

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

Yes No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of horizontally and vertically polarized radiated components in terms of relative field.

Exhibit No.
*Fig.3

11. Will the main studio be located within the 70 dBu or 3.16 mV/m contour?

Yes No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.
DNA

12. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

Yes No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(d) and 73.318.)

Exhibit No.
*

13. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction D for Section V. Further, the map must clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
*Fig.4

14. Attach as an Exhibit (inasmuch as the source) a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
*Fig.5

- (a) the proposed transmitter location, and the radials along with profile graphs have been prepared;
- (b) the 1 mV/m predicted contour and, for noncommercial educational applicants applying on a commercial channel, the 3.16 mV/m contour; and
- (c) the legal boundaries of the principal community to be served.

15. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km) and population (latest census) within the predicted 1 mV/m contour.

Area 4,884 sq. km. Population 696,917

16. Attach as an Exhibit a map (Sectional Aeronautical charts where obtainable) showing the present and proposed 1 mV/m (60 dbu) contours.

Exhibit No.
*Fig.6

Enter the following from Exhibit above: Gain Area 412 sq. mi.
Loss Area 1 sq. mi.

Percent change (gain area plus loss area as percentage of present area) 28.0 %.
If 50% or more this constitutes a major change. Indicate in question 2(c), Section I, accordingly.

* See attached engineering statement.

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

20. Is the proposed antenna location within 320 kilometers of the common border between the United States and Canada? Yes No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Working Agreement for Allocation of FM Broadcasting Stations on Channels 201-300 under The Canada-United States FM Agreement of 1947.

Exhibit No.
DNA

21. If the proposed operation is for a channel in the range from channel 201 through 220 (88.1 through 91.9 MHz), or if this proposed operation is for a class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz), attach as an Exhibit a complete allocation study to establish the lack of prohibited overlap of contours with other U.S. stations. The allocation study should include the following:

Exhibit No.
*Fig. 7

- (a) The normally protected interference-free and the interfering contours for the proposed operation along all azimuths.
- (b) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused.
- (c) Interfering contours over pertinent arcs of all other proposals and existing stations from which objectionable interference would be received.
- (d) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference.
- (e) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities.
- (f) When necessary to show more detail, an additional allocation study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof.
- (g) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire Exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (h) The name of the map(s) used in the Exhibit(s).

22. With regard to any stations separated by 53 or 54 channels (10.6 or 10.8 MHz) attach as an Exhibit information required in 1/ *(separation requirements involving intermediate frequency i.f. interference)*.

Exhibit No.
*

23.(a) Is the proposed operation on Channel 218, 219, or 220?

Yes No

(b) If the answer to (a) is yes, does the proposed operation satisfy the requirements of 47 C.F.R. Section 73.207? DNA

Yes No

(c) If the answer to (b) is yes, attach as an Exhibit information required in 1/ regarding separation requirements with respect to stations on Channels 221, 222 and 223.

Exhibit No.
DNA

(d) If the answer to (b) is no, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.
DNA

1/ A showing that the proposed operation meets the minimum distance separation requirements. Include existing stations, proposed stations, and cities which appear in the Table of Allotments; the location and geographic coordinates of each antenna, proposed antenna or reference point, as appropriate; and distance to each from proposed antenna location.

* See attached engineering statement.

Exhibit No.
DNA

17. For an application involving an auxiliary facility only, attach as an Exhibit a map (Sectional Aeronautical Chart or equivalent) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license. See 47 C.F.R. Section 73.1675. (File No.: _____)

18. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.313).

Source of terrain data: (check only one box below)

Linearly interpolated 30-second database

7.5 minute topographic map

(Source: _____)

Other (briefly summarize) Linearly interpolated three arc second terrain data base of the Defense Mapping Industry.

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 18 km (meters)	Predicted Distances to the 1 mV/m contour (kilometers)
0	449	40.4
45	454	42.5
90	454	40.9
135	444	40.0
180	441	37.4
225	440	39.7
270	442	43.1
315	447	40.9

Allocation Studies

(See Subpart E of 47 C.F.R. Part 73)

19. Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexico?

Yes No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band.

Exhibit No.
DNA

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 6)

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.
DNA

- (1) Protected and interfering contours, in all directions (360°), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibits(s).

24. Is the proposed station for a channel in the range from Channel 201 to 220 (88.1 through 91.9 MHz) and the proposed antenna location within the distance to an affected TV Channel 6 station(s) as defined in 47 C.F.R. Section 73.525?

Yes No

If Yes, attach as an Exhibit either a TV Channel 6 agreement letter dated and signed by both parties or a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 6 station.

Exhibit No.
*

25. Is the proposed station for a channel in the range from Channel 221 to 300 (92.1-107.9 MHz)?

Yes No

If Yes, attach as an Exhibit information required in 1/. (Except for Class B (secondary) proposals.)

Exhibit No.
DNA

26. Environmental Statement (See 47 C.F.R. Section 1.1307 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact?

Yes No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.
DNA

If No, explain briefly why not. Power will be diplexed into existing antenna mounted on existing tower.*

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) KEITH G. BLANTON	Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer
Signature <i>Keith G. Blanton</i>	Address (Include ZIP Code) KESSLER AND GEHMAN ASSOCIATES, INC. 1511 N. W. Sixth Street Gainesville, FL 32601
Date September 18, 1990	Telephone No. (Include Area Code) (904) 376-3157

* See attached engineering statement.

