Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re the Application of	)	
	)	
EDWARD A. SCHOBER	)	Facility ID 142127
	)	FCC File No. BNPFT-20030825AIW
For a New FM Translator	)	
Construction Permit at	)	
Manahawkin, NJ	)	

To: Chief, Media Bureau

Opposition to Petition to Dismiss or Deny
By Millenium Shore License Holdco, LLC

Edward A. Schober ("Schober"), applicant, hereby files this opposition to the petition to dismiss or deny his application BNPFT-20030825AIW by Millenium Shore License Holdco, LLC ("Millenium"). Millenium is licensee of WBBO(FM) which is a class A FM station which operates on the second adjacent channel from the proposed translator. The translator is within the WBBO(FM) 60 dbu service area.

Millenium asserts that Schober has not "met its burden of demonstrating that no actual interference will occur". Schober has amended BNPFT-20030825AIW to specify a different tower site, and amended and supplemented its showings to demonstrate conclusively that there is no potential for interference to WBBO from the proposed translator. The original application, however, meets all requirements in showing a lack of interference for the issuance of an authorization under FCC Rules and policies.

Below will be detailed the response to each of the Millenium arguments against the original application and its technical showings to determine lack of potential interference adequate for a grant of a construction permit. Schober recognizes that the operation of the translator is subject to the requirement that it not cause ACTUAL interference to WBBO(FM) or any other primary FM station.

1. Millenium first points out that there are no "intervening terrain" factors that must be considered. Schober agrees and states that this is immaterial, as the immunity of WBBO(FM) to interference has no requirement for "intervening terrain" in this instance. The amended application similarly places no reliance on "intervening terrain" as a factor to protect WBBO(FM) from interference.

2. Millenium claims that the application does not assert lack of population as a factor. This is patently false. The application as originally filed, and as amended clearly asserts that no population exists at a location some 65 meters above ground in a rural area with no structures above two stories in height. Millenium somehow believes that interference to second adjacent

channel WBBO(FM) could occur at the proposed translator 60 dbu contour or at a distance of one mile or more from the translator. Such an assertion is ludicrous on its face.

3. Millenium asserts that no vertical radiation pattern was included in the original application. The pattern was duly tabulated as part of exhibit 12 Table 1. There is no requirement for a measured pattern at the Construction Permit phase. If the FCC staff considers that there is a need for establishing the exact parameters of the vertical pattern of a specific antenna, that is the subject of conditions on the issued construction permit, not a requirement at the application stage.

There is no need for a directional pattern from the antenna to properly protect WBBO(FM), as is shown on the attached Table 1 and Figure1. WBBO(FM) is fully protected with the originally proposed facilities assuming an isotropic antenna. The amended application similarly assumes an isotropic antenna for analysis of WBBO(FM) protection.

In a letter granting Jersey Shore Broadcasting Corporation's application BPFT-950830TD (September 26, 1996 1800B3-JDB) the FCC established that the Ratio method is appropriate for translator applicants to demonstrate lack of interference for application purposes. The 90 dbu F(50,50) contour of WBBO(FM) extends well beyond the originally proposed facility. The second adjacent channel protection ratio is 40 db, so it is required that the WBBO(FM) 90 dbu contour is well protected from the proposed 130 dbu contour of the translator as originally proposed.

Since the distance to this contour is below the minimum distances for the F(50,10) and F(50,50) curves the signal level existing on the ground in the vicinity of the translator was calculated using inverse distance Table 1 is a tabulation of these calculations showing the greatest distance from the originally proposed translator antenna that has signal levels exceed 130 dbu is 12.1 meters. Calculations are shown in Table 1 demonstrating that the excess protection to WBBO(FM) exceeds 16 db at all locations on the ground. Similar calculations and charts are included in the amended application showing even greater margin of protection to WBBO(FM) for the translator as amended.

The amended tower location is extremely rural, with no non-tower related structures within the vicinity of the tower, and only one apparent non-tower related structure within .38 km, further assuring that no potential for interference to WBBO(FM) exists.

Millenium's assertion that the application concedes that prohibited interference is predicted to occur is patently false. The application both as originally presented and as amended clearly shows that interference will not in fact occur, and as further shown here proposes a gigantic margin of protection of WBBO(FM). Millenium's petition need no further consideration, and is without merit or substance.

