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2016 SEP 28 A 10: 48

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September 27, 2016

SEP 27 2016

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.; Room TWD-204
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

Re: W232CY (Facility ID No. 141372)
Parsippany, NJ
Construction Permit BMPFT-20160129AES

Notice of Tolling Event and Request for Tolling

Dear Ms. Dortch:

Pursuant to Section 73.3598 of the Commission's Rules, and on behalf of World India Radio, LLC. ("WIR"), the permittee of unbuilt FM Translator Station W232CY at Parsippany, New Jersey, we hereby submit in triplicate this request for the tolling of the authorized period of construction for underlying Construction Permit BMPFT-20160129AES (hereinafter referred to as "W232CY Construction Permit"). A copy of the W232CY Construction Permit is attached.

WIR consummated the purchase of the W232CY Construction Permit on August 30, 2016 pursuant to assignment application BAPFT-20160121ACB. W232CY was formerly known as unbuilt W283BY at Toms River, New Jersey. As part of the assignment process, WIR filed modification application BMPFT-20160129AES to modify the W283CY facilities to a new transmitting site utilizing Channel 232, and to propose fill-in service operations for Radio Station WXMC-AM at Parsippany – Troy Hill, New Jersey. WRI is also the licensee of Radio Station WXMC-AM.

WRI paid \$60,000 to acquire the Construction Permit and has every intention to complete this project. Application BMPFT-20160129AES was filed in accordance with the Commission's *Public Notice DA 1491 (released December 23, 2015), Media Bureau Announces Filing Dates and Procedures for AM Station Filing Window for FM Translator Modifications and Availability of FM Translator Technical Tools*.

The Construction Permit is scheduled to expire on October 28, 2016. At the time BMPFT-20160129AES was filed, WIR and its technical consultant were confident that W232CY would

be constructed and on-air prior to the October 28, 2016 deadline. However, as WIR and its consultant move forward it has become apparent that meeting the terms of Special Operating Condition No. 2 of the Construction Permit will require more time, and that the AM tower structure being utilized for the mounting of the W232CY transmitting antenna may be structurally deficient. There may be a need to move W232CY to a different transmitting site.

Attached please find an email dated September 28, 2016 from technical consultant Darryl Delawder regarding the need for additional time to get W232CY on-air. Therefore, pursuant to footnote 36 of *Revitalization of the AM Service*, 30 FCC Rcd 12145 (2015), WIR seeks waiver/tolling of the expiration deadline for at least six (6) months.

Also attached is a Declaration from the Managing Member of WIR wherein WIR commits to promptly construct BMPFT-20160129AES once the technical experts resolve how best to satisfy Special Operating Condition No. 2 of the W232CY Construction Permit.

Based upon the foregoing, WIR respectfully submits that good cause exists to grant the tolling of the expiration of the Construction Permit.

Respectfully submitted,



Cary S. Tepper
Counsel for
World India Radio, LLC

Attachment

cc: Victoria McCauley, Esq. (FCC – by email)
James Bradshaw (FCC – by email)

Construction Permit BMPFT-20160129AES



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST TRANSLATOR/BOOSTER STATION
CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

WORLD INDIA RADIO, LLC
76 NATIONAL ROAD
EDISON NJ 08817

James D. Bradshaw
Deputy Chief
Audio Division
Media Bureau

Facility Id: 141372

Call Sign: W232CY

Permit File Number: BMPFT-20160129AES

Grant Date: February 16, 2016

The authority granted herein has no effect on the expiration date of the underlying construction permit.

This permit modifies permit no.: BNPFT-20130823AAK

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Name of Permittee: WORLD INDIA RADIO, LLC

Principal community to be served: NJ-PARSIPPANY

Primary Station: WXMC (AM) , Frequency 1310 kHz, PARSIPPANY-TROY HILL,
NJ

Via: Other

Frequency (MHz): 94.3

Channel: 232

Hours of Operation: Unlimited

Antenna Coordinates: North Latitude: 40 deg 51 min 52 sec
 West Longitude: 74 deg 21 min 08 sec

Transmitter: Type Accepted. See Sections 73.1660, 74.1250 of the Commission's Rules

Antenna type: (directional or non-directional): Directional

Major lobe directions 280
 (degrees true):

Horizontally	Vertically
Polarized	Polarized
Antenna:	Antenna:

Effective radiated power in the Horizontal Plane (kw):	0.25
Height of radiation center above ground (Meters):	55
Height of radiation center above mean sea level (Meters):	107

Antenna structure registration number: 1224378

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

- 1 Pursuant to Revitalization of the AM Radio Service, First Report and Order, 30 FCC Rcd 12145, 12153 para. 16 (2015), the permittee/licensee and any successor in interest (licensee) shall be subject to the following restrictions. From the grant of the construction permit and continuing until the facility has achieved four years of on-air operations rebroadcasting the primary AM station identified on this authorization, the licensee may NOT change such primary station being rebroadcast by this translator, nor may it rebroadcast another station when the primary station identified on this authorization is silent. Periods of station silence shall not count toward the fulfillment of this four-year requirement. During this same four-year period the licensee may not assign or transfer the construction permit/license to another party, unless it is to the licensee of the AM station identified on this authorization or unless such assignment or transfer provides for the continuing right of the primary station to rebroadcast on the translator. Minor modifications of this authorization are permitted, provided that the translator will continue to rebroadcast the AM station for which the modification was granted.