ENGINEERING STATEMENT OF KEITH G. BLANTON OF THE FIRM OF
KESSLER AND GEHMAN ASSOCIATES, INC., CONSULTING ENGINEERS,
IN CONNECTION WITH AN AMENDMENT TO THE APPLICATION, FILE NO. BPED-891127MC,
OF SOUTHWEST FLORIDA COMMUNITY RADIO, INC.
FOR A CONSTRUCTION PERMIT FOR A NEW FM BROADCAST STATION
WHICH WOULD OPERATE ON CHANNEL 202 WITH AN EFFECTIVE RADIATED POWER OF
1.9 KILOWATTS HORIZONTALLY POLARIZED
AT AN EFFECTIVE ANTENNA HEIGHT OF 446 METERS ABOVE AVERAGE TERRAIN
IN THE VICINITY OF CONWAY, FLORIDA

I, Keith G. Blanton, am an associate of Kessler and Gehman Associates, Inc., with offices in Gainesville, Florida. I have been working in the field of radio and television consulting engineering since 1961. I graduated from Duke University in 1951 with a Bachelor of Science degree in Physics.

This firm has been employed by Southwest Florida Community Radio, Inc. to make engineering studies and to prepare the engineering portion of an amendment to their application, File No. BPED-891127 MC, for construction permit for a new Frequency Modulation Broadcast Station which would operate on Channel 202 with an effective radiated power of 1.9 kilowatts horizontally polarized at an effective antenna height of 446 meters above average terrain in the vicinity of Conway, Florida. It is the purpose of this application to change the transmitting antenna site to that of WCPX-TV Channel 6 at Orlando. It is intended to diplex into the WCPX-TV Channel 6 antenna. The applicant has made an agreement with the licensee of WCPX-TV to this effect. This application will remain mutually exclusive with the applications, File No. BPED-890412MJ for channel 202C2 at Conway, Florida, File No. BPED-881207MA for channel 202C2 at Union Park, Florida, File No. BPED-891128ME for channel 202C2 at Lake Mary, Florida, File No. BPED-891127MD for channel 202C1 at Oak Hill, Florida and File No. BPED-891127MB for channel 203A at Mims, Florida.

ATTACHED FIGURES

In carrying out the engineering studies, the following attached figures were prepared by me or under my supervision:

1. Proposed engineering specifications.
2. Elevation drawing of the antenna system.
3. Directional Antenna data.
4. USGS Topographic Map showing the transmitter site and coordinate lines.
5. Map showing the proposed 1 mV/m contour.
6. Map showing the proposed and previously proposed 1 mV/m contours.
7. Allocation studies.

PROPOSED OPERATION

It is proposed to utilize a type accepted transmitter which in conjunction with the existing WCPX-TV horizontally polarized antenna and transmission line will produce an effective radiated power of 1.9 kilowatts horizontally polarized as shown in the attached Figure 1.

PROPOSED SITE

It is proposed to diplex into the existing WCPX-TV RCA TBF-6 BH(S) antenna on the 490 meter tower structure located near Bithlo, Florida upon which the antennae of WFTV(TV), WMFE-TV, WMFE-FM, WWKA(FM) and WDIZ(FM) are also mounted. Since the antenna is presently mounted on an existing tower it is not considered necessary to notify the FAA. However the FAA has reportedly been notified of the proposed construction by another applicant on 8-16-90. For the same reason, the proposed tower construction will not be a major action as defined by Section 1.1305 of the Commission's rules. Therefore it is not considered necessary to submit an environmental impact statement. The maximum power density at the base of the tower from the proposed channel 202 operation would be increased from 0.3803 mW/cm² from the authorized

operations of WFTV(TV), WCPX-TV, WKKA(FM), WMFE-TV, WDIZ(FM) and WMFE-FM to 0.3806 mW/cm^2 as a result of the operation of the proposed FM facility. This is significantly less than the maximum power density of 1.0 mW/cm^2 allowed by ANSI. There are no AM broadcast stations within two miles of the proposed site. There are no other FM, TV or non-broadcast stations in the vicinity of the proposed tower. The blanketing contour (115 dBu) extends 0.54 km (0.34 miles) from the transmitter based on free space field. If blanketing interference is caused to the few residents of this rural area the applicant will take steps to eliminate the interference in accordance with the FCC rules.

ALLOCATION STUDY

The proposed operation of the Channel 202 facility will not create prohibited contour overlap with any co-channel or adjacent channel FM stations. The interfering and protected contours of the most critical stations are shown on the map Figure 7. It can be seen that the most critical separation is that between the proposed 54 dBu contour of the Channel 202 station and the 60 dBu contour of the application, File No. BPED-881101MA for channel 203A at Palm Bay, Florida which contours fail to overlap by approximately 6.5 km.

POSSIBLE CHANNEL 6 TV INTERFERENCE

The only channel 6 TV station within 257 km of the proposed channel 202 FM site is WCPX-TV at Orlando with which we are proposing to colocate. The applicant has received and is including in the application a letter from WCPX agreeing to allow the applicant to diplex into the WCPX-TV antenna.

COMPLIANCE WITH FM STATION MILEAGE SEPARATION REQUIREMENTS

The proposed site will meet all separation requirements involving intermediate frequency interference. The nearest Channel 255 or 256 station is WEZO Channel 255C2 at Orlando, Florida which is 28.8 km away where a separation of 20 km is required from the proposed Channel 202 C2 facility.

AREA AND POPULATION ANALYSIS

The land area within the proposed 1 $\mu\text{V}/\text{m}$ contour was determined by using a polar planimeter on the original coverage map. The population served by the proposed 1 $\mu\text{V}/\text{m}$ contour was determined by using 1980 census data and a computer program which added the population of all enumeration districts whose centroids fall within the contour. The land area and population which would be served by the proposed 1 $\mu\text{V}/\text{m}$ contour are 4,884 square km and 696,917 persons respectively. This represents a gain of 1066 square km and a loss of 3 square km or a percent change of 28.0% in area from that proposed in the original application.

KESSLER AND GEHMAN ASSOCIATES, INC.

Keith G. Blanton

Keith G. Blanton, Consultant

September 18, 1989

SOUTHWEST FLORIDA COMMUNITY RADIO, INC.

