2004 DEC 17 P 2:54

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington DC 20554

In re Application of

ALEXANDER BROADCASTING, INC.	)	
	)	
Station WRCR (AM)(Facility ID# 64556)	)	Filed January 30, 2004
Spring Valley, New York	)	(No File Number Assigned)
	)	
For Major Change to Migrate to 1700 kHz	)	
in the Expanded Band	)	

TO: The Commission

APPLICATION FOR REVIEW OF ACTION
TAKEN PURSUANT TO DELEGATED AUTHORITY

Alexander Broadcasting, Inc., licensee of Station WRCR (AM), Spring Valley, New York ("Applicant"), by its attorneys, and pursuant to Section 1.115 of the Commission's Rules, hereby urgently requests the Commission to review, on an expedited basis, the letter dated November 16, 2004[1] by the Chief, Audio Division, Media Bureau which denied the applicant's waiver request and dismissed the above-captioned application to change the frequency of its station from 1300 kHz in the AM broadcast band to 1700 kHz in the expanded broadcast band. In support of this request, the following is respectfully submitted.

[1] Neither the above-captioned application nor the staff's November 16 letter have ever been the subject of any public notice; under Section 1.4(b)(5) of the Rules, the time for filing an application for review thus runs from the date of the staff's letter and this Application for Review is, therefore, timely filed.

Question Presented

On November 6, 2003, the Media Bureau and the Wireless Telecommunications Bureau released a Public Notice (18 FCC Rcd 23016) announcing a January 26-30, 2004 AM Auction No. 84 filing window for applications for new AM stations and for major modifications to authorized AM facilities. Although the Commission's initial allotment plan for the AM expanded band had become final on December 5, 2000 and the Commission had promised to inaugurate a second round of expanded band assignments within one year after that date, the Auction No. 84 Public Notice – issued almost *three years* later -- specifically *excluded* applications for frequencies in the AM expanded band. Accordingly, Applicant's submission of a Form 175 application to participate in the AM auction was accompanied by a proper request for a waiver of that exclusion[2]. The question presented to the Commission in this Application for Review is whether the staff acted arbitrarily and precipitously in denying the Applicant's waiver requests (and, as a consequence, dismissing the application) where the action sought involves, by definition, a question of law and policy which has not previously been resolved by the Commission.

Argument

This application was filed in response to significant and substantial concern expressed by public officials at the local, state and national levels over the inability of Station WRCR to reach areas and populations in and around Rockland County, New York with emergency

[2] The Applicant's additional request for a waiver of the electronic filing requirement (which was necessitated by the electronic blocking of applications specifying frequencies in the AM expanded band) was also dismissed. This action should also be reversed by the Commission to the extent necessary to accord the Applicant the right to pursue its filing in the manner set forth below.

messages, particularly as they might be needed in the event of an accident or terrorist act at the nearby Indian Point Nuclear Generating Facility. Correspondence between these officials and the Commission, and some of the responses of the Commission staff, were summarized in a Request for Expedited Action filed by the Applicant on September 7, 2004; a copy of that filing is attached for the Commission's convenient reference. These expressions of concern about the station's ability to communicate to the public, particularly in the event of a disaster at Indian Point, and bipartisan support for improvement of the coverage of Station WRCR by a change from its current, severely restricted coverage – with *no* protected nighttime service – to an expanded band frequency, emanated from :

- the Legislature of Rockland County, New York;
- New York State Senator Thomas P. Morahan;
- U. S. Representative Sue W. Kelly (R – NY19);
- U. S. Representative Nita Lowey (D – NY18); and
- U. S. Representative Eliot Engel (D – NY17).

Although the staff letter mentioned by way of "background" the public safety element of the Applicant's waiver request, its "discussion" of this factor is limited *entirely* to the overriding "public interest as a whole" in applying the Commission's rules in a "fair and consistent" manner. Specifically, the staff expresses concern with the possible unfairness to all "parties" potentially interested in expanded band authorizations, the absence of any opportunity for the filing of competing proposals, and the Congressional directive to use competitive bidding to award new commercial broadcast station construction permits.

However, there was nothing in Applicant's application or Request for Expedited Action that would have foreclosed the staff from accepting the WRCR application **and** opening a

window for the filing of other expanded band applications, **and/or** inviting the filing of competing applications for 1700 kHz, **and** requiring the use of competitive bidding to resolve any mutually-exclusive applications which might result from either of these actions. Instead, the staff has responded to the Applicant's urgent request to do **something** about its inability to effectively serve its community of license and home county - in the neighborhood of a nuclear power facility which presents the potential for a public safety disaster – by doing **nothing** because of these asserted procedural impediments. This is in stark contrast to recent actions elsewhere in the Commission, *viz.*, the Wireless Telecommunications Bureau's Public Safety and Critical Infrastructure Division's Orders in *Kent County, Michigan* (DA 04-1645, released June 9, 2004) and in *Seven Public Safety Agencies in the New York Metropolitan Area* (DA 04-2496, released August 10, 2004), and the WTB's Public Notice seeking comments on a request for waiver involving the *City of Summit, New Jersey* (DA 04-3600, released November 17, 2004).

Moreover, and most importantly, the staff has offered no indication of when any further action may occur pertaining to fleshing out the AM expanded band. This important spectrum allocation issue deserves an answer which perhaps only the full Commission can supply. Meanwhile, however, it is arbitrary and completely *inconsistent* with the public interest to suggest, as the staff has, that resolution of a critical public safety issue such as that presented by Applicant must be deferred until the staff and the Commission resolve, *if ever*, the unspecified complications which attend the completion of a second or further round of expanded band assignments, a process which the staff has not completed in over *four years* since the finality of the first round (compared to the predicted *one year* originally announced as the target date for additional expanded band opportunities to emerge.)

Conclusion

Based on the foregoing, Alexander Broadcasting, Inc. requests the Commission to reverse the staff's November 16, 2004 denial of its request for waiver of the exclusion of expanded band applications from the AM auction and the concomitant dismissal of its application to change frequency to 1700 kHz, and direct the Media Bureau to take whatever additional actions may be required to redress the perceived unfairness to other "parties" interested in such filings, including the use of competitive bidding in the event of mutually-exclusive applications for such facilities.

Respectfully submitted

ALEXANDER BROADCASTING, INC.

By _____

Roy R. Russo
Jerold L. Jacobs

COHN AND MARKS LLP
1920 N Street, NW Suite 300
Washington, DC 20036-1622
(202) 293-3860
Its Attorneys

December 16, 2004

STAMP AND RETURN

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington DC 20554

RECEIVED

SEP - 7 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of

ALEXANDER BROADCASTING, INC.	)	
	)	
Station WRCR (AM)(Facility ID# 64556)	)	Filed January 30, 2004
Spring Valley, New York	)	(No File Number Assigned)
	)	
For Major Change to Migrate to 1700 kHz	)	
in the Expanded Band	)	

TO: The Commission

REQUEST FOR EXPEDITED ACTION

Alexander Broadcasting, Inc., licensee of Station WRCR (AM), Spring Valley, New York, by its attorneys, hereby urgently requests the Commission to take expedited action on its above-captioned application to change the frequency of its station from 1300 kHz in the AM broadcast band to 1700 kHz in the expanded broadcast band. In support of this request, the following is respectfully submitted.

