

# (REFERENCE COPY - Not for submission) Modification of a License for an FM Auxiliary Station Application

File Number:**BXMLH-20030929AGD**Submit Date:**09/29/2003**Lead Call Sign:**WMMR**Facility ID:**25438** 

#### FRN: 0004077426

Status: Granted Purpose: Modification of License Service: FM Auxiliary Status Date: 03/01/2004 Filing Status: Inactive

| General<br>Information           | Section     | Question   | Response |
|----------------------------------|-------------|--|----------|
|                                  | Attachments | Are attachments (other than associated schedules) being filed with this application? |          |
|                                  |             |  |          |
| Fees, Waivers,<br>and Exemptions | Section     | Question   | Response |
|                                  | Fees        | Is the applicant exempt from FCC application Fees?                                   | No       |
|                                  |             | Indicate reason for fee exemption:   |          |
|                                  |             | Is the applicant exempt from FCC regulatory Fees?                                    |          |
|                                  | Waivers     | Does this filing request a waiver of the Commission's rule (s)?                      |          |

#### Applicant Information

#### Applicant Name, Type, and Contact Information

| Applicant   | Address   | Phone                | Email                        | Applicant Type |
|---|---|----------------------|------------------------------|----------------|
| GREATER BOSTON RADIO, INC<br>Applicant<br>Doing Business As: GREATER<br>BOSTON RADIO, INC | 35 BRAINTREE HILL<br>OFFICE PARK<br>SUITE 300<br>BRAINTREE, MA 02184<br>United States | +1 (781)<br>348-8600 | ERUBIN@GREATER-<br>MEDIA.COM | OTH            |

Total number of rule sections involved in this waiver request:

Contact Representatives (2)

| Contact Name   | Address   | Phone                 | Email                     | Contact Type                |
|--|---|-----------------------|---------------------------|-----------------------------|
| ROBERT W. GUILL<br>TECHNICAL<br>CONSULTANT             | KHANNA & GUILL, INC.<br>8405-A RICHMOND<br>HIGHWAY<br>ALEXANDRIA, VA<br>22309-2425<br>United States | +1 (703) 778-<br>2540 | BOB@KGICONSULTING.<br>COM | Technical<br>Representative |
| MALCOLM G.<br>STEVENSON<br>SCHWARTZ, WOODS &<br>MILLER | United States   | +1 (202) 833-<br>1700 | STEVENSON@SWMLAW.<br>COM  | Legal<br>Representative     |

| Character Issues                                      | <ul> <li>Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with:</li> <li>(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</li> <li>(b) any pending broadcast application in which character issues have been raised.</li> </ul>  | Yes |
|---|---|-----|
| Adverse Findings                                      | Applicant certifies that, with respect to the applicant and any<br>party to the application, no adverse finding has been made,<br>nor has an adverse final action been taken by any court or<br>administrative body in a civil or criminal proceeding brought<br>under the provisions of any laws related to any of the<br>following: any felony; mass media-related antitrust or unfair<br>competition; fraudulent statements to another governmental<br>unit; or discrimination.  | Yes |
| Program Service<br>Certification                      | Applicant certifies that it is cognizant of and will comply with<br>its obligations as a Commission licensee to present a<br>program service responsive to the issues of public concern<br>facing the station's community of license and service area.  |     |
| Local Public Notice                                   | Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.  |     |
| Operational Compliance                                | Applicant certifies that it is not the licensee or permittee of<br>the commercial primary station being rebroadcast and that<br>neither it nor any parties to the application have any interest<br>in or connection with the commercial primary station being<br>rebroadcast? See 47 C.F.R. Section 74.1232(d).   |     |
|   | Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.  |     |
| Support Compliance                                    | The applicant, if for a commercial FM translator station with<br>a coverage contour extending beyond the protected contour<br>of the commercial primary station being rebroadcast,<br>certifies that it has not received any support, before or after<br>constructing, directly or indirectly, from the licensee<br>/permittee of the primary station or any person with an<br>interest in or connection with the licensee or permittee of<br>the primary station, except for technical assistance as<br>provided for under 47 C.F.R. Section 74.1232(e). |     |
| Rebroadcast Certification                             | For applicants proposing translator rebroadcasts that are<br>not the licensee of the primary station, the applicant certifies<br>that written authority has been obtained from the licensee of<br>the station whose programs are to be retransmitted.   |     |
| Financial   | The applicant certifies that sufficient net liquid assets are on<br>hand or that sufficient funds are available from committed<br>sources to construct and operate the requested facilities for<br>three months without revenue.  |     |
| Fair Distribution of Service<br>Pursuant to 47 U.S.C. | Applicant certifies that the proposed station will provide a first rural (reception) service.   |     |

