

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

Creation of a Low Power Radio Service

MM Docket No. 99-25

Amendment of Service and Eligibility
Rules for FM Broadcast Translator Stations

MB Docket No. 07-172
RM-11338

To: The Commission

COMMENTS OF SACRED HEART UNIVERSITY, INC.

Sacred Heart University, Inc. (“SHU”), by its counsel, hereby submits these Comments in response to the *Third Notice of Proposed Rule Making* in the above captioned proceeding. (“*Notice*”).¹ SHU filed applications for three frequencies in the Danbury, Connecticut market during the 2003 window (Auction 83). In the *Notice*, the FCC proposes to dismiss all pending FM translator applications in the Danbury market in order to ensure channel availability for low power FM (“LPFM”) applicants.² As will be demonstrated, there is no need to dismiss any FM translator applications in the Danbury market because none of these applications preclude the availability of spectrum for the LPFM service. Instead it is possible to grant as many as five new LPFM stations in the Danbury market on other frequencies without dismissing any of the pending FM translator applications. In support hereof, SHU states as follows:

1. The Engineering Statement attached hereto as Exhibit A lists the pending applications in the Danbury market. From that list, SHU has identified four MX groups of

¹ *Creation of a Low Power Radio Service, Third Notice of Proposed Rule Making*, FCC 11-05 (rel. July 12, 2011).

² *See id.* at 4-6, 11-12, and Appendix A.

involving five different frequencies. As shown, none of the five frequencies can be used for LPFM service at the sites specified in the translator applications.³ If the Commission were to process and grant applications from all of the MX groups in this market, there will still be five channels available for LPFM service in the Danbury market. Thus, dismissal of the pending applications in the Danbury market is unnecessary and unwarranted.

I. BACKGROUND

2. The FCC “[r]ecogniz[es] that both LPFM stations and [FM] translators provide valuable service.”⁴ The goal of the procedures set forth in the *Notice* is to balance the spectrum needs of both services and to ensure that ample spectrum is available for LPFM service.⁵ To accomplish these goals, the *Notice* proposes that, in the top-150 markets where there is insufficient LPFM availability, the Commission will dismiss all pending FM translator applications. The Danbury market is the only one outside the top 150 in which the Commission proposes to dismiss all applications due to its mistaken belief that by dismissing the pending translator applications, new LPFM stations can be granted.⁶ In addition, the Commission incorrectly assumes there are no channels available for LPFM use. Under the Commission’s proposed “LPFM Channel Floor” for the Danbury market, at least five LPFM channels must be available.⁷ The Danbury market has only one licensed FM translator and four pending MX groups of applications. As shown in the Engineering Statement, the Commission could grant 5

³ See Exhibit A.

⁴ See *Notice* at 2 (quoting *Creation of a Low Power Radio Service*, 20 FCC Rcd 6763, 6778 (2005)).

⁵ See *Notice* at 2-3.

⁶ See *Notice* at 11-12.

⁷ *Id.*

LPFM stations if there is demand for that number of stations in the Danbury market when the Commission opens a window filing period and also grant five FM translators based on the four pending MX groups. Such action would be consistent with Section 5(3) of the Local Community Radio Act (“LCRA”)⁸ and strike a fair balance between the two services.

II. THE FCC CAN CONTINUE PROCESSING THE FM TRANSLATOR APPLICATIONS CONSISTENT WITH THE LPFM CHANNEL AVAILABILITY STANDARDS SET FORTH IN THE *NOTICE*

3. As shown in the attached Engineering Statement, due to the minimum spacing requirements in Section 73.807 of the Commission’s Rules, none of the five frequencies (96.1, 96.9, 102.3, 102.5 and 103.7 MHz) that have FM translator applications pending, can be used for LPFM stations at the proposed sites. This is due to the different processing standards used for the two services. FM translators are processed based on contour protection. LPFM stations are separated by mileage spacings set forth in Section 73.807 of the Commission’s Rules. Thus the distance to full service stations for FM translators is less than the comparable distance for LPFM stations. The Commission stated in the *Notice* that, in addition to the elimination of 3rd adjacent spacings, it will consider waiving 2nd adjacent spacing requirements.⁹ By doing so, the following channels could be made available for new LPFM stations—221, 225, 279, 293 and 298 at specified transmitter sites.¹⁰ Accordingly, the Commission can, and should, resume processing of the Danbury market applications as soon as possible.

⁸ Pub. L. No. 111-371, 124 Stat. 4072 (2011).

⁹ *Cf.* Note 23 to the *Notice*.

¹⁰ See Engineering Statement.

III. PUBLIC INTEREST FACTORS

4. SHU has made a strong commitment to provide local service through the use of translators. For example, SHU has provided service to several communities on Long Island for the past 18 years with unique, quality programs not offered by any other NCE station in that area. Through the use of these translators, that rebroadcast the programming of Station WSHU-FM, a vast number of Suffolk County, New York, residents are able to hear highly respected NPR News programs such as *Morning Edition* and *All Things Considered*, as well as *Car Talk*, *Marketplace* and *A Prairie Home Companion*. WSHU has provided local service to its Long Island listeners by focusing on local news. In addition to covering more stories of interest to Long Island listeners, SHU has won prestigious awards for such local programming as:

- **FOLIO Awards, from the Fair Media Council on Long Island**
 - “Latino Hate Crimes”
 - “Foreclosure Avoidance”
 - “Gualaceo”
- **National and Regional Edward R. Murrow Awards from RTDNA**
 - “A Community Victimized in the Shadows”
- **Public Radio News Directors, Inc.**
 - “Latino Victimization”

SHU broadcasts two daily news reports of local interest to the residents of Suffolk County. Long Islanders also tune in for classical music programming that is entirely locally produced. Two of WSHU’s four music on-air hosts are residents of Suffolk County. If SHU were to receive FM translator permits in the Danbury market, it would also focus its news and special event programming on the needs of listeners in the Danbury area.

IV. USE OF VHF CHANNELS 5 AND 6

5. SHU is aware of the proposal submitted by the Broadcast Maximization Committee (“BMC”) in the Diversity docket proceeding.¹¹ The proposal suggests that a portion of the vacant spectrum in VHF Channels 5 and 6 can be used to relocate the LPFM service by dedicating 1 MHz of spectrum space for this service. BMC notes that its proposal would allow thousands of new LPFM stations to be located in the largest markets where there is no current availability; free from interference from full power stations, and avoid any conflicts with the FM translator service in the major markets. SHU urges the Commission to give serious consideration to BMC’s proposal.

CONCLUSION

6. The Commission should not dismiss any of the pending FM translator applications in the Danbury market referenced in Appendix A. Contrary to the Commission’s belief, such dismissals would not permit the grant of any new LPFM stations. On the other hand, there are at least five other frequencies available in the Danbury market provided the Commission is willing to waive the second adjacent spacing rule as it proposes to do in the *Notice*. By taking such action, the Commission will be implementing the LCRA properly by preserving licensing opportunities for the LPFM service and process the long pending FM translator applications in this market.

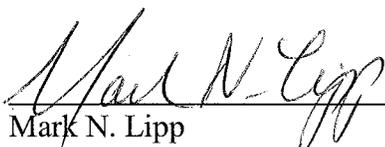
¹¹ *Promoting Diversification of Ownership in the Broadcasting Services, et al., Report and Order and Third Further Notice of Proposed Rule Making*, 23 FCC Rcd 5922 (2008).

7. In the event, that the Commission decides to dismiss all of the pending FM translator applications despite this showing by SHU and despite the fact that such dismissals are unwarranted and in violation of established cut off rules, SHU urges the Commission to place the pending FM translator applications on hold rather than dismiss, and if there are no conflicting LPFM applications filed in the window, then the translator applications can be reinstated rather than have them wait for another window and be subjected to additional conflicting applications.

Accordingly for the reasons stated, SHU requests that the Commission immediately process the pending Danbury market FM translator applications and grant those applications consistent with its standards for resolving MX groups.

Respectfully submitted,

SACRED HEART UNIVERSITY, INC.

By: 
Mark N. Lipp
Jake Riehm
Wiley Rein LLP
1776 K Street, N.W.
Washington, DC 20006
(202) 719-7503

September 6, 2011

Its Attorneys

EXHIBIT A

ENGINEERING STATEMENT IN SUPPORT OF COMMENTS BY

SACRED HEART UNIVERSITY, INC.

In the Matter of

Creation of a Low Power Radio Service

MM Docket No. 99-25

Amendment of Service and Eligibility Rules for
FM Broadcast Translator Stations

MB Docket No. 07-172
RM-11338

INTRODUCTION

The following engineering statement has been prepared by Communications Technologies, Inc. (“CTI”) on behalf of Sacred Heart University, Inc. (“SHU”), Fairfield, Connecticut. The purpose of this statement is to fully evaluate the Danbury, Connecticut radio market, as defined by Arbitron, for purposes of analyzing LPFM and FM translator availability and the submission of Comments in the above referenced proceeding as requested by the Commission in the Third Further Notice of Proposed Rule Making (“FNPRM”) in MM Docket No. 99-25 released July 12, 2011.

MARKET ANALYSIS

At paragraph 8 of the FNPRM it is stated that the Bureau studied selected markets based on the Arbitron definition. In Appendix A, the Commission indicates that there are five (5) pending applications in this market. SHU filed applications for three (3) different frequencies in this market and each of these applications are in mx groups. The first step in the analysis undertaken by CTI was to determine how many applications were located within the Danbury market as depicted on the 2011 Arbitron Radio Metro Map, *Figure 1*. Based on CTI’s analysis, the total number of translator station applications and licenses whose transmitter sites are located inside the Danbury market are tabulated on *Exhibit I*, attached. *Figure 2* depicts the pending translator application sites and the associated 60 dBu contours. It is noted that the pending translator applications comprise four MX groups of applications in the Danbury market involving five different frequencies. Ultimately the maximum number of new FM translator grants in the Danbury market would be 4 or 5 permits.