Urgent Need for Expedited Action

The above-captioned application seeks to relieve the long-standing inability of Station WRCR to properly and adequately serve Spring Valley and Rockland County, New York because of its dial position in an extremely overcrowded portion of the AM broadcast band. WRCR is shoehorned in an area with grandfathered daytime contour overlap with *two* co-channel stations ((WAVZ, New Haven Connecticut and WIMG, Ewing, New Jersey) and *two* first-adjacent channel stations (WVIP, Mount Kisco, New York and WXMC, Parsipanny-Troy Hills, New Jersey). As a Class D facility, WRCR has *no* current protected nighttime service. As a result, its area and population coverage is minimal daytime and non-existent nighttime. WRCR's daytime 5.0 mV/m predicted contour encompasses only 178,359 persons, considerably less than the population of Rockland County which is 286,753 persons. There is, simply, no room for any increase of the WRCR signal on 1300 kHz in the AM

broadcast band. The Interim Working Agreement with Canada and existing licenses and applications in New York and New Jersey narrow the expanded band opportunity for improvement of WRCR's signal coverage to 1700 kHz.

Operating on 1700 kHz in the expanded band, WRCR's signal contour coverage would improve dramatically. The population served by its 5.0 mV/m contour would increase from 178,359 to 622,445 persons. The populations served within WRCR's 2.0 mV/m contour would increase from 327,626 to 1,488,253 and within its 0.5 mV/m contour from 756,077 to 10,045,395. Most significantly, it would bring a first local nighttime service to Spring Valley, with a nighttime protected (2.2 mV/m) contour reaching 462,664 persons. In the process of changing frequencies, WRCR would also *reduce existing contour overlaps* (interference) to WIMG, WVIP and WXMC in areas containing 642.7 square kilometers including 248,425 persons.[1]

The above data support prompt consideration of the WRCR application based on traditional Section 307(b) considerations alone. However, there is a far more serious and compelling reason for the Commission to give expedited consideration to the WRCR proposal.

Improved Coverage By WRCR Needed for Emergency Broadcasting

Rockland County is located on the western shore of the Hudson River, bounded by New Jersey to the south and Orange County to the north. Directly across, on the eastern shore of the Hudson River near Buchanan, New York, lies the Indian Point Nuclear Generating Station, operated by the Power Authority of the State of New York. The Indian Point facility is obviously a potential target for a terrorist attack but, even before the tragic events of 9/11 at the World Trade Center and the Pentagon and in Somerset County, Pennsylvania, Indian Point had been subjected to close scrutiny in terms of emergency preparedness requirements.

On August 1, 2002, New York State Governor George E. Pataki announced a comprehensive and independent review of emergency preparedness for the areas around Indian Point and that portion of New York State in proximity to the Millstone nuclear plant in Connecticut. This review was performed by James Lee Witt Associates of Washington, DC; Mr. Witt is a former Director of the Federal Emergency Management Agency.

[1] All of the foregoing information is more fully set forth in the attached Engineering Statement of Clarence M. Beverage (Communications Technologies, Inc.) dated June 3, 2004 (Attachment A).

The James Lee Witt Associates ("JLWA") Report was issued on January 10, 2003.[2] This review set out to determine whether existing plans and capabilities of the state and local jurisdictions involved are sufficient to ensure safety in the event of an incident at one of these plants and how existing plans and capabilities might be improved; the review included exercise results, public information efforts, and radiological emergency response plans including population data, evacuation time estimates, alert and notification system specifications, off-site accident impact analysis methodologies, and communication capabilities. The "Major Conclusions" section of the JLWA Report headed "Indian Point Safety" refers specifically to "difficulties in communications" and a "thin public education effort." The JLWA Report concluded that "the current radiological response system and capabilities are not adequate to . . . protect the people from an unacceptable dose of radiation in the event of a release from Indian Point." The "Communications" section of the Report notes "emergency response, interoperability and other communications shortcomings among the response agencies and jurisdictions . . especially in areas of hilly terrain." The "Public Information" section emphasizes the need for public training relative to sheltering-in-place because of the serious public safety implications of significant and spontaneous evacuation on a mass scale. The JLWA Report includes in Appendix C a "Compliance Review Matrix" for the State of New York generally and for Rockland County specifically, both covering "Emergency Preparedness of Areas Adjacent to Indian Point and Millstone." The Rockland County Matrix notes the following area where Planning Standards and Requirements are "Not Met": Licensee, Local, and state resources available to support the federal response, e.g., air fields, command posts, telephone lines, radio frequencies, etc., are specified.

Although, as we initially noted, the Indian Point Nuclear Generating Station represents an obvious and strategically significant target for terrorist activity, it must be emphasized that the need for adequate local broadcasting communications to Rockland County and beyond is not limited to that "doomsday scenario." The JLWA Report itself added an Appendix K to the report after it was initially issued, to respond to comments submitted by the public. In the Executive Summary of Appendix K, the Report notes specifically that "almost all the inadequacies that we pointed out [including the communications shortfalls noted above] would exist without a possible terrorist threat, and should be addressed." Moreover, there are other significant public safety reasons for the Commission to address and correct the dearth of local radio service in Rockland County, even apart from the proximity of Rockland County to Indian Point.

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[2] The complete JLWA Report and Appendices can be found at www.wittassociates.com.

Local Public Bodies and Officials Have Urged FCC Action on WRCR's Application

The strong public interest in improving the signal coverage and effective hours of operation of Station WRCR has been the subject of a long string of correspondence to the Commission from local officials and public bodies both prior to the filing of the above-captioned application and then accompanying its petition for waiver of the Commission's exclusion of expanded band applications from the Auction 84 filing window for new and major change applications in the AM broadcast band. Copies of many of these submissions – and some of the correspondence from the Commission's staff in response thereto – are resubmitted herewith in Attachment B for the Commission's convenience. Included are the following statements of support and explanations of the urgent need for a significant improvement of WRCR's daytime and nighttime coverage of Rockland County, New York:

- Letter dated January 14, 2004 from United States Representative Nita M. Lowey (NY-18) to Roy J. Stewart, Chief, Office of Broadcast License Policy, Media Bureau, FCC, referring to previous correspondence with Chairman Powell and to the "public safety concern [which] exists and continues to increase in intensity in Rockland County, New York."

- Letter dated February 11, 2004 from Mr. Stewart to Rep. Lowey.

- Letter dated February 24, 2004 from United States Representative Eliot L. Engel (NY-17) to Mr. Stewart, citing "vital public safety concern [given] presence of the Indian Point nuclear facility, so proximate to Rockland County."

- Letter dated March 10, 2004 from United States Representative Sue W. Kelly (NY-19) to Mr. Stewart, urging grant of the WRCR application to "improve public safety in Rockland County [and] to ensure that Rockland County residents are able to get local information in the event of an emergency."

