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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D. C. 20554

In re Applications of

LIBERTY UNIVERSITY, INC.  
Channel 210A  
Lynchburg, Virginia

VISION COMMUNICATIONS, INC.  
WRXT (FM)  
Channel 212C2  
Roanoke, Virginia

) MM Docket No. 92-170 ✓

) File No. BPED-911206MB

) File No. BMPED-920414IF

To: Administrative Law Judge Edward Luton

PETITION FOR LEAVE TO AMEND

Liberty University, Inc. ("Liberty"), by counsel and pursuant to Sections 1.65 and 73.3522 of the Commission's rules, hereby moves for acceptance of the attached amendment (a) changing the frequency upon which Liberty proposes to operate its new noncommercial educational FM broadcast station; and (b) substituting an updated and revised listing of the members of its Board of Trustees. In support thereof, the following is stated:

A. Preliminary Statement

The applications of Liberty and Vision Communications, Inc. ("Vision") were designated for hearing by Hearing Designation Order, DA 92-1018 (released August 3, 1992). Liberty seeks to construct a new noncommercial educational FM broadcast station on Channel 210A at Lynchburg, Virginia, while Vision seeks

No. of Copies rec'd 0-16  
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modification of its existing construction permit for a noncommercial educational FM broadcast station on Channel 212C2 at Roanoke, Virginia. In the HDO an air hazard issue was specified against Liberty, a contingent environmental issue was specified against Vision, and a noncommercial comparative issue was specified. Additionally, both applicants were ordered to submit amendments within 30 days of release of the HDO: Liberty was directed to amend its application to specify the residential street addresses for each member of its governing board.

This amendment responds to the Commission's directive in the HDO to submit residential addresses for various trustees. It also updates Liberty's application to report the resignation of four trustees and the addition of three new trustees.

The amendment also modifies Liberty's technical proposal to specify a new frequency which would resolve the mutual exclusivity between Liberty and Vision, eliminating the need for a hearing.<sup>1</sup> The applicants were urged to take steps to remove their mutual exclusivity in a letter dated June 2, 1992, from the Chief, FM Branch. See Attachment A hereto. Among the alternatives suggested was changing frequency.

By letter dated July 16, 1992 (a copy of which is attached as Attachment B hereto), Vision and Liberty jointly responded to the June 2 letter, advising that Liberty could amend

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<sup>1</sup> Liberty addresses the only other issue it faces, the air hazard issue, in its August 19, 1992 motion for summary decision.

to specify a different frequency, but that such an amendment prior to hearing designation would constitute a "major change" under Section 73.3573(a)(1). Vision and Liberty also noted, however, that after hearing designation such an amendment could be accepted without assignment of a new file number or loss of cut-off status, and, in light of that fact, requested expedited designation for hearing. Id. The technical portion of Liberty's attached amendment, which proposes a new frequency but no change in transmitter site or power, is filed in line with the representations made in the July 16, 1992 joint letter.

B. Frequency Change

Section 73.3522(b)(2) of the rules provides that amendments relating to issues first raised in the HDO may be filed as a matter of right within 30 days after the HDO. Since the HDO was published on August 3, 1992, this amendment is timely filed. Moreover, since Liberty's technical amendment would remove the mutual exclusivity between the applications filed by Liberty and Vision, thereby mooting the standard comparative issue specified in the HDO, it addresses an issue first specified in the HDO. Therefore, it is filed as a matter of right under Section 73.3522(b)(2).

Furthermore, there is good cause for acceptance of the technical portion for this amendment. It is being tendered with due diligence, within 30 days of issuance of the HDO. While it is voluntary, as noted above, prior to designation for hearing, the

Commission's staff expressly urged the applicants to remove their mutual exclusivity, and suggested a frequency change as one means of doing so. In fact, the staff urged the applicants to "amend your applications so as to remove the present conflict between them." See Attachment A hereto.

Furthermore, acceptance of this amendment will not require the addition of new parties or issues. Indeed, since it will remove Liberty's mutual exclusivity with Vision, it will extinguish the need for a comparative hearing and facilitate earlier grant of both applications. For those same reasons, its acceptance would not disrupt the hearing process, prejudice Vision or any other party, or confer any comparative benefit on Liberty. Thus, acceptance of this amendment conforms with the traditional good cause criteria set forth in Erwin O'Connor Broadcasting, Co., 22 FCC 2d 140, 143 (1970).

