

FRANK PALLONE, JR  
11th DISTRICT, NEW JERSEY

Congress of the United States  
House of Representatives  
Washington, DC 20515-3006

April 4, 2007

Ms. Maureen Nevin Duffy  
3 Deal Lake Court  
Asbury Park, New Jersey 07712-5116

Dear Ms. Duffy

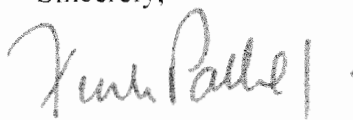
I recently received a reply from the Federal Communications Commission (FCC). This is in response to my recent inquiry on your behalf.

The Enforcement Bureau of the FCC has informed my office that the investigation into the WYGG is ongoing. As such, they can only provide general information to help address your concerns.

I trust that this letter is self-explanatory and I hope this information is helpful to you. Please do not hesitate to contact my office in the future if you should require additional assistance with this or any other matter of a federal nature.

With best regards, I am

Sincerely,



FRANK PALLONE, Jr.  
Member of Congress

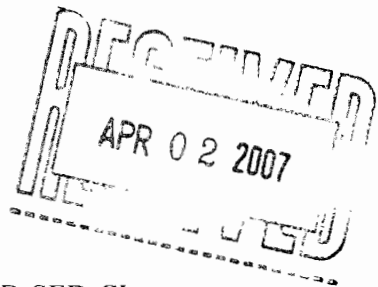
FP/am  
Enclosure

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Federal Communications Commission  
Washington, D.C. 20554

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The Honorable Frank Pallone  
Member, U. S. House of Representatives  
504 Broadway  
Long Branch, New Jersey 07740

Dear Congressman Pallone:

Thank you for your inquiry of March 7, 2007, on behalf of Maureen Nevin, who expressed concerns regarding recent inspections by FCC agents of non-commercial educational FM radio station WYGG, 88.1 MHz, Asbury Park, New Jersey, which is licensed to Minority Business & Housing Development, Inc. ("MBHD"). According to Ms. Nevin, she previously hosted a radio show on WYGG called "Asbury Radio."

As Ms. Nevin correctly states, FCC agents conducted inspections of WYGG last November. Specifically, an agent from the New York Office conducted a routine inspection of station WYGG on November 16, 2006. In light of apparent violations found during the initial inspection, follow-up inspections were conducted by agents from the New York Office and the Philadelphia Office on November 20, 2006. Because this investigation is ongoing, I am not able to provide any details regarding the investigation at this time. I will try, however, to address generally some of Ms. Nevin's concerns.

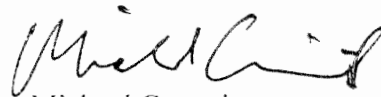
First, please let me assure you that WYGG was not targeted for inspection because of any particular programming that is aired on the station. The inspection of WYGG was a routine inspection. FCC agents regularly conduct random inspections of broadcast stations. Section 303(n) of the Communications Act of 1934, as amended, 47 U.S.C. § 303(n), gives FCC agents the authority to inspect all radio installations of any radio transmitting equipment regulated by the FCC. Agents generally do not provide a licensee advance notice of such an inspection. In addition to random inspections, FCC agents also conduct follow-up inspections if necessary, as occurred in the case of WYGG.

Second, the record indicates that all FCC inspection protocols were followed. For example, while agents are not concerned with the particular programming on a station, agents are required under the Enforcement Bureau's broadcast inspection protocols to determine whether a licensee is complying with the public inspection file rule, 47 C.F.R. § 73.3527 (local public inspection file rule for non-commercial stations). Section 73.3527(e)(8) of the Commission's rules requires that a station place in its public inspection file every three months a list of programs that have provided the station's most significant treatment of community issues during the preceding three month period. The list must contain a brief narrative describing what issues were given significant treatment and the programming that provided this treatment. It appears that the agents' inquiries regarding this "issues/programs" list may have been misconstrued.

Finally, there are various circumstances under which a licensee may turn off its transmitter during and/or after an inspection. For example, when agents are taking measurements to determine whether a station is complying with the radio frequency radiation ("RFR") maximum exposure limits, 47 C.F.R. § 1.1310, each licensee on a multi-antenna site may be asked to turn off its transmitter so that agents can determine each station's contribution to the overall RFR levels. Similarly, a licensee may turn off its transmitter after an inspection in order to avoid further enforcement action. I would note that, on November 27, 2006, after the agents' inspection, the licensee of WYGG, MBHD, requested special temporary authority ("STA") to remain silent, which was granted by the Audio Division of the FCC's Media Bureau on November 30, 2006. On January 4, 2007, WYGG requested another STA to operate its station at 414 Asbury Avenue, which was expeditiously granted by the Audio Division that same day. On January 30, 2007, agents conducted an inspection of WYGG's facilities to determine whether it was operating with facilities authorized by the STA. The Audio Division granted "on-air" status to the station following the inspection.

Thank you for your interest in this matter. If you require additional information or assistance, please contact this office at (202) 418-7450.

Sincerely,



Michael Carowitz  
Chief of Staff  
Enforcement Bureau