Exhibit II lists the four (4) separate site areas for which FM translators are proposed in the Danbury market.¹ An LPFM allocation study was run at each of the four site coordinates shown for all 100 FM channels. The study results tabulated on the right side of the exhibit are based on multiple run configurations:

- The first run employed the minimum distance separation requirements found in Section 73.807 of the rules except for the 3rd adjacent spacing requirement.
- The second run employed the minimum distance separation requirements found in Section 73.807 of the rules except for the 3rd adjacent spacing requirement and the deletion of translator records from the study.
- The third run employed the minimum distance separation requirements found in Section 73.807 of the rules except for the 2nd and 3rd adjacent spacing requirement and the deletion of translator records from the study.
- The fourth run employed the minimum distance separation requirements found in Section 73.807 of the rules except for I.F. spacings, the 2nd and 3rd adjacent spacing requirement and the deletion of translator records from the study.

Exhibit II demonstrates that an LPFM application cannot be proposed at any of the proposed translator sites and meet the co and first adjacent minimum spacing requirements found in Section 73.807 of the rules for any NCE or commercial channel. It is believed that there is a general misconception within the radio community that if an FM translator application can be successfully filed for at a particular set of coordinates that an LPFM application can as well. This analysis demonstrates how inaccurate that assumption is.

The reason why an FM translator can be specified where an LPFM cannot is that translators are able to employ contour protection methodology while LPFM stations are restrained by specific minimum distance separation requirements. A study of CH 245 at the first site coordinates specified on Exhibit II demonstrates the case:

¹ It is acknowledged that Appendix A of the FNPRM lists 5 pending translator apps in the Danbury *market*, however, the only correlation found to that number in this analysis is that there are 5 pending applications for the *community* of Danbury. Since there is no clear explanation of this determination in the FNPRM no additional investigation regarding this anomaly has been undertaken in conjunction with this analysis.

- The required minimum separation to co channel station WRRB, CH 245A, Arlington, NY is 67 km but the WRRB site is only 59.8 km distant. Contour protection makes the shorter separation possible for a translator application.
- The required minimum separation to 1st adjacent station WQHT, CH 246B, New York, NY is 97 km but the WQHT site is only 83 km distant. Contour protection makes the shorter separation possible for a translator application.

Exhibit III is a LPFM allocation study using the FCC LPFM Search Program “LPFMhi.exe.” The study parameters are set forth on the first page and are restated here for ease of access. Option 3, with grid city reference coordinates for Danbury, CT of NL: 41-23-41, WL: 73-27-16 was utilized. The program was set to omit 2nd and 3rd adjacent channel stations, I.F. separations, FM translator facilities and TV 6 facilities. The largest available grid size of 30 minutes in latitude and longitude was employed.

Pages 1-5 of *Exhibit III* list the 22 channels and associated coordinates identified by the program as meeting 73.807 spacing requirements as adjusted. The program does not employ a database which includes the Arbitron geographic boundary limits so the first test conducted for each channel was a determination of whether the working coordinates are inside the Danbury Arbitron market boundary. Six of the sites were found to be outside the market boundary. One was so close to the market boundary that it could be moved modestly to fit clearly inside the market. Page 6 of *Exhibit III* summarizes the LPFM availability for the Danbury, Connecticut Arbitron market by channel. The overall conclusion is that five (5) LPFM channels may be allocated to the Danbury, CT market if the Commission will waive the 2nd adjacent channel spacing requirement. Additionally, and importantly, these five (5) channels achieve the desired “LPFM Channel Floor” as described in the FNPRM for the Danbury market and are not mutually exclusive with any of the pending FM translator applications. Thus, whether or not the pending FM translator applications are granted, LPFM availability can only be accomplished on other channels.

It should be noted that of the five LPFM channels that can be allocated to the Danbury, CT market some work at multiple grid coordinate locations identified by the FCC program. *Figure 3* depicts each coordinate location and the associated LPFM 100 watt @ 30 m HAAT predicted 60 dBu contour.

The full program output may be found in *Exhibit III Appendix* following *Exhibit III*.

ALTERNATIVE SOLUTION TO RELIEVE CHANNEL CONGESTION

SHU is aware of the proposal submitted by the Broadcast Maximization Committee (“BMC”) in the Diversity docket proceeding.² The proposal suggests that a portion of the vacant spectrum in VHF Channels 5 and 6 can be used to relocate the LPFM service by dedicating spectrum space for this service. It is believed that BMC’s proposal would allow for many new LPFM stations to be located in markets where there is currently little or no LPFM availability. In fact, there may be no way to achieve the proposed LPFM service floor without employing this added spectrum. Further, LPFM operation in VHF TV Channel 5 and 6 spectrum would be free from interference from full power stations and avoid any conflicts with the FM translator service.

SHU urges the Commission to give serious consideration to BMC’s proposal with the initial use of analog FM transmission in 100 kHz channels rather than digital only service. Initial use of analog FM could speed the importation of existing FM receivers already marketed in portions of Europe and Asia which receive the 76 – 88 MHz frequency range.

CONCLUSIONS, OBSERVATIONS AND COMMENTS

The Third Further Notice of Proposed Rule Making seeks comments on all aspects of a future LPFM filing window. Based on the above analysis, the following conclusions can be drawn:

1. Appendix A lists the number of FM translator applications pending in the Danbury, CT market as a total of five (5). By reference to Exhibit I there are five (5) translator applications for the community of Danbury but ten (10) FM translator applications in the Danbury Arbitron market. The purpose for pointing out this discrepancy is not that the number of translator applications is different but rather the fact that the identification process is flawed and/or inaccurate and should be rectified so that decisions may be based on accurate and thorough information. Exhibit II describes the four (4) transmitter sites which encompass the ten (10) application sites as shown on Exhibit I. Based on these discrepancies it is believed that the methodology used to describe the

² *Promoting Diversification of Ownership in the Broadcasting Services, et al., Report and Order and Third Further Notice of Proposed Rule Making*, 23 FCC Rcd 5922 (2008).

number of FM translator applications may not be reliable. Nothing other than the manual methodology employed herein is currently known to be available to accurately calculate the number of translator applications in a market.

2. After the translator mx groups are resolved, it is possible that either four or five applications in the Danbury market can be granted.
3. Appendix A correctly states that there are no LPFM opportunities for the Danbury, CT market because 2nd adjacent channel spacings were employed in the analysis to develop Appendix A. SHU believes that when studies show that the minimum LPFM service floor cannot be attained with 2nd adjacent channel spacings intact that an analysis should be undertaken, as was done here, to determine if the service floor can be met with second adjacent and I.F. spacings eliminated. This is consistent with the processing of FM translator applications and would serve the public interest by opening opportunities for LPFM service not otherwise available.
4. LPFM applicants seeking 2nd adjacent channel and/or I.F. spacing waivers should be given the opportunity to demonstrate a lack of interference to the potentially impacted short spaced facilities using commonly accepted engineering practices currently approved for FM translator processing upon a showing that no alternative channel is available meeting 2nd adj. channel spacings.

As demonstrated in Exhibit 1, no pending translator application site is viable for a new LPFM under any circumstances. However, the analysis undertaken by CTI reveals that five (5) alternate channels and site locations within the Danbury Arbitron market can be made available for LPFM applications if the Commission will waive the 2nd adj. channel spacings in Section 73.807. A number of the pending translator applications will necessarily be dismissed in order to effectuate a resolution of the mx groupings involving these applications, resulting in the likelihood that no more than four (4) translator applications for the Danbury market will result from this filing opportunity. This balance is in keeping with the mandate of Section 5 of the LCRA that the two services be considered as “equal in status” with licenses available for both. Based on the above, SHU urges the Commission to release the pending Danbury market translator applications for processing.

Respectfully submitted on behalf of,

SACRED HEART UNIVERSITY, INC.

By: _____ /SS/

Clarence M. Beverage

Laura M. Mizrahi

for Communications Technologies, Inc.

September 2, 2011

EXHIBIT I

**LIST OF TRANSLATOR LICENSES AND APPLICATIONS
BELIEVED TO BE LOCATED IN THE DANBURY, CONNECTICUT ARBITRON MARKET**

AUGUST 26, 2011

CALL OWNER LATITUDE	ST	CITY LONGITUDE	FREQ HAAT:m AMSL:m	CHN	CL	ERP	STAT
NEW BNPFT20030314APC 41-22-26.7 N	CT	DANBURY SACRED HEART UNIVERSITY, INC. 73-26-46.6 W	96.90000 124.750 286.000		D	10.00	APP
NEW BNPFT20030317LED 41-21-47.0 N	CT	DANBURY DENNIS JACKSON 73-28-04.0 W	103.70000 139.816 306.000		D	10.00	APP
W297AN BMLFT20110214AAG 41-22-27.0 N	CT	DANBURY THE BERKSHIRE BROADCASTING CORPORATION 73-26-47.0 W	107.30000 140.421 302.000		D	21.00	LIC
NEW BNPFT20030317KXP 41-21-34.0 N	CT	DANBURY CONNECTICUT PUBLIC BROADCASTING, INC. 73-27-57.0 W	96.90000 141.237 309.000		D	10.00	APP
NEW BNPFT20030317LDW 41-21-47.0 N	CT	DANBURY DENNIS JACKSON 73-28-04.0 W	102.50000 139.816 306.000		D	10.00	APP
NEW BNPFT20030314APH 41-27-03.0 N	CT	NEW FAIRFIELD SACRED HEART UNIVERSITY, INC. 73-30-56.7 W	96.90000 133.921 323.000		D	10.00	APP
NEW BNPFT20030314APG 41-27-03.0 N	CT	NEW FAIRFIELD SACRED HEART UNIVERSITY, INC. 73-30-56.7 W	96.10000 133.921 323.000		D	10.00	APP
NEW BNPFT20030314APE 41-22-26.7 N	CT	DANBURY SACRED HEART UNIVERSITY, INC. 73-26-46.6 W	96.10000 124.750 286.000		D	10.00	APP
NEW BNPFT20030314AOW 41-29-35.7 N	CT	BROOKFIELD SACRED HEART UNIVERSITY, INC. 73-25-44.6 W	96.90000 109.724 279.000		D	10.00	APP
NEW BNPFT20030314AOP 41-29-35.7 N	CT	BROOKFIELD SACRED HEART UNIVERSITY, INC. 73-25-44.6 W	96.10000 109.724 279.000		D	10.00	APP
NEW BNPFT20030314AOS 41-29-35.7 N	CT	BROOKFIELD SACRED HEART UNIVERSITY, INC. 73-25-44.6 W	102.30000 109.724 279.000		D	10.00	APP