CONWAY, FLORIDA

ENGINEERING SPECIFICATIONS

A. Transmitter Site

Geographic coordinates determined from WCPX-TV License

North Latitude 28°36'08"
West Longitude 81°05'37"

Street Address 0.72 km N of SR 420 E of Lake Picket
near Bithlo, Orange County, Florida

B. Proposed Facility

Channel	Number	202
	Frequency	88.3 MHz

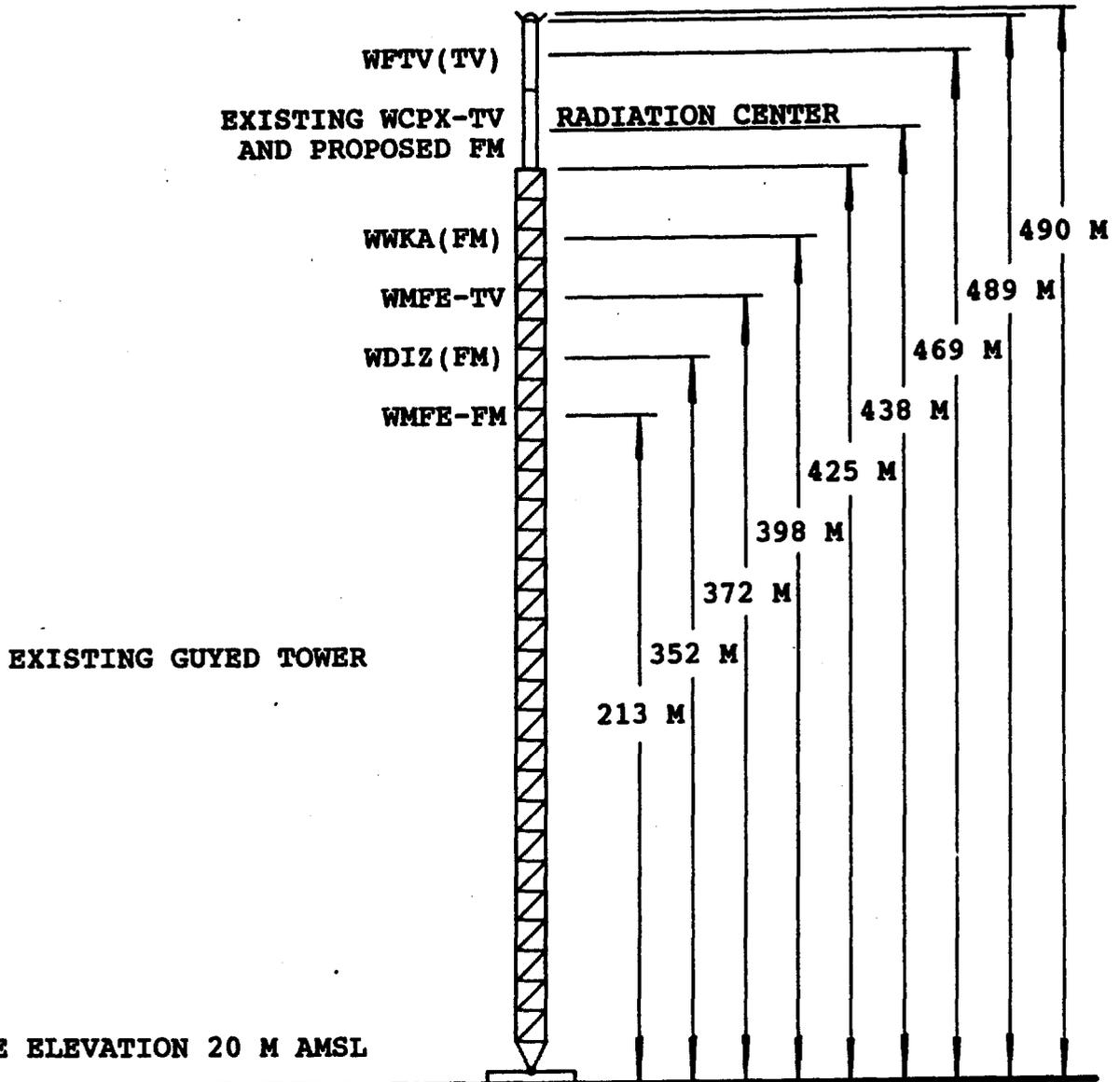
C. Antenna Height

Height of site above mean sea level	20 Meters
Overall height of structure above ground (including all appurtenances)	490 Meters
Overall height of structure above mean sea level (including all appurtenances)	510 Meters
Height of site above average terrain	8 Meters
Effective height of antenna above ground	438 Meters
Effective height of antenna above average terrain	446 Meters
Effective height of antenna above mean sea level	458 Meters

D. Proposed Operation

1.9 kW ERP horizontally polarized

ELEVATION VIEW



OVERALL HEIGHT, AGL 490 M
 OVERALL HEIGHT, AMSL 510 M
 RADIATION CENTER, AGL 438 M
 RADIATION CENTER, AMSL 458 M

COORDINATES:
 N. LATITUDE 28° 36' 08"
 W. LONGITUDE 81° 05' 37"

NOTE: NOT TO SCALE

KESSLER AND GEHMAN ASSOCIATES, INC.
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 904-376-3157 904-373-5225

SOUTHWEST FL. COMM. RADIO, INC
 CONWAY, FLORIDA

900914

FIGURE 2

SOUTHWEST FLORIDA COMMUNITY RADIO, INC.

