

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
WIFREDO G. BLANCO-PI)	File No. BPEX-20090706AHD
)	Facility ID No. 181037
Application for a New Experimental AM Booster)	
Station at Guayama, Puerto Rico)	

MEMORANDUM OPINION AND ORDER

Adopted: April 26, 2016

Released: April 28, 2016

By the Commission: Commissioner Pai issuing a statement.

I. INTRODUCTION AND BACKGROUND

1. Before us is Wifredo G. Blanco-Pi's (Blanco-Pi) August 16, 2011, "Petition for Review," which we consider under Section 1.115 of our Rules as an Application for Review (AFR).¹ Blanco-Pi seeks review of the Media Bureau's (Bureau) July 27, 2011, letter decision,² in which the Bureau partially granted and otherwise denied Blanco-Pi's Petition for Reconsideration of the Bureau's prior denial of the above-captioned application for an experimental broadcast station under former Section 74.102 of the rules (Application).³ For the reasons discussed below, in this *Memorandum Opinion and Order* we dismiss in part, and otherwise deny the AFR.

2. Blanco-Pi is the licensee of broadcast station WISO(AM), Ponce, Puerto Rico. He currently operates, in conjunction with WISO(AM), two synchronous AM booster stations, both under broadcast experimental radio licenses.⁴ These AM booster stations were authorized in order to allow his experimentation with synchronization of such boosters with the primary AM station, WISO(AM). In the Application, Blanco-Pi provides detailed notes on the technical steps needed properly to implement and operate an AM synchronous booster station in Puerto Rico.⁵ He seeks to establish a new AM booster station to cover Guayama, a community approximately 35 miles to the east of WISO(AM), in order to provide it with programming from WISO(AM), which according to Blanco-Pi would give that community its only all-news station.⁶

3. The Application was initially denied by the Bureau, on the ground that the proposed 0.5 mV/m daytime and nighttime groundwave contours of the proposed AM booster station would extend beyond WISO(AM)'s 0.5 mV/m daytime and nighttime groundwave contours.⁷ In the *Reconsideration*

¹ 47 CFR § 1.115.

² *Mr. Wifredo G. Blanco-Pi*, Letter Decision, Ref. No. 1800B3-SNC (MB July 27, 2011) (*Reconsideration Decision*).

³ File No. BPEX-20090706AHD. See former 47 CFR § 74.102. Experimental broadcast stations are now covered under 47 CFR §§ 5.205 – 5.219.

⁴ The existing experimental AM booster stations authorized to Blanco-Pi and associated with WISO(AM) are WI2XSO, Mayaguez, Puerto Rico, initially granted to Blanco-Pi on December 8, 1997 (File No. BPEX-19970430AD), and WI3XSO, Aguadilla, Puerto Rico (File No. BNPEX-20001114AAW, granted July 5, 2002).

⁵ Application, Exh. 3.

⁶ Application at 17.

⁷ *Wifredo G. Blanco-Pi*, Letter Decision, Ref. No. 1800B2-JBS (MB Nov. 18, 2009) (*Staff Decision*).

Decision, the Bureau partly granted Blanco-Pi's November 25, 2009, Petition for Reconsideration (Petition), finding that the Commission's 1989 *Memorandum Opinion and Order* terminating its proceeding inquiring into the deployment of AM synchronous boosters did not prohibit an experimental booster from exceeding its primary station's predicted coverage contours.⁸ The Bureau, however, otherwise denied reconsideration, finding that based on Blanco-Pi's long experience in operating his other experimental AM booster stations, "nothing new or groundbreaking concerning the operation of AM synchronous stations will be gleaned by permitting [him] to add a fourth AM synchronous transmitter to the existing WISO synchronous network."⁹ Blanco-Pi timely filed the AFR.

