

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554
October 5, 1998

IN REPLY REFER TO:
1800B3-BJB

Certified Mail - Return Receipt Requested

Mr. Jeffrey W. Miller
102 Dean Road
Brookline, MA 02146

In re: NEW, Brookline, MA
Jeffrey W. Miller
Application for Experimental
Broadcast Station

Dear Mr. Miller:

The letter is in reference to your application to construct an experimental FM broadcast station that was filed in March of 1998. The application requests authority to operate on Channel 286 with 110 watts effective radiated power from a site located in Brookline, Massachusetts.

Applicants for experimental broadcast stations are required by 47 C.F.R. § 74.102 to propose operations for the purpose of carrying on research and experimentation for the development and advancement of new broadcast technology, equipment, systems, or services which are more extensive than that which currently exists or which require other modes of transmission than can be accomplished by using a licensed broadcast station under an experimental authorization. In order to ensure the proper use of such an authorization, applicants are required by § 74.131(a)(1) to demonstrate that there is a definite program of research and experimentation in the technical phases of broadcasting which indicates reasonable promise of substantial contribution to the developments of the broadcast art. Furthermore, the applicant must establish that the research program could only be implemented via an experimental permit. Since your application addressed none of these issues, it will be returned.¹

¹ Additionally, experimental stations are not permitted to cause interference to any existing stations. According to our study, the proposed facility would potentially cause interference to the following FM stations: WXLO, Fitchburg, MA; WBOQ, Gloucester, MA; WWLI, Providence, RI; WROR-FM, Framingham, MA; and WJMN, Boston, MA.

Accordingly, Jeffrey W. Miller's March 1998 application to construct an experimental FM broadcast station IS HEREBY RETURNED. We note that, in one portion of the application, you indicated that you were proposing changes in "existing station WQAW." In this regard, the staff has been unable to locate any record of the Commission ever issuing you authority to operate an FM broadcast station.² **Thus, any operation with the facility described in the application would be considered unauthorized and, therefore, illegal.**

Sincerely,

Dennis Williams
Assistant Chief
Audio Services Division
Mass Media Bureau

cc: EIC, Boston

² A request for special temporary authority to operate a similar station was denied by staff letter dated May 28, 1998. See *Letter of the Assistant Chief, Audio Services Division*, dated May 28, 1998.

Mr. Jeffrey W. Miller
102 Dean Road
Brookline, MA 02146

Engineer in Charge
FCC
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