- Letter dated April 2, 2004 from New York State Senator Thomas P. Morahan (38th District) to Mr. Stewart, "strongly" urging the Commission to approve a waiver permitting expansion of the WRCR service area "because of its proximity to Indian Point" and the fact that "Rockland County residents must have access to any emergency information."

- Letter dated April 19, 2004 from Laurence O. Toole, Clerk, transmitting to WRCR a certified copy of Resolution No. 104 approved at the March 2, 2004 meeting of the Legislature of Rockland County, requesting FCC approval of the waiver required to allow WRCR to migrate to the expanded band to improve the safety of the County's residents, specifically as it relates to the Indian Point Emergency Evacuation Plan.

- Letter dated April 27, 2004 from Mr. Stewart in response to State Senator Morahan.[3]

This outpouring of local concern about the proximity of the Indian Point Nuclear Generating Facility to the populous area of Rockland County and WRCR's inability to reach a significant portion of the County during daytime operating hours -- and not at all in the evening and nighttime hours -- anticipated two very recent events which

[3] The second page of the Stewart letter to Mr. Morahan has a header for page 2 of a letter to Rep. Kelly. This suggests that Mr. Stewart likely wrote two letters on the same date, to both Mr. Monahan and Rep. Kelly.

underscore the need for urgent consideration of WRCR's expanded band application and its waiver request. Just a few weeks ago, President Bush announced his support for a principal recommendation of the 9/11 Commission for creation of a national intelligence director. This followed closely on the heels of an increased terror alert for New York City and its environs, northern New Jersey, and Washington, DC, and among the nuclear sites specifically identified as potential terrorist targets in this context was Indian Point. Finally, at its August 4, 2004 Open Meeting, the FCC itself devoted considerable attention to several agenda items with "homeland security" implications. While the Administration's and the Commission's attention to these "big picture" items is necessary and commendable, it should not overlook the details which involve improving local radio's ability to get the word out to listeners in the event of an accidental or, Heaven forbid, terrorist-sponsored discharge of radiation from Indian Point. Should such a catastrophe occur and lives be lost, who would want to respond that the FCC had not yet gotten around to the long-delayed second stage of the expanded band process and that its hands were somehow bureaucratically tied in the face of this critical showing of current and urgent need?

The Commission recognizes, of course, the right of any applicant to seek a waiver of the procedural rules, in this case for a waiver of the exclusion from the AM auction of applications to migrate to expanded band facilities. See, *e.g.*, *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (DC Cir. 1969), *affirmed* 459 F.2d 1203 (1972), *cert.denied* 409 U.S. 1027 (1972), and cases cited therein. We ask that the Commission now give the required "hard look" to WRCR's application to improve its signal to better cover areas around the Indian Point Nuclear Generating Facility and permit that application to be processed in the AM auction.

Respectfully Submitted

ALEXANDER BROADCASTING, INC.

By: Roy R. Russo
Jerold L. Jacobs

COHN AND MARKS LLP
1920 N Street, NW Suite 300
Washington DC 20036-1622
(202) 293-3860
Its Attorneys

September 7, 2004

Attachment A

Engineering Statement of Clarence M. Beverage (Communications Technologies, Inc.) dated June 3, 2004

ENGINEERING STATEMENT

CONCERNING COVERAGE GAINS AND LOSSES

LICENSED WRCR 1300 kHz 0.5 kW DA-D

PROPOSED WRCR 1700 kHz 1/10 kW DA-N

SPRING VALLEY, NEW YORK

JUNE 2004

ENGINEERING STATEMENT
CONCERNING COVERAGE GAINS AND LOSSES
LICENSED WRCR 1300 kHz 0.5 kW DA-D
PROPOSED WRCR 1700 kHz 1/10 kW DA-N
SPRING VALLEY, NEW YORK

JUNE 2004

SUMMARY

The following engineering statement has been prepared on behalf of **Alexander Broadcasting, Inc.**, licensee of Standard Broadcast Station WRCR, Spring Valley, New York and Auction No. 84 applicant for 1700 kHz expanded band operation at Spring Valley, New York. The purpose of this study is to evaluate the size and population served for the licensed facilities, interference to and from other co and adjacent channel stations and the population and area associated with the proposed 1700 kHz facility.

METHODOLOGY EMPLOYED

Measured soil conductivity data from the FCC files was employed for each station having grand fathered overlap where available. Measured conductivity data is listed herein. Where measured conductivity data was not employed conductivity data was taken from the M3 soil conductivity map. Conductivity data was applied over a maximum span of plus and minus 10 degrees of the measured azimuth unless otherwise noted. All contour locations were determined based on 72 evenly spaced radials. Population data was counted at the block centroid level. Contour overlap area was evaluated using a polygon analysis tool of known accuracy with census designated county boundary lines as the land area limit for contours associated with over water overlap.

CONDUCTIVITY DATA

Conductivity data employed in the computation of distance to contours is listed below:

WRCR Spring Valley, New York 1300 kHz - February 6, 1979 302-AM

Azimuth	Conductivities in Millimhos Per Meter
42°	3 - 9.3 kM, 6 - 16 kM, 3 - 32 kM
61°	3 - 16 kM, 1.5 - 24.1 kM
95°	4 - 20.9 kM, 3 - 31 kM
121.5°	3 - 15.3 kM, 1.5 - 31 kM
160°	3 - 16 kM, 2 - 32.5 kM

190°	3 - 7.6 kM, 2 - 24 kM
202°	3 - 7.2 kM, 2 - 32 kM
270°	2 - 8 kM, 1.5 - 16 kM, 0.5 - 31.4 kM
301.5°	3 - 5.8 kM, 2 - 14.5 kM, 0.5 - 33 kM
340°	2 - 12.1 kM, 1 - 31.4 kM

WIMG Erving, New Jersey 1300 kHz BL-810702AE

Azimuth	Conductivities in Millimhos Per Meter
13.5°	3 - 8 kM, 2 - 19.2 kM, 3 -35.2 kM
32.5°	4 - 11.7 kM, 1.5 - 28.4 kM, 2 - 34.6 kM
46.5°	4 - 12.6 kM, 5 - 28.1 kM, 6 - 33.4 kM

WVIP Mt. Kisco, New York 1310 kHz

Azimuth	Conductivities in Millimhos Per Meter
235°	0.5 - 16.1 kM, 1 - 27.4 kM, 0.5 - 50.7 kM BP-17,837 WXMC 301
244°	0.5 - 47.7 kM BP-17,837 WXMC 301

WXMC Parsippany - Troy Hills, NJ 1310 kHz

Azimuth	Conductivities in Millimhos Per Meter
80°	4 - 15.3 kM, 3 - 22.5 kM
123°	4 - 8.0 kM, 3 - 20.1 kM
158°	5 - 10.5 kM, 4 - 22.5 kM
184°	5 - 17.7 kM, 4 - 28.2 kM
210°	5 - 29.0 kM

Measured data from WXMC, January 1973, Full Proof of Performance.

WRCR DAYTIME ALLOCATION

WRCR is involved in grand fathered daytime overlap with two first adjacent channel stations and two co-channel stations. A separate allocation map for each station has been prepared. Contour overlap area and population data is listed below for each map figure.