|   | <ul> <li>Applicant certifies that:</li> <li>(a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000;</li> <li>(b) the facilities proposed in this Application will provide Tribal Coverage, as defined in 47 C.F.R. Section 73.7000, of Tribal Lands occupied by the applicant Tribe(s);</li> <li>(c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and</li> <li>(d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license</li> </ul> |  |
|---|--|--|
|   | Applicant certifies that the proposed station will provide a first noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1mV/m) service contour and (b) to a minimum of 2,000 people.   |  |
|   | Applicant certifies that the proposed station will provide a second noncommercial educational aural service, or an aggregated first and second noncommercial educational aural service, to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour and (b) to a minimum of 2,000 people.   |  |
| Auction Authorization   | If the application is being submitted to obtain a construction<br>permit for which the applicant was the winning bidder in an<br>auction, then the applicant certifies, pursuant to 47 C.F.R.<br>Section 73.5005(a), that it has attached an exhibit<br>containing the information required by 47 C.F.R. Sections<br>1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.   |  |
| Tribal Priority – Threshold<br>Qualifications   | Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window?  |  |
| Petition for Rulemaking<br>/Counterproposal to Add<br>New FM Channel to FM<br>Table of Allotments | This application is being submitted concurrently with a<br>Petition for Rulemaking or Counterproposal to Amend the<br>FM Table of Allotments (47 C.F.R. Section 73.202) to add a<br>new FM channel allotment. The petitioner/counter-<br>proponent certifies that, if the FM channel allotment<br>requested is allotted, petitioner/counter- proponent will<br>apply to participate in the auction of the channel allotment<br>requested and specified in this application.  |  |

| Channel and<br>Facility<br>Information | Section                          | Question  | Response     |
|--|----------------------------------|---|--------------|
|  | Program Test Authority           | The application is operating pursuant to automatic program test authority |              |
|  |                                  | The applicant is requesting program test authority                        |              |
| -                                      | Proposed Community of<br>License | State   | Pennsylvania |
|  |                                  | City  | PHILADELPHIA |
|  |                                  | Channel   | 227          |
|  |                                  | Frequency   | 93.3         |
|  | Facility Type                    | Facility Type   | Commercial   |
|  | Station Class                    | Station Class   | В            |

Antenna Location Data

Section

Question

Response

| Antenna Structure<br>Registration | Do you have an FCC Antenna Structure Registration (ASR)<br>Number? | No   |
|-----------------------------------|--|--|
|                                   | ASR Number   |  |
| Coordinates (NAD83)               | Latitude   | 39° 57' 09.4" N+                             |
|                                   | Longitude  | 075° 10' 03.6" W-                            |
|                                   | Structure Type   |  |
|                                   | Overall Structure Height   | 293 meters                                   |
|                                   | Support Structure Height   |  |
|                                   | Ground Elevation (AMSL)  |  |
| Antenna Data                      | Height of Radiation Center Above Ground Level                      | Horizontal:267 meters<br>Vertical:267 meters |
|                                   | Height of Radiation Center Above Average Terrain                   | Horizontal:252 meters<br>Vertical:252 meters |
|                                   | Height of Radiation Center Above Mean Sea Level                    | Horizontal:280 meters<br>Vertical:280 meters |
|                                   | Effective Radiated Power   | Horizontal:18 kW Vertica<br>18 kW            |
|                                   | Transmitter Power Output   | 10 kW  |

### Antenna Technical Data

| Section              | Question                          | Response             |
|----------------------|-----------------------------------|----------------------|
| Antenna Type         | Antenna Type                      | Non-Directional      |
| Transmitting Antenna | Manufacturer:                     | ALF                  |
|                      | Model                             | ALFORD/TELEPLEX 9710 |
|                      | Antenna Number of Sections:       | 4                    |
|                      | Antenna Spacing Between Sections: | 1.0                  |

#### **Directional Antenna Relative Field Value**

| Degree | Value | Degree | Value | Degree | Value | Degree | Value |
|--------|-------|--------|-------|--------|-------|--------|-------|
|        |       |        |       |        |       |        |       |

#### **Additional Azimuths**

Degree Value

## Technical Certifications

| Section                         | Question   | Response |
|---------------------------------|--|----------|
| Constructed Facility            | The facility was constructed as authorized in the underlying construction permit or complies with 47 C.F.R. Section 73.1690?                                     |          |
| Special Operating<br>Conditions | Was the facility constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit?                   |          |
| Environmental                   | Would a Commission grant of Authorization for this location<br>be an action which may have a significant environmental<br>effect? (See 47 C.F.R. Section 1.1306) |          |

