

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

In the Matter of)
)
Amendment of Sections 74.1231, 74.1232)
74.1233 and 74.1284 of the Commission's)
Rules to allow AM licensees to become)
licensees of FM translators and to use)
them to retransmit their signals as)
fill-in service.)

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

**COMMENTS
OF
MORRIS BROADCASTING COMPANY OF NEW JERSEY, INC.**

MORRIS BROADCASTING COMPANY OF NEW JERSEY, INC. ("Morris"), by Counsel, pursuant to *Public Notice DA 98-2527 (released December 10, 1998)*, hereby submits these Comments in the above-captioned rule making proceeding regarding a proposal submitted by The American Community AM Broadcasters Association ("ACAMBA") to permit AM stations to become the owners and operators of FM translators that would re-transmit the AM signal for the purposes of fill-in service. In support hereof, Morris submits the following:

1. Morris is the licensee of Radio Station WIMG-AM at Ewing, New Jersey. Although Radio Station WIMG-AM is not an AM daytimer station -- having authority to operate at five kilowatts daytime and two and one-half kilowatts nighttime -- Morris believes that this proceeding should be expanded to provide special relief to broadcasters, such as Morris, that provide programming targeted to minorities. The WIMG-AM format caters to African-

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Americans, and nearly all of Morris' employees are African-American.

2. Radio Station WIMG-AM is required to power down fifty percent (50%) during nighttime hours. As a result, the station's coverage to most of Burlington County, New Jersey and portions of Mercer County, New Jersey are lost. When this occurs, WIMG-AM cannot provide service to the most heavily minority populated areas in its market. Since the Commission has recently reaffirmed its commitment to enhance minority-responsive broadcasting, Morris believes that in special unique circumstances such as WIMG-AM, the Commission should approve the use of FM translators by AM broadcasters to maintain full-time service to minority audiences.¹ Accordingly, hereinbelow Morris provides responsive comments to the series of proposals proffered by ACAMBA.

2. ACAMBA submits that many AM stations are at a competitive disadvantage as the result of weak nighttime signals. While FM and TV stations enjoy the benefit of permissible translator services, AM stations are currently denied such service (except in Alaska). See, ACAMBA petition at page 2.

3. Morris urges the Commission to acknowledge that AM daytimer stations are not the only AM stations that face a competitive disadvantage at night. As described hereinabove, stations such as WIMG-AM lose a significant portion of their target audience when required to power down at night. This proceeding needs to acknowledge the same, and address this issue as well.

4. ACAMBA proposes that FM translator service be permitted for stand alone AM stations only, with authorized AM power not exceeding 2,500

¹ Morris acknowledges that a station's format is always subject to change. Therefore, in the event the FCC grants an FM translator construction permit and license to a minority-responsive AM station, there should be conditions placed on the authorizations that a change to a non-minority responsive format would result in the automatic termination of the FM translator station's permit or license.

watts daytime and 500 watts nighttime. *See, ACAMBA petition at pages 4 and 5.*

5. Morris disagrees with such a blanket rule to determine which AM stations should qualify for FM translator supplemental service. While Morris agrees that any use of FM translators by AM broadcasters must be narrowly awarded to only the most deserving AM broadcasters, determinations based upon power only is most prejudicial. The Commission must look at the unique circumstances of each applicant and base its decision accordingly.

6. **ACAMBA claims that its proposal differs from other recent AM translator proposals in that it proposes these translators to be located anywhere within the AM station's .5 mV/m contour, as opposed to earlier proposals for service anywhere within the 1.0 mV/m contour. ACAMBA claims that the NAB supported the earlier AM translator proposals. *See, ACAMBA petition at page 7.***

7. Morris agrees with this aspect of the ACAMBA proposal.

WHEREFORE, the foregoing premises considered, Morris urges the Commission to implement a more formal notice and comment proceeding with respect to the ACAMBA proposal.

Respectfully submitted,

**MORRIS BROADCASTING COMPANY OF
NEW JERSEY, INC.**

By: 
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January 8, 1998

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 8th day of January, 1999, I have served a copy of the foregoing "**Morris Broadcasting Company of New Jersey, Inc.**" first-class, postage-prepaid, on the following:

Bryan Smeathers, President
American Community AM Broadcasters Association
One WMTA Drive
P.O. Box 973
Central City, KY 42330

A handwritten signature in black ink, appearing to read 'Cary S. Tepper', written over a horizontal line.

Cary S. Tepper, Esq.