



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

File Number: **BMLH-19950406KA** | Submit Date: **04/06/1995** | Lead Call Sign: **WXNY-FM** | Facility ID: **29022**

FRN: **0004945895**

Service: **FM Auxiliary** | Purpose: **Modification of License** | Status: **Granted** | Status Date: **07/10/1995** | Filing Status: **Active**

General Information

| Section | Question | Response |
|--------------------|--|----------|
| Attachments | Are attachments (other than associated schedules) being filed with this application? | |

Fees, Waivers, 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)? | |
| | Total number of rule sections involved in this waiver request: | |

Applicant Information

Applicant Name, Type, and Contact Information

| Applicant | Address | Phone | Email | Applicant Type |
|---|---|-------------------|-------|----------------|
| THE NEW YORK TIMES ELECTRONIC MEDIA COMPANY Applicant Doing Business As: THE NEW YORK TIMES ELECTRONIC MEDIA COMPANY | 122 5TH AVE, 3RD FLOOR NEW YORK, NY 10011 United States | +1 (212) 633-7679 | | Company |

Contact Representatives (0)

| Contact Name | Address | Phone | Email | Contact Type |
|--------------|---------|-------|-------|--------------|
|--------------|---------|-------|-------|--------------|

Legal Certifications

| Section | Question | Response |
|--------------------|---|----------|
| Obligations | Licensee/Permittee certifies that all terms, conditions, and obligations set forth in the underlying construction permit have been fully met. | |
| | Licensee/Permittee certifies that, apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application to be now incorrect. | |

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| Character Issues | <p>Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with:</p> <p>(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</p> <p>(b) any pending broadcast application in which character issues have been raised.</p> | |
| Adverse Findings | <p>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 laws related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.</p> | |
| Program Service Certification | <p>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.</p> | |
| Local Public Notice | <p>Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.</p> | |
| Equal Employment Opportunity (EEO) | <p>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.</p> | |
| Operational Compliance | <p>Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary station being rebroadcast? See 47 C.F.R. Section 74.1232(d).</p> | |
| | <p>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.</p> | |
| Support Compliance | <p>The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee /permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).</p> | |
| Rebroadcast Certification | <p>For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.</p> | |
| Station Ready for Operation | <p>Applicant certifies that station is now in satisfactory operating condition and ready for regular operation.</p> | |
| Programming | <p>The applicant certifies that it is the licensee of the primary station or the applicant certifies that written authority has been obtained from the licensee of the primary station whose programming is to be retransmitted.</p> | |
| Eligibility Certifications | <p>The applicant certifies that it is a:</p> | |

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| | <p>If the applicant is submitting multiple applications, is this application the "priority" application? See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80, paras. 79-80 (2000).</p> | |
| | <p>The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.</p> | |
| | <p>The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.</p> | |
| Community-Based Criteria | <p>Applicants must certify that they are local to be eligible for LPFM authorizations. An applicant must select "yes" to at least one of the certifications below to be eligible for an LPFM license. The applicant certifies that:</p> <p>it is a nonprofit educational institution or organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application</p> | |
| | <p>it is a nonprofit educational institution or organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application</p> | |
| | <p>it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. See 47 C.F.R. Sections 73.853(c) and 73.7000.</p> | |
| | <p>it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.</p> | |
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| Ownership | <p>The applicant certifies that: no party to this application has an attributable interest in any low power FM broadcast station</p> | |
| | <p>1. no party to this application has an attributable interest in any non-LPFM broadcast station, including any full power AM or FM station, FM translator station, full or low power television station, or any other media subject to the Commission's broadcast ownership restrictions</p> | |
| | <p>2. no party to this application has pending an application for a low power FM, full power AM or FM station, FM translator station, or full or low power television station;</p> | |
| | <p>the applicant is in compliance with the Commission's policies relating to media interests of immediate family members; and</p> | |

