



Federal Communications Commission
Washington, D.C. 20554

DA 24-198
In Reply Refer to:
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In re: WMVP(AM), Chicago, Illinois
Facility ID No. 73303
Application File No. 219464

Informal Objection

Dear Counsel and Objector:

We have before us the above-referenced application to modify the facilities of AM station WMVP, Chicago, Illinois (WMVP), filed by Good Karma Broadcasting, LLC (Good Karma) on August 16, 2023 (Application). We also have an informal objection to the Application filed by Albert Adam David (David) on November 23, 2023 (Informal Objection).¹ For the reasons stated below, we deny the Informal Objection and grant the Application.

Background. In the Application, Good Karma proposes to relocate the WMVP facility approximately 31 kilometers to the currently licensed nighttime transmitter site of WCPT(AM), Willow Springs, Illinois.² Good Karma proposes to retain WMVP's Class A designation, operating frequency (1000 kHz), and 50 kW daytime operating power, but reduce nighttime operating power to 37 kW while diplexing nighttime transmissions with WCPT (WCPT broadcasts at 1.5 kW on a different frequency).³ Good Karma states that the proposed operation complies with all of the Commission's rules, including the community coverage and signal strength contour overlap requirements.⁴

In the Informal Objection and Reply, David argues that grant of the Application is not in the public interest because Good Karma's proposed nighttime power reduction from 50 kW to 37 kW would not provide "the levels of secondary service that clear-channel status is intended to protect" and would not meet the technical requirements for Class A stations set out in sections 73.21(a)(1) and 73.182(a)(1) of the

¹ Pleading File No. 227653. On December 5, 2023, Good Karma filed an opposition to the Informal Objection (Opposition) (Pleading File No. 231364). On December 23, 2023, David filed reply to the Opposition (Reply) (Pleading File No. 233737).

² See Application, Attach. "Engineering Packet" (Engineering Statement) at 1-2.

³ Engineering Statement at 4.

⁴ *Id.* at 7-11.

rules.⁵ David alleges that the proposed nighttime power reduction would create a significant skywave contour pattern null over “areas of the country that are most dependent on such coverage, such as sparsely populated areas of Appalachian Virginia and West Virginia.”⁶ David urges that if the proposed changes are approved, WMVP should be reclassified as a Class B station and lose protection to its secondary coverage areas so that other stations on the same frequency could add or increase their own nighttime service.⁷

In the Opposition, Good Karma states that the proposed power reduction complies with the Commission’s rules and that two other Class A stations operate with less than 50 kW nighttime power levels.⁸

Discussion. An informal objection must provide properly supported allegations of fact which, if true, would establish a substantial and material question of fact regarding whether grant of the application in question would be consistent with the public interest, convenience and necessity.⁹ David has failed to meet this burden.

Most Class A AM stations assigned to clear channels must operate at 50 kW, which the Commission has explained is “a power level best suited for stations intended to provide wide-area service in the most efficient manner.”¹⁰ However, when the Commission reclassified all Class 1-A and 1-B clear channel stations to a single Class A category in 1991,¹¹ it grandfathered former Class 1-B stations—which had long been authorized to operate at less than 50 kW—to continue to or apply for a future modification to operate at a lower power, provided that the proposed power level was sufficient to generate a secondary service contour—i.e., a skywave signal of at least 0.5 mV/m for 50% of the time that extends beyond the groundwave service contour.¹²

WMVP was classified as a Class 1-B station prior to 1991 and is therefore permitted, as a grandfathered station, to operate at less than 50 kW power if it is otherwise compliant with the Commission’s rules. Because the public interest implications of former Class 1-B stations operating at

⁵ Informal Objection at 1 (citing 47 CFR §§ 73.21(a)(1), 73.182(a)(1)).

⁶ Informal Objection at 1-2. Groundwaves, also known as surface waves, propagate along the surface of the earth and depend on currents flowing in the ground, as opposed to skywaves, which propagate through the earth’s ionosphere. *See generally*, International Telecommunications Union, Handbook on Ground Wave Propagation 1 (2014) (*available at* https://www.itu.int/dms_pub/itu-r/opb/hdb/R-HDB-59-2014-PDF-E.pdf) (last visited Feb. 27, 2024).

⁷ Informal Objection at 2, Reply at 1-2. Class A stations located in the continental United States are protected during the day to their 0.1 mV/m groundwave contour by co-channel stations, and to their 0.5 mV/m groundwave contour by adjacent channel stations. 47 CFR § 73.182(a)(1)(i)(A). At night, these stations are protected to their 0.5 mV/m-50 percent skywave contour by co-channel stations, and to their 0.5 mV/m groundwave contour by adjacent channel stations. 47 CFR §§ 73.182(a)(1)(i)(B); 73.182(q). All Class A stations are protected to their 0.1 mV/m groundwave contour during critical hours. 47 CFR § 73.187(a)(1).

⁸ Opposition at 1-2.

⁹ *See, e.g., WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864 (1986).

¹⁰ *See Review of the Technical Assignment Criteria for the AM Broadcast Service*, Memorandum Opinion and Order, 8 FCC Rcd 3250, 3258, para. 62 (1993) (*Reconsideration Order*).

¹¹ *See Review of the Technical Assignment Criteria for the AM Broadcast Service*, Report and Order, 6 FCC Rcd 6273 (1991).

¹² *Reconsideration Order*, 8 FCC Rcd at 3258, para. 63.

less than 50 kW power were thoroughly considered as part of the notice-and-comment rulemaking process leading up to the grandfathering exception, we deny David's argument that reduced power in this case is against the public interest. Moreover, we note that the exception applies to a very small number of stations and that most Class A stations are still required to operate at 50 kW.¹³

Conclusion/Actions. For the reasons set forth above, IT IS ORDERED that the informal objection filed by Albert Adam David on December 23, 2023 (Pleading File No. 227653) IS DENIED and the modification application for AM station WMVP, Chicago, Illinois (WMVP), filed by Good Karma Broadcasting, LLC on August 16, 2023 (Application File No. 219464), IS GRANTED.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

¹³ See 47 CFR §§ 73.182(a)(1)(i), 73.25(a).