Special operating conditions or restrictions:

2 This construction permit authorizes the mounting of an antenna on a directional tower of the AM station identified below. Prior to installation of the antenna, the permittee shall notify the AM station licensee so that, if necessary, the AM station may determine operating power by the indirect method (see Section 73.51 of the Commission's Rules) and request a Special Temporary Authorization pursuant to Section 73.1635 of the Commission's Rules to operate with parameters at variance. The permittee must conduct a partial proof of performance as defined in Section 73.154 of the Commission's Rules both before and after construction to show that the AM station has not been adversely affected. If the operating parameters of the AM station differ from licensed values following the antenna installation, the results of the partial proof of performance shall be filed with the Commission by the AM station licensee using form FCC 302-AM. (See Section 1.30003 of the Commission's Rules.) The permittee must submit confirmation of completion of the requirements of this condition in the application for license to cover this construction permit.

WXMC(AM), PARSIPPANY-TROY HILL, NJ, 1310 KHZ

3 The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

4 Prior to commencing program test operations, FM Translator or FM Booster permittee must have on file at the Commission, FCC Form 350, Application for an FM Translator or FM Booster Station License, pursuant to 47 C.F.R. Section 74.14.

*** END OF AUTHORIZATION ***

Email from Technical Consultant Darryl Delawder

Subj: **Fwd: W232CY (Parsippany, NJ) -- October 28th deadline**
Date: 9/26/2016 2:01:50 P.M. Eastern Daylight Time
From: DELAWDER@aol.com
To: tepperlaw@aol.com

Hi Cary,

If at all possible, we should attempt to obtain an extension for the W232CY construction permit. Mounting the FM translator antenna on one of your AM towers (as currently authorized) will require a partial proof-of-performance of the AM (condition 2 on the current authorization), and getting an engineering proof-of-performance scheduled and conducted will take time, leaving our client with even less time to construct. Furthermore, because of the age of the AM towers, it may be problematic from a structural standpoint to mount on one of the AM towers and this needs to be determined or else a different support structure for the translator will need to be used instead of one of the AM towers.

With winter coming, I would suggest we seek a six month extension.

Thank you,

Darryl
Darryl K. DeLawder, President
DeLawder Communications, Inc.
P.O. Box 1095
Ashburn, Virginia 20146-1095
(703) 299-9222 main
(703) 299-6559 direct
(571) 228-1258 cell

From: Tepperlaw@aol.com
To: paulsuri@gmail.com
CC: delawder@aol.com
Sent: 9/23/2016 3:03:22 P.M. Eastern Daylight Time
Subj: W232CY (Parsippany, NJ) -- October 28th deadline

Hi Paul --

This is a friendly reminder that the FCC deadline to construct and get on-air FM Translator Station W232CY @ Parsippany, New Jersey is **October 28, 2016**. That is a little more than 4 weeks away.

A copy of the CP is attached.

We need to get the FCC License Application on file by that date, too.

Is everything in order to meet the FCC's deadline? Do you have delivery of the equipment yet? All local approvals have been secured? A tower crew install scheduled yet?

Please let me know so I can plan accordingly.

Thanks.

Cary

Cary S. Tepper
Tepper Law Firm, LLC
4900 Auburn Avenue
Suite 100
Bethesda, Maryland 20814-2632

(301) 718-1818

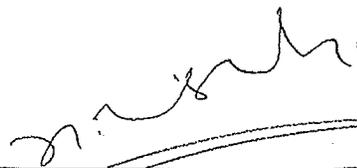
Declaration of Hasmukh Shah

Hasmukh Shah, under penalty of perjury, declares as follows:

I am the Managing Member of World India Radio, LLC ("WIR"), the new permittee of unbuilt FM Translator Station W232GY, which is now authorized to rebroadcast Radio Station WXMC-AM at Parsippany - Troy Hill, New Jersey. WIR Is also the licensee of WXMC-AM.

WIR and its technical consultant are diligently trying to assess how best to address Special Operating Condition No. 2 of Construction Permit BMPFT-20160129AES. A further modification application may be required. Nonetheless, WIR commits to commence construction once these matters are resolved. WIR paid \$60,000 to acquire this Construction Permit and it has every Intention to resolve these matters as soon as possible so that W232CY can rebroadcast the programming of Radio Station WXMC-AM.

Executed this 27th day of September,2016.



Hasmukh Shah