CONWAY, FLORIDA

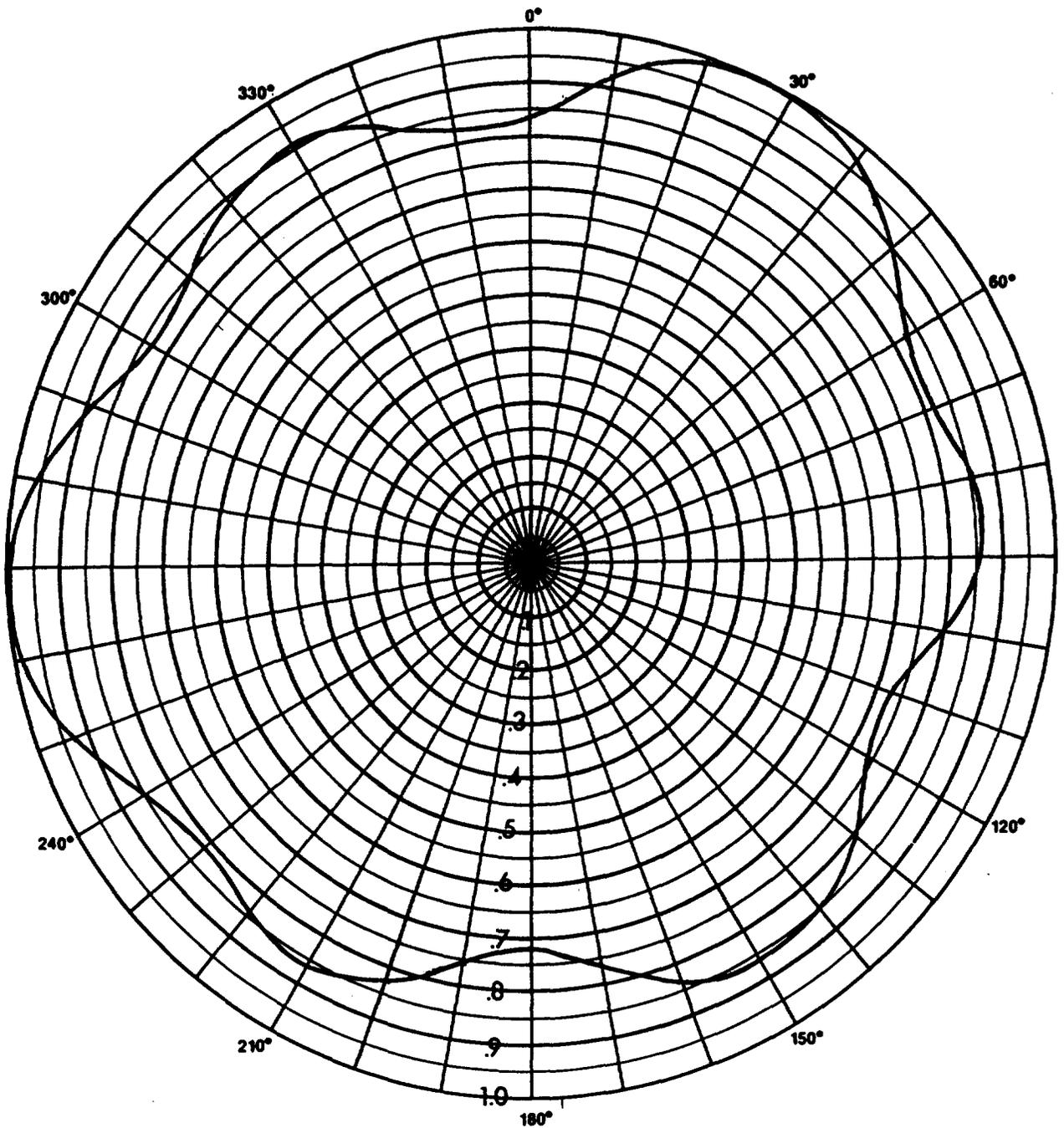
TABULATION OF RELATIVE FIELDS FOR WCPX-TV'S RCA TBF-6BM(S) ANTENNA

<u>AZIMUTH</u>	<u>RELATIVE FIELD</u>	<u>AZIMUTH</u>	<u>RELATIVE FIELD</u>
N 00 E	0.838	N180 E	0.719
N 10 E	0.925	N190 E	0.760
N 20 E	0.985	N200 E	0.830
N 30 E	1.000	N210 E	0.860
N 40 E	0.970	N220 E	0.845
N 45 E	0.934	N225 E	0.824
N 50 E	0.900	N230 E	0.820
N 60 E	0.824	N240 E	0.850
N 70 E	0.820	N250 E	0.930
N 80 E	0.855	N260 E	0.985
N 90 E	0.854	N270 E	1.000
N100 E	0.800	N280 E	0.960
N110 E	0.730	N290 E	0.890
N120 E	0.735	N300 E	0.829
N130 E	0.805	N310 E	0.850
N135 E	0.829	N315 E	0.870
N140 E	0.850	N320 E	0.890
N150 E	0.865	N330 E	0.910
N160 E	0.835	N340 E	0.875
N170 E	0.770	N350 E	0.825