EXHIBIT II

LPFM SEARCH

EMPLOYING CURRENTLY PROPOSED FM TRANSLATOR SITES DANBURY, CONNECTICUT ARBITRON MARKET

AUGUST 26, 2011

Study Coordinates

NEW CT DANBURY
BNPFT20030314APC SACRED HEART UNIVERSITY, INC.
41-22-26.7 N 73-26-46.6

NEW CT DANBURY
BNPFT20030317LED DENNIS JACKSON
41-21-47.0 N 73-28-04.0 W

NEW CT NEW FAIRFIELD
BNPFT20030314APG SACRED HEART UNIVERSITY, INC.
41-27-03.0 N 73-30-56.7 W

NEW CT BROOKFIELD
BNPFT20030314AOW SACRED HEART UNIVERSITY, INC.
41-29-35.7 N 73-25-44.6 W

Results

- 1) Ignore 3rd adj. & allocations. No LPFM at this site CH 201 – 300.
- 2) Ignore 3rd adj., allocations & FM translators. No LPFM at this site CH 201 – 300.
- 3) Ignore above plus 2nd adj. No LPFM at this site CH 201 – 300.
- 4) Ignore above plus I.F. No LPFM at this site CH 201 – 300.

- 1) Ignore 3rd adj. & allocations. No LPFM at this site CH 201 – 300.
- 2) Ignore 3rd adj., allocations & FM translators. No LPFM at this site CH 201 – 300.
- 3) Ignore above plus 2nd adj. No LPFM at this site CH 201 – 300.
- 4) Ignore above plus I.F. No LPFM at this site CH 201 – 300.

- 1) Ignore 3rd adj. & allocations. No LPFM at this site CH 201 – 300.
- 2) Ignore 3rd adj., allocations & FM translators. No LPFM at this site CH 201 – 300.
- 3) Ignore above plus 2nd adj. No LPFM at this site CH 201 – 300.
- 4) Ignore above plus I.F. No LPFM at this site. CH 201 – 300.

- 1) Ignore 3rd adj. & allocations. No LPFM at this site CH 201 – 300.
- 2) Ignore 3rd adj., allocations & FM translators. No LPFM at this site CH 201 – 300.
- 3) Ignore above plus 2nd adj. No LPFM at this site CH 201 – 300.
- 4) Ignore above plus I.F. No LPFM at this site CH 201 – 300.

EXHIBIT III

**LPFM ALLOCATION STUDY USING
FCC LPFM PROGRAM LPFM6hi.exe
USING REFERENCE COORDINATES
NL 41-23-41 WL 73-27-16
DANBURY, CONNECTICUT MARKET**

AUGUST 26, 2011

STUDY PARAMETERS

Option 3 employed. 2nd and 3rd adjacent channel separations not employed, I.F. and TV 6 not considered, no translator records considered and all full service license, CP and applications considered. 30' x 30' grid size. 100 watts @ 30 meters. Output file Micro-DanburyCT08241124.TXT – see Appendix.

PROGRAM OUTPUT

The results of the computer run are summarized as follows:

NCE channels – none available.

Commercial Channels – LPFM Channels Found

CH 221	CH 254	CH 273	CH 297
CH 225	CH 258	CH 279	CH 298
CH 245	CH 272	CH 293	

ANALYSIS OF PROGRAM OUTPUT

CH 221 Study NL 41-24-41, WL 73-13-16

Inside Arbitron Boundary – yes

At WWYZ CH 223B Waterbury, CT 67.5 dBu service contour

At WXCI CH 219A Danbury, CT 60.5 dBu service contour

No other short spacings.

CH 225 Study NL 41-23-41, WL 73-12-16

Inside Arbitron Boundary – yes

At WWYZ CH 223B Waterbury, CT 67.5 dBu service contour

No other short spacings.

EXHIBIT III
PAGE 2

CH 225 Study NL 41-28-41, WL 73-20-16

Inside Arbitron Boundary – yes

At WWYZ CH 223B Waterbury, CT 64.5 dBu service contour

No other short spacings.

CH 225 Study NL 41-31-41, WL 73-26-16

Inside Arbitron Boundary – yes

At WWYZ CH 223B Waterbury, CT 60.5 dBu service contour

No other short spacings.

CH 245 Study NL 41-23-41, WL 73-12-16

Inside Arbitron Boundary – yes

At WTIC CH 243B Hartford, CT 60 dBu service contour

Outside WALK CH 248B 54 dBu service contour

Short to FM translator applications for CH 245:

- 3.6 km Sacred Heart University, Danbury, CT, BNPFT20030314APC
- 2.3 km Sacred Heart University, Brookfield, CT, BNPFT20030314AOW
- 1.8 km Connecticut Public, Danbury, CT, BNPFT20030317KXP

No other short spacings.

CH 245 Study NL 41-26-41, WL 73-16-16

Inside Arbitron Boundary – yes

At WTIC CH 243B Hartford, CT 58.5 dBu service contour

Short to FM translator applications for CH 245:

- 9.7 km Sacred Heart University, Brookfield, CT, BNPFT20030314AOW
- 7.4 km Sacred Heart University, Danbury, CT, BNPFT20030314APC
- 5.2 km Connecticut Public, Danbury, CT, BNPFT20030317KXP
- 3.5 km Sacred Heart University, New Fairfield, CT BNPFT20030314APH

No other short spacings.

EXHIBIT III
PAGE 3

CH 245 Study NL 41-36-41, WL 73-12-16

Inside Arbitron Boundary – no

CH 254 Study NL 41-34-41, WL 73-13-16

Inside Arbitron Boundary – no

CH 258 Study NL 41-34-41, WL 73-13-16

Inside Arbitron Boundary – no

CH 272 Study NL 41-23-41, WL 73-28-16

Inside Arbitron Boundary – yes

Inside WDRC CH 275B Hartford, CT 57 dBu service contour
-4.7 km short to WXCI CH 219A Danbury, CT I.F. separation

Short to FM translator applications for CH 272:

- 12.5 km Sacred Heart University, Brookfield, CT BNPFT20030314AOS
- 9.5 km Dennis Jackson, Danbury, CT, BNPFT20030317LDW

No other short spacings.

CH 273 Study NL 41-25-41, NL 73-14-16

Note: Slightly outside Market Boundary – moved to NL 41-25-20, WL 73-15-00

Inside Arbitron Boundary – yes

Inside WDRC CH 275B Hartford, CT 65 dBu service contour

Short to FM translator application for CH 272:

- 4.6 km Dennis Jackson, Danbury, CT BNPFT20030317LDW

No other short spacings.

EXHIBIT III
PAGE 4

CH 279 Study NL 41-38-41, WL 73-42-16

Inside Arbitron Boundary – no

CH 279 Study NL 41-32-41, WL 73-26-16

Inside Arbitron Boundary – yes

Note: Since short to BNPFT20030317LED Danbury, CT on CH 279 go to next coordinates.

CH 279 Study NL 41-23-41, WL 73-12-16

Inside Arbitron Boundary – yes

Note: Since short to BNPFT20030317LED Danbury, CT on CH 279 go to next coordinates.

CH 279 Study NL 41-37-41, WL 73-42-16

Inside Arbitron Boundary – no

CH 279 Study NL 41-31-41, WL 73-27-16

Inside Arbitron Boundary – yes

Note: Since short to BNPFT20030317LED Danbury, CT on CH 279 go to next coordinates.

CH 279 Study NL 41-23-41, WL 73-12-16

Inside Arbitron Boundary – yes

Since short to BNPFT20030317LED Danbury, CT on CH 279 go to next coordinates.

CH 279 Study NL 41-37-41, WL 73-12-16

Inside Arbitron Boundary – yes

At WMRQ CH 281B Waterbury, CT 67 dBu service contour

No other short spacings.

EXHIBIT III
PAGE 5

CH 293 Study 41-34-41, WL 73-15-16

Inside Arbitron Boundary – yes

At WHCN CH 290B Hartford, CT 66 dBu service contour

At WCCC CH 295B Hartford, CT 63 dBu service contour

No other short spacings.

CH 297 Study NL 41-26-41, WL 73-16-16

Inside Arbitron Boundary – yes

-15.4 km to W297AN Danbury, CT

No other short spacings.

CH 298 Study NL 41-38-41, WL 73-19-16

Inside Arbitron Boundary – yes

At WCCC CH 295B Hartford, CT 59.5 dBu service contour

At WEBE CH 300B Westport, CT outside 54 dBu service contour

No other short spacings.

CH 298 Study NL 41-34-41, WL 73-13-16

Inside Arbitron Boundary – yes

At WCCC CH 295B Hartford, CT 64 dBu service contour

At WEBE CH 300B Westport, CT 54.5 dBu service contour

No other short spacings.

EXHIBIT III
PAGE 6

CONCLUSION

After evaluating each channel and location the final LPFM availability is summarized as follows:

NCE channels – none available.

Commercial Channels – LPFM Channels Found

- *CH 221 One LPFM availability, two 2nd adjacent CH waivers, no Translator mx and one set of coordinates identified.
- *CH 225 One LPFM availability, one 2nd adjacent CH waiver, no Translator mx and three sets of coordinates identified.
- CH 245 One LPFM availability, one 2nd adjacent CH waiver, at least three Translator mx and two sets of coordinates identified.
- CH 254 No channel availability inside market.
- CH258 No channel availability inside market.
- CH 272 One LPFM availability, two 2nd adjacent CH waivers, at least one Translator mx and one set of coordinates identified.
- CH 273 One LPFM availability, one 2nd adjacent CH waiver and one Translator mx and one set of coordinates identified.
- *CH 279 One LPFM availability, one 2nd adjacent CH short spacing, no Translator mx and one set of coordinates identified.
- *CH 293 One LPFM availability, one 2nd and CH waiver and one 3rd adjacent short spacing, no Translator mx and one set of coordinates identified.
- CH 297 No channel availability – short spaced to licensed translator.
- *CH 298 One LPFM availability, one 2nd and CH waiver and one 3rd adjacent short spacing, no Translator mx and two sets of coordinates identified.