II. DISCUSSION

4. Upon review of the Petition and of the entire record, we conclude that Blanco-Pi has failed to demonstrate that the Bureau erred. Blanco-Pi's Application and other filings demonstrate a fundamental misunderstanding of the limited purpose of a broadcast experimental radio station, such as that which Blanco-Pi seeks to operate. Experimental stations, that is, discrete, stand-alone stations currently authorized under Sections 5.205 – 5.219 of the rules,¹⁰ are designed to encourage experimentation and innovation in the provision of broadcast service to the public, and licenses will be issued for the purposes of research and experimentation for the development and advancement of new broadcast technology, equipment, systems, or services.¹¹ Experimental stations are subject to a broad variety of operating and reporting requirements. Crucially, reflecting their limited purpose, such stations are prohibited from commercial use, or from transmitting program material unless it is necessary to the experiments being conducted, and regular program service may not be broadcast unless specifically authorized.¹² These restrictions prevent entities from exploiting a broadcast experimental radio station for commercial purposes while functioning under the guise of an experimental station.¹³

5. As noted above, Blanco-Pi already operates two AM synchronous boosters in conjunction with WISO(AM). In the Application and Petition, Blanco-Pi states as a truism the alleged experimental value of observing the performance of four synchronized AM stations, as opposed to three, on an island

⁸ *Reconsideration Decision* at 2 (citing *Amendment of Part 73 to Authorize the Use of Multiple Synchronous Transmitters by AM Broadcast Stations*, Memorandum Opinion and Order, 4 FCC Rcd 591 (1989) (1989 MO&O)).

⁹ *Reconsideration Decision* at 2. The Bureau also stated that Blanco-Pi's proposed operation did not conform to any of the categories of operation cited in the 1989 MO&O that would justify extension of an AM primary station's coverage. *Id.* Blanco-Pi contends, and we agree, that those categories were exemplary and not exhaustive. However, as discussed in the text, we concur with the Bureau that Blanco-Pi's application does not present a definite research program regarding the operation of AM synchronous boosters.

¹⁰ 47 CFR §§ 5.205 – 5.219.

¹¹ 47 CFR § 5.203 (former 47 CFR § 74.102 (2009)). See also *1998 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Biennial Review Report, 15 FCC Rcd 11058, 11119-20 paras. 112-113 (2000) (1998 Biennial Review).

¹² Former 47 CFR §74.182(a) (2009), now codified at 47 CFR § 5.215(a).

¹³ *1998 Biennial Review*, 15 FCC Rcd at 11120 para. 113. Additionally, the Commission in the *1998 Biennial Review* lifted the prohibition on any person controlling two or more experimental stations, which appeared to have been adopted "to limit the opportunities for the commercial use of experimental stations." *Id.* at 11120 para. 114. The Commission reasoned that "[r]epeal of this multiple ownership rule would not affect the Commission's ability to ensure that experimental stations are used solely for their avowed purposes . . . These stations operate for research purposes and, thus, do not compete in the marketplace for programming or advertising and existing rules will provides safeguards against abuse in the absence of the experimental station multiple ownership rule." *Id.* at 11120-21 para. 114.

the size of Puerto Rico,¹⁴ but does not detail the new knowledge he expects to gain as a result of adding the proposed Guayama experimental facility.¹⁵ Blanco-Pi's principal arguments for the new experimental booster station focus on extending WISO(AM)'s program service to Guayama,¹⁶ and the fact that extending that service can be accomplished more efficiently and inexpensively through use of an AM synchronous booster than by conventional means.¹⁷ Finally, Blanco-Pi asserts in the Application that the proposed experimental booster station would "rebroadcast entirely WISO-AM programming [from] merely unattended transmitter sites."¹⁸

6. In short, Blanco-Pi's Application makes clear that his purpose in seeking a third AM synchronous booster is not "utilizing radio waves in experiments with a view to the development of science or technique,"¹⁹ but rather extending the signal coverage of WISO(AM) to the east, to another area of the island of Puerto Rico from which WISO(AM) cannot currently be heard.²⁰ As discussed above, expansion of existing program service, with no apparent experimental benefit, does not justify licensing a broadcast experimental radio station. Moreover, establishment of a new AM booster station merely to extend the service of an existing AM station impermissibly circumvents our commercial AM filing window and competitive bidding processes.²¹

¹⁴ See, e.g., Application at 13 ("Blanco-Pi feels confident he can prove the FCC (sic) and the broadcasting industry that four high power stations on the same frequency can co-exist even at a small island (100 x 35 square miles.); Petition at 3 ("Wouldn't it be desirable . . . to have available the opportunity to listen and examine the performance of FOUR (4) synchronized transmitters . . . at a small island . . . with overlapping contour areas? The obvious answer is YES.").

