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Of Counsel

John C. Trent \*

**Cary S. Tepper**

*tepperlaw@aol.com*

\* not admitted in Maryland

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December 30, 2022

Marlene H. Dortch, Secretary  
Federal Communications Commission  
45 L. Street, NE  
Washington, DC 20554

Via: [audiofilings@fcc.gov](mailto:audiofilings@fcc.gov)

**Re: WSRY-AM (Facility ID No. 21621)  
Elkton, MD  
FCC Form 301 Modification Application**

Dear Sir/Madam:

On behalf of Priority Radio, Inc., licensee of Radio Station WSRY-AM, and pursuant to *PUBLIC NOTICE DA 22-29 (released January 11, 2022)* we hereby submit the attached FCC Form 301 Modification Application seeking to reduce the WSRY operations from a three-tower array to a one tower facility. Please assign an FCC File Number to this application and we will submit the fee payment using the FCC's CORES Payment System.

If any questions arise concerning this matter, please contact the undersigned counsel.

Sincerely,

*Cary Tepper*

Cary S. Tepper

Attachments

cc: WSRY Online Public Inspection File  
James Bradshaw (FCC – via email)  
Nazifa Sawez (FCC – via email)

FOR  
FCC  
USE  
ONLY

# FCC 301

## APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY  
FILE NO.

### Section I - General Information

1. Legal Name of the Applicant <b>Priority Radio, Inc.</b>		
Mailing Address 2207 Concord Pike, Box 269		
City Wilmington	State or Country (if foreign address) DE	ZIP Code 19803
Telephone Number (include area code) (302) 540-5690	E-Mail Address (if available) steveharenow@gmail.com	
FCC Registration Number 0004 3494 60	Call Sign WSRY - AM	Facility ID Number 21621

2. Contact Representative (if other than applicant) Cary S. Tepper		Firm or Company Name Tepper Law Firm, LLC
Mailing Address 4900 Auburn Avenue; Suite 100		
City Bethesda	State or Country (if foreign address) MD	ZIP Code 20814-2632
Telephone Number (include area code) (301) 718-1818	E-Mail Address (if available) tepperlaw@aol.com	

3. If this application has been submitted without a fee, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114):

Governmental Entity       Other \_\_\_\_\_

4. **Application Purpose.**

- |  |  |
|--|--|
| <input type="checkbox"/> New Station   | <input type="checkbox"/> Major Modification of construction permit |
| <input type="checkbox"/> New Station with Petition for Rulemaking or Counterproposal to Amend FM Table of Allotments                       | <input type="checkbox"/> Minor Modification of construction permit |
| <input type="checkbox"/> New Station with Petition for Rulemaking or Counterproposal to Amend FM Table of Allotments using Tribal Priority | <input type="checkbox"/> Major Amendment to pending application    |
| <input type="checkbox"/> Major Change in licensed facility   | <input type="checkbox"/> Minor Amendment to pending application    |
| <input checked="" type="checkbox"/> Minor Change in licensed facility  |  |

a. File number of original construction permit: \_\_\_\_\_  N/A

b. Service Type:  AM     FM     TV     DTV     DTS

c. DTV Type:  Pre-Transition     Post-Transition     Both

d. Community of License: 

City Elkton	State MD
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e. Facility Type:  Main     Auxiliary

If an amendment, submit as an Exhibit a listing by Section and Question Number of the portions of the pending application that are being revised.

Exhibit No.

**NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.**

**Section II - Legal**

1. **Certification.** Applicant certifies that it has answered each question in this application based on its review of the application instructions and worksheets. Applicant further certifies that where it has made an affirmative certification below, this certification constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets.  Yes  No

2. **Parties to the Application.**

a. List the applicant, and, if other than a natural person, its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. If a corporation or partnership holds an attributable interest in the applicant, list separately its officers, directors, stockholders and other entities with attributable interests, non-insulated partners and/or members. Create a separate row for each individual or entity. Attach additional pages if necessary.