900914

FIGURE 3A

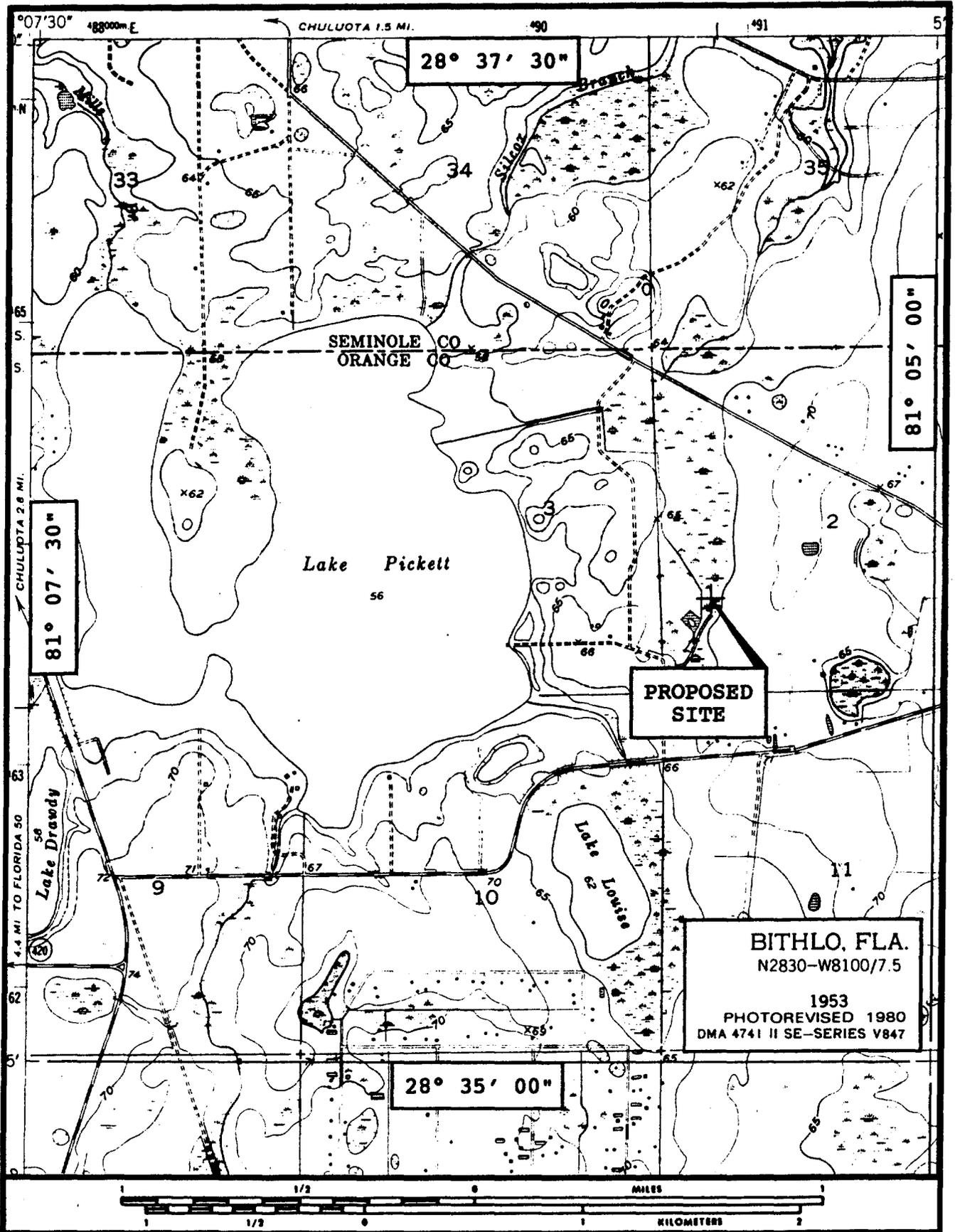
RELATIVE FIELD STRENGTH



**PROPOSED ANTENNA RADIATION PATTERN
WCPX-TV EXISTING RCA TBF-6BM ANTENNA
1.9 KW MAXIMUM**

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SOUTHWEST FL. COMM. RADIO, INC.
CONWAY, FLORIDA
900914 **FIGURE 3B**



KESSLER AND GEHMAN ASSOCIATES, INC.
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SOUTHWEST FL. COMM. RADIO, INC
 CONWAY, FLORIDA
 900914 **FIGURE 4**



