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August 27, 2003

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AUG 27 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 -12th Street, SW
Washington, DC 20554

Re: File No. BPH-20021107AAD
Radio Station WPAT-FM
Paterson, New Jersey
Facility ID No. 51668

Dear Ms. Dortch:

On behalf of WPAT Licensing, Inc., licensee of Radio Station WPAT-FM, Paterson, New Jersey, we are herewith filing an original and four copies of an Erratum to Petition for Reconsideration of the Media Bureau staff's action denying a request for waiver of the Commission's Rules and dismissing the above-referenced application.

Should any questions arise with respect to this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE SCHOLER LLP

By: 
Bruce A. Eisen

Enclosure

13056290.WPD

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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AUG 27 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Application of)
WPAT Licensing, Inc.)
)
WPAT(FM), Paterson, New Jersey)
(Facility ID No. 51663))
)
)
For Modification of Facilities)

File No. BPH-20021107AAD

To: Chief, Media Bureau

Aug 28 10 54 AM '03

ERRATUM TO PETITION FOR RECONSIDERATION

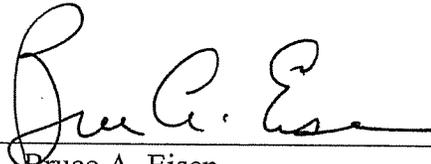
WPAT Licensing, Inc. ("WLI"), by its attorneys, hereby files an erratum to its August 21, 2003 Petition for Reconsideration of the Media Bureau staff's letter of July 28, 2003 denying WLI's request for a waiver of Section 73.213(a) of the Commission's Rules and dismissing the above-referenced application. In support thereof, the following is shown.

Attached hereto is the Corrected Engineering Statement of William J. Getz, who prepared the original engineering Statement in support of the Petition for Reconsideration. Mr. Getz annexes a new engineering Statement, page 7, to correct the last sentence of the first paragraph on that page. In addition, Mr. Getz notes that the Petition, paragraph 7 (second sentence) should be corrected to state that the relevant area would receive primary service from a minimum of 17 and a maximum of 43 aural services. Finally, he states that the Petition,

paragraph 10 (second sentence) should cite the 54 dBu contour, not the 50 dBu contour, as the relevant contour for analysis.

Respectfully submitted,

WPAT-FM LICENSING, INC.

By: 

Bruce A. Eisen
Its Attorney

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August 27, 2003

CARL T. JONES
CORPORATION

Corrected Engineering Statement

The WPAT-FM Petition for Reconsideration should be revised with the following information:

1. A new Engineering Statement, Page 7, is attached hereto.
2. In the Petition, paragraph 7, please note that there should be a minimum of 17 and a maximum of 43 aural services. In paragraph 10, the 54 dBu contour, not the 50 dBu contour, is the relevant contour.

This information is true and correct to the best of my knowledge.

Dated: August 26, 2003



William J. Getz

Predicted Interference to WHYN

The Longley-Rice Irregular Terrain Model, using a 3-second terrain database, was employed to more accurately predict the real world interference between the WPAT-FM 6.0 kW ESB facility and WHYN. The appropriate radio climate, dielectric constant, conductivity and refractivity for this unique radio path considering the specific transmitter site location and surrounding terrain characteristics were determined by the computer model. Calculations were performed every 0.1 km to a maximum study distance of 220 kilometers for WPAT-FM and 200 kilometers for WHYN.

Exhibit 1 depicts the WHYN 54 dBu F(50,50) protected contour and the WHYN Longley-Rice 54 dBu coverage area shown in blue. Also shown on Exhibit 1 is the 34 dBu F(50,10) interfering contour from the WPAT-FM 2002 ESB Application. The WPAT-FM Longley-Rice 34 dBu area is shown in green. Areas of predicted interference area (where the desired-to-undesired field strength ratio is below 20 dB) is shown in red. As shown on the map, the topography of Western Connecticut, most notably the extension of the Berkshire Mountain range, the Connecticut Southwest Hills region, and Wooster Mountain, Connecticut, area, abruptly degrades the WPAT-FM interfering signal to the point that there is almost no interference potential between WPAT-FM and WHYN.

According to the Longley-Rice model, the proposed 6.0 kW ESB facility will cause interference to 958 people in the WHYN protected service area. Longley-Rice predicts that the current 5.4 kW WTC facility causes interference to 830 people in the WHYN protected service area. Rather than new interference caused to 23,354 persons as predicted by the FCC's propagation curves, in reality, new interference is predicted to occur to only 128 persons with the WHYN protected service area. Considering,

CERTIFICATE OF SERVICE

I, Toni R. Daluge, a secretary in the law firm of Kaye Scholer LLP, hereby certifies that a copy of the foregoing *Erratum to Petition for Reconsideration* was hand-delivered, this 27th day of August, 2003, to the following:

Peter Doyle
Chief, Audio Division
Media Bureau
Room 2-A267
Federal Communications Commission
445 - 12th Street, SW
Washington, DC 20554

Barbara Kreisman, Esq.
Chief, TV Branch
Media Bureau
Room 2-A666
Federal Communications Commission
445 - 12th Street, SW
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and sent by first-class mail to:

Dorann Bunkin, Esq.
Wiley Rein & Fielding
1776 K Street, NW
Washington, DC 20006



Toni R. Daluge