Moreover, acceptance of Liberty's technical amendment is consistent with prior decisions. Since Liberty's application has been designated for hearing, its amendment proposing a channel change is not subject to the Commission's cut-off procedures set forth in Section 73.3573(a)(1) of the rules. See Las Americas Communications, Inc., 5 FCC Rcd 1634, 1637 (1990) (it is "well established" that the Section 73.3573 major change rule applies only to predesignation amendments), remanded on other grounds, 68 RR 2d 1472 (1991), rev. denied on remand, FCC 92-177 (April 28, 1992); Revisions of Rules, 5 FCC Rcd 2993, and note 10 (1990) (post-designation amendments not governed by "major change" rule of

73.3573, but by Section 73.3522(b)); California Broadcasting Corporation, 90 FCC 2d 800, 808 (1982) (accepting post-designation technical amendment which would have constituted a "major change" before designation). Indeed, just recently Administrative Law Judge Arthur Steinberg accepted a similar frequency change. See Sable Community Broadcasting Corporation, FCC 92M-646 (ALJ Steinberg, released June 5, 1992), a copy of which is attached hereto as Attachment C. In that proceeding, involving applications for new and modified noncommercial facilities in Alabama, Gadsden State Community College ("Gadsden") proposed a new channel and made other technical modifications to its application after hearing designation. The Mass Media Bureau supported acceptance of Gadsden's amendment, which removed Gadsden's exclusivity with the other applicants to the proceeding. See Attachment D hereto. Gadsden's application was later severed from the proceeding and granted. Memorandum Opinion and Order, FCC 92M-713 (released June 26, 1992).

Please note that the specification of Channel 215A requires a waiver of Section 73.509 of the Commission's rules to allow .36 square kilometer of overlap between the proposed WRXT 60 dBu contour and the 100 dBu contour of the proposed Liberty station. The factual basis for the waiver is set forth in Statement C of the attached engineering showing, and demonstrates consistency with the Commission's recent relaxation with respect to second and third adjacent channel interference. See Educational Information Corporation (WCPE-FM), 6 FCC Rcd 2207 (1991). Further,

Vision has agreed to submit, within the near future, an amendment to its application that will request a waiver of Section 73.509 to allow it to receive the third adjacent channel interference that Liberty's Channel 215 proposal would cause. This Vision amendment will "dovetail" with Liberty's technical amendment, thereby rendering both proposals grantable under Educational Information Corporation, supra.

In light of the above, the technical portion of the attached amendment proposing a change in channels should be accepted.

C. Revised Exhibit On Principals

As noted above, the attached amendment also addresses the directive in the HDO that Liberty amend its application to specify the residential addresses for each member of its Board of Trustees, by submitting a revised Exhibit No. 2. The revised Exhibit No. 2 also reflects that 4 of Liberty's original 33 trustees -- William Collins, Carlton Smith, Sumner Wemp and Edward Dobson -- have left Liberty's Board of Trustees. Two new trustees, George Rogers and Allen McFarland, have joined Liberty's Board. The change in trustees does not constitute a change in control of Liberty.

The revised Exhibit No. 2 is required by the HDO and by Section 1.65 of the rules, which requires applicants to maintain the accuracy of their applications. Moreover, it meets the good cause requirements of Erwin O'Connor, supra, since it is diligently filed, does not prejudice Vision or confer a comparative advantage

on Liberty, and does not require the addition of new issues or parties or otherwise disrupt the proceeding.

WHEREFORE, in light of the foregoing, this Petition for Leave to Amend should be GRANTED and the attached amendment ACCEPTED.

Respectfully submitted,  
LIBERTY UNIVERSITY, INC.

By   
Harry C. Martin

By   
Cheryl A. Kenny

Reddy, Begley & Martin  
1001 22nd Street, N.W.  
Suite 350  
Washington, D.C. 20037

September 1, 1992

**AMENDMENT**

APPLICATION FOR CONSTRUCTION PERMIT FOR  
NONCOMMERCIAL EDUCATIONAL BROADCAST STATION  
(Carefully read instructions before filing form) Return only form to FCC

For Commission Use Only
File No.