(1) Name and address of the applicant and each party to the application holding an attributable interest (if other than individual also show name, address and citizenship of natural person authorized to vote the stock or holding the attributable interest). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and other entities with attributable interests, and partners.

(2) Citizenship.  
 (3) Positional Interest: Officer, director, general partner, limited partner, LLC member, investor/creditor attributable under the Commission's **equity/debt plus** standard, etc.  
 (4) Percentage of votes.  
 (5) Percentage of total assets (equity plus debt).

(1)	(2)	(3)	(4)	(5)
( Not applicable )				

b. Applicant certifies that equity and financial interests not set forth above are non-attributable.

Yes  No  N/A See Explanation in Exhibit No.

3. **Other Authorizations.** List call signs, locations, and facility identifiers of all other broadcast stations in which applicant or any party to the application has an attributable interest.

N/A Exhibit No.  N/A

4. **Multiple Ownership.**

a. Is the applicant or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio or television time brokerage agreement in the same market as the station subject to this application?

Yes  No

If "YES," radio applicants must submit as an Exhibit a copy of each such agreement for radio stations.

Exhibit No.

Section II - Legal

- b. Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules.

Yes  No

Radio applicants only: If "Yes," submit an Exhibit providing information regarding the market, broadcast station(s), and other information necessary to demonstrate compliance with 47 C.F.R. Section 73.3555(a).

See Explanation  
in Exhibit No.

All Applicants: If "No," submit as an Exhibit a detailed explanation in support of an exemption from, or waiver of, 47 C.F.R Section 73.3555.

- c. Applicant certifies that the proposed facility:
  - (1) does not present an issue under the Commission's policies relating to media interests of immediate family members;
  - (2) complies with the Commission's policies relating to future ownership interests; and
  - (3) complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.

Yes  No

See Explanation  
in Exhibit No.

- d. Does the Applicant claim status as an "eligible entity," that is, an entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping (as set forth in 13 C.F.R. Section 121.201), and holds:

Yes  No

See Explanation  
in Exhibit No.

- (1) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or
- (2) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or
- (3) more than 50 percent of the voting power of the corporation that will own the media outlet (if such corporation is a publicly traded company)?

All applicants: If "Yes," submit as an Exhibit a detailed showing demonstrating proof of status as an eligible entity.

- 5. **Character Issues.** Applicant certifies that neither applicant nor any party to the application
  - a. any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or
  - b. any pending broadcast application in which character issues have been raised.

Yes  No

See Explanation  
in Exhibit No.

- 6. **Adverse Findings.** Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.

Yes  No

See Explanation  
in Exhibit No.

- 7. **Alien Ownership and Control.** Applicant certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments.

Yes  No

See Explanation  
in Exhibit No.

- 8. **Program Service Certification.** Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.

Yes  No

- 9. **Local Public Notice.** Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.

Yes  No

10. **Auction Authorization.** If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.

Yes  No  N/A

Exhibit No.

An exhibit is required unless this question is inapplicable.

11. **Anti-Drug Abuse Act Certification.** Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.

Yes  No

12. **Equal Employment Opportunity (EEO).** If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report on FCC Form 396-A.

Yes  No  N/A

13. **Petition for Rulemaking/Counterproposal to Add New FM Channel to FM Table of Allotments.** If the application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. Section 73.202) to add a new FM channel allotment, petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter-proponent will apply to participate in the auction of the channel allotment requested and specified in this application.

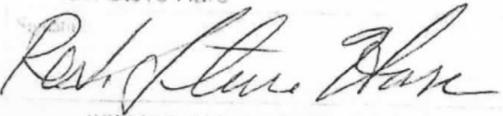
Yes  No  N/A

14. **Tribal Priority - Threshold Qualifications.** Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window? An Applicant answering "Yes" must provide an Exhibit demonstrating that it would have been qualified to add the allotment for which it is applying using the Tribal Priority.

Yes  No

Exhibit No.

