Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of	)	
	)	
Modification of the License of	)	Facility ID Number 66464
Station WTIC(AM), Hartford, Connecticut	)	File Number BL-19820929BM

ORDER TO SHOW CAUSE

Adopted: April 22, 2008 **Released: April 22, 2008**

By the Chief, Audio Division:

1. The Audio Division has before it the application of 1090 Investments L.L.C. ("1090"), licensee of Class D AM Station WOAP, Facility ID No. 41682, File No. BMP-20070620ADM (the "Application"). WOAP is licensed (File No. BL-19970124AG) to operate during daytime hours only on 1080 kilohertz (kHz) at Owasso, Michigan, using 1.0 kilowatt (kW) power and a nondirectional antenna.[1] In 2007, the Commission issued a construction permit ("CP"), File No. BMJP-20020102AAQ, which authorizes WOAP operation during daytime hours only on 1080 kHz at Waverly, Michigan, using 50 kW power and a directional antenna system. In the Application, 1090 requests modification of the Waverly CP to permit operation during nighttime hours using 4.5 kW power and a directional antenna system. Implementation of nighttime facilities proposed in the Application may result in the modification of the license, File No. BL-19820929BM, of co-channel Class A AM Station WTIC, Hartford, Connecticut, Facility ID No. 66464.

2. Section 316(a) of the Communications Act of 1934, as amended (the "Act"), permits the Commission to modify a broadcast station authorization if such action is in the public interest.[2] In this instance, 1090 proposes a first local nighttime service to the community of Waverly, Michigan. We consider the Application to have sufficient public interest benefits to justify the issuance of this *Order to Show Cause*.

3. AM Station WTIC is a unlimited time, Class A station authorized by the Commission to operate on 1080 kHz at Hartford, Connecticut, using 50 kilowatts (kW) power and a nondirectional antenna during daytime hours, and 50 kW power and a directional antenna during nighttime hours. AM broadcast stations are permitted to operate daytime facilities during the period between local sunrise and local sunset, and nighttime facilities, if authorized, during the period between local sunset and local

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[1] Class D AM stations operate either daytime, limited time or unlimited time with nighttime power less than 0.25 kilowatts. The nighttime facilities of Class D AM stations are not afforded protection and must protect all Class A and Class B AM stations during nighttime hours. *See* 47 C.F.R. § 73.21(a)(3).

[2] 47 U.S.C. § 316(a). The procedure for modifying an authorization in such manner is set forth in Section 1.87 of the Commission's rules, and it requires us to notify the licensee of the affected station, in writing, of the proposed action and the public interest reasons for it, and to afford the licensee at least 30 days to respond. *See* 47 C.F.R. § 1.87.

sunrise. However, since WTIC commenced operation on 1080 kHz in 1941, the station's authorization has contained a special condition permitting WTIC to continue operating using its licensed daytime nondirectional facilities until sunset at Dallas, Texas, the location of co-channel Class A AM Station KRLD (Facility ID Number 59820). Depending upon the month of the year, the period of extended WTIC daytime operation is between one to two hours beyond sunset in Hartford, Connecticut. All other AM stations on 1080 kHz with authorized nighttime facilities are required to begin operation using their nighttime facilities at local sunset.

4. During daytime hours, AM station protection is based on groundwave signal propagation, and during nighttime hours, AM station protection is based on skywave signal propagation.[3] The license condition permitting the extended WTIC daytime operation is not specific with respect to the type of protection that must be afforded to the extended WTIC daytime operation by co-channel and adjacent channel stations. If groundwave protection of the extended WTIC daytime operation was intended, the nighttime facilities proposed in the Application would not cause predicted interference within the protected WTIC service area; grant of the application would not result in modification of the WTIC license; and Section 316 procedures would not be relevant. If skywave protection of the extended WTIC daytime operation was intended, the nighttime facilities proposed in the Application would cause predicted interference within the protected WTIC service area; grant of the Application would result in modification of the WTIC license; and Section 316 procedures would be relevant. Our review of pertinent AM assignments that existed in 1941 when WTIC began its extended daytime operation on 1080 kHz, and current AM assignments shows that unlimited time, co-channel AM Stations WKJK, Louisville, Kentucky (Facility ID No. 55497), and WWNL, Pittsburgh, Pennsylvania (Facility ID No. 18517), among others, are predicted to currently cause interference within the protected contour of the extended WTIC daytime operation if the nighttime protection requirements of the Commission's rules are applied to the extended WTIC daytime operation. Based on this, we tentatively conclude that the extended WTIC daytime operation is entitled to groundwave protection only, and accordingly, that grant of the Application would not result in the modification of the WTIC license. In any event, we note that if skywave protection requirements apply, the WOAP facilities proposed in the Application would cause predicted interference to areas which already receive interference from other stations.

5. Accordingly, we propose that the special condition on the WTIC license permitting WTIC daytime operation until sunset at Dallas, Texas, be amended as follows:

"Operation of the WTIC daytime facilities authorized herein may continue until sunset at Dallas, Texas. This extended WTIC daytime operation is entitled to groundwave protection only."

6. Accordingly, IT IS ORDERED, that pursuant to Section 316(a) of the Communications Act of 1934, as amended, CBS Radio Stations Inc., the licensee of AM Station WTIC, 1080 kHz, Hartford, Connecticut, SHALL SHOW CAUSE why the proposed condition would constitute a modification of its license and, if so, why its license should not be modified as proposed.

7. Pursuant to Section 1.87 of the Commission's Rules,[4] CBS Radio Stations Inc. may, no later than May 22, 2008, file a written statement showing with particularity why the WTIC license should not be modified as proposed in this *Order to Show Cause*. The Commission may call upon the licensee to furnish additional information. If the licensee raises a substantial and material question of fact, a hearing

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[3] *See* 47 C.F.R. § 73.182(q).

[4] *See* 47 C.F.R. § 1.87.

may be required to resolve such questions of fact pursuant to Section 1.87 of the Commission's Rules.[5] Upon review of the statements and/or additional information furnished, the Commission may grant the modification, deny the modification, or set the matter of modification for hearing. If no written statement is filed by the date specified above, the licensee will be deemed to have consented to the modification as proposed in the *Order to Show Cause*, and a final *Order* will be issued if the modification is found to be in the public interest.

8. IT IS FURTHER ORDERED, that a copy of the *Order to Show Cause* shall be sent BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, to the following:

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1090 Investments L.L.C.
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9. For further information on this proceeding, contact Susan N. Crawford, Audio Division, Media Bureau, at (202) 418-2754.

FEDERAL COMMUNICATIONS COMMISSION

Peter H. Doyle
Chief, Audio Division
Media Bureau

[5] *Id.*