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| | the applicant is in compliance with the Commission's policies relating to investor insulation and the non-participation of non-party investors and creditors. | |
| Unlicensed Operation | The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301. | |
| Financial | The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. | |
| Holding Period Certifications | Applicant certifies that this application does not propose a modification to an authorization that was awarded on the basis of a preference for fair distribution of service pursuant to 47 U.S.C. Section 307(b). | |
| | Applicant certifies that this application does not propose a modification to an authorized station that received a credit for superior technical parameters under the point system selection method in 47 C.F.R. Section 73.7003. | |
| Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b) | Applicant certifies that the proposed station will provide a first rural (reception) service. | |
| | Applicant certifies that: (a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000; (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); (c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and (d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license | |
| | 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 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. | |
| Tribal Priority – Threshold Qualifications | Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window? | |

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| Petition for Rulemaking /Counterproposal to Add New FM Channel to FM Table of Allotments | This 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. The 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. | |
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Channel and Facility 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 License | State | New York |
| | City | NEW YORK |
| | Channel | 242 |
| | Frequency | 96.3 |
| Facility Type | Facility Type | Commercial |
| Station Class | Station Class | B |

Antenna Location Data

| Section | Question | Response |
|---|---|--|
| Antenna Structure Registration | Do you have an FCC Antenna Structure Registration (ASR) Number? | No |
| | ASR Number | |
| Coordinates (NAD83) | Latitude | 40° 44' 54.3" N+ |
| | Longitude | 073° 59' 08.5" W- |
| | Structure Type | |
| | Overall Structure Height | 443 meters |
| | Support Structure Height | |
| | Ground Elevation (AMSL) | |
| Antenna Data | Height of Radiation Center Above Ground Level | Horizontal:371 meters Vertical:371 meters |
| | Height of Radiation Center Above Average Terrain | Horizontal:373 meters Vertical:373 meters |
| | Height of Radiation Center Above Mean Sea Level | Horizontal:387 meters Vertical:387 meters |
| | Effective Radiated Power | Horizontal:4.6 Vertical: 3.3 |
| | Transmitter Power Output | |
| Proposed Allotment or Assignment - Coordinates (NAD83) | Latitude | -- |
| | Longitude | -- |

Antenna Technical Data

| Section | Question | Response |
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|-----------------------------|-----------------------------------|-----------------|
| Antenna Type | Antenna Type | Non-Directional |
| Primary Station | Call Sign | |
| | Facility ID | |
| | Frequency | |
| | Channel | |
| | Service Code | |
| | City | |
| | State | |
| Delivery Method | Delivery Method | |
| | If Other, Please specify: | |
| Transmitting Antenna | Manufacturer: | |
| | Model | |
| | Antenna Number of Sections: | |
| | Antenna Spacing Between Sections: | |

Directional Antenna Relative Field Value

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

Additional Azimuths

| Degree | Value |
|--------|-------|
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Technical Certifications

| Section | Question | Response |
|---|---|----------|
| Environmental Effect | Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306) | |
| Broadcast Facility | Does the proposed facility comply with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.203, 73.207, 73.213, 73.315, 73.509, 73.515, 73.525, and 73.1125? | |
| Contour Protection | Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215? | |
| Community of License Change - Section 307(b) | Is the application being submitted to change the facility's community of license? If 'Yes', an exhibit is required 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)) | |
| Proposal Compliance | Does the applicant certify that the proposal is for a fill-in translator or booster? | |
| | Does the applicant certify that the proposal complies with Sections 74.1204, 74.1205, 74.1232, 74.1234 and 74.1235? | |
| Interference | Does the applicant certify that the proposed facility complies with the engineering requirements of 47 CFR Section 73.807 (a) through (g), 73.825 and 73.827(a)? | |

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| Transmitter Power Output | Does the operating transmitter power output produce the authorized effective radiated power? | |
| 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 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 be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306) | |
| Reasonable Site Assurance | Applicant certifies that it has reasonable assurance in good faith that the site or proposed structure at the location of its transmitting antenna will be available to the applicant for the applicant's intended purpose. | |
| | If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure. | |
| | Name of the person contacted | |
| | Phone number of the person contacted | |
| | Person contacted is | |

Modification of License Certifications

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

Certification

| Section | Question | Response |
|---|--|----------|
| General Certification Statements | <p>The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).</p> | |
| | <p>The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002(c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.</p> | |
| Authorized Party to Sign | <p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>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.</p> <p>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).</p> | |
| | <p>I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.</p> | |

Attachments

Information not provided.