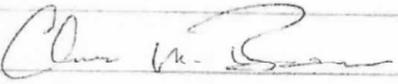
I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing Rev. Steve Hare	Typed or Printed Title of Person Signing President
	Date 12/30/22

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**SECTION III PREPARER'S CERTIFICATION**

I certify that I have prepared Section III (Engineering Data) on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name Clarence M. Beverage	Relationship to Applicant (e.g., Consulting Engineer) Broadcast Engineering Consultant	
Signature 	Date 12/29/2022	
Mailing Address Communications Technologies, Inc. 23 Binsted Drive		
City Medford	State or Country (if foreign address) NJ	ZIP Code 08055
Telephone Number (include area code) 609-451-5296	E-Mail Address (if available) cbeverage@commtechrf.com	

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

**SECTION III - A AM Engineering**

**TECHNICAL SPECIFICATIONS** Ensure that the specifications below are accurate. Contradicting data found elsewhere in this application will be disregarded. All items must be completed. The response "on file" is not acceptable.

**TECH BOX**

1. Frequency: 1550 kHz
2. Class:  A  B  C  D
3. Hours of Operation:  Unlimited  Limited  Daytime  Share Time  Specified Hours: \_\_\_\_\_

4. **Daytime Operation:**  Yes  No

a. Power: 0.25 kW

b. Antenna Location Coordinates: (NAD 27)

39 ° 35 ' 40 "  N  S Latitude  
75 ° 47 ' 46 "  E  W Longitude

c. **Nondirectional:**  Yes  No

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No.

Theoretical 289.736 mV/m per kW at 1 km

Tower	1
Overall height above ground (include obstruction lighting) (meters)	49.4
Antenna structure registration	_____ Number <input type="checkbox"/> Notification filed with FAA <input checked="" type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)	48.4
Electrical height of radiator (degrees)	90
Top-Loaded/Sectionalized apparent height (degrees)	
A	
B	
C	
D	

**TECH BOX - DAYTIME OPERATION**

**d. Directional:**

Yes  No

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No.

Theoretical \_\_\_\_\_ mV/m at 1 km

Standard RMS: \_\_\_\_\_ mV/m at 1 km

Towers	1	2	3	4
Overall height above ground (include obstruction lighting) (meters)				
Antenna structure registration	<input type="checkbox"/> Number Notification filed with FAA  <input type="checkbox"/> Not applicable	<input type="checkbox"/> Number Notification filed with FAA  <input type="checkbox"/> Not applicable	<input type="checkbox"/> Number Notification filed with FAA  <input type="checkbox"/> Not applicable	<input type="checkbox"/> Number Notification filed with FAA  <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)				
Electrical height of radiator (degrees)				
Field ratio				
Phase (degrees)				
Spacing (degrees)				
Tower orientation (degrees)				
Tower reference switch				
Top-Loaded/Sectionalized apparent height (degrees)				
A				
B				
C				
D				

Augmented:

Yes  No

If "Yes," complete the following:

Augmented RMS: \_\_\_\_\_ mV/m at 1 km

Azimuth                      Span                      Augmentation radiation  
(mV/m at 1 km)


**TECH BOX - NIGHTTIME OPERATION**

5. **Nighttime Operation:**

Yes  No

a. Power: 0.004 kW

b. Antenna Location Coordinates: (NAD 27)

39 ° 35 ' 40 "  N  S Latitude  
75 ° 47 ' 46 "  E  W Longitude

c. **Nondirectional:**

Yes  No

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No.

Theoretical 289.736 mV/m per kW at 1 km

Tower	1
Overall height above ground (include obstruction lighting) (meters)	49.4
Antenna structure registration	<p style="text-align: center;">_____</p> <p style="text-align: center;">Number</p> <input type="checkbox"/> Notification filed with FAA <input checked="" type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)	48.4
Electrical height of radiator (degrees)	90
Top-Loaded/Sectionalized apparent height (degrees)	
A	
B	
C	
D	

**TECH BOX - NIGHTTIME OPERATION**

**d. Directional:**

Yes  No  
 Exhibit No.