PREDICTED 1 MV/M CONTOUR

SITE

CONWAY, FL

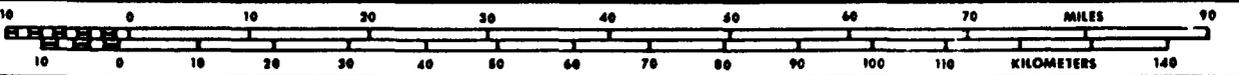
**JACKSONVILLE
SECT. AERO. CHART**

WITHIN 1 MV/M CONTOUR

**AREA 4,884 SQ. KM.
POPULATION 696,917**

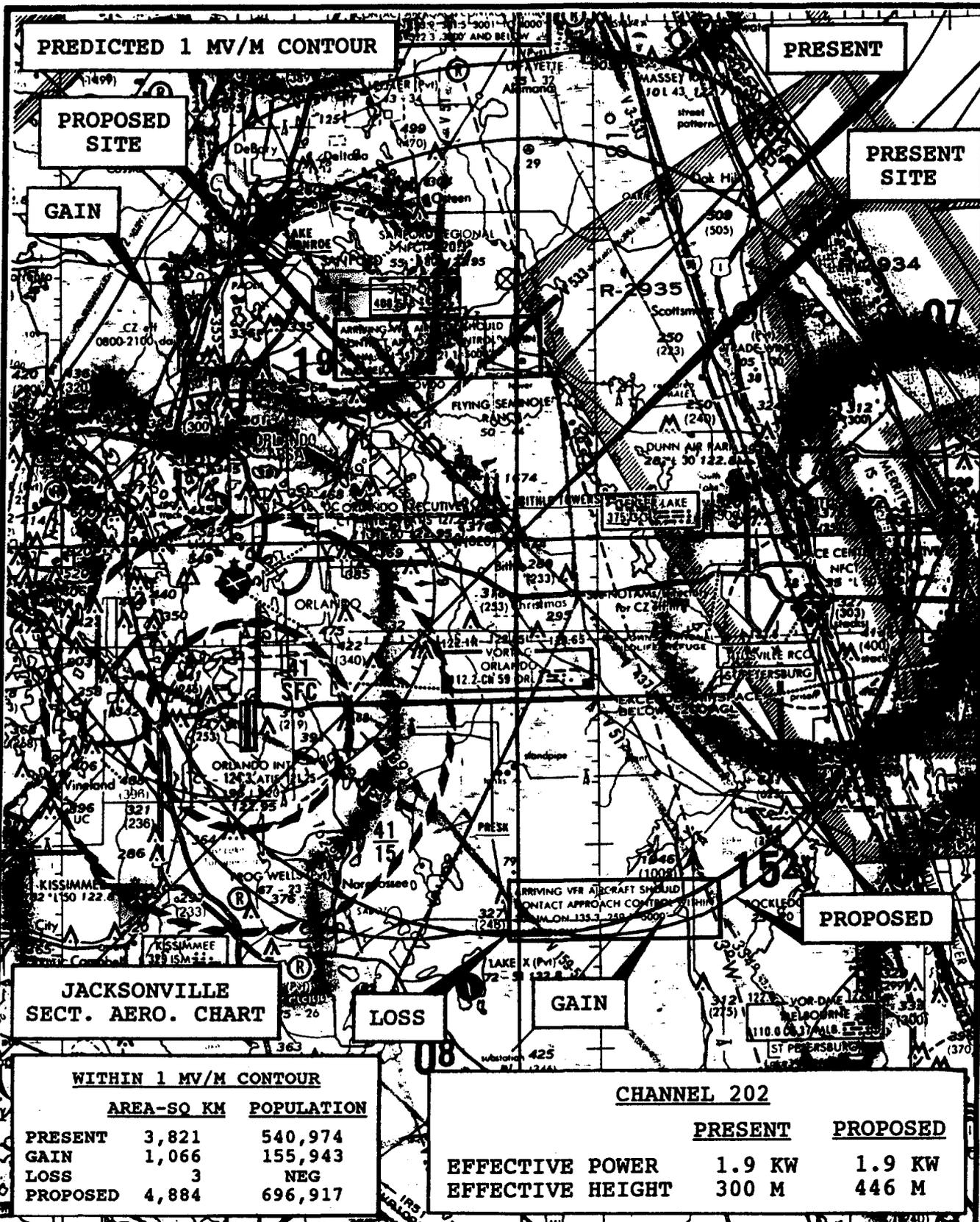
CHANNEL 202

**EFFECTIVE POWER (MAX-DA) 1.9 KM
EFFECTIVE HEIGHT 446 M**



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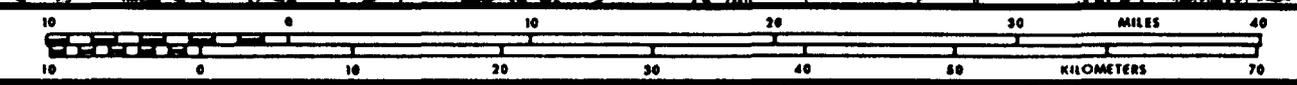
SOUTHWEST FL. COMM. RADIO, INC
CONWAY, FLORIDA
900914 **FIGURE 5**



**JACKSONVILLE
SECT. AERO. CHART**

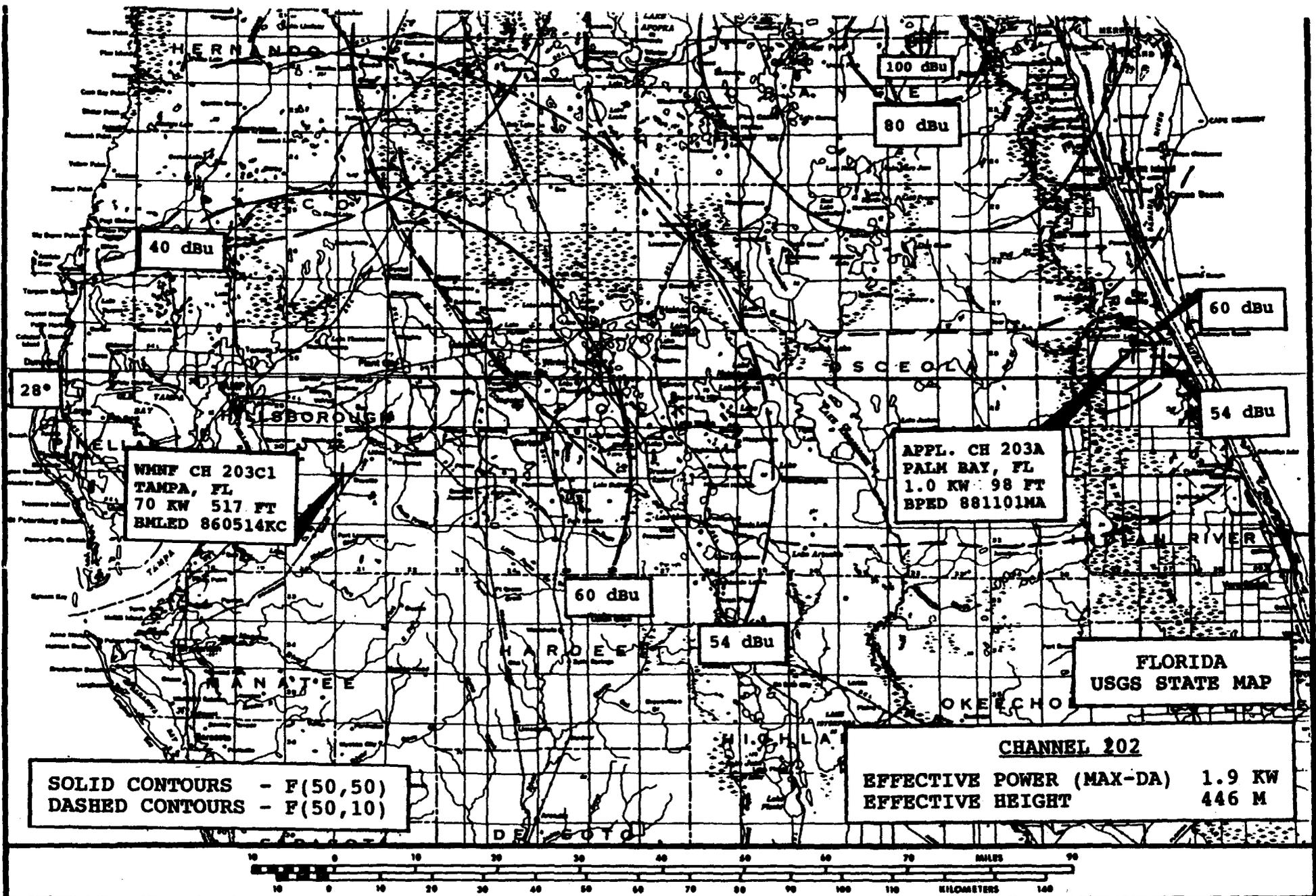
WITHIN 1 MV/M CONTOUR		
	AREA-SQ KM	POPULATION
PRESENT	3,821	540,974
GAIN	1,066	155,943
LOSS	3	NEG
PROPOSED	4,884	696,917

