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MAR 14 2016

Dr. Hector A. Chiesa, President
Radio Vision Cristiana Management
Post Office Box 2908
Paterson, NJ 07509

Re: Radio Vision Cristiana Management
(RVCM)
WWRV(AM), New York, New York
Facility Identification Number: 54874
File Number: BP-20131104AQW

Dear Mr. Chiesa:

This letter is in reference to (1) the above-captioned minor change application (Application),¹ filed by Radio Vision Cristiana Management (RVCM), to modify the licensed facilities of station WWRV(AM), New York, New York (WWRV), by changing the station's site and directional pattern; and (2) RVCM's October 13, 2015, amendment to the Application, filed in response to the staff's February 26, 2015, letter denying a requested waiver of Section 73.182 of the Commission's rules,² and granting RVCM additional time to amend.

A review of the Application as amended reveals that RVCM did not change its nighttime pattern to provide adequate 25 percent RSS protection to co-channel station WENA(AM), Yauco, Puerto Rico (WENA), instead choosing to submit a new 24-page amendment arguing that the application should be granted. RVCM claims that WENA currently receives substantial interference from a station identified as HICN, 1330 kHz, Santo Domingo, Dominican Republic, and that this alleged interference masks any possible interference that the proposed WWRV facility might cause. However, the Commission has received no notification from the Dominican Republic of HICN, thus no record for that station exists in our AM engineering database. We cannot take into account interference contributions from foreign stations not currently listed as official records in the AM engineering database. Further, even if we were to

¹ File No. BP-20131104AQW.

² 47 CFR § 73.182.

consider the alleged interference from HICN, we would reject RVCN's argument, as the Commission does not recognize "masked" interference.³

RVCN also claims that a proposed nighttime pattern designed to protect WENA would be disfavored, as this would necessitate a facility with less power than WWRV's current 5 kW nighttime authorization, resulting in a five percent population coverage loss compared to WWRV's current licensed nighttime facility. RVCN argues that the public interest is not served by reducing WWRV's nighttime coverage when, it claims, WENA's nighttime coverage would not be affected. We find, however, that this alleged coverage loss does not justify changing the long-standing international policy regarding the exclusion of List B stations from RSS calculations.⁴

Based on the foregoing, pursuant to Section 0.283 of the Commission's rules,⁵ RVCN's request for waiver of Section 73.182 of the Commission's rules is hereby DENIED, and the Application, File No. BP-20131104AQW, is hereby DISMISSED as unacceptable for filing.⁶

Sincerely,



Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Clarence Beverage (via e-mail)
Jerold L. Jacobs, Esq. (via e-mail)

³ See *Radio Gulf, Inc.*, Memorandum Opinion and Order, 11 R.R.2d 1063 (1967), *recon. denied*, 13 F.C.C.2d 970 (1968).

⁴ See, e.g., *People's Network, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 11658, 11660 n.16 (2004) ("It is the Commission's practice to exclude contributions from Region 2 stations on International Frequency Registration Board ('IFRB') list B . . . from RSS computations.").

⁵ 47 CFR § 0.283.

⁶ In *Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications*, Public Notice, 56 R.R.2d 776 (1984), the Commission indicated that it would reinstate applications *nunc pro tunc* where the original application was returned, and where a relatively minor curative amendment was filed in conjunction with a petition for reconsideration, within 30 days of the date of dismissal. Any petition for reconsideration or electronic amendment filed more than 30 days after the date of dismissal will be returned as untimely. See 47 U.S.C. § 405, 47 CFR § 1.106(f). In this regard, it should be emphasized that the deficiencies noted in the body of this letter were discerned after a preliminary study of the Application. The staff did not conduct a detailed review of the entire Application to determine whether there are other deficiencies that would preclude acceptance for filing or result in subsequent dismissal. Because the applicant will not be afforded a second opportunity to correct application deficiencies, the applicant is urged to review carefully the entire application.