Respectfully submitted,

Edward A. Schober 4 August 2004

Edward A. Schober
Applicant

Attachment: Table 1, Figure 1

Certificate of Service

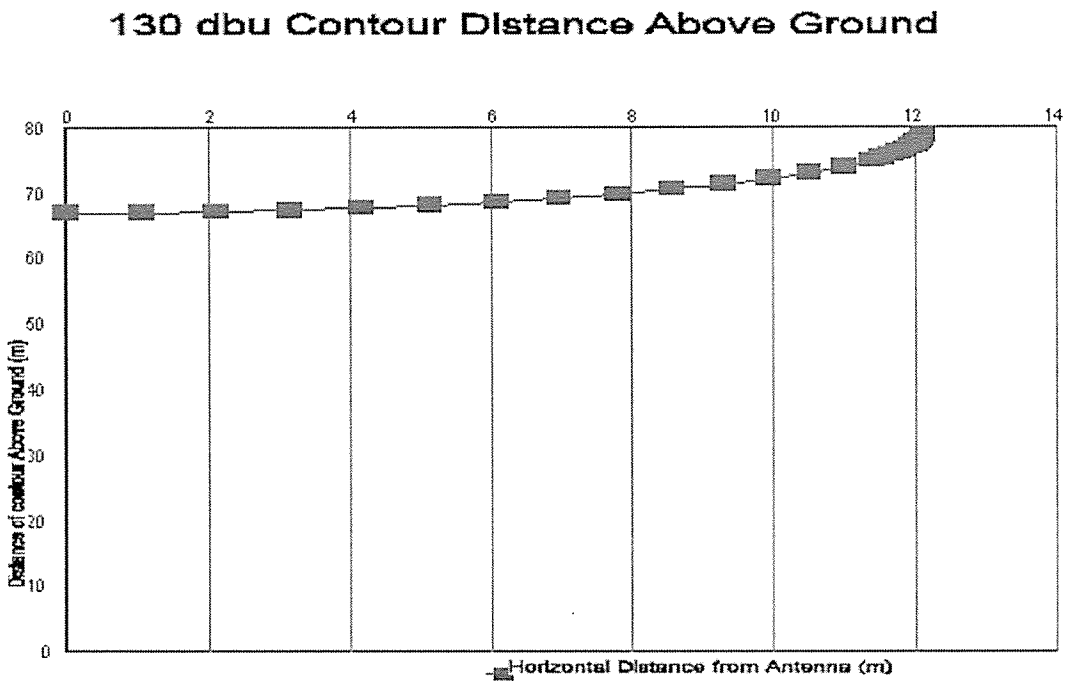
I, Edward A. Schober, applicant, hereby certify that on this 4th day of August 2004, I personally mailed by first-class, United States mail, postage prepaid a copy of the foregoing "Opposition to Petition to Dismiss or Deny", and its attachments, and a copy of the August 3, 2004 amendment to BNPFT20030825AIW on the following:

Richard R. Zaragoza
Attorney for Millenium Shore License Holdco, LLC
Shaw Pittman LLP
2300 N. Street N.W
Washington, DC 20037

Radiotechniques

402 Tenth Ave. • PO Box 367 • Haddon Heights, NJ 08035-0367

Table 1 Figure 1 Original
Second and Third Adjacent Interfering Contour
Edward Schober
BNPFT-20030825AIW
August 2004



Radiotechniques

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Table 1 Figure 2 Original
Edward A. Schober
BNPFT-20030825AIW
Interference Contour Calculation
August 2004

Center of Radiation - 79 m AGL
ERP - 19 W
Antenna - TFC2K-3-3/4 Analyzed as Unity

Elev. Angle	Horiz Dist to Intercept	Slant Dist	Rel Fld	ERP w	Directional mV/m	Slant Dist to 130 dbu	Horiz Dist to 130 dbu	Above Gnd to 130 dbu	Meters dbuV	Excess Protection
1	4525.91	4526.60	1.000	30.000	8.47	12.13	12.1	78.8	78.56	51.4
2	2262.26	2263.64	1.000	30.000	16.94	12.13	12.1	78.6	84.58	45.4
3	1507.41	1509.48	1.000	30.000	25.40	12.13	12.1	78.4	88.10	41.9
4	1129.75	1132.51	1.000	30.000	33.86	12.13	12.1	78.2	90.59	39.4
5	902.97	906.42	1.000	30.000	42.31	12.13	12.1	77.9	92.53	37.5
6	751.63	755.78	1.000	30.000	50.74	12.13	12.1	77.7	94.11	35.9
7	643.40	648.24	1.000	30.000	59.16	12.13	12.0	77.5	95.44	34.6
8	562.11	567.64	1.000	30.000	67.56	12.13	12.0	77.3	96.59	33.4
9	498.79	505.00	1.000	30.000	75.94	12.13	12.0	77.1	97.61	32.4
10	448.03	454.94	1.000	30.000	84.29	12.13	11.9	76.9	98.52	31.5
12	371.67	379.97	1.000	30.000	100.92	12.13	11.9	76.5	100.08	29.9
14	316.85	326.55	1.000	30.000	117.43	12.13	11.8	76.1	101.40	28.6
16	275.51	286.61	1.000	30.000	133.80	12.13	11.7	75.7	102.53	27.5
18	243.14	255.65	1.000	30.000	150.00	12.13	11.5	75.3	103.52	26.5
20	217.05	230.98	1.000	30.000	166.02	12.13	11.4	74.9	104.40	25.6
25	169.42	186.93	1.000	30.000	205.14	12.13	11.0	73.9	106.24	23.8
30	136.83	158.00	1.000	30.000	242.71	12.13	10.5	72.9	107.70	22.3
35	112.82	137.73	1.000	30.000	278.42	12.13	9.9	72.0	108.89	21.1
40	94.15	122.90	1.000	30.000	312.02	12.13	9.3	71.2	109.88	20.1
45	79.00	111.72	1.000	30.000	343.24	12.13	8.6	70.4	110.71	19.3
50	66.29	103.13	1.000	30.000	371.85	12.13	7.8	69.7	111.41	18.6
55	55.32	96.44	1.000	30.000	397.63	12.13	7.0	69.1	111.99	18.0
60	45.61	91.22	1.000	30.000	420.38	12.13	6.1	68.5	112.47	17.5
65	36.84	87.17	1.000	30.000	439.93	12.13	5.1	68.0	112.87	17.1
70	28.75	84.07	1.000	30.000	456.14	12.13	4.1	67.6	113.18	16.8
75	21.17	81.79	1.000	30.000	468.87	12.13	3.1	67.3	113.42	16.6
80	13.93	80.22	1.000	30.000	478.04	12.13	2.1	67.1	113.59	16.4
85	6.91	79.30	1.000	30.000	483.57	12.13	1.1	66.9	113.69	16.3
90	0.00	79.00	1.000	30.000	485.41	12.13	0.0	66.9	113.72	16.3
Max.									113.72	