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Theoretical \_\_\_\_\_ mV/m at 1 km

Standard RMS: \_\_\_\_\_ mV/rn at 1 km

Towers	1	2	3	4
Overall height above ground (include obstruction lighting) (meters)				
Antenna structure registration	_____ Number <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable	_____ Number <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable	_____ Number <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable	_____ Number <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)				
Electrical height of radiator (degrees)				
Field ratio				
Phase (degrees)				
Spacing (degrees)				
Tower orientation (degrees)				
Tower reference switch				
Top-Loaded/Sectionalized apparent height (degrees)				
A				
B				
C				
D				

**Augmented:**

Yes  No

If "Yes," complete the following:

Augmented RMS: \_\_\_\_\_ mV/m at 1 km

Azimuth                      Span                      Augmentation radiation


**TECH BOX - CRITICAL HOURS OPERATION**

6. Critical Hours Operation:

Yes  No

a. Power: \_\_\_\_\_ kW

b. Antenna Location Coordinates: (NAD 27)

\_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ "  N  S Latitude  
 \_\_\_\_\_ ° \_\_\_\_\_ ' \_\_\_\_\_ "  E  W Longitude

c. Nondirectional:

Yes  No

If "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No.

Theoretical \_\_\_\_\_ mV/m per kW at 1 km

Tower	
Overall height above ground (include obstruction lighting) (meters)	
Antenna structure registration	<p style="text-align: center;">_____ Number</p> <input type="checkbox"/> Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)	
Electrical height of radiator (degrees)	
Top-Loaded/Sectionalized apparent height (meters)	
A	
B	
C	
D	

**TECH BOX - CRITICAL HOURS OPERATION**

**d. Directional:**

Yes  No

if "Yes," complete the following items. If additional space is needed, please provide the information requested below in an Exhibit.

Exhibit No. \_\_\_\_\_

Theoretical \_\_\_\_\_ mV/m at 1 km

Standard RMS: \_\_\_\_\_ mV/m at 1 km

Towers	1	2	3	4
Overall height above ground (include obstruction lighting) (meters)				
Antenna structure registration	<input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	<input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	<input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable	<input type="checkbox"/> Number Notification filed with FAA <input type="checkbox"/> Not applicable
Height of radiator above base insulator, or above base, if grounded (meters)				
Electrical height of radiator (degrees)				
Field ratio				
Phase (degrees)				
Spacing (degrees)				
Tower orientation (degrees)				
Tower reference switch				
Top-Loaded/Sectionalized apparent height (degrees)				
A				
B				
C				
D				

**Augmented:**

Yes  No

If "Yes," complete the following:

Augmented RMS: \_\_\_\_\_ mV/m at 1 km

Azimuth

Span

Augmentation radiation


**NOTE: In addition to the information called for in this section, an explanatory exhibit providing full particulars must be submitted for each question for which a "No" response is provided.**

**CERTIFICATION**

7. **Broadcast Facility.** The proposed facility complies with the engineering standards and assignment requirements of 47 C.F.R. Sections 73.24(e), 73.24(g), 73.33, 73.45, 73.150, 73.152, 73.160, 73.182(a)-(i), 73.186, 73.189, 73.1650. **Exhibit Required.**

Yes  No See Explanation in Exhibit No.  
Exhibit No. See Eng.

8. **Community Coverage.** The proposed facility complies with community coverage requirements of 47 C.F.R. Section 73.24(i).

Yes  No See Explanation in Exhibit No.

9. **Main Studio Location.** The proposed main studio location complies with requirements of 47 C.F.R. Section 73.1125.

Yes  No See Explanation in Exhibit No.

10. **Interference.** The proposed facility complies with all of the following applicable rule sections. Check all those that apply. An exhibit is required for each applicable section.

Yes  No See Explanation in Exhibit No.

**Groundwave.**

a.  47 C.F.R. Section 73.37

Exhibit No. See Eng.

**Skywave.**

b.  47 C.F.R. Section 73.182.

Exhibit No. See Eng.

**Critical Hours.**

c.  47 C.F.R. Section 73.187.

Exhibit No.