WRCR and WAVZ 1300 kHz, New Heaven, CT - *Figure 1*

WAVZ 0.025 mV/m to WRCR 0.5 mV/m = 428,787 persons
805.7 sq. kilometers

WRCR and WIMG 1300 kHz, Ewing, NJ - *Figure 2*

WRCR 0.025 mV/m to WIMG 0.5 mV/m = 6,072 persons
43.4 sq. kilometers

WIMG 0.025 mV/m to WRCR 0.5 mV/m = 143,328 persons
168.7 sq. kilometers

WRCR and WVIP 1310 kHz Mt. Kisco, NY - *Figure 3*

WRCR 0.25 mV/m to WVIP 0.5 mV/m = 131,550 persons
296.4 sq. kilometers

WVIP 0.25 mV/m to WRCR 0.5 mV/m = 124,430 persons
349.6 sq. kilometers

WRCR and WXMC 1310 kHz Parsippany - Troy Hills, NJ - *Figure 4*

WRCR 0.25 mV/m to WXMC 0.5 mV/m = 110,803 persons
302.9 sq. kilometers

WXMC 0.25 mV/m to WRCR 0.5 mV/m = 93,922 persons
183.0 sq. kilometers

WRCR PREDICTED SERVICE AREA AND POPULATION DATA

The WRCR daytime licensed, and 1700 kHz proposed, 5, 2 & 0.5 mV/m contours are shown on map *Figure 5* and map *Figure 6*, respectively. As a Class D facility, WRCR has no current protected nighttime service. The proposed 1700 kHz, 1 kW, 2.2 mV/m NIF contour is shown on map *Figure 7*. Population Data for the WRCR facilities is listed below:

Population Persons

		License 1300 kHz	Proposed 1700 kHz
Day	5 mV/m	178,359	622,445
	2 mV/m	327,626	1,488,253
	0.5 mV/m	756,077	10,045,395
Night	2.2 mV/m	N/A	462,664

1700 kHz ALLOCATION ISSUES AT SPRING VALLEY, NEW YORK

Spring Valley Village is located in Rockland County, New York. Based on 2000 census data, the population of Spring Valley is 25,464 persons and it is the largest community in Rockland County which has a total population of 286,753 persons. Spring Valley has its own post office and zip code, churches, businesses, restaurants, schools, police, volunteer fire department and government.

There are only two standard broadcast stations in Rockland County. The first is WRKL, 910 kHz, New City, NY. New City is not a census designated place. WRKL is authorized for 800 watt night and 1 kW day facilities and due to its relatively low dial position and night major lobe inverse field strength of over 590 mV/m@ 1kM would not be a likely candidate for conversion to the expanded band. The only other aural outlet in Rockland County is Class D FM station WNYK licensed to Nyack, New York.

Based on the Interim Working Arrangement between the U.S. and Canada U.S. locations such as Spring Valley, NY, which are 500 kM or less from the common border, are limited to the expanded band frequencies of 1620, 1640, 1660, 1680 and 1700 kHz. Of these frequencies, 1700 kHz is the only frequency not the subject of an application, allotment or license for a station in New Jersey or New York and thus is uniquely available for use at Spring Valley, NY.

A grant of the WRCR application for 1700 kHz facilities would have a number of public interest benefits including:

1. First nighttime local service for Spring Valley, NY.
2. A new local nighttime signal to 462,664 persons.
3. An increase in population in the day predicted 2 mV/m contour of 1,160,627 persons (a 354% increase in population).
4. An increase in population in the day predicted 0.5 mV/m contour of 9,289,318 persons (a 1,228% increase in population).
5. A reduction in caused interference (contour overlap) to 248,425 persons in an area of 642.7 square kilometers[1]
6. Utilization of a valuable asset, an unused frequency.

[1] See page 3 overlap to WIMG, WVIP and WXMC.

CONCLUSION

The foregoing was prepared on behalf of **Alexander Broadcasting, Inc.** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By _____