Note: * Signifies LPFM channel not precluded by proposed FM translators.

EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

Danbury, CT
 Latitude 41-23-41
 Longitude 073-27-16
 Grid Size 31 x 31
 Micro FM 100 Watts at 30m HAAT
 Co-Channel and 1st Adjacent Protected
 2nd Adjacent Channel Not Protected
 3rd Adjacent Channel Not Protected
 I.F. Not Protected
 TV Channel 6 Not Protected
 CP Records Protected
 APP Records Protected
 FM Translators Not Protected
 TV Channel 6 Translators/LP Not Protected

Chan	Avail								
200	0	220	0	240	0	260	0	280	0
201	0	221	3	241	0	261	0	281	0
202	0	222	0	242	0	262	0	282	0
203	0	223	0	243	0	263	0	283	0
204	0	224	0	244	0	264	0	284	0
205	0	225	64	245	34	265	0	285	0
206	0	226	0	246	0	266	0	286	0
207	0	227	0	247	0	267	0	287	0
208	0	228	0	248	0	268	0	288	0
209	0	229	0	249	0	269	0	289	0
210	0	230	0	250	0	270	0	290	0
211	0	231	0	251	0	271	0	291	0
212	0	232	0	252	0	272	7	292	0
213	0	233	0	253	0	273	8	293	41
214	0	234	0	254	30	274	0	294	0
215	0	235	0	255	0	275	0	295	0
216	0	236	0	256	0	276	0	296	0
217	0	237	0	257	0	277	0	297	34
218	0	238	0	258	31	278	0	298	28
219	0	239	0	259	0	279	260	299	0
								300	0

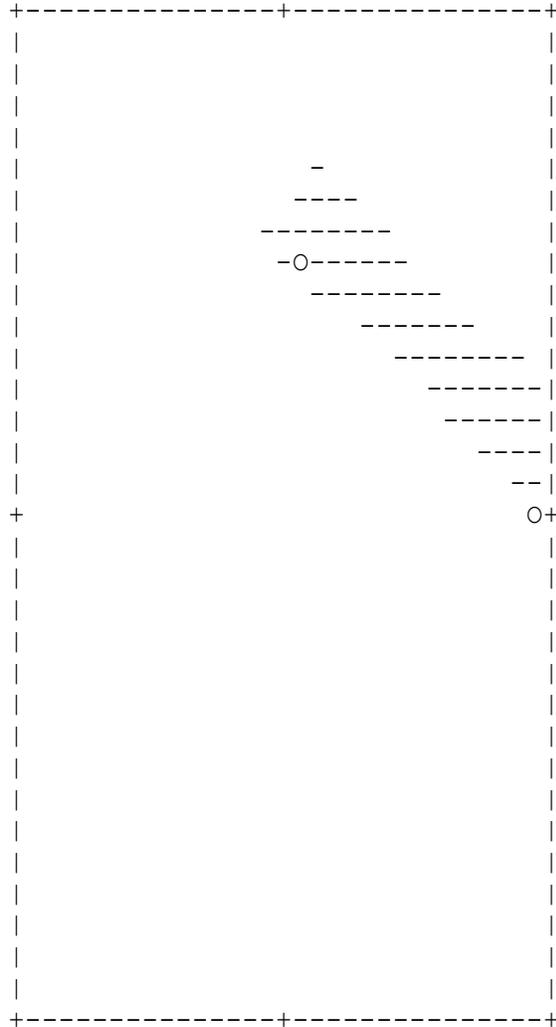
 Total 540

EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

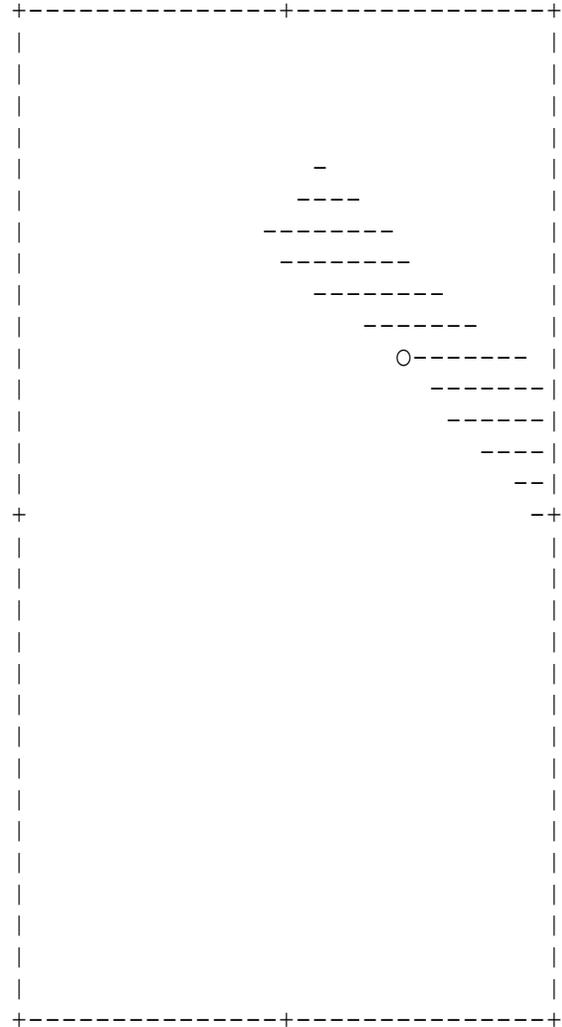
PAGE 3

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Least preclusive siting
Availability of Channel 225 (X)



Point #016 at 41-23-41 073-12-16
Point #458 at 41-31-41 073-26-16

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Most preclusive siting
Availability of Channel 225 (X)

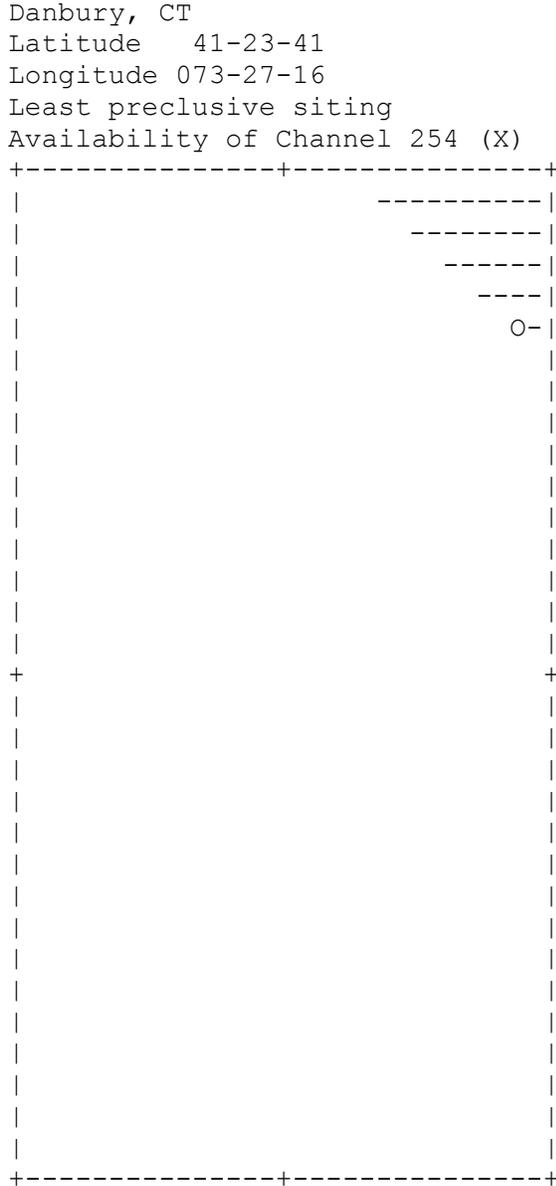


Point #269 at 41-28-41 073-20-16

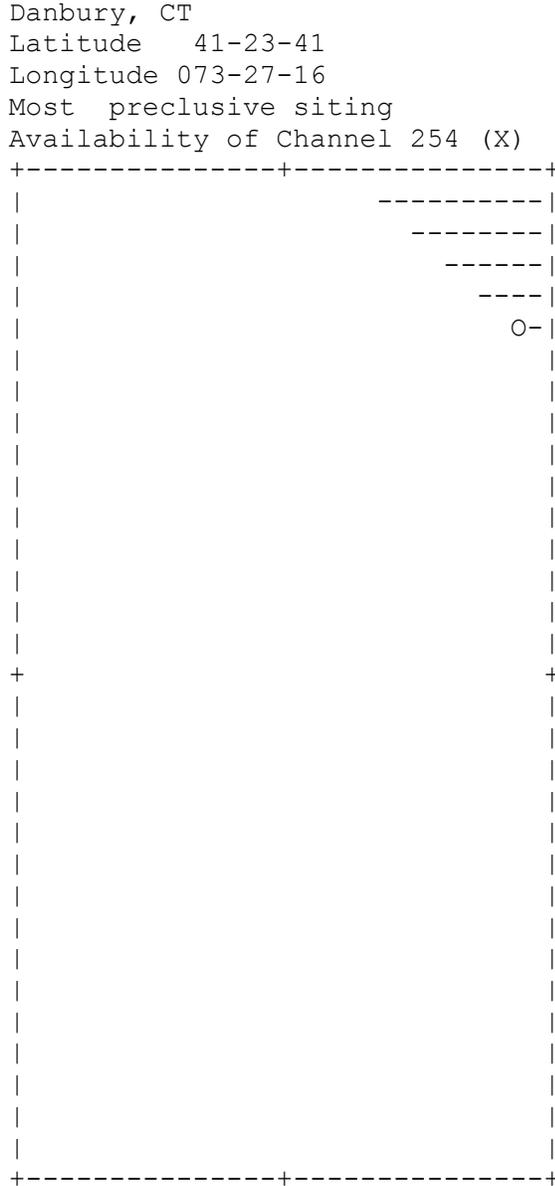
EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

