

## **Request for Special Temporary Authority**

Mariana Broadcasting, Inc. (“Mariana”), licensee of daytime-only AM radio station WGHT(AM), Pompton Lakes, New Jersey, hereby seeks Special Temporary Authority (“STA”) to utilize the facilities authorized for FM translator W276BX, an FM translator licensed by the New Jersey Public Broadcasting Authority to serve Pompton Lakes. The New Jersey Public Broadcasting Authority requested voluntary cancellation of the license for W276BX, and the FCC announced cancellation of the license by Public Notice on January 16, 2009. Contemporaneously with the instant request, a timely Petition for Reconsideration of the cancellation of the W276BX license has been filed requesting that the authorization be promptly reinstated for use by WGHT(AM) pursuant to the interim policies set forth by the FCC.<sup>1</sup> WGHT(AM) is currently in discussions with counsel for the New Jersey Public Broadcasting Authority to assign the reinstated W276BX authorization to Mariana.

WGHT(AM) is the only full power station in any service licensed to the community of Pompton Lakes, New Jersey, which it has served as a daytime-only AM station since 1964. For over forty years, the station has had a uniquely local focus, providing the residents of Pompton Lakes and the surrounding area with news and information on local issues and events, as well as timely emergency information. WGHT(AM) has the only live local radio newsroom in North Jersey, and its News Department has won dozens of awards from the Associated Press for its local newscasts. The station has also been recognized by the National Association of Broadcasters for excellence in community service with four Crystal awards in the past six years.

Because of the propagation characteristics of the AM band, which cause substantially increased interference among AM broadcasts at night, WGHT(AM) is restricted to daytime-only operation. As a result, when the sun sets, the 167,000 people located within 5 miles of WGHT(AM)’s transmitter are served by no other signal, AM or FM, that provides coverage of local news or events, including local weather alerts, high school sporting events, town meetings, or anything else that happens after the sun goes down. Despite the fact that WGHT(AM)’s listeners must retune their radio to WGHT every morning, or just not listen to any radio station after sunset, WGHT’s local programming format has been so successful that this stand-alone station has 36 employees, over half of whom cover local news and sporting events for the station.

WGHT(AM) has heard repeatedly from its listeners and local public officials of the importance of commencing nighttime operation. Beyond the many local events that occur after sunset and which therefore must be reported on the day after rather than broadcast live, the station is unable to broadcast current weather, traffic, and emergency conditions on a 24-7 basis. This is particularly problematic given that flooding is a major issue in the Pompton Lakes area as three rivers – the Ramapo, Pequannock and Wanaque – run through the Borough.

Based on these circumstances, Mariana has previously investigated the possibility of expanding beyond its current daytimer status and has unfortunately learned that it cannot do so without creating nighttime interference to other stations. Accordingly, based on the enhanced local and public safety benefits for the residents of Pompton Lakes and the surrounding area that

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<sup>1</sup> *Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations*, Notice of Proposed Rule Making, FCC 07-144, fn. 19 (Aug. 15, 2007).

WGHT(AM)'s use of a locally-licensed FM translator would bring, Mariana respectfully requests that the Commission grant an STA to utilize the FM translator authorization W276BX as outlined in the attached engineering exhibit.<sup>2</sup> Grant of the instant request is consistent with prior FM translator STA operations permitted for AM daytimer stations by the Commission.<sup>3</sup>

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<sup>2</sup> To facilitate processing of this request, the attached engineering exhibit incorporates the technical section of an FCC Form 349. The operations proposed in the attached engineering exhibit reflect a request to operate an FM translator specifying facilities that are as close as possible to W276BX's authorized facilities. Due to the unavailability of W276BX's original tower site, Mariana has specified a nearby alternate tower site in its request for Special Temporary Authority.

<sup>3</sup> *See, e.g.*, Special Temporary Authority, WISS(AM), Berlin, WI (FIN: 34907) (issued July 24, 2007) (granting WISS(AM) authority to operate FM translator station W247AZ based on the daytime-only AM station's inability to provide a nighttime signal to its community). To the extent a separate waiver to permit nighttime origination or programming on the proposed FM translator may be necessary, it is hereby requested.