Clarence M. Beverage
for Communications Technologies, Inc.
Marlton, New Jersey

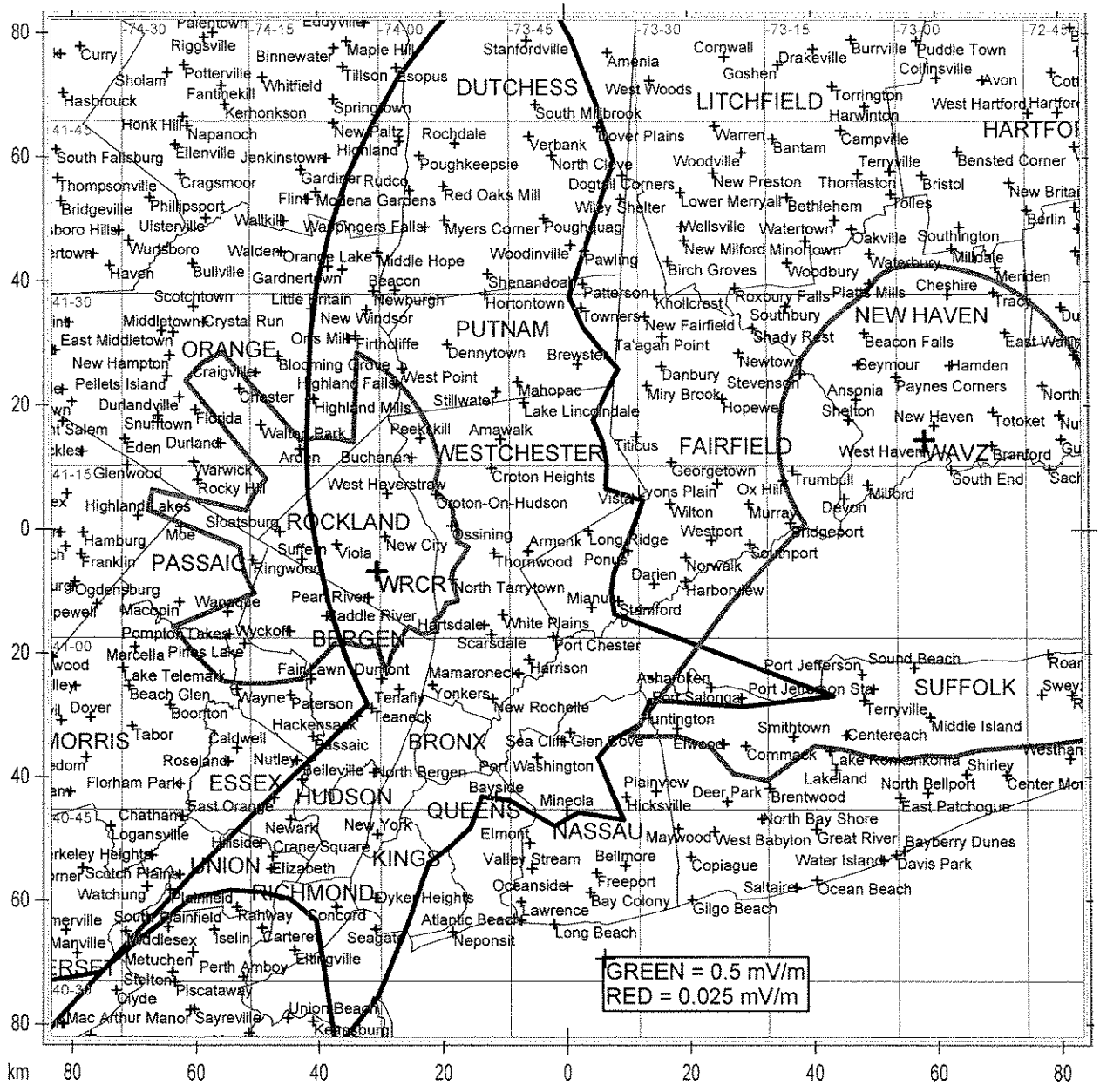
SUBSCRIBED AND SWORN TO before me,

this 3rd day of June, 2004,

Esther G. Sperbeck, NOTARY PUBLIC

ESTHER G. SPERBECK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT 15 2007

WRCR 1300 kHz SPRING VALLEY, NY & WAVZ 1300 kHz NEW HAVEN, CT.



Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

WRCR 1300 kHz SPRING VALLEY, NY & WIMG 1300 kHz EWING, NEW JERSEY

Communications Technologies, Inc. Marlton, New Jersey

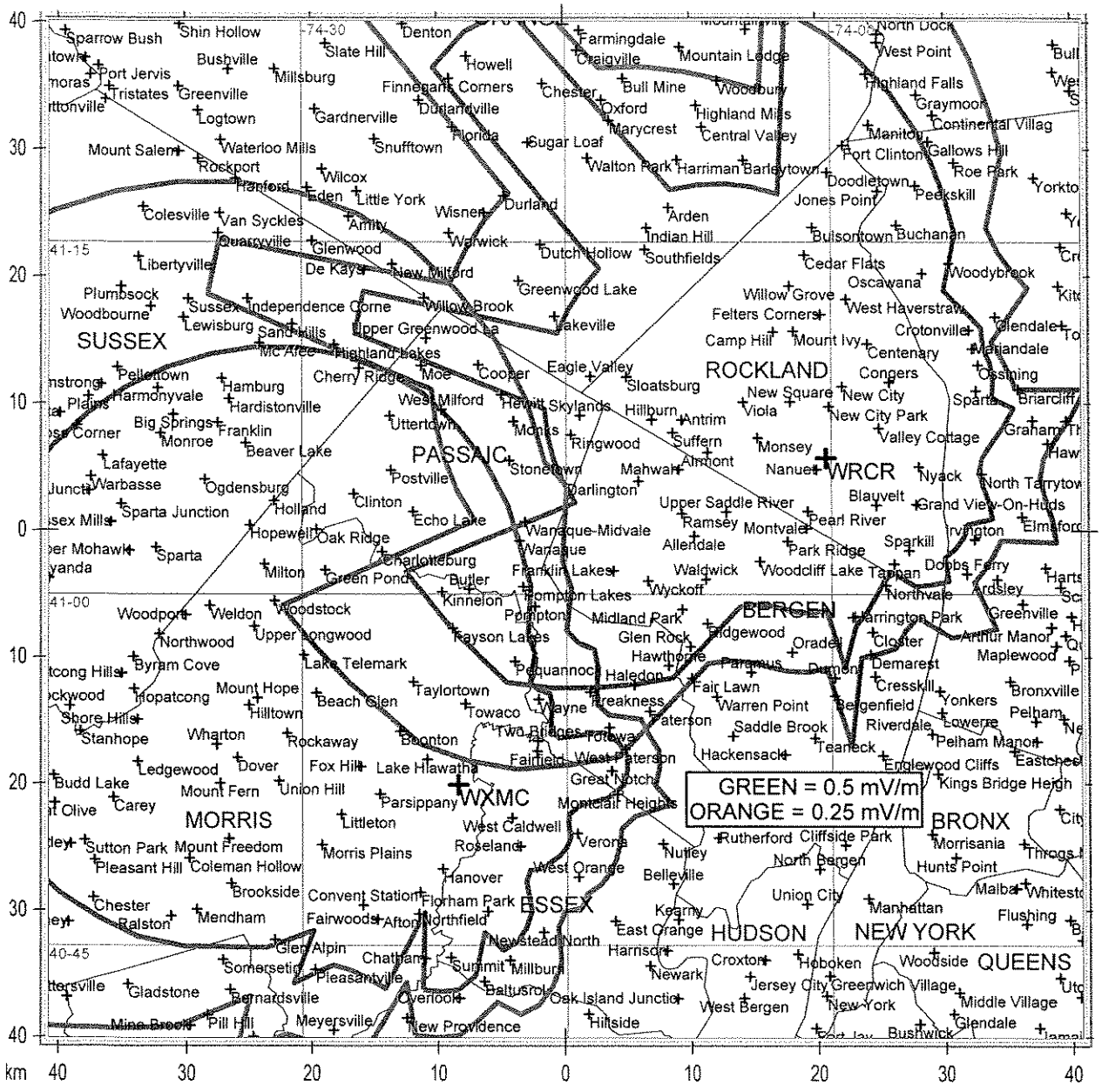
County Borders Lat/Lon Grid

WRCR 1300 kHz SPRING VALLEY, NY & WVIP 1310 kHz MOUNT KISCO, NEW YORK

Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

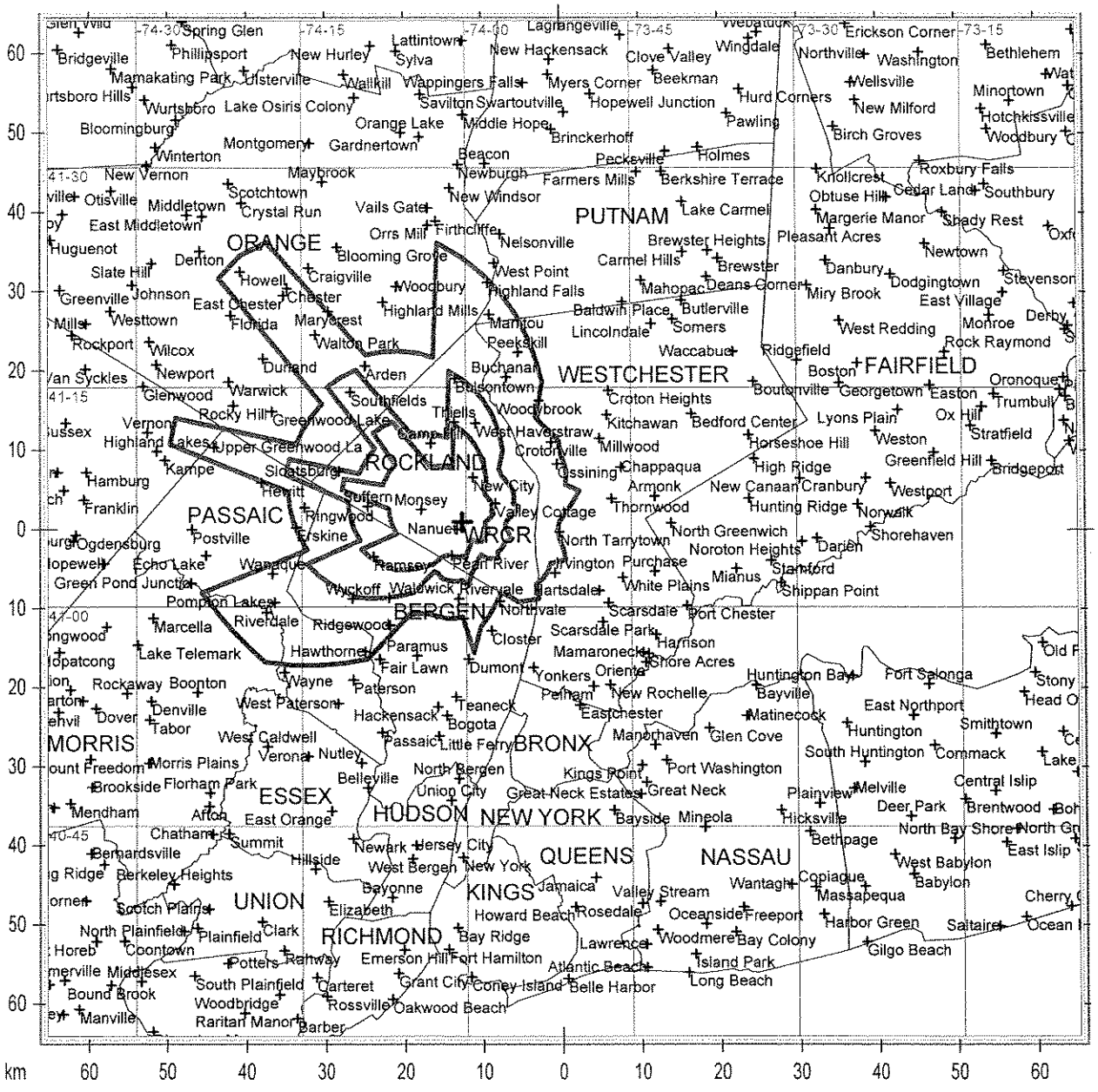
WRCR 1300 kHz SPRING VALLEY, NY & WXMC 1310 kHz PARSIPPANY - TROY HILLS, NJ



Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

WRCR 1300 kHz SPRING VALLEY, NY



Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

WRCR 10 kW ND 1700 kHz SPRING VALLEY, NY

Communications Technologies, Inc. Marlton, New Jersey

County Borders Lat/Lon Grid

WRCR 1 kW DA-N 1700 kHz SPRING VALLEY, NY

Communications Technologies, Inc. Marlton, New Jersey

County Borders City Borders Lat/Lon Grid

Attachment B

Correspondence To And From The FCC

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS

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FAX: (914) 328-1505

ROCKLAND
15 THIRD STREET
NEW CITY, NY 10956
(845) 639-3485
FAX: (845) 639-3487

Nita M. Lowey
Congress of the United States
18th District, New York

January 14, 2004

Roy J. Stewart, Chief
Federal Communications Commission
Broadcast Licensing Division - Media Bureau
445 12th Street S.W.
Washington, D.C. 20554

Dear Mr. Stewart:

Last April I wrote to Chairman Powell on behalf of my constituent, Dr. Alexander Medakovich, who is the licensee of radio station WKCR(AM), Spring Valley, New York. Dr. Medakovich was requesting then, and is currently repeating his request, for a waiver which would permit him to expand WRCR's service area by migrating the station to the AM expanded band. Chairman Powell turned the matter over to your office.

For your ready convenience, I am enclosing copies of all communications between your office and mine.

As I understand the situation, a moratorium had been declared on February 1, 2002, freezing the acceptance of such applications. Waivers, you stated, had been granted twice – and both of these had been based upon "public safety concerns."

I submit to you now that a public safety concern exists and continues to increase in intensity in Rockland County, New York, the area served by WRCR. Indeed, ever since the horrendous events of 9/11 the apparatus for efficiently communicating possible terrorist activity to the public-at-large has become even more urgent. The proximity of the Hudson River communities to the terrorist threat posed by the Indian Point nuclear power plants cannot be understated.

With the expanded band, WRCR's loyal following would increase, as would the mechanism to improve an early warning system that would have the power to save many lives.

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I believe it would be consistent with the "public safety concerns" of the FCC as well as prudent for the FCC to grant Dr. Medakovich a waiver at this time. I urge you to give due consideration to this request.

Sincerely,

Nita M. Lowey
Member of Congress

NML:dsb

Enclosures (3)

cc: FCC Chairman Michael Powell

Federal Communications Commission
Washington, D.C. 20554

February 11, 2004

CN0400141

The Honorable Nita M. Lowey
U. S. House of Representatives
222 Mamaroneck Avenue
Suite 310
White Plains, New York 10605

Dear Congresswoman Lowey:

Thank you for your follow-up inquiry on behalf of your constituent, Alexander Medakovich, MD., President of Alexander Broadcasting, Inc., licensee of radio station WRCR(AM), Spring Valley, New York. Dr. Medakovich has contacted your office regarding his desire to expand WRCR's service area by migrating to the AM expanded band. I appreciate the opportunity to update you on the status of this matter.

As explained in my May 12, 2003 correspondence, an application for a radio station to migrate to the AM expanded band is a major change that, due to a filing freeze, could be submitted to the Commission only during a filing window. The freeze imposed on the acceptance of applications for major changes in the AM expanded band was necessary so that the Commission's Media Bureau would have an opportunity to study novel and complex AM expanded band licensing issues, including interference protection standards, facility classes, and eligibility requirements. These studies continue to be ongoing.

In the alternative, I indicated that Dr. Medakovich could submit a request for a waiver of this filing requirement and explained the criteria for such a request. In your most recent correspondence, you express support for WRCR to obtain a waiver based on public safety concerns. The Commission, however, does not have a record of receiving a waiver request from WRCR. Dr. Medakovich may submit a waiver request showing that an increase in the availability of WRCR's signal is necessary in the event of terrorist activity at the Indian Point Nuclear Power Plant. An appropriately documented request would receive every consideration.

I hope that this information is helpful. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Roy J. Stewart
Chief, Office of Broadcast License Policy
Media Bureau

ELIOT L. ENGEL
17TH DISTRICT, NEW YORK

COMMITTEE ON
ENERGY AND COMMERCE
SUBCOMMITTEES:
HEALTH
TELECOMMUNICATIONS AND THE INTERNET

COMMITTEE ON
INTERNATIONAL RELATIONS
SUBCOMMITTEES:
EUROPE
MIDDLE EAST AND CENTRAL ASIA

VICE CHAIRMAN, DEMOCRATIC
TASK FORCE ON HOMELAND SECURITY

Congress of the United States
House of Representatives
Washington, DC 20515–3217

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BRONX, NY 10463
(718) 796–9700

8 GRAMATAN AVENUE
SUITE 205
MOUNT VERNON, NY 10550
(914) 699–4100

261 WEST NYACK ROAD
WEST NYACK, NY 10994
(845) 735–1000

Website: www.house.gov/engel

February 24, 2004

Roy J. Stewart, Chief
Federal Communications Commission
Broadcast Licensing Division - Media Bureau
445 12th Street S.W.
Washington, D.C. 20554

Dear Mr. Stewart:

WRCR is the hometown radio statio of Rockland County. It is located in Spring Valley, the center of the Rockland, and devotes itself to news of and for Rockland County residents. Alexander Broadcasting , Inc. the owner of WRCR, is applying for a waiver to permit the station to expand it service area by migrating the station to the AM expanded service band.