CHANNEL 202		
	PRESENT	PROPOSED
EFFECTIVE POWER	1.9 KW	1.9 KW
EFFECTIVE HEIGHT	300 M	446 M



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SOUTHWEST FL. COMM. RADIO, INC
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 FIGURE 6



KESSLER AND GEHMAN ASSOCIATES, INC.

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1511 N.W. SIXTH STREET GAINESVILLE, FLORIDA 32601

904-376-3157 904-373-5225

SOUTHWEST FLORIDA COMMUNITY RADIO, INC.

CONWAY, FLORIDA

900914

FIGURE 7

CERTIFICATE OF SERVICE

I, Susie Paek, in the law offices of Gammon & Grange, hereby certify that I have mailed by first-class, postage-prepaid, U.S. Mail, this 3rd day of October, 1990 copies of the foregoing PETITION FOR LEAVE TO AMEND to the following:

* Dennis Williams
Chief, FM Branch, Audio Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 332
Washington, D.C. 20554

Gary S. Smithwick, Esq.
Smithwick & Belendiuk, P.C.
2033 M Street, N.W.
Suite 207
Washington, D.C. 20036
(Bible Broadcasting Network, Inc.)

James L. Oyster, Esq.
Route 1, Box 203
Castleton, VA 22716
(Hispanic Broadcast System, Inc.)

Randy Henry, President
Florida Public Radio, Inc.
505 Josephine Street
Titusville, FL 32796



Susie Paek

* Hand Delivered

Posted
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ORIGINAL ORIGINAL
RECEIVED

BEFORE THE

Federal Communications Commission

~~AUG 23 10 41 AM '90~~

WASHINGTON, D.C. 20554

AUG 22 1990

Federal Communications Commission
Office of the Secretary

In re Applications of

BIBLE BROADCASTING NETWORK, INC.)
SOUTHWEST FLORIDA COMMUNITY)
RADIO, INC.)
HISPANIC BROADCAST SYSTEM, INC.)

File No. BPED-890412MJ

File No. BPED-891127MC

File No. BPED-891128ME

RECEIVED

For a New Noncommercial
Educational FM Broadcast
Station in Conway, Florida

AUG 23 1990

FM EXAMINERS

OPPOSITION TO PETITION TO DISMISS OR DENY

Southwest Florida Community Radio, Inc. (Southwest) files this opposition to the Petition to Dismiss or Deny filed by Florida Public Radio, Inc. (FPR) on July 25, 1990. FPR's petition lacks merit and should be denied.

Southwest proposes to utilize an existing tower which is located 2.96 kilometers from the tower utilized by WCPX-TV, Channel 6, Orlando, Florida. Although Southwest had hoped to utilize the WCPX-TV tower and attempted to do so, the tower was unable to accommodate an additional FM antenna. See Southwest Engineering Statement at p. 3, and WCPX-TV November 13, 1989 letter to Bob Augsburg (Attached Exhibit 1). FPR argues in its Petition to Dismiss or Deny that the mutually exclusive applications of Southwest, Bible Broadcasting Network, Inc. and Hispanic Broadcast System, Inc. should be denied or, at minimum, that each of the applicants should be required to amend its application. FPR argues the applicants should conduct an interference study to demonstrate the number of residences predicted to receive inter-

ference from the proposed facilities and should be required to obtain a corporate resolution from WCPX-TV, Channel 6, waiving any Section 73.525 requirements.

FPR's petition seeking denial of Southwest's application should be summarily dismissed. Contrary to FPR's allegations, Southwest did submit with its application a letter from Robert K. Diehl, chief engineer of WCPX-TV, Channel 6, confirming WCPX-TV's commitment to fully cooperate in Southwest's efforts to license a new facility on Channel 202. That letter states in pertinent part:

If you secure a position on the Gannet tower, which is approximately one and one quarter miles from the WCPX transmitter, and intend to cooperate on any and all 88.3 mHz induced interference problems, WCPX is more than willing to cooperate with you on your license seeking.

My experience has been that proper receiver antenna installations and FM trap filters can do a lot to eliminate TVI problems. In an already crowded spectrum, cooperation is the only way we can exist.

See Exhibit 1. Mr. Augsburg, president of Southwest, by letter dated November 21, 1989, also submitted with Southwest's application, has committed to promptly resolve in a manner satisfactory to any viewer of WCPX-TV and the ownership of WCPX-TV, any interference problems resulting from Southwest's new proposed FM facility. See Exhibit 2.

The Commission has considered the commitments of Southwest and WCPX-TV, included in Southwest's application, and concluded no studies that might otherwise be required pursuant to Rule 47 C.F.R. Section 73.525 were necessary. By letter dated January

19, 1990 (ref. 8920-CMJ), addressed to Southwest and five other mutually exclusive applicants, the Commission encouraged the applicants to resolve any mutual exclusivity and directed certain of the applicants to amend their respective applications. Southwest was not required to supplement or amend its application to provide any additional studies to show compliance with Rule 73.525, even though the applications were specifically reviewed for compliance. Central Florida Educational Foundation, Inc. (Central), for instance, was directed to either obtain a letter of agreement from the director of engineering of WCPX-TV or to submit an engineering study to show compliance with the provisions of 47 C.F.R. Section 73.525. Southwest's application already contains a letter of agreement from the chief engineer at WCPX-TV -- the same type of letter the Commission required Central to provide.

