon consummation, Unity will relinquish the license of WERA(AM); and (3) a Relinquishment of License and Rights Purchase Agreement between Unity and Comko, providing for the relinquishment of WQQW(AM)'s license, contingent upon the grant of Unity's application for construction permit. (FN5)

## Discussion

The Commission has undertaken significant initiatives to improve and revitalize the AM service. Review of the Technical Assignment Criteria for the AM Broadcast Service, 6 FCC Rcd 6273 (1991), recon. granted in part and denied in part, 8 FCC Rcd 3250 (1993). One such initiative permits licensees to reach agreements to make facilities changes to reduce interference. Policies to Encourage Interference Reduction Between AM Broadcast Stations, 5 FCC Rcd 4492 (1990) ("Interference Reduction Proceeding"). In order to encourage such agreements, the Commission's rules were amended to provide for the acceptance of contingent applications that would facilitate a reduction in overall AM interference. Id at 4493. The amended contingent application rule, 47 C.F.R. Section 73.3517, applies to both deletions and modifications of existing interfering AM stations. In amending the rule to permit the filing of contingent applications that would "reduce interference to one or more AM stations or . . . otherwise increase the area of interference-free service," the Commission removed regulatory barriers that prevent or discourage individual AM stations from entering into private agreements that would ultimately decrease interstation interference and improve the quality of AM service. Id at 4492.

Contingent application arrangements that propose the deletion or modification of an AM station require a case by case public interest determination and the parties must demonstrate that a sufficient "local service floor" will be maintained in the community losing a local transmission service. In order to evaluate the local service floor associated with the contingent modification or deletion of AM stations facilities proposed in an interference reduction agreement, the Commission generally considers four factors: the amount of AM interference that will be eliminated in relation to the number of AM and FM services remaining available to areas that will lose service; the areas and populations that will gain service as a result of the proposed contingent facilities changes; whether the proposed contingent facilities changes will create new "white" or "gray" areas (FN6); and the availability of AM and FM service in the area that will experience a reduction in service due to the contingent facilities changes. Id at 4494.

**Interference Reduction.** The Joint Petition demonstrates that removing the interference caused by WLNG(AM), WERA(AM) and WQQW(AM) to WWRL(AM) would result in increased service by WWRL(AM) to 566,331 persons in an area of 689 square kilometers. Furthermore, grant will result in significant reduction in nighttime interference to, and increased nighttime coverage by, WARV(AM), Warwick, Rhode Island; WAUB(AM), Auburn, New York; WPWA(AM), Chester, Pennsylvania; and WSMN(AM), Nashua, New Hampshire.

**Increased Service.** Grant of an increase in power for WWRL(AM) will result in an additional increase of interference-free 0.5 mV/m service to at least 2,301,736 persons in an additional 3664 square kilometers.

**Local Service Floor.** Engineering exhibits demonstrate that at least five other primary aural services would remain available to the entire areas currently served by WQQW(AM), WLNG(AM) and WERA(AM). Thus, no new white or gray area will result. Moreover, Waterbury will continue to be served by two AM stations (FN7) and two FM stations (FN8) licensed to Waterbury. Furthermore, Sag Harbor will continue to be served by an existing station licensed to Sag Harbor, WLNG-FM. Plainfield will continue to be served by at least the following stations providing primary aural service: WFAN(AM), WOR(AM), WABC(AM), WCBS(AM) and WBBR(AM). Accordingly, these communities will continue to receive an ample number of aural services. See Bay City, Brenham, Cameron, etc., Texas, 10 FCC Rcd 3337, 3337 (1995) (affirming Commission policy that five receptive services is considered adequate).

#### **Waiver of Section 73.37**

Unity requests a waiver of 47 C.F.R. Section 73.37, as WWRL(AM)'s proposed 0.5 mV/m coverage contour will overlap with the 0.025 mV/m interfering contour of station WAQY(AM), East Longmeadow, Massachusetts. We have determined that a waiver of 47 C.F.R. Section 73.37, with respect to this overlap, is justified because available measurement data shows that the location of the overlap area is well outside WWRL(AM)'s primary service area. See Spann Communications, 4 FCC Rcd 617 (1989) (Commission grants waiver of Section 73.37 where overlap exists due to salt water path and does not involve primary service area of either station).