I endorse this application and urge the FCC to approve it.

The situation, as explained to me, is that a moratorium had been declared on February 1, 2002 freezing the acceptance of such applications. I also understand that waivers had been granted to this moratorium on two instances, both based on 'public safety concerns.'

A vital public safety concern affects Rockland County now. The presence of the Indian Point nuclear facility, so proximate to Rockland County, makes it essential that the residents of Rockland County have immediate access to any emergency information about events which may occur at that plant.

The events of September 11th, coupled with the fact that plans for American nuclear facilities were found in terrorist caves in Afghanistan and the hijackers of 9/11 flew over Indian Point on their way to the World Trade Center, make the ability to get information to Rockland residents even more urgent.

There are significant areas of the county that WRCR does not reach. With the expanded band, the mechanism allowing WRCR to alert its loyal listeners would expand giving the promise of saving lives.

more

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These circumstances certainly fall under public safety concerns.

Recently a large-scale telephone outage affected some 16,000 residents of the town of Ramapo. Many of those people turned to WRCR to find out what was happening leading the town supervisor to call WRCR "our principal means of communication."

I urge the FCC to approve this request to expand WRCR's broadcast area.

Sincerely,

Eliot L. Engel

Eliot L Engel
Member of Congress

SUE W. KELLY
19TH DISTRICT, NEW YORK

COMMITTEE ON FINANCIAL SERVICES, VICE CHAIR
CHAIRWOMAN, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT
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ASSISTANT MAJORITY WHIP

Congress of the United States
House of Representatives
Washington, DC 20515–3219

PLEASE REPLY TO:

☐ 1127 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225–5441

☐ 21 OLD MAIN STREET, ROOM #107
FISHKILL, NEW YORK 12524
(845) 897–5200

☐ ORANGE COUNTY GOVERNMENT CENTER
255 MAIN STREET, 3RD FLOOR
GOSHEN, NEW YORK 10924
(845) 291–4100

☐ 2025 CROMPOND ROAD
YORKTOWN HEIGHTS, NEW YORK 10598
(914) 962–0781

March 10, 2004

Roy J. Stewart, Chief
Federal Communication Commission
Broadcast and Licensing Division – Media Bureau
455 12th Street S.W.
Washington, DC 20554

Dear Mr. Stewart:

My purpose in writing is to respectfully request your consideration of a waiver proposal made by WRCR radio station which would permit the station to expand its service area by migrating the station to the AM expanded service. Many believe this waiver will improve public safety in Rockland County. Currently, WRCR receives interference from other channels and cannot be heard in parts of the Rockland County. As you can certainly understand, I believe we must do everything possible to ensure that Rockland County residents are able to get local information in the event of an emergency, and therefore I urge you to consider and approve this request.

Your attention to this matter is most appreciated. I look forward to your response.

Sincerely,

Sue W. Kelly
Member of Congress

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THE SENATE
STATE OF NEW YORK

CHAIRMAN
COMMITTEE ON
ELECTIONS

COMMITTEE MEMBER
AGRICULTURE
BANKS
CHILDREN & FAMILIES
EDUCATION
MENTAL HEALTH &
DEVELOPMENTAL DISABILITIES
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& MILITARY AFFAIRS

THOMAS P. MORAHAN
Senator, 38th District

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NANUET, NEW YORK 10954
(845) 425-1818
FAX (845) 425-6473

INTERNET ADDRESS:
www.senatormorahan.com

E-MAIL ADDRESS:
morahan@senate.state.ny.us

April 2, 2004

Roy J. Stewart, Chief
Federal Communications Commission
Broadcast Licensing Division-Media Bureau
445 12th Street S.W.
Washington, DC 20554

Dear Mr. Stewart:

I am writing on behalf of WRCR Radio. WRCR is the hometown radio station of Rockland County, New York, and as such devotes itself to news of and for Rockland County residents. The owner of WRCR Radio, Alexander Broadcasting, Inc., is applying for a waiver to permit the station to expand its service area by migrating the station to the AM expanded service band.

It is my understanding that a moratorium had been declared on February 1, 2002 freezing acceptance of such applications. However, I understand that waivers had been granted regarding this moratorium, based on public safety concerns.

Because of its proximity to Indian Point, Rockland County residents must have access to any emergency information. Currently there are areas in the County that WRCR cannot reach.

I strongly urge the FCC to approve a waiver permitting this expansion thereby allowing broader and more complete coverage to Rockland County.

Sincerely,

Thomas P. Morahan

Thomas P. Morahan
State Senator

The Legislature of Rockland County

Salvatore Corallo
Chairman

Laurence O. Toole
Clerk

April 19, 2004

Dr. Alexander Medakovich, President
WRCR Radio
Nanuet Mall
75 West Route 59, Suite 2126
Nanuet, New York 10954

RE: **Resolution No. 104 of 2004** - Requesting That The Federal Communications Commission ("FCC") Approve A Waiver To Allow Rockland County's Local Radio Station, WRCR 1300 AM, To Migrate To An Expanded AM Band To Improve The Station's Ability To Broadcast To The Entire County Of Rockland In Order To Improve The Safety Of Its Residents, Specifically As It Relates To The Indian Point Emergency Evacuation Plan

Dear Dr. Alexander:

Enclosed please find a certified copy of the above referenced Resolution, with memorandum from the County Executive, which was approved at the March 2, 2004 meeting of the full Legislature.

Very truly yours,

Laurence O. Toole
Clerk to the Legislature

Enc.
LOT/mpw

10 E 2

Introduced by:
Hon. David Fried, Sponsor
Hon. Ellen C. Jaffee, Sponsor
Hon. Harriet D. Cornell, Sponsor
Hon. Denise Kronstadt, Sponsor
Hon. Philip Soskin, Sponsor
Hon. Douglas J. Jobson, Sponsor
Hon. Robert M. Berliner, Sponsor
Hon. Theodore R. Dusanenko, Sponsor
Hon. John A. Murphy, Sponsor
Hon. Roman Rodriguez, Co-Sponsor

Referral No. 6675
March 2, 2004

RESOLUTION NO. 104 OF 2004
REQUESTING THAT THE FEDERAL COMMUNICATIONS COMMISSION ("FCC") APPROVE A WAIVER TO ALLOW ROCKLAND COUNTY'S LOCAL RADIO STATION, WRCR 1300 AM, TO MIGRATE TO AN EXPANDED AM BAND TO IMPROVE THE STATION'S ABILITY TO BROADCAST TO THE ENTIRE COUNTY OF ROCKLAND IN ORDER TO IMPROVE THE SAFETY OF ITS RESIDENTS, SPECIFICALLY AS IT RELATES TO THE INDIAN POINT EMERGENCY EVACUATION PLAN

JAFFEE/FRIED: UNAN.