PAGE 5



Point #058 at 41-34-41 073-13-16



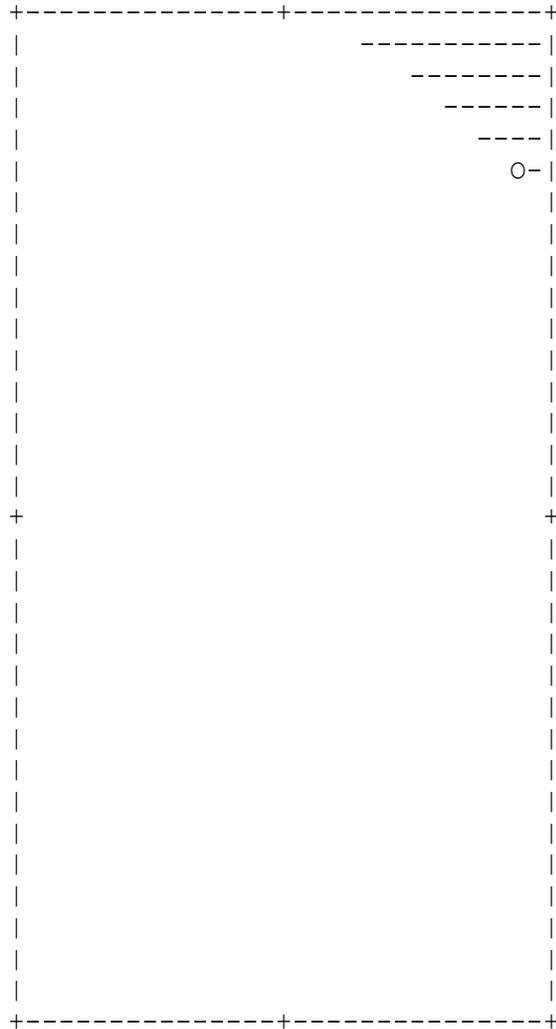
Point #058 at 41-34-41 073-13-16

EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

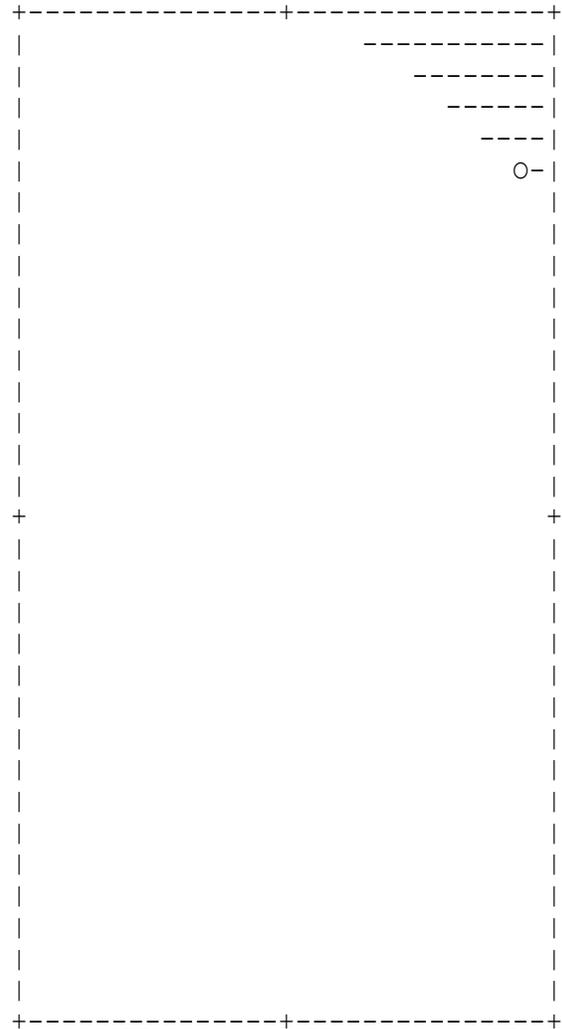
PAGE 6

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Least preclusive siting
Availability of Channel 258 (X)



Point #058 at 41-34-41 073-13-16

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Most preclusive siting
Availability of Channel 258 (X)



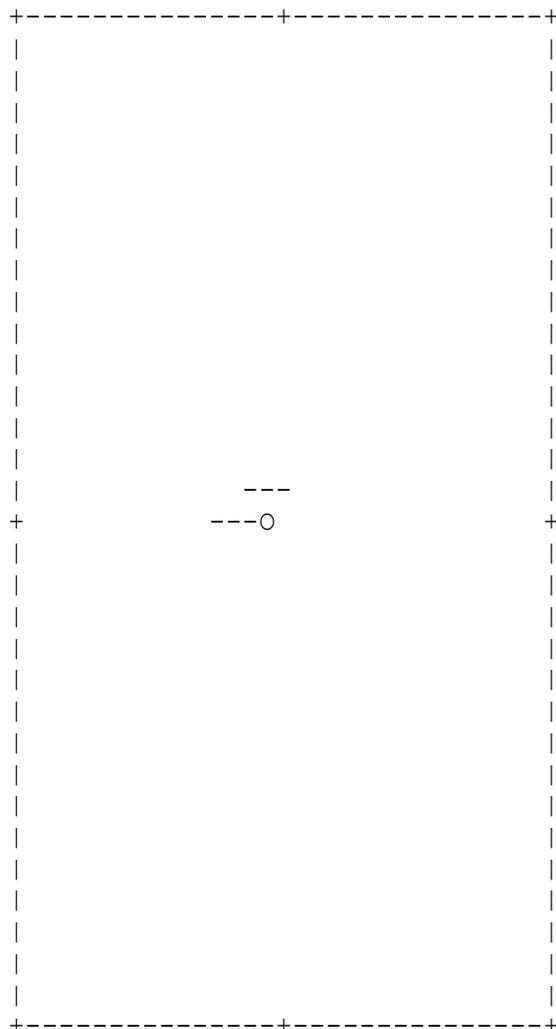
Point #058 at 41-34-41 073-13-16

EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

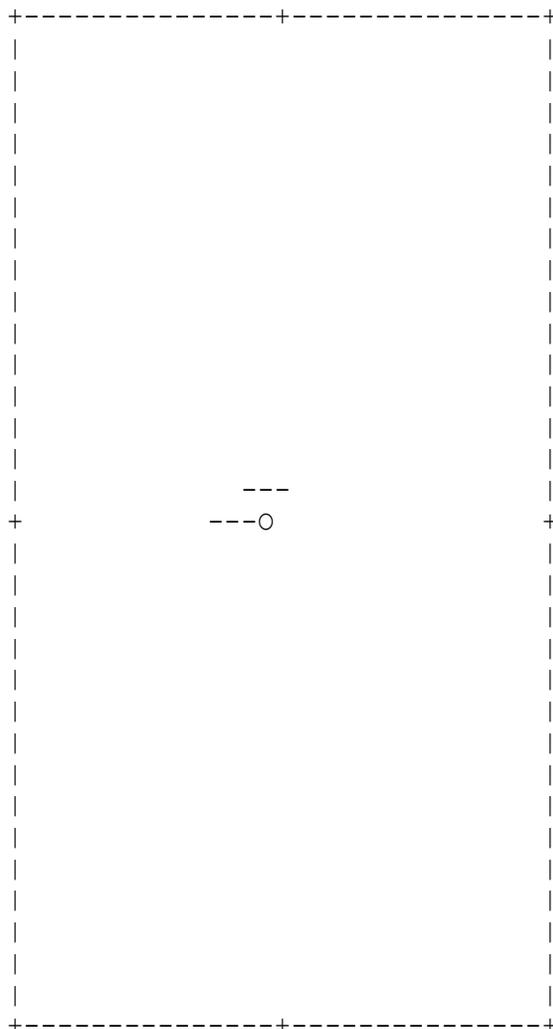
PAGE 7

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Least preclusive siting
Availability of Channel 272 (X)



Point #512 at 41-23-41 073-28-16

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Most preclusive siting
Availability of Channel 272 (X)



Point #512 at 41-23-41 073-28-16

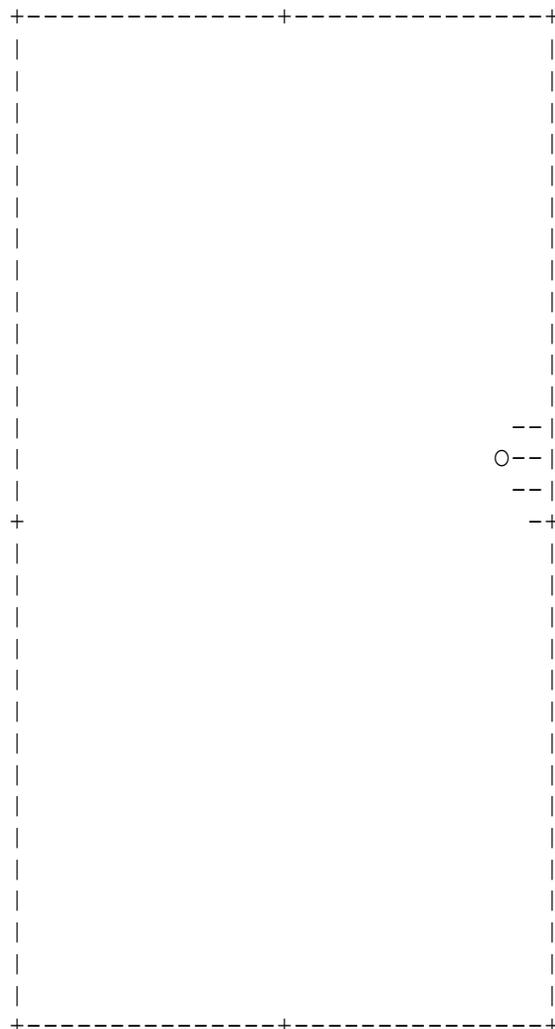
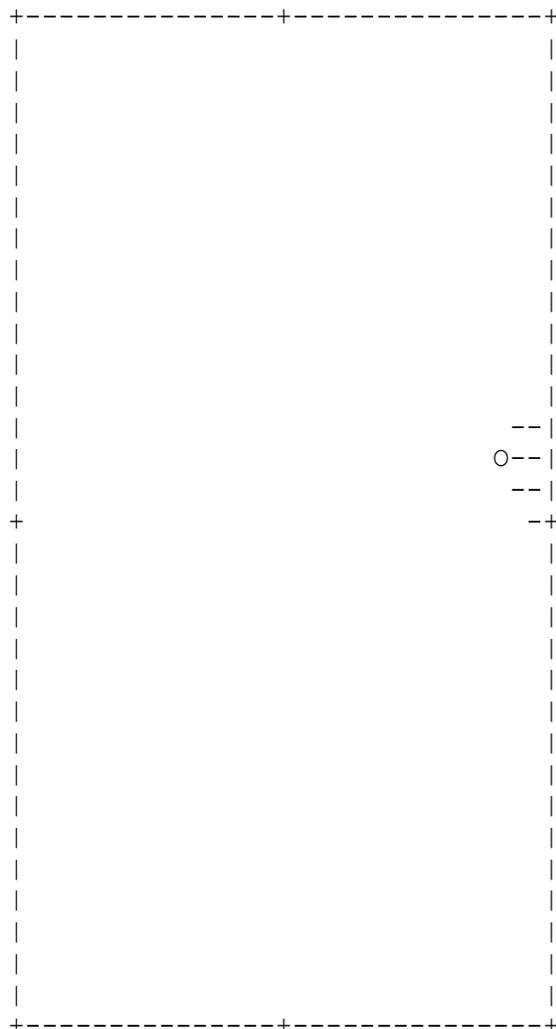
EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