| Section   | Question  | Response |
|---|---|----------|
| Change in effective<br>radiated power, transmitter<br>output power, replacing a<br>directional or non-<br>directional antenna,<br>deleting contour protection<br>status, or correcting<br>coordinates | Is this application being filed to authorize a change in<br>Effective Radiated Power and/or a change in transmitter<br>output power, and/or replacing a directional or non-<br>directional antenna and/or deleting contour protection status<br>and/or correcting coordinates, as authorized by 47 CFR<br>Sections 73.1690(c)(1) through (c)(11)? |          |
| Using a formerly licensed<br>main facility as an auxiliary<br>facility.   | Is this application being filed pursuant to 47 CFR Section 73.1675(c)(1) to request authorization to use a formerly licensed main facility as an auxiliary facility and/or change the ERP of the proposed auxiliary facility?   |          |
| Change the license status   | Is this application being filed to authorize a change in<br>license status from commercial to non-commercial or from<br>noncommercial to commercial, pursuant to 47 CFR Section<br>73.1690(c)(9)?   |          |
| Change in hours of operation  | Is this application being filed to authorize a change in hours of operation?  |          |
| Replacement of Antenna  | Is this application being filed to authorize the replacement of<br>the licensed nondirectional antenna with another<br>nondirectional antenna within 2 meters above or 4 meters<br>below the licensed antenna center of radiation? See 47<br>CFR Section 73.875(c)(1)?  |          |
| Replacement of transmission line  | Is this application being filed to authorize a replacement of<br>the transmission line that resulted in a change in licensed<br>transmitter power output, but not the effective radiated<br>power? See 47 CFR Section 73.875(c)(2)?   |          |

# Certification

Modification of

Certifications

License

| Section                             | Question   | Response |
|-------------------------------------|--|----------|
| General Certification<br>Statements | The Applicant waives any claim to the use of any particular<br>frequency or of the electromagnetic spectrum as against the<br>regulatory power of the United States because of the<br>previous use of the same, whether by authorization or<br>otherwise, and requests an Authorization in accordance<br>with this application (See Section 304 of the<br>Communications Act of 1934, as amended.).  |          |
|                                     | The Applicant certifies that neither the Applicant nor any<br>other party to the application is subject to a denial of<br>Federal benefits pursuant to §5301 of the Anti-Drug Abuse<br>Act of 1988, 21 U.S.C. § 862, because of a conviction for<br>possession or distribution of a controlled substance. This<br>certification does not apply to applications filed in services<br>exempted under §1.2002(c) of the rules, 47 CFR . See §1.<br>2002(b) of the rules, 47 CFR § 1.2002(b), for the definition<br>of "party to the application" as used in this certification §<br>1.2002(c). The Applicant certifies that all statements made<br>in this application and in the exhibits, attachments, or<br>documents incorporated by reference are material, are part<br>of this application, and are true, complete, correct, and<br>made in good faith. |          |

| Authorized Party to Sign | FAILURE TO SIGN THIS APPLICATION MAY RESULT IN               |                |
|--------------------------|--|----------------|
|                          | DISMISSAL OF THE APPLICATION AND FORFEITURE                  |                |
|                          | OF ANY FEES PAID   |                |
|                          | Upon grant of this application, the Authorization Holder may |                |
|                          | be subject to certain construction or coverage requirements. |                |
|                          | Failure to meet the construction or coverage requirements    |                |
|                          | will result in automatic cancellation of the Authorization.  |                |
|                          | Consult appropriate FCC regulations to determine the         |                |
|                          | construction or coverage requirements that apply to the type |                |
|                          | of Authorization requested in this application.              |                |
|                          | WILLFUL FALSE STATEMENTS MADE ON THIS FORM                   |                |
|                          | OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE                    |                |
|                          | AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001)             |                |
|                          | AND/OR REVOCATION OF ANY STATION                             |                |
|                          | AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND         |                |
|                          | /OR FORFEITURE (U.S. Code, Title 47, §503).                  |                |
|                          | I declare, under penalty of perjury, that I am an authorized | PETER H. SMYTH |
|                          | representative of the above-named applicant for the          |                |
|                          | Authorization(s) specified above.                            |                |

#### Attachments

| File Name                           | Uploaded By | Attachment Type | Description   | Upload Status                          |
|-------------------------------------|-------------|-----------------|---|--|
| <u>687982_166680.</u><br><u>txt</u> | Applicant   | All Purpose     | EXPLANATION OF CIRCUMSTANCES<br>RE: CONSTRUCTION PERMIT | Done with Virus Scan and/or Conversion |
| <u>687982_166681.</u><br><u>txt</u> | Applicant   | All Purpose     | EXPLANATION RE: CONSTRUCTION PERMIT                     | Done with Virus Scan and/or Conversion |
| <u>687982_166682.</u><br><u>txt</u> | Applicant   | All Purpose     | ENGINEERING STATEMENT                                   | Done with Virus Scan and/or Conversion |