WHEREAS, Rockland County falls within the fifty (50) mile radius of danger from the Indian Point nuclear power plant; and

WHEREAS, the recent evacuation tests have found emergency plans to be completely inadequate to notify the population within the danger zone, including Rockland residents, concerning the dangers of a nuclear disaster; and

WHEREAS, recent reports have terrorists looking to "soft" non-military targets such as nuclear facilities for opportunities to attack American interests; and

WHEREAS, WRCR, Rockland's only true local radio station, is supposed to be Rockland County's information outlet should a disaster occur at Indian Point; and

WHEREAS, WRCR also reports on current events and news items of special interest to Rockland residents; and

WHEREAS, other media outlets in the New York metropolitan area do not provide comprehensive, Rockland-specific news coverage; and

WHEREAS, at present, WRCR is limited in its ability to provide information to the entire county because of interference at the 1300 band from other radio media outlets; and

WHEREAS, this interference, while illegal by today's standards, is "grandfathered" in, with the effect that WRCR cannot perform its proper function to inform Rockland residents 24 hours a day, and will be unable to do so in an emergency, posing a significant threat to the safety and well-being to the residents of Rockland County; and

WHEREAS, WRCR requires a waiver from the Federal Communications Commission ("FCC") freeze on allowing radio stations such as WRCR to "migrate" to the expanded AM band between 1605 and 1705 AM; and

WHEREAS, WRCR has already applied to the FCC for this waiver; and

WHEREAS, the Multi Services has met, considered and by a vote of five ayes to one nay, approved this resolution; and

WHEREAS, the Environmental Committees has met, considered and by a unanimous vote approved this resolution; now therefore be it

RESOLVED, that the Rockland County Legislature requests that the Federal Communications Commission ("FCC") approve a waiver to allow Rockland County's local radio station, WRCR 1300 AM, to migrate to an expanded AM band to improve the station's ability to broadcast to the entire Rockland County in order to improve the safety of its residents; and be it further

RESOLVED, that the Clerk to the Legislature be and he is hereby authorized and directed to send a certified copy of this resolution to the Hon. George W. Bush, President of the United States; Hon. Charles Schumer and Hon. Hillary Rodham Clinton, United States Senators; Hon. Eliot Engel, Hon. Nita Lowey and Hon. Sue Kelly, Members of the United States Congress; the President Pro Tem of the United States Senate; the Speaker of the United States House of Representatives; the Majority and Minority Leaders of the United States Senate and House of Representatives; Michael K. Powell, Chairman of the Federal Communications Commission; Dr. Alexander Medakovich, President, WRCR; Kyle Rabin, Indian Point Safe Energy Coalition; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

IJY/cs
LG2051
3/3/04

COUNTY OF ROCKLAND
OFFICE OF THE COUNTY EXECUTIVE

Allison-Parris County Office Building
New City, New York 10956
Tel. (845) 638-5122
Fax. (845) 638-5426

C. SCOTT VANDERHOEF
County Executive

To: Laurence O. Toole
Clerk to the Legislature

From: C. Scott Vanderhoef
County Executive

Date: March 30, 2004

Re: **Resolution No. 104 of 2004 – REQUESTING THAT THE FEDERAL COMMUNICATIONS COMMISSION ("FCC") APPROVE A WAIVER TO ALLOW ROCKLAND COUNTY'S LOCAL RADIO STATION, WRCR 1300AM, TO MIGRATE TO AN EXPANDED AM BAND TO IMPROVE THE STATION'S ABILITY TO BROADCAST TO THE ENTIRE COUNTY OF ROCKLAND IN ORDER TO IMPROVE THE SAFETY OF ITS RESIDENTS, SPECIFICALLY AS IT RELATES TO THE INDIAN POINT EMERGENCY EVACUATION PLAN.**

I am returning herewith the above-cited resolution, neither approved nor disapproved in accordance with my previously stated policy regarding Memorializing Resolutions.

I respect my Legislative colleagues' desire to express their collective opinions to other governmental bodies via Memorializing Resolutions, without interjecting the approval or disapproval of each resolution by the County Executive.

Therefore, I neither adopt nor repudiate the sentiments expressed therein but allow them to stand solely as the Legislature's official position.

It is for the abovementioned reasons, I am returning the above-cited resolution neither approved nor disapproved.

C. Scott Vanderhoef
COUNTY EXECUTIVE

Federal Communications Commission
Washington, D.C. 20554

April 27, 2004

The Honorable Thomas P. Morahan
United States Senate
Legislative Office Building
Room 848
Albany, NY 12247

Dear Senator Morahan:

Thank you for your letter expressing support for a waiver of the Commission's rules that would allow WRCR(AM), Spring Valley, New York, to expand its service area by migrating to the AM expanded band. I appreciate the opportunity to respond.

Approximately fifteen years ago, as part of a wide ranging rulemaking to revitalize the AM service, the Commission developed a national allotment plan to encourage the migration of certain AM stations to the AM expanded band, 1605 kHz - 1705 kHz. The allotment plan was designed to address stations receiving or causing extensive interference and the Commission expressed its intention to manage the migration process to maximize the benefits to the AM service as a whole. The final national allotment plan identified eighty-eight stations, including WRCR, that were eligible to apply for the specified allotments.

The Commission planned to permit additional AM applicants to file migration proposals beginning in 2002. On February 1, 2002, however, the Media Bureau announced a freeze on the acceptance of applications for major changes in authorized AM expanded band stations. The purpose of the freeze was to provide an opportunity for the Bureau to study novel and complex AM expanded band licensing issues, including protection standards, facility classes, and eligibility requirements. The Bureau also was concerned that the continued acceptance of AM expanded band applications that specified new communities of license and proposed relocating facilities substantial distances could limit opportunities for additional expanded band stations.

The migration of WRCR to the AM expanded band is the type of major change application that is affected by the freeze. In general, this means that WRCR must wait for a filing window during which an application will be accepted or file a request for a waiver of the Commission's filing window rules.

On January 30, 2004, WRCR filed a major change application seeking to move from 1330 kHz to 1700 kHz (an expanded band channel). Because the Commission is not accepting expanded band applications at this time, WRCR's application included a request for a waiver of the Commission's filing window requirements.

The Commission considers written requests for waiver of the filing window rules on a case-by-case basis. To date, only two such waivers have been granted, none involving the AM expanded band. Both of these waivers were based on documented public safety concerns in areas that received no other radio broadcast signals. In addition, both waivers involved translator stations, which, as secondary services, would not preclude others from applying for full service stations in the next filing window.

Please be assured that the waiver request submitted by WRCR will receive every consideration and a decision will be issued as expeditiously as possible.

I hope that this information is helpful. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Roy J. Stewart
Chief, Office of Broadcast License Policy
Media Bureau