11. **Environmental Protection Act.** The proposed facility is excluded from environmental processing under 47 C.F.R. Section 1.1306 (i.e., the facility will not have a significant environmental impact and complies with the maximum permissible radio frequency electromagnetic exposure limits for controlled and uncontrolled environments). Unless the applicant can determine compliance through the use of the RF worksheets in Appendix A, an **Exhibit is required.**

Yes  No See Explanation in Exhibit No.

By checking "Yes" above, the applicant also certifies that it, in coordination with other users of the site, will reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radio frequency electromagnetic exposure in excess of FCC guidelines.

12. **Community of License Change - Section 307(b).** If the application is being submitted to change the facility's community of license, then the applicant certifies that it has attached an exhibit containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b)).

Yes  No  N/A  
Exhibit No.

**An exhibit is required** unless this question is not applicable.

13. **Dispositive Section 307(b) Preference**

a. Was the AM facility that is the subject of this application awarded on the basis of a dispositive Section 307(b) preference?

Yes  No

b. If yes to 13(a), applicant certifies that: (i) the community of license proposed in the subject application is the same as that on which the Section 307(b) preference was based, or (ii) as shown in the attached Exhibit, the service area proposed in the subject application is substantially equivalent to the service area on which the Section 307(b) preference was based.

Yes  No  N/A  
Exhibit No.

c. If yes to 13(a) and no to 13(b), applicant certifies that, although in the subject application it proposes to: (i) change the community of license, or (ii) modify service to the area on which the Section 307(b) preference was based, it has for a period of four years of on-air operations: (1) served the community of license, or (2) provided full service to the area on which the Section 307(b) preference was based.

Yes  No  
Exhibit No. N/A

**PREPARER'S CERTIFICATION ON PAGE 5 MUST BE COMPLETED AND SIGNED.**

**CONSOLIDATED ENGINEERING STATEMENT  
PREPARED IN SUPPORT OF APPLICATION  
FOR CONSTRUCTION PERMIT  
PRIORITY RADIO, INC.  
WSRY(AM) FCC ID #21621  
0.004/0.25 kW ND-U 1550 kHz  
ELKTON, MARYLAND**

**DECEMBER 2022**

**TABLE OF CONTENTS**

**FORMS:**

FCC Form 301, Section III-A - Paper filing

**ENGINEERING STATEMENT**

**EXHIBITS:**

- I. Details of antenna system physical configuration.
- II. Canadian clear channel night protection.

**FIGURES:**

- 1. Daytime co-ch allocation mapping.
- 2. Daytime 1<sup>st</sup> adj ch allocation mapping.
- 3. Predicted daytime 1000 & 5 mV/m contour mapping.
- 4. Predicted daytime 5, 2 and 0.5 mV/m contours

**APPENDIX:**

- 1. FCC Figure 8 calculations.
- 2. Google Earth Professional ND tower location map and NAD 83 coordinates.
- 3. Satellite views WNWR licensed site in 2003 and 2022.

**CONSOLIDATED ENGINEERING STATEMENT  
PREPARED IN SUPPORT OF APPLICATION  
FOR CONSTRUCTION PERMIT  
PRIORITY RADIO, INC.  
WSRY(AM) FCC ID #21621  
0.004/0.25 kW ND-U 1550 kHz  
ELKTON, MARYLAND**

**SUMMARY**

The following consolidated engineering statement has been prepared in support of an Application for Construction Permit by **Priority Radio, Inc.** which proposes to construct modified, full-time, standard broadcast facilities for WSRY(AM), 1550 kHz at Elkton, Maryland, FCC ID # 21621. WSRY currently operates with 0.001 kW night and 1 kW DA day with three tower, DA-U, facilities. This application proposes ND day and night on the north tower with the center and south towers to be dismantled.

FCC Figure 8 curve online software has been used to calculate the corrected field strength from the ND antenna at 1 kilometer based on the ground system as proposed. That antenna system radiation efficiency has been specified for both day and night ND operation.

This application is complete with the Forms, Exhibits and Figures found in the Table of Contents above and is believed to comply with all applicable FCC Rules, Regulations and Policies unless stated herein.