¹⁵ In the AFR Blanco-Pi attempts to expand upon the claimed experimental benefits of a third synchronous AM booster. AFR at 2. This argument, however, was not presented to the Bureau in either the Application or the Petition. To the extent that it is raised in the AFR, we dismiss the AFR pursuant to 47 CFR § 1.115(c).

¹⁶ See, e.g., Application at 17 ("The two [existing] AM stations in Guayama are dedicated to music programming. **A grant for the proposed AM synchronous booster would give Guayama its first all news station.**" (emphasis in original)); Petition at 3 ("WISO has been broadcasting an ALL-NEWS format since 18 years ago. The Guayama people [have] been depending on difficult to tune signals from Ponce and/or San Juan to keep informed since the radio stations assigned to Guayama are dedicated to music formats."). See also August 11, 2011, letter from Mayor Glorimari Jaime of Guayama, attached to Blanco-Pi's Addendum to Petition for Review (filed Aug. 17, 2011), in which the mayor supports granting the Application, citing the need in her community for WISO(AM)'s news and information programming. We do not scrutinize or regulate program formats, nor do we base licensing decisions on program formats. See, e.g., *Buckley Broadcasting Co. and KAMP, Inc.*, Memorandum Opinion and Order, 13 FCC Rcd 21119, 21123 para. 14 (1998) (citing *Development of Policy Re: Changes in the Entertainment Formats of Broadcast Stations*, Memorandum Opinion and Order, 60 F.C.C.2d 858 (1976)).

¹⁷ See, e.g., Application at 16 (stating the purported technical impossibility of extending the WISO(AM) signal from Ponce to Guayama using WISO(AM)'s licensed site).

¹⁸ Application at 8.

¹⁹ 47 CFR § 5.5.

²⁰ If anything, Blanco-Pi suggests that the work he and his son, also a broadcast engineer, have done with his two existing boosters has completed their experimentation with the technology. "My son and I never gave up and continued experimenting until making [AM synchronous boosters] work." Petition at 2. See also *id.* at 14-16, wherein Blanco-Pi details the technical steps necessary for an AM synchronous booster station installation.

²¹ See generally 47 U.S.C. § 309(j); 47 CFR §§ 1.2101-1.2114, 73.5000-73.5009. See also 47 CFR § 73.5000(a) (stating that AM broadcast service is subject to competitive bidding).

III. ORDERING CLAUSE

7. ACCORDINGLY, IT IS ORDERED that, pursuant to Section 5(c)(5) of the Communications Act of 1934, as amended,²² and Sections 1.115(c) and (g) of the Commission's Rules,²³ the "Petition for Review" filed by Wifredo Blanco-Pi on August 16, 2011, considered as an application for review, IS DISMISSED to the extent that it raises questions of law or fact not previously raised, and IS OTHERWISE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

²² 47 U.S.C. § 155(c)(5).

²³ 47 CFR § 1.115(c), (g).

**STATEMENT OF
COMMISSIONER AJIT PAI**

Re: *Wifredo G. Blanco-Pi, Application for a New Booster Station at Guayama, Puerto Rico*, File No. BPEX-20090706AHD, Facility ID No. 181037.

This *Order* resolves a narrow question: Under the particular facts in front of us, does the applicant qualify for a broadcast radio experimental license to build an AM synchronous booster station in Guayama, Puerto Rico? For the reasons set forth by the Commission, I agree that the correct answer is no.

Given its unique factual context, this *Order* should not deter any AM broadcasters who wish to perform legitimate experiments with AM synchronous boosters from coming to the Commission. If broadcasters wish to test whether synchronous transmission systems can help improve signal quality within their coverage area, I believe that the Commission should facilitate such experiments as we search for ways to revitalize the AM band.