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November 26, 1986

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NOV 26 1986

FCC
Office of the Secretary

*ADMITTED IN MINNESOTA ONLY

William J. Tricarico
Secretary
Federal Communications Commission
1919 M Street N.W.
Room 222
Washington, D.C. 20554

Re: Reacceptance Nunc Pro Tunc of Application
Gadsden State Community College
WSGN(FM), Gadsden, Alabama
ARN 860307MK
Non Commercial Educational FM

Dear Mr. Tricarico:

Transmitted for filing herewith, in response to the October 27, 1986 letter of Dennis Williams, Acting Chief, FM Branch, Audio Services Division (reference 8920-CMJ), are an original and two copies of the original application for modification submitted by Gadsden State Community College* on March 7, 1986, together with an original and two copies of a September 4, 1986 engineering amendment and an original and two copies of a supplementary engineering statement which supplements the application's showing in support of its request for waiver of 47 C.F.R. § 73.509.

*/ The original application was filed under the name of "Gadsden State Junior College." On September 4, 1986, an amendment to the application was filed, indicating, inter alia, a name change for the applicant to "Gadsden State Community College."

GARDNER, CARTON & DOUGLAS

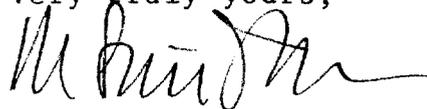
William J. Tricarico
November 26, 1986
Page Two

Gadsden State Community College's original application was returned together with Mr. Williams' October 27 letter, which on page 2 indicated that Gadsden State Community College would be afforded an opportunity to refile its application for reacceptance nunc pro tunc within 30 days of the [October 27, 1986] date of the letter.

The appended materials (consisting of the original application as filed on March 7, 1986, an engineering amendment as filed on September 4, 1986 and a supplementary engineering statement in support of the request for waiver of 47 C.F.R. § 73.509) are filed on a timely basis in accordance with the letter from Mr. Williams, and they are directly responsive to the concerns indicated in that letter with respect to the sufficiency of the showing in support of the waiver request. Accordingly, Gadsden State Community College respectfully requests nunc pro tunc reacceptance of its application and amendment.

If there are any questions concerning the attached, kindly direct them to the undersigned.

Very truly yours,



M. Scott Johnson
Counsel for Gadsden State
Community College

ORIGINAL

**APPLICATION FOR CONSTRUCTION PERMIT FOR
NONCOMMERCIAL EDUCATIONAL BROADCAST STATION**
(Carefully read instructions before filling out Form—RETURN ONLY FORM TO FCC)

For Commission Use Only
File No. _____

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Section I

General Information

1. Name of Applicant

Gadsden State Community College

Street Address

100 George Wallace Dr

FCC
Office of the Secretary

City

Gadsden

State

AL

ZIP Code

35999-9990

Telephone No.

(205) 546-0489
(Include Area Code)

Send notices and communications to the following named person at the address below:

Name

Neil D. Mullin, Director
Department of Radio and Television

Street Address

100 George Wallace Dr

Also copies to*

City

Gadsden

State

AL

ZIP Code

35999-9990

Telephone No.

(205) 546-0489
(Include Area Code)

2. This application is for: AM FM TV

(a) Channel No. or Frequency: 218 (91.5 MHz)
(requesting change to 217 91.3 MHz)

(b) Community of license:

City

State

Gadsden

AL

(c) Check one of the following boxes:

- Application for new station
- Major Change in Existing station; call sign: _____
- Minor Change in Existing station; call sign: _____
- Modification of Construction Permit; File No. of CP: _____
- Amendment to Pending Application; Reference Number (ARN): ARN 860307MK

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?

YES NO

If Yes, State:

Call letters:

Community of license:

City

State

_____-____

*M. Scott Johnson, Gardner, Carton & Douglas, 1875 Eye Street, N.W.,
Suite 1050, Washington, D.C. 20006-5472

SUPPLEMENTAL ENGINEERING STATEMENT IN RE:
APPLICATION FOR MAJOR CHANGES
WSGN (FM) CHAN. 217C2 91.3 MHZ
15 KW (VERT) .084 KW (HORIZ) 158.7 METERS HAAT
FCC FILE NO. ARN-860307MK
GADSDEN STATE COMMUNITY COLLEGE
GADSDEN, ALABAMA

INTRODUCTION

Gadsden State Community College (formerly Gadsden State Junior College and hereinafter "Gadsden State") has made application to the Federal Communications Commission ("the FCC") for authority to make major changes to non-commercial FM Broadcast Station WSGN, which is presently authorized to serve Gadsden, Alabama and the surrounding area on Channel 218 with a power of 3.5 kW and an antenna height of 23 meters. In its application (FCC File No. ARN-860307MK), Gadsden State proposes to relocate its transmitter to a much more favorable location; to increase the effective antenna height ("HAAT") to 158.7 meters; to increase the effective radiated power ("ERP") to 15 kW in the vertical plane of radiation and to utilize an ERP of 0.084 kw in the horizontal plane.

This statement sets forth supplemental information in support of the request by Gadsden State that a waiver be granted of 47 C.F.R. §73.509(a) regarding overlap of signal strength contours with existing FM station WLJS, Channel 220A, in Jacksonville, Alabama. The same information, with small changes in numerical detail, also applies to the changes to the technical facilities of WLJS proposed in pending application, file number ARN-860321MI, referred to in the Commission's letter of October 27, 1986.

