

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON, DC 20554**

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September 19, 2011

Harry C. Martin, Esq.  
Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17th Street, 11th Floor  
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Re: WRDR(FM), Freehold Township, New Jersey  
Bridgelight, LLC  
Facility ID No. 20485  
File No. BPED-20110719ABY

Dear Counsel:

This letter is in reference to minor change application BPED-201100719ABY (the "Application") filed by Bridgelight, LLC ("Bridgelight"), licensee of noncommercial educational ("NCE") FM station WRDR(FM), Freehold Township, New Jersey, requesting modification of the WRDR(FM) facilities. The Application proposes a new tower site, nondirectional antenna, elliptical polarization, and an increase of antenna height with a decrease in maximum effective radiated power. In order to permit the proposed changes, Bridgelight requests waiver of the contour overlap provisions of 47 C.F.R. § 73.509. For the reasons discussed below, we grant Bridgelight's waiver request and the Application.

***Waiver Request.*** An engineering review of the Application reveals that the proposed WRDR(FM) facilities would receive prohibited contour overlap from second-adjacent channel NCE FM station WFJS-FM, Freehold, New Jersey, File No. BLED-20110504ABT, in violation of 47 C.F.R. § 73.509. Bridgelight recognizes this prohibited contour overlap in the Application and requests waiver of 47 C.F.R. § 73.509.

In support of its waiver request, Bridgelight states that the proposed WRDR(FM) facilities will increase the population and area within the WRDR(FM) 60 dB $\mu$  contour to 609,574 persons in 1496.3 square kilometers of area.<sup>1</sup> Bridgelight asserts that the proposed WRDR(FM) facilities will not cause prohibited contour overlap to any authorized FM station, but they will receive second-adjacent channel overlap from WFJS-FM, Freehold, New Jersey, within a 10.3 square kilometer area containing 195 persons according to the 2000 United States Census. Bridgelight's overlap area constitutes only 0.69 percent of the area and 0.03 percent of the population within the proposed WRDR(FM) 60 dB $\mu$  contour. Finally, Bridgelight cites *Educational Information Corporation*, 6 FCC Rcd 2207 (1991), as evidence of the Commission's willingness to consider waivers of such overlap in certain instances, argues that the overlap area is small and the increased service is substantial, and concludes that waiver of 47 C.F.R. § 73.509 is warranted in this case.

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<sup>1</sup> According to the Application, there are 583.0 square kilometers area and 228,136 persons (2000 United States Census) within the licensed WRDR(FM) 60 dB $\mu$  contour.

**Discussion.** Bridgelight's request to receive second-adjacent channel overlap is similar to the request submitted by WCPE(FM), Raleigh, NC in the *Educational Information Corporation* case. In that case it was stated that:

The Commission has long recognized the unique characteristics of the noncommercial service and the need for flexibility to respond to the growing demand for such service. We are also more sensitive today to the increasing limitations within the reserved band which reflect the increased demand for service over the last 30 years. For these reasons, we are now inclined to grant waivers of second or third adjacent channel overlap in circumstances such as WCPE's, where the benefit of increased noncommercial educational service so heavily outweighs the potential for interference in very small areas. However, because of the concern for the ability of the stations causing interference to make any future changes in their own facilities, as discussed below, we believe that the waiver of interference received must be granted with the acknowledgement that future modifications proposed by the affected licensees will not be construed as a *per se* modification of the waiver recipient's license.

Accordingly, in light of the Commission's policy on this matter, the requested waiver of 47 C.F.R. § 73.509 will be granted.

**Conclusion.** When an applicant seeks waiver of the rules, it must plead with particularity the facts and circumstances which warrant such action. *Columbia Communications Corp. v. FCC*, 832 F.2d 189, 192 (D.C. Cir. 1987) (quoting *Rio Grand Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 644, 666 (D.C. Cir. 1968) (per curiam)). We have afforded Bridgelight's request for waiver of 47 C.F.R. § 73.509 the "hard look" called for under *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), and find that the facts and circumstances presented in the applicant's justification are sufficient to establish that grant of the requested waiver would be in the public interest. Accordingly, Bridgelight's request for waiver of 47 C.F.R. § 73.509 IS HEREBY GRANTED. Furthermore, application File No. BPED-20110719ABY IS HEREBY GRANTED subject to the following condition:

Future modification of the facilities of station WFJS-FM, Freehold, New Jersey, Facility ID No. 174562, will not be construed as *per se* modifications of WRDR(FM) construction permit BPED-20110719ABY.  
(See *Educational Information Corporation*, 6 FCC Rcd. 2207 (1991)).

The authorization is enclosed. These actions are taken pursuant to 47 C.F.R. § 0.283.

Sincerely,



Susan N. Crawford  
Assistant Chief  
Audio Division  
Media Bureau

cc: Bridgelight, LLC  
Robert Moore