**FCC FORM 301, SECTION III-A**

FCC Form 301, Section III-A has been completed. Questions requiring a narrative response are addressed below:

Questions 4d, 5d, 6d      The existing structure height overall height is 162 feet (49.4 meters). The tower steel is 159 feet (48.4 meters). Although the structure is existing the geographic coordinates are incorrect and the correct coordinates are specified herein. FCC Towair has been run using the proposed coordinates,

a ground elevation of 17.7 meters and an overall structure height of 49.4 meters. The Determination results are "Pass Slope (50:1): No FAA Req-Rwy 10499 MTRS OR LESS & 6.45169 KM AWAY" No modifications to the tower are proposed.

Antenna system physical configuration data appears on Exhibit I.

No clear channel facilities are located sufficiently close that critical hours calculations are required for the power level proposed.

*Section 73.24(g)* compliance is achieved due to the rural nature of the site. Population in the licensed 1 V/m daytime contour is 0 persons. The applicant pledges to comply fully with *Rule Section 73.88*.

Question 8

Figure 3 depicts the proposed daytime 1000 and 5 mV/m contours. The 5 mV/m contour covers 100% of the community of license, Elkton, Maryland. Figure 4 depicts the proposed day 5, 2 and 0.5 mV/m contours. As a Class D night facility there are no minimum requirements for city of license coverage.

Question 10(a)

Figures 1 & 2 depict the daytime allocation. Figure 1, the co-ch mapping, shows the only station with grandfathered overlap is WITK and the overlap area and pop data are tabulated on the map Figure and reduced with the proposed facility. There is a small overlap area caused by WMRE to both the licensed and proposed 0.5 mV/m contours but in both cases the overlap is over water in the Chesapeake Bay. Figure 2, the adj-ch mapping, depicts grandfathered overlap with 1<sup>st</sup> adjacent channel station WDON and the overlap from WDON to WSRV licensed and proposed occurs over water in the Chesapeake Bay. Figure 2 also depicts the grandfathered overlap with the WNWR licensed and CP facilities with tabulated area and pop data. It is

noted that The WNWR licensed tower site has been deconstructed and new housing constructed. Appendix 1, page 1, depicts the radio towers using a 2003 satellite view while Appendix 1, page 2, shows no towers and homes fully covering the site using a 2022 satellite view. Grandfathered overlap areas for the licensed site have been supplied but it is requested that a CP be granted based on the WNWR CP facilities first granted in BP-20190201AAO on April 30, 2019 and then granted again in BP-20220601AAG on September 21, 2022. The station has continued to specify, as late as October 31, 2022, in BESTA-20221031AAC, that it is constructing the facilities as authorized in the CP. The proposed facility specified herein reduces grandfathered overlap to and from the WNWR CP.

Question 10(b)

*Exhibit II* depicts the 0.5 mV/m 50% skywave contour for CBE Windsor, Ontario. The 0.025 mV/m 10% skywave contours for the WSRV licensed and proposed night facilities are plotted as well as that of WSDK, Bloomfield, Connecticut. No U.S. station contour plotted reaches the Canadian border.

RSS limitations to and from Class D stations were not considered due to their secondary nature. No Class B domestic station was found to experience predicted interference from the 4 watt proposed Omni night facility.

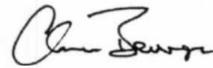
Question 11

*Supplement A, Edition 97-01 to OET Bulletin No. 65*, has been referenced concerning appropriate fencing distances.

The existing tower is protected by a locked, rectangular fence, 9' x 12' (2.7 x 3.7 meters). The fence as constructed meets OET-65 guidelines when RF radiation for a Table 2 tower height and a 0.25 kW power level are considered. Power will be reduced, or transmission terminated when workers are on or near the towers.

**CONCLUSION**

The foregoing was prepared on behalf of **Priority Radio, Inc.** by Clarence M. Beverage of *Communications Technologies, Inc.*, Medford, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The undersigned certifies, under penalty of perjury, that the statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.



By \_\_\_\_\_

**Clarence M. Beverage**

*for* Communications Technologies, Inc.

Medford, New Jersey

December 28, 2022