

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Application of)
)
Best Media, Inc.) FCC File No. 0000182651
For Renewal of License of FM Translator)
W264CW, Facility ID No. 140947, Roosevelt, NJ)

To: Secretary
Chief, Audio Division, Media Bureau

INFORMAL OBJECTION

Press Communications, L.L.C. (“Press”), pursuant to Section 73.3587 of the rules of the Federal Communications Commission (“FCC” or “Commission”),¹ hereby submits to the Media Bureau (“Bureau”) this informal objection to the above-reference license renewal application (the “Renewal”) filed by Best Media, Inc. (“Best”) for FM translator W264CW (the “Translator”).² As detailed below, there is evidence that the Translator was not operational at the time the Renewal was submitted and likely has not been operational for over 12 months, in which case the Translator license may be subject to automatic cancellation as a matter of law pursuant to the Commission’s rules and Section 312(g) of the Communications Act, as amended.³

The Renewal contains a certification from Best that the station is currently on the air and rebroadcasting FM station WRDR (Facility ID No. 20485).⁴ No waivers or attachments were filed with the Renewal to provide any additional detail about the Translator.⁵ According to the

¹ 47 C.F.R. § 73.3587.

² FCC File No. [0000182651](#) (filed January 28, 2022).

³ 47 U.S.C. § 312(g) and 47 C.F.R. §§ 73.1740(c) & 73.1750.

⁴ FCC File No. [0000182651](#) (filed January 28, 2022).

⁵ *Id.*

Translator's most recent construction permit, the Translator antenna is located at 40 10' 17.4" N, 74 25' 23.5" W at 6 meters AGL and is broadcasting on FM Channel 264 (100.7 FM).⁶

Press is a New Jersey broadcaster with stations in the same market as and a translator co-channel to W264CW. Press, through its affiliates, had offices and studios in the southern area of Freehold Township, New Jersey. Several miles east of such facilities is where Press' own translator station, W264DH, historically would lose its signal to co-channel interference in favor of W264CW. Such interference would extend further west of Press' Freehold offices and studios. In the latter part of 2020, Press noticed that this co-channel interference suddenly disappeared. At first, Press attributed this change to atmospheric conditions due to both translators being relatively low power facilities. As this change persisted, however, Press decided to investigate and discovered the following:

- On January 27, 2021, Press listened for a signal from an automotive vehicle facing the antenna site in a nearby parking lot approximately 400 feet or less from the registered Translator antenna location with the vehicle radio tuned to 100.7 FM. Press was unable to receive any signal at all, let alone a transmission rebroadcasting WRDR programming.
- Subsequently, Press regularly visited the Translator antenna site once per month for four months in early 2021, and resumed visits approximately one year later in 2022. Each time, Press listened for a signal from an automotive vehicle facing the antenna from the nearby parking lot with the vehicle radio tuned to 100.7 FM.
- On February 26, 2021, Press found that the Translator was not broadcasting its signal on 100.7 FM. Instead, Press found an itinerant and weak station (perhaps a low power or pirate station) identifying itself as being somewhere in Philadelphia. As the W264CW Translator was off the air, it was not rebroadcasting WRDR.
- On March 23, 2021, Press visited the Translator antenna site and found the subject translator to be off the air. Press was able to pick up the weak signal of full power Class B station WLEV 100.7 in Allentown, Pennsylvania by driving the vehicle to different locations throughout the parking lot. This transmission was not a rebroadcast of WRDR.

⁶ File No. [BLFT-20170131ABN](#) (submitted January 31, 2017; granted February 8, 2017).

- On April 23, 2021, Press visited the Translator antenna site and again found the Translator to be off the air. Press also went to the parking lot of a nearby pizza parlor approximately 1/5th mile from Translator antenna site. There, Press was able to get a faint signal from full power class B station WHUD 100.7 in Peekskill, New York. The transmission was not a rebroadcast of WRDR.
- On March 14, 2022 and May 2, 2022, Press visited the Translator antenna site and found the Translator to be off the air and found no transmission rebroadcasting WRDR.

Pursuant to Section 73.1740 of the Commission’s rules,⁷ broadcast stations may remain silent for up to 10 days without Commission authority. If the station is or will be silent for up to 30 days, the Commission must be notified by letter that the station is silent.⁸ If the station will be or has been silent for more than 30 days, the licensee must request Special Temporary Authority (“STA”) to remain silent by submitting a letter explaining the reason for ceasing operation.⁹

In this case, there appears to be multiple violations of the Commission’s rules. There is no evidence of any notification to the FCC of the W264CW Translator being silent over this extended period of time, nor any request for an STA in the Commission’s records during the same time period for the Translator.¹⁰ Moreover, given the numerous instances that Press has discovered the Translator to be non-operational since late 2020, there is compelling evidence that the Translator has been continuously silent for over 12 months.

⁷ 47 C.F.R. § 73.1740(a)(4).

⁸ *Id.*

⁹ 47 C.F.R. § 73.1635(a).

¹⁰ W264CW does not appear on the FCC’s [list](#) of Silent AM and FM Broadcast Stations (last updated April 5, 2022).

In view of the foregoing, Press respectfully requests that the Bureau deny the Renewal and cancel the Translator license W264CW as a matter of law.

Respectfully submitted,

Press Communications, L.L.C.

By: /s/ Robert A. Silverman

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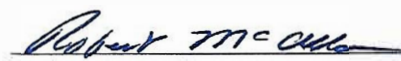
*Counsel for Press Communications,
L.L.C.*

May 4, 2022

Declaration of Robert McAllan

I, Robert McAllan, do hereby declare under penalty of perjury the following:

1. I am CEO of Press Communications, L.L.C.
2. I conducted the ongoing investigation of FM Translator W264CW as outlined in the Informal Objection on behalf of Press Communications, L.L.C.
3. The foregoing Informal Objection was prepared under my direction and supervision and that the contents of the filing and certifications therein are true and correct to the best of my knowledge, I have personal knowledge of the facts set forth therein, and believe them to be true and correct to the best of my knowledge, information and belief.


Robert McAllan

May 3, 2022

CERTIFICATE OF SERVICE

I, Linda Braboy, a paralegal at the law firm of Womble Bond Dickinson (US) LLP, do hereby certify that a true copy of the foregoing “Informal Objection” was sent the 4th day of May, 2022 via USPS mail, postage prepaid, to the following:

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/s/ Linda Braboy