REQUEST FOR WAIVER OF 47 C.F.R. § 73.509(a)

As depicted in map Figure 4 of ARN-860307MK, the proposed WSGN 60 dBu contour will include the existing WLJS 100 dBu contour. The total area of overlap (that is, the area within the WLJS 100 dBu contour) is approximately 7.0 square kilometers. This constitutes 0.126 percent of the 5550 square kilometers within the proposed WSGN 60 dBu contour.

Pursuant to Public Notice FCC 81-332, Mimeo No. 29648 (issued July 17, 1981), the Chief of the Broadcast Bureau was delegated the authority "to waive, where warranted, interference received by noncommercial educational FM applicants where roughly five percent or less of the proposed service area (1 mV/m contour) is affected." by Memorandum Opinion and Order in Docket No. 20735, FCC 85-328 (released June 27, 1985), the Commission doubled the maximum permissible percentage of the proposed service area which could receive interference to ten percent.

Gadsden State presents the following specific facts and circumstances in support of its request for waiver of the non-overlap requirement of 47 C.F.R. § 73.509:

1. De Minimis Overlap. As an initial matter, the overlap of WSGN's proposed 60 dBu contour with the existing 100 dBu contour of WLJS is approximately seven square kilometers or less, and is so small as to be insignificant in comparison with the total area (approximately 5550 square kilometers) within WSGN's proposed 60 dBu contour, about 0.125 percent. This is only a very small fraction (about one eightieth) of the 10.0 percent maximum permissible interference level which the Commission has indicated it would accept in instances where waivers are warranted.

Approximately sixteen times as much interference was found to be de minimis in nature and deserving of a waiver in the case of Monroe v. Board of Education, 50 RR 2d 948 (1981) (waiver granted where the proposed facilities would receive interference in less than 2% of the total service area); see also St. Francis College of Loretto, 45 RR 2d 501 (1979) (waiver granted where the proposed facilities would receive interference in an area of approximately 0.5 miles in width located at the periphery of the service area).

2. No Interference Caused To Other Stations. The signal

overlap area created by WSGN's proposed facilities change is received overlap only. No interference is caused to other broadcast facilities by WSGN's proposal (excepting, of course, the inevitable "blanketing" area). This factor was taken into account favorably in Monroe v. Board of Education, 50 RR 2d 948 (1981).

3. Overlap Area Is Comparable To Unavoidable "Blanket" Area.

The Commission recognizes the fact that, in the area immediately adjacent to an FM broadcast station, reception of other FM stations may be difficult, if not impossible. FM Blanketing is defined in Section 73.310 of the FCC Rules and Regulations ("the FCC Rules") (FM Technical Definitions):

"Blanketing is that form of interference to the reception of other broadcast stations which is caused by the presence of an FM broadcast signal of 115 dBu (562 mV/m) or greater signal strength in the area adjacent to the antenna of the transmitting station. The 115 dBu contour is referred to as the blanketing contour and the area within this contour is referred to as the blanketing area."

The area within the present WLJS 115 dBu ("blanketing") contour is approximately 1.5 square kilometers. Rather than representing a significant loss in coverage due to interference received, the relatively minuscule overlap area for which the instant waiver is sought is comparable in size to the blanketing area, which the Commission routinely tolerates as incidental to the operation of an FM broadcast facility.

Grant of the changes proposed by WLJS (ARN-860321MI) would reduce the overlap area (that is, the entirety of the WLJS 100 dBu contour) to 4.9 square kilometers. However, because WLJS proposes to move its transmitter to a relatively isolated ridge, it appears that there would be no population within the overlap area. (See Map Figure 4-A, attached.)

4. Expansion Of WSGN's Service Area Is In The Public Interest.

If the proposed modification of WSGN's facilities is granted, WSGN's 60 Dbu contour will encompass an area approximately 4820 square kilometers larger than its existing 60 dBu contour, including an increase of approximately 156,294 persons. In particular, as can be seen by reference to Figure 6, attached, the new 60 dBu contour will include for the first time significant areas which presently receive no noncommercial FM broadcast service. WSGN provides a public service to its listeners by furnishing education, public affairs and news broadcasts.

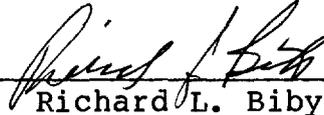
5. The Contour Overlap Could Not Reasonably Have Been Avoided.

Consistent with WSGN's goal to reach the largest listening audience possible, it would not be feasible to reduce effective radiated power, to reduce the antenna height above average terrain, or to use a directional antenna. Each of these potential remedial actions would be likely to sacrifice more area and/or population served than is represented by the present overlap area. Because of the very complex channel utilization constraints which are imposed upon educational FM Broadcast Station WSGN by the proximity of Gadsden to the Channel 6 television operation in Birmingham, Alabama, (as well as the normal FM vs. FM considerations), the chosen channel (217) is the only available channel which could be used in the Gadsden area at the requisite height and power level. In addition, Gadsden State Junior College is not aware of any other transmitter site available to it that would resolve the overlap issue while maintaining the widest possible service area to the public.

In view of the above, Gadsden State Junior College respectfully requests that it be granted a waiver of 47 C.F.R. § 73.509(a), so that it may implement the facilities proposed in ARN-860307MK.

CERTIFICATION

Under penalty of perjury, I state that the above is true and correct to the best of my knowledge and belief.



Richard L. Biby
Registered Professional Engineer
District of Columbia Reg. No. 5710E
Commonwealth of Virginia Reg. No. 14018