PAGE 8

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Least preclusive siting
Availability of Channel 273 (X)

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Most preclusive siting
Availability of Channel 273 (X)



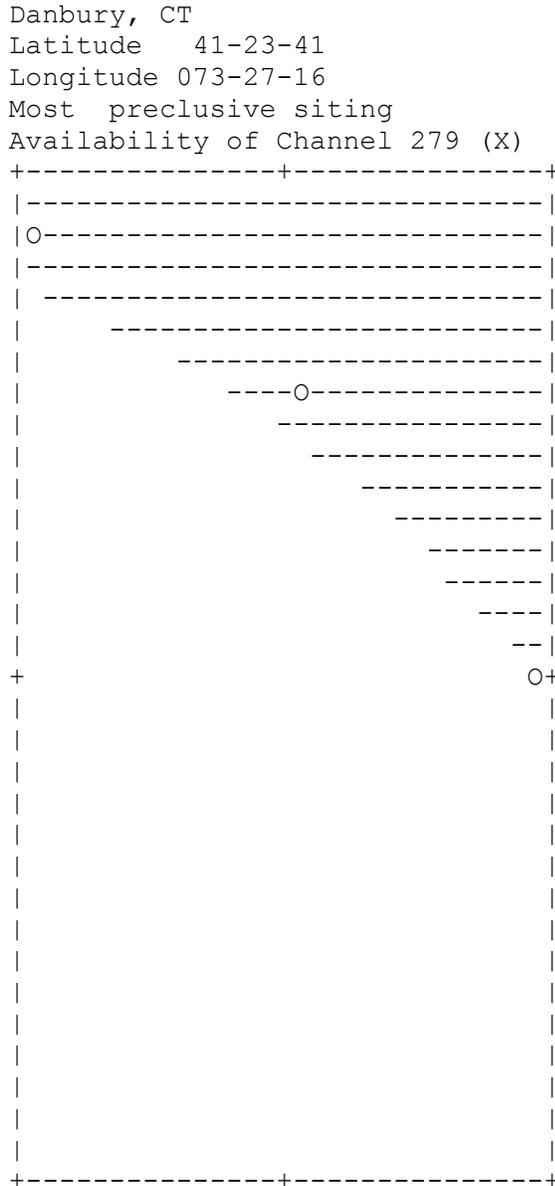
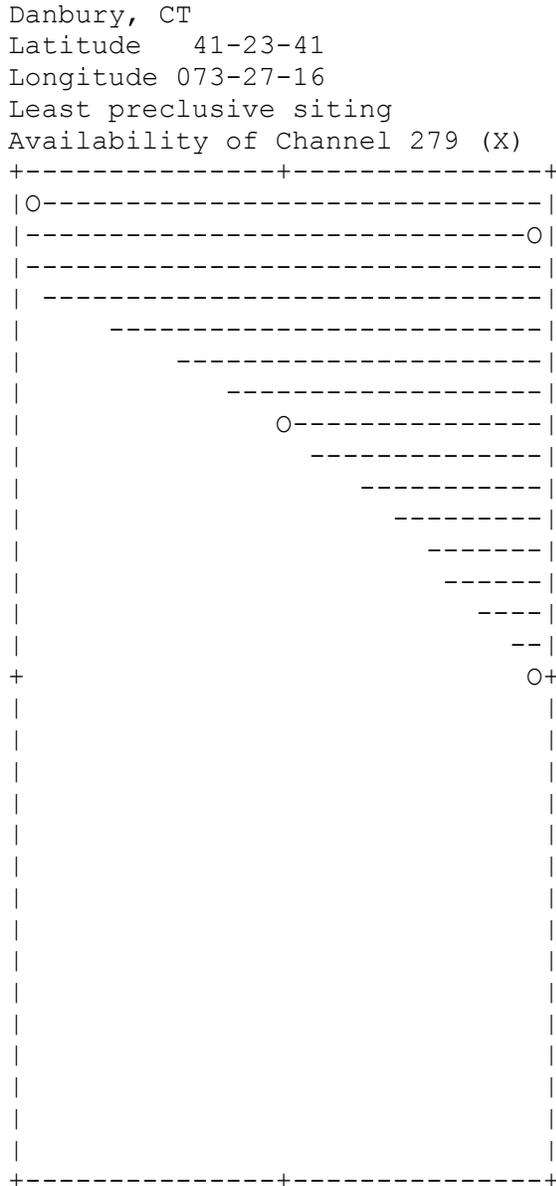
Point #080 at 41-25-41 073-14-16

Point #080 at 41-25-41 073-14-16

EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

PAGE 9



Point #961 at 41-38-41 073-42-16
Point #016 at 41-23-41 073-12-16
Point #489 at 41-31-41 073-27-16
Point #030 at 41-37-41 073-12-16

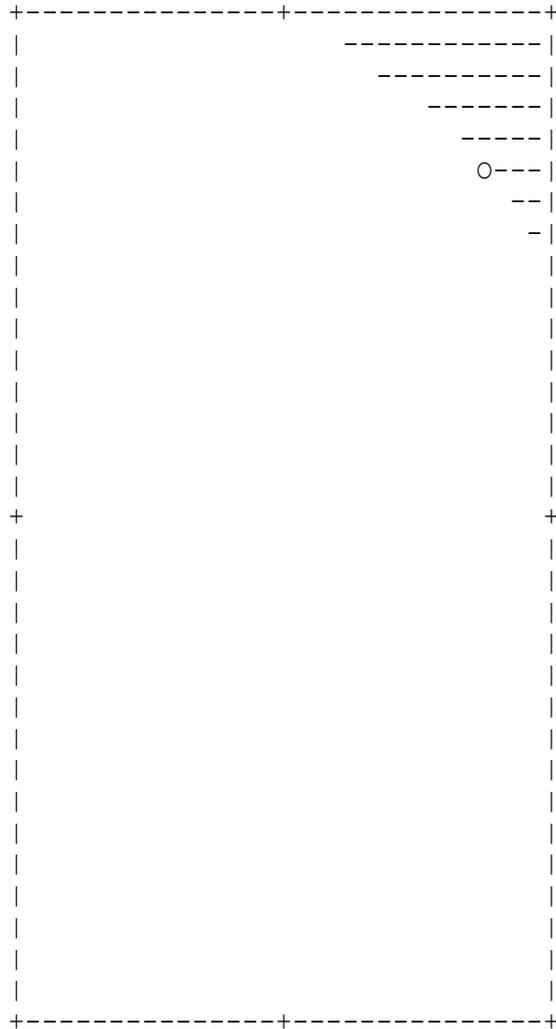
Point #459 at 41-32-41 073-26-16
Point #960 at 41-37-41 073-42-16
Point #016 at 41-23-41 073-12-16

EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

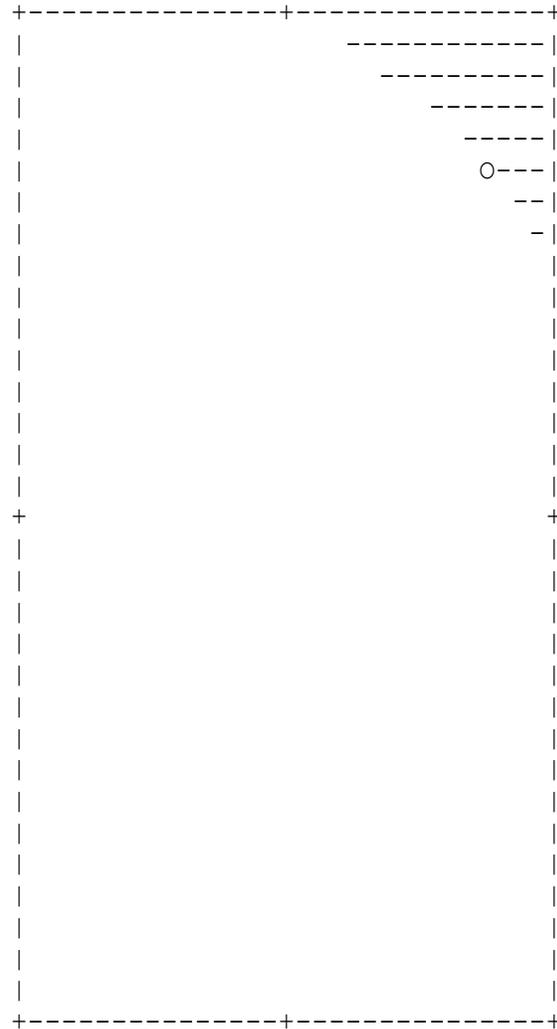
PAGE 10

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Least preclusive siting
Availability of Channel 293 (X)



