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FCC 92M-733
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FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In re Applications of)	MM DOCKET NO. 92-1071
)	
BIBLE BROADCASTING NETWORK, INC.)	File No. BPED-900816MA
Channel 209A)	
Fort Smith, Arkansas)	
)	
NATIONAL CHRISTIAN NETWORK, INC.)	File No. BPED-900823MA
Channel 207C2)	
Fayetteville, Arkansas)	
)	
For Construction Permit for a New)	
Noncommercial Educational FM Station)	

MEMORANDUM OPINION AND ORDER

Issued: June 29, 1992

Released: July 1, 1992

1. The Mass Media Bureau seeks a ruling on a letter request they filed with the Trial Judge on June 18, 1992 (8920-BJB). That letter addresses the contingent environmental issue that the Chief, Audio Services Division has designated against Bible Broadcasting Network, Inc. (BBN). See DA 92-558, released May 14, 1992 at para. 3, Issue 1.

2. In their letter the Bureau indicates that they have examined the Amendment that BBN filed on June 4, 1992 (FCC 92M-732, released July 1, 1992). Based on that examination they find ". . . that there will be no adverse environmental impact if the measures to protect humans from nonionizing radiation are carried out as proposed."

3. However, says the Bureau, to ensure that result, they recommend that any grant to NCN be subject to the following condition:

"THE AUTOMATIC PROGRAM TEST PROVISIONS OF 47 C.F.R. § SECTION 73.1620 DO NOT APPLY IN THIS CASE. A FORMAL REQUEST FOR PROGRAM TEST AUTHORITY MUST BE FILED IN CONJUNCTION WITH FCC FORM 302, APPLICATION FOR LICENSE, BEFORE PROGRAM TESTS WILL BE AUTHORIZED. This request should be made at least 10 days prior to the date on which program tests are desired to commence. This request must contain documentation which demonstrates compliance with the following special operation condition:

Prior to commencement of construction, the permittee shall certify that an agreement is in effect requiring all stations to reduce power or cease operations as necessary to assure

worker safety with respect to radiofrequency radiation when maintenance is to be performed at the site.

Documentation demonstrating compliance with the ANSI radiofrequency radiation limit may be submitted in advance of the filing of FCC Form 302. The Commission's staff will review it for compliance and respond by letter stating whether automatic PTA has been reinstated.

4. Upon acceptance of the above condition, the Bureau asks that the contingent environmental issue be deleted from the Hearing Designation Order.

Ruling

5. The Bureau's letter request will be granted. If and when BBN's application is granted, it will be subject to the condition set out in paragraph 3 supra. The Bureau represents that BBN's proposed operation will protect humans from nonionizing radiation of NCN meets that condition. That representation will be credited.

SO the June 18, 1992 letter request that the Mass Media Bureau has filed with the Trial Judge, IS GRANTED and Issue 1 at DA 92-558 released May 14, 1992, insofar as it embraces BBN IS DELETED.

FEDERAL COMMUNICATIONS COMMISSION



Walter C. Miller
Administrative Law Judge