#### **Petition to Deny**

We have examined the affidavit attached to BCI's request to withdraw its petition to deny and find that it complies with 47 C.F.R. Section 73.3588. Furthermore, we have examined the issues raised in BCI's petition and find no basis for further action in regard to those matters. Accordingly, we shall grant BCI's request to withdraw its petition to deny.

#### **Conclusion**

We find that the Joint Petition demonstrates compliance with the local service floor guidelines with respect to the Waterbury, Connecticut, Sag Harbor, New York and Plainfield, New Jersey areas after deletion of the WQQW(AM), WLNG(AM) and WERA(AM) facilities. Our staff has examined the Joint Petition and the exhibits provided therewith and finds that evidence has been provided which supports the conclusion that a net decrease in interference will result.

Based upon its showing, we believe that Unity has demonstrated that the public interest will be served by grant of the Joint Petition. Accordingly, BCI's request to withdraw its petition to deny IS GRANTED and its petition to deny IS HEREBY DISMISSED. Unity's request for a waiver of 47 C.F.R. Section 73.37 IS HEREBY GRANTED. The Amended Joint Petition to Grant Applications Pursuant to Interference Reduction Agreements IS HEREBY GRANTED and the application for a major change in the facilities of WWRL(AM), New York, New York (File No. BP-960611AB) IS HEREBY GRANTED. This action shall be conditioned as follows:

This action shall be conditioned upon the surrender of the licenses of WLNG(AM), Sag Harbor, New York, WERA(AM), Plainfield, New Jersey and WQQW(AM),

Waterbury, Connecticut to the Commission for cancellation upon commencement of Program Test Authority by the WWRL(AM) facility authorized by the subject construction permit, pursuant to the discontinuance of operation provisions in 47 C.F.R. Section 73.1750.

In the event that a conflicting application for facilities operating on 1610 kHz or 1620 kHz is filed pursuant to the Review of the Technical Assignment Criteria for the AM Broadcast Service, 6 FCC Rcd 6273 (1991), any modification necessary to resolve such conflict shall be made to the WWRL(AM) facilities.

Sincerely,

Dennis Williams, Assistant Chief  
Audio Services Division  
Mass Media Bureau  
cc: Barry D. Wood, Esq.  
Thomas DiBiasi, Esq.  
Francis E. Fletcher, Jr., Esq.

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Footnotes:

(FN1):

The Joint Petition to Grant Applications Pursuant to Interference Reduction Agreements was filed on June 11, 1996. The Amended Joint Petition was filed on September 12, 1996. The Petitions will collectively be referred to as the "Joint Petition".

(FN2):

Unity also requested a waiver of 47 C.F.R. Section 73.182. That request is unnecessary and therefore, need not be addressed herein.

(FN3):

On October 24, 1996, the Commission granted the application for assignment of license of WLNG(AM) from Main Street to Unity (File No. BALH-960611HF). This transaction has not yet been consummated.

(FN4):

On October 24, 1996, the Commission granted the application for assignment of license of WERA(AM) from Cloud 9 to Unity (File No. BALH-960830EA). This transaction has not yet been consummated.

(FN5):

WQQW(AM) has been silent since January 1992.

(FN6):

A "white area" is an area that does not receive interference-free primary service from an authorized AM station or does not receive a signal strength of at least 1 mV/m from an authorized FM service. See 47 C.F.R. Section 73.14. A "gray" area received one full-time service. See Interference Reduction Proceeding, 5 FCC Rcd at 4496, n. 14.

(FN7):

The stations are WWCO(AM) and WATR(AM).

(FN8):

The stations are WWYZ(FM) and WMRQ(FM).