Point #120 at 41-34-41 073-15-16

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Most preclusive siting
Availability of Channel 293 (X)



Point #120 at 41-34-41 073-15-16

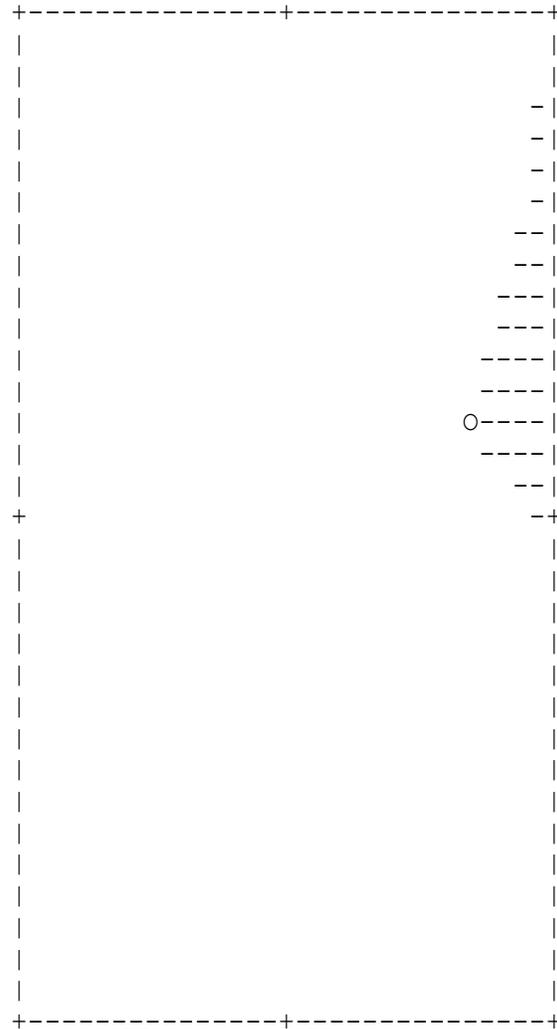
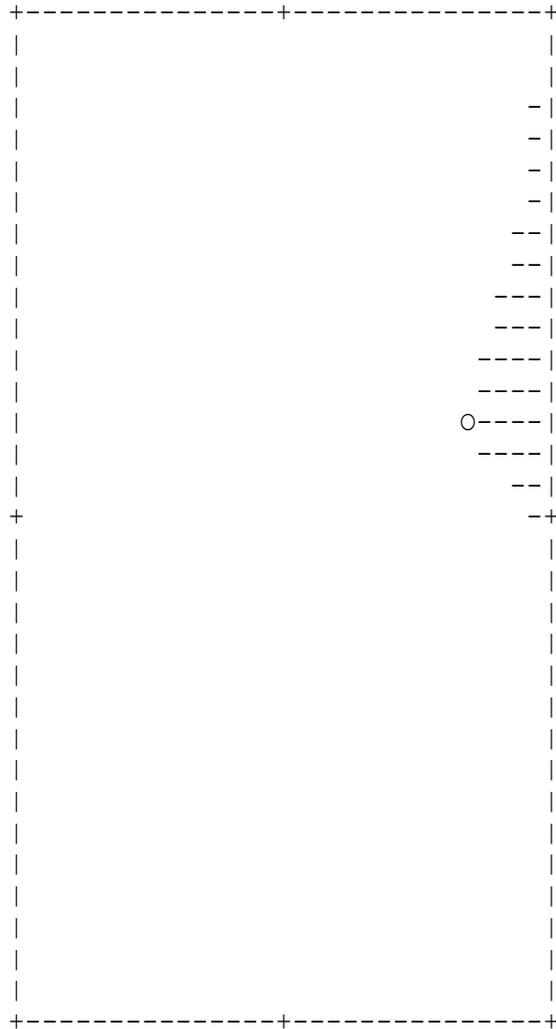
EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

PAGE 11

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Least preclusive siting
Availability of Channel 297 (X)

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Most preclusive siting
Availability of Channel 297 (X)



Point #143 at 41-26-41 073-16-16

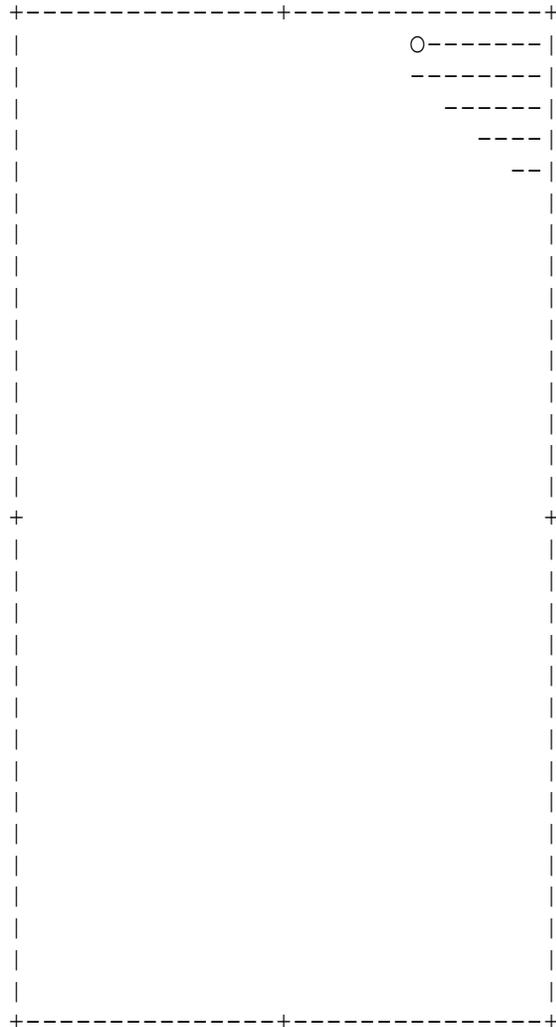
Point #143 at 41-26-41 073-16-16

EXHIBIT III

APPENDIX - FCC PROGRAM OUTPUT

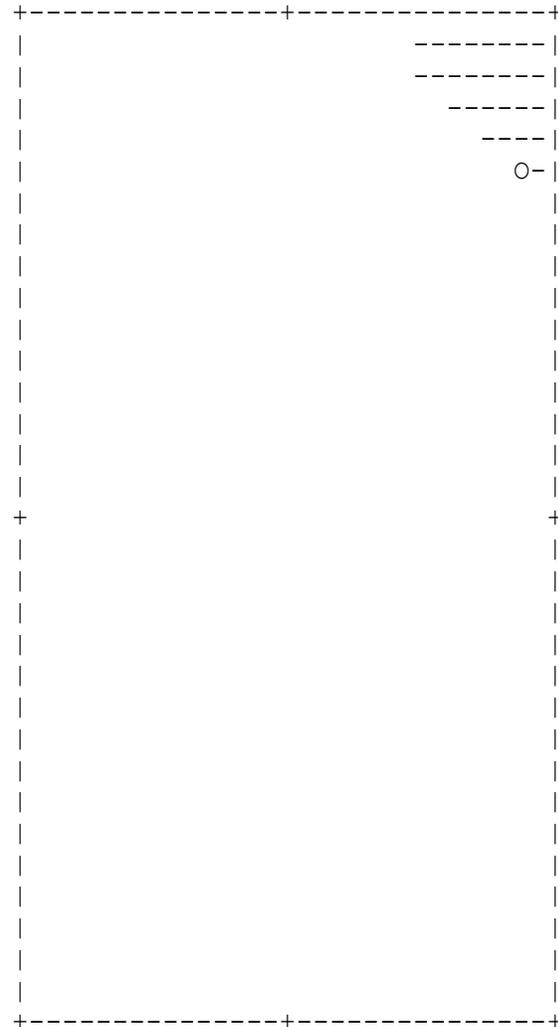
PAGE 12

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Least preclusive siting
Availability of Channel 298 (X)



Point #248 at 41-38-41 073-19-16

Danbury, CT
Latitude 41-23-41
Longitude 073-27-16
Most preclusive siting
Availability of Channel 298 (X)