In view of the Commission's request that Central provide a letter of agreement from the director of engineering, Southwest's submission from the chief engineer of WCPX-TV is clearly adequate. There is, therefore, no merit to FPR's claim that Southwest should have, at minimum, provided an irrevocable consent agreement from the ownership of WCPX-TV. Nonetheless, Southwest has also obtained a further commitment from Mike Schweitzer, Vice President and General Manager of WCPX-TV, confirming that WCPX-TV's chief engineer, Robert K. Diehl, "has the authority to make technical decision on behalf of WCPX-TV." The letter further confirms WCPX-TV's earlier commitment, "As Bob has stated, as long as your proposed station agrees to fully

cooperate in any and all induced interference that may occur, we are willing to cooperate with you and your license seeking." See Exhibit 3.

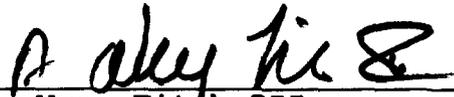
Southwest's application fully supports waiver of any engineering studies required by Section 73.525. See Channel 6 Interference, 58 RR2d 629, 639 (1985); Public Notice, 49 RR2d 1524 (1981). Southwest's waiver showing has been further buttressed by the attached letter of Mike Schweitzer, Vice President and General Manager of WCPX-TV.

WHEREFORE, it is respectfully requested that FPR's Petition to Dismiss or Motion to Deny be summarily rejected or denied.

Respectfully requested,

**SOUTHWEST FLORIDA COMMUNITY
RADIO, INC.**

By


A. Wray Fitch III
Its Counsel

GAMMON & GRANGE
1925 K Street, N.W.
Suite 300
Washington, D.C. 20006
(202) 862-2000

August 22, 1990



November 13, 1989

Mr. Bob Augsburg
WAYJ-FM
P.O.Box 061275
Fort Myers, FL 33906

Dear Mr. Augsburg,

I received your letter requesting WCPX's cooperation in your seeking of a license for 88.3MHz, Channel 202.

As I explained on the phone, co-location with the WCPX, Ch 6 transmitter is not possible due to the present lack of space on our tower. This tower is jointly owned by WCPX and WFTV and has other broadcasters on it, virtually filling the tower to capacity. Co-location would be my first choice if the room were available.

If you secure a position on the Gannet tower, which is approximately one and one quarter miles from the WCPX transmitter, and intend to cooperate on any and all 88.3MHz induced interference problems, WCPX is more than willing to cooperate with you on your license seeking.

My experience has been that proper receiver antenna installations and FM trap filters can do a lot to eliminate TVI problems. In an already crowded spectrum, cooperation is the only way we can all exist.

Respectfully,

A handwritten signature in black ink that reads 'Robert K. Diehl'.

Robert K. Diehl
Chief Engineer

copy:Michael Schweitzer, G.M., file

November 21, 1989

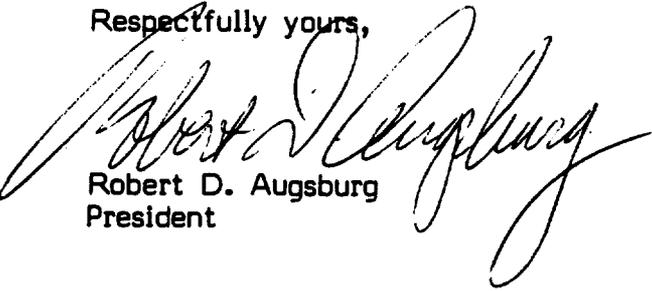
Federal Communications Commission
1919 M Street Northwest
Washington, D.C. 20554-1800

Dear Secretary,

This application has been coordinated with the full cooperation of WCPX-TV Channel 6. The applicant has assured WCPX-TV that any interference problems will be promptly dealt with in such a manner as to satisfy any viewer of WCPX-TV, and the ownership of WCPX-TV.

Attached please find the acknowledgement from WCPX-TV that this application meets with their approval and cooperation.

Respectfully yours,


Robert D. Augsburg
President



August 20, 1990

Mr. Robert Augsburg
Southwest Florida Community Radio, Inc.
1860 Boy Scout Drive
Suite 203
Ft. Myers, Florida 33907

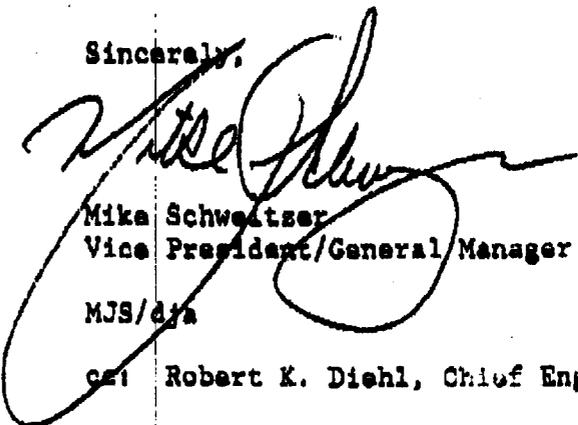
Dear Mr. Augsburg:

In reference to your letter regarding your educational radio station at 88.3 MHz, please be advised that Robert K. Diehl, Chief Engineer, has the authority to make technical decisions on behalf of WCPX-TV.

As Bob has stated, as long as your proposed station agrees to fully cooperate in any and all induced interference that may occur, we are willing to cooperate with you and your license seeking.

Best of luck with your endeavors. If you need further information or have additional technical questions, please contact Bob Diehl.

Sincerely,



Mike Schweitzer
Vice President/General Manager

MJS/dja

cc: Robert K. Diehl, Chief Engineer, WCPX-TV