

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)	
)	
UNIVERSITY OF RHODE ISLAND)	
Station WRIU(FM))	Facility ID 69206
Kingston, Rhode Island)	LMS Pleading No. 0000211510
)	
RHODE ISLAND PUBLIC RADIO)	Facility ID 53078
Station WNPH (FM) ¹)	LMS File No. 0000161410
Portsmouth, Rhode Island)	

TO: Office of the Secretary
Attn: Chief, Audio Division, Media Bureau

REPLY TO OPPOSITION TO ORDER TO SHOW CAUSE

Rhode Island Public Radio (“Rhode Island”), by its attorney, responds herewith to the Opposition to Order to Show Cause (“Opposition”) of University of Rhode Island (“URI”), filed February 28, 2023, regarding Rhode Island’s captioned application (“Application”) and the proposed modification of the license of URI’s Station WRIU(FM),² by stating as follows:

The Commission tentatively concludes that grant of the Application is warranted under Commission precedent, and that the public interest benefits of the proposal warrant issuance of the Order to Show Cause. It affords URI the opportunity to show why the license of WRIU(FM) should not be modified, under the statutory requirement to demonstrate the existence of a substantial and material question of fact.³

¹ Formerly “WNPK”. *Public Notice, “Applications,”* Report No. PN-1-221205-1, December 5, 2022.

² See *Letter of Albert Shuldiner to University of Rhode Island*, DA 23-82, released January 30, 2023 (“Order to Show Cause”).

³ 47 USC §316(b), incorporating the requirements of 47 USC §309(d).

URI has failed to meet the statutory burden; it provides no substantial and material question of fact entitling it to a hearing under the statute. For this reason alone, the Opposition should be denied and the WRIU(FM) license should be modified by grant of the WNPH(FM) application.

The Opposition is a rehash of what has gone before. URI repeats its assertion of the availability of alternate sites, despite the fact that the Commission takes an application as it finds it; the agency is not charged with evaluating the comparative attributes of proffered alternate proposals.

URI renews its complaint that the WNPH relocation will result in the Caused Overlap Area moving much closer to the WRIU transmitter site. It argues that the proximity of the WNPH transmitter site to the WRIU transmitter site will cause interference near the *WRIU* transmitter site, which is proximate to the URI campus. This argument misreads the nature of interference. The potential for perceived interference would be centered on the *WNPH* transmitter site, which is several kilometers east of the URI campus and not, as URI contends, at “the heart of [WRIU's] audience.”⁴

⁴ Regardless, WRIU's program service is designed for a much broader audience than URI campus denizens, as is evident from its claim to be “Southern New England's Leading Non-Commercial Radio Station.” See WRIU.org.

The Opposition should be denied, the Application should be granted, and the WRIU license modified accordingly. It is respectfully requested.

Respectfully submitted,

RHODE ISLAND PUBLIC RADIO

A handwritten signature in blue ink that reads "John Wells King". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

By: John Wells King
Its Attorney

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March 7, 2023

CERTIFICATE OF SERVICE

I, John Wells King, principal of the law firm of Law Office of John Wells King, PLLC, do hereby certify that a copy of the foregoing *Reply to Opposition to Order to Show Cause* was served this 7th day of March 2023, either by first class United States Mail, postage prepaid, or *electronically, upon the following:

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