Point #058 at 41-34-41 073-13-16

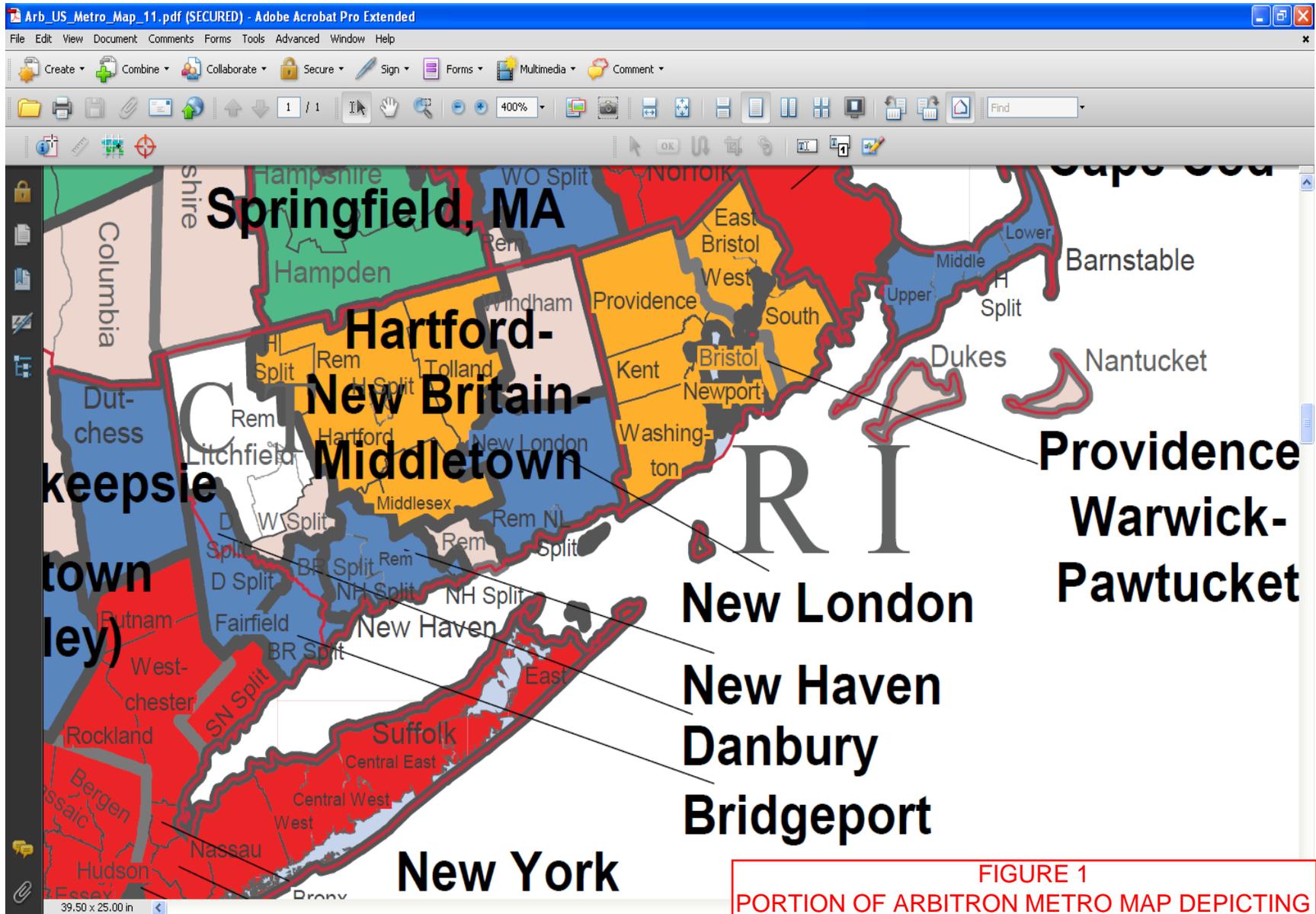
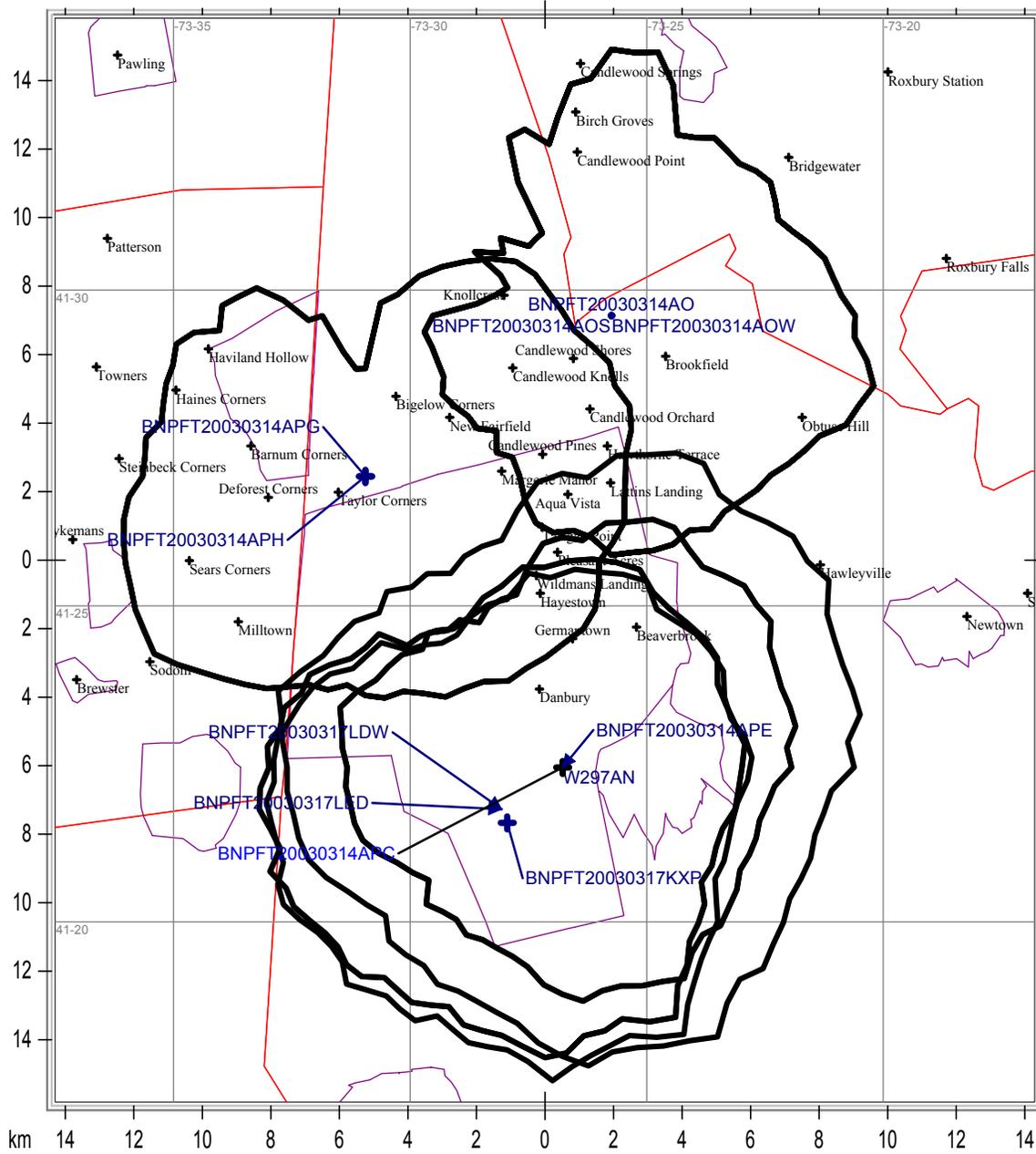


FIGURE 1
PORTION OF ARBITRON METRO MAP DEPICTING DANBURY, CONNECTICUT METRO BOUNDARY.

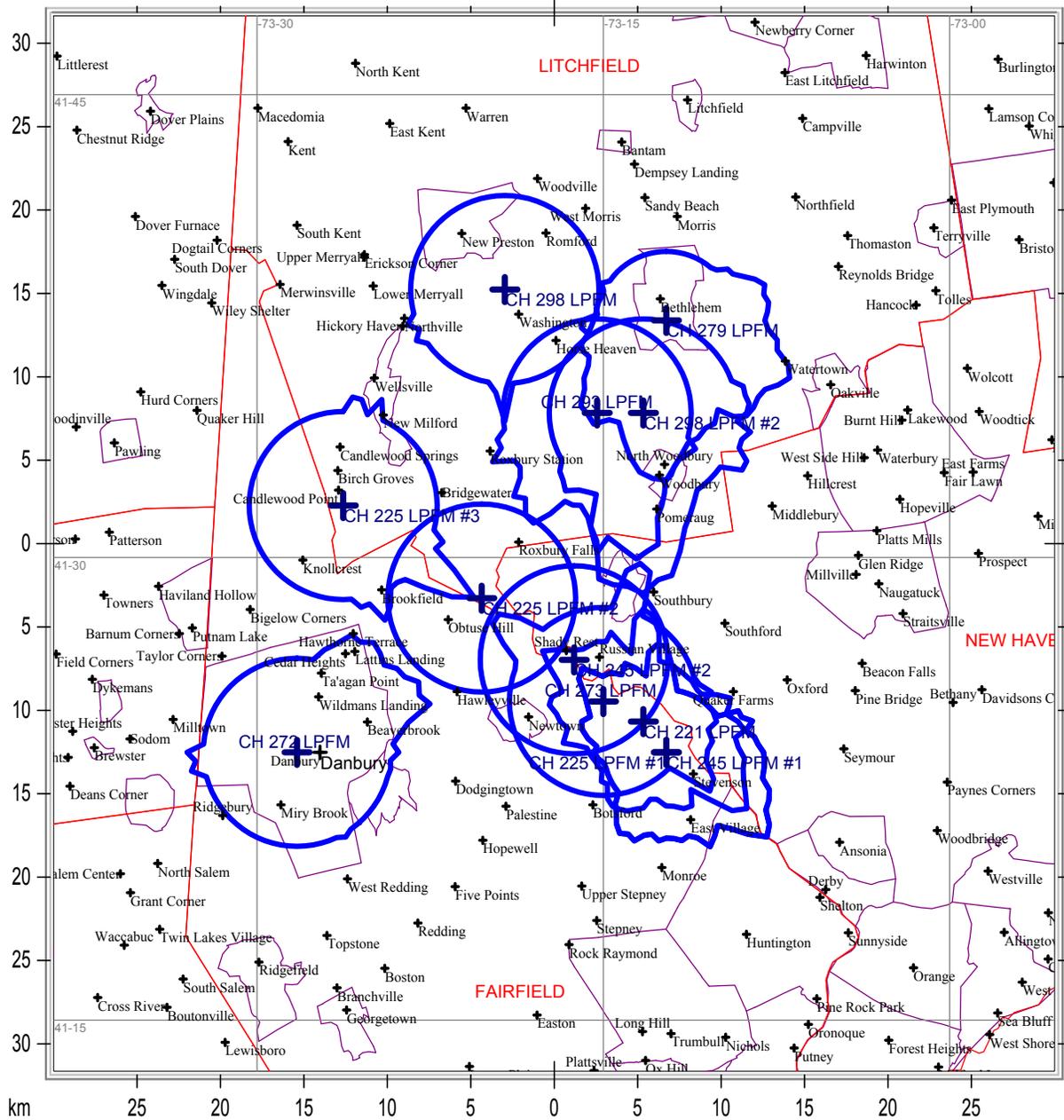
10 PENDING TRANSLATOR APPLICATIONS & ONE LICENSED TRANSLATOR



Communications Technologies, Inc. Marlton, New Jersey

County Borders City Borders Lat/Lon Grid

AVAILABLE LPFM FACILITIES IN THE DANBURY, CONNECTICUT MARKET - SEE ENGINEERING FOR ANALYSIS



Communications Technologies, Inc. Marlton, New Jersey

County Borders City Borders Lat/Lon Grid