

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Promoting Diversification of Ownership)	MB Docket No 07-294
In the Broadcasting Services)	
)	
2006 Quadrennial Regulatory Review – Review of)	MB Docket No. 06-121
the Commission’s Broadcast Ownership Rules and)	
Other Rules Adopted Pursuant to Section 202 of)	
the Telecommunications Act of 1996)	
)	
2002 Biennial Regulatory Review – Review of)	MB Docket No. 02-277
the Commission’s Broadcast Ownership Rules and)	
Other Rules Adopted Pursuant to Section 202 of)	
the Telecommunications Act of 1996)	
)	
Cross-Ownership of Broadcast Stations and)	MM Docket No. 01-235
Newspapers)	
)	
Rules and Policies Concerning Multiple Ownership)	MM Docket No. 01-317
of Radio Broadcast Stations in Local Markets)	
)	
Definition of Radio Markets)	MM Docket No. 00-244
)	
Ways to Further section 257 Mandate and To Build)	MB Docket No. 04-228
on Earlier Studies)	

To: Office of the Secretary
Attention: The Commission

COMMENTS

Multicultural Radio Broadcasting Licensee, LLC (“Multicultural”), licensee of Stations WJDM(AM), Elizabeth, New Jersey, and WWRU(AM) Jersey City, New Jersey, by its counsel, hereby comments on the Commission’s *Notice of Proposed Rule Making* in the above captioned proceeding.¹ Multicultural, and co-owned Way Broadcasting

¹ *In re Promoting Diversification of Ownership in the Broadcasting Services, Report and Order and Third Further Notice of Proposed Rule Making, 23 FCC Rcd 5922 (2008) (“NPRM”).*

Licensee, LLC (“Way”), are the licensees of the following pairs of original band and expanded band Stations: WNMA(AM) and WJCC(AM), Miami Springs, Florida; WHWH(AM), Princeton, New Jersey and WTTM(AM), Lindenwold, New Jersey; and KLIB(AM) and KFSG(AM), Roseville, California. Multicultural and Way are contemporaneously filing comments in this proceeding with a group of licensees that hold expanded band licenses (the “Joint Petitioners”). The Joint Petitioners’ Comments fully support the proposal in the *NPRM* to allow the licensees of AM stations that also hold an expanded band license to transfer one of the stations to a qualifying small business under certain circumstances. However, Multicultural is filing these separate comments with regard to Stations WWRU and WJDM to make the Commission aware that any action on this proposal should recognize that WJDM and WWRU are not subject to cancellation at the end of the five year period and thus should be treated differently under this proposal. In support hereof, Multicultural states as follows:

As the Commission recognized in the *NPRM*, not all expanded band licenses were issued to reduce interference. A small number of licenses were issued “to serve communities with populations of more than 100,000 persons that lacked a fulltime aural service.”² In fact, Congress expressly amended the Communications Act to provide first priority to stations that met this criteria.³ The policy behind § 331(b) was not interference or congestion reduction. Rather, its primary purpose was to advance the provision of additional service to underserved communities without regard to interference

² *Id.* at ¶ 88

³ P.L. 102-243, 105 Stat. 2394, approved December 20, 1991, Section 331 of the Communications Act of 1934 (47 U.S.C. 331(b)).

considerations.⁴ Following the implementation of § 331(b),⁵ the Commission issued approximately 54 licenses for AM expanded band stations. Multicultural's predecessor was one of two recipients of an authorization based on §331(b) for what would eventually become WWRU, operating on 1660 kHz. Thus, WWRU is a member of a very small minority of expanded band stations for which interference reduction played no role at all.

In light of the fact that the license for WWRU was not issued for interference reduction purposes, prior to the five year expiration date of the expanded band license for WWRU (on October 11, 2007), Multicultural filed modification of license applications for WWRU and WJDM requesting removal of the condition on each license that Multicultural surrender one of the licenses at the five year expiration date.⁶ These applications are pending. If the Commission does not act on these applications prior to its decision in this proceeding, Multicultural requests that the Commission exclude WWRU and WJDM from its decision. As briefed extensively in Multicultural's modification of license applications and related pleadings, Multicultural explained why the public interest would be served by the retention of the stations by Multicultural in order to provide minority oriented foreign language programming to substantial minority population groups in the two communities of license.

⁴ See § 73.30 of the Commission's Rules, Notes 1, 2 and 4.

⁵ *Policy Statement in the Matter of Amendment of Section 331 of the Communications Act of 1934*, 7 FCC Rcd 4905 (1992).

⁶ See BML-20071011AEG (WWRU); BML-20071011AEH (WJDM). On the five year expiration date (April 8, 2008), Multicultural conditionally surrendered the license for WJDM, filed a Request for Stay, and filed a Request for Special Temporary Authority to continue to operate WWRU and WJDM.

Accordingly, Multicultural hereby requests that Stations WJDM and WWRU be exempted from the decision made in this proceeding until the Commission makes a separate decision on the stations' modification of license applications.

Respectfully submitted,

MULTICULTURAL RADIO BROADCASTING
LICENSEE, LLC

By: _____/s/_____

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