Section I - GENERAL INFORMATION

1. Name of Applicant <b>Liberty University, Inc.</b>		
Street Address or P.O. Box <b>3765 Candler's Mountain Road</b>		
City <b>Lynchburg</b>	State <b>VA</b>	ZIP Code <b>24506</b>
Telephone No. (Include Area Code) <b>(804) 582-2958</b>		

Send notices and communications to the following person at the address below:		
Name <b>Mr. Norm Westervelt</b> at address opposite <b>cc: Reddy Begley &amp; Martin</b>		
Street Address or P.O. Box <b>1001 22nd Street, N.W., Suite 350</b>		
City <b>Washington</b>	State <b>D.C.</b>	ZIP Code <b>20037</b>
Telephone No. (Include Area Code) <b>(202) 659-5700</b>		

2. This application is for:  AM  FM  TV

(a) Channel No. or Frequency <b>215A</b>
---

(b) Principal Community	City	State
	<b>Lynchburg</b>	<b>VA</b>

(c) Check one of the following boxes:

- Application for **NEW** station
- MAJOR** change in licensed facilities; call sign: \_\_\_\_\_
- MINOR** change in licensed facilities; call sign: \_\_\_\_\_
- MAJOR** modification of construction permit; call sign: \_\_\_\_\_  
File No. of construction permit: \_\_\_\_\_
- MINOR** modification of construction permit; call sign: \_\_\_\_\_  
File No. of construction permit: \_\_\_\_\_
- AMENDMENT** to pending application; application file number: BPED-911206MB

**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

PARTIES TO APPLICATION

B. Complete the following Table with respect to all parties to this application:

(NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

**INSTRUCTIONS:** If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificates or other ownership interests, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. If applicant is a governmental or public educational agency, board or institution, fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

Name and Residence Address(es)  (a)	Office Held  (b)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M)  (d)
		YES	NO	
		(c)		
See Exhibit No. 2				

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1. Does the applicant propose to employ five or more full-time employees?

Yes  No

*No change*

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 306-A).

SECTION VII - CERTIFICATION

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580?

Yes  No

2. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 882, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

Yes  No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 306 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations, and that all exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).**

I certify that the statements in this application are true and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant <b>Liberty University, Inc.</b>	Title <b>Dr. Jerry Falwell, Chancellor</b>
Signature 	Date <b>August 24, 1992</b>

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may be necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 78 to 302 hours 20 minutes with an average of 171 hours 36 minutes per response. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Information Resources Branch, Room 416, Paperwork Reduction Project, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0034), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3607.

**OFFICERS AND TRUSTEES OF LIBERTY UNIVERSITY, INC.**

Liberty University, Inc. ("Liberty") is a non-stock, non-profit corporation governed by a Board of Trustees. It has three officers, all of whom are also trustees: the Chancellor, Dr. Jerry Falwell; the President, Dr. A. Pierre Guillermin; and the Chairman, Dr. Sam Pate. Attached hereto is a listing of Liberty's current officers and trustees, all of whom are U.S. citizens. Each Trustee is entitled to one vote.

**LIBERTY UNIVERSITY**  
**BOARD OF TRUSTEES**

1. Dr. Jerry Falwell  
Founder/Chancellor  
6023 Piedmont Place  
Lynchburg, VA 24502
2. DeWitt Braud  
1717 Dallas Drive  
Baton Rouge, LA 70806
3. Mr. Fleet Browning  
7319 Oakwood Lane  
Charlotte, NC 28215
4. Mr. J. Marion Compton\*  
Route 6, Box 545  
Charleston, WV 25311
5. Dr. A. Pierre Guillermin\*  
President  
715 Farfields Drive  
Lynchburg, VA 24502
6. Mr. Jonathan Falwell\*\*  
6023 Piedmont Place  
Lynchburg, VA 24502
7. Mrs. Macel Falwell\*\*  
6023 Piedmont Place  
Lynchburg, VA 24502
8. Mr. John Heath\*  
3970 Grimes Street  
Roanoke, VA 24019
9. Mrs. Beverly LaHaye  
370 L'Enfant Promenade, SW  
Suite 800  
Washington, D.C. 20024
10. Mr. Aaron Manley  
1510 Versailles  
Richardson, TX 75081
11. Mr. Raymond Mays\*  
Route 4, Box 181  
Amherst, VA 24521
12. Dr. Wilbur Peters  
2004 Valencia Terrace  
Charlotte, NC 28226
13. Mr. Gilbert Tinney, Jr.  
2130 Phillips Avenue  
Lakeland, FL 33803
14. Dr. Harold Willmington  
303 Lake Ridge Drive  
Forest, VA 24551
15. Mr. Mark DeMoss\*\*  
Henry Clower Blvd.  
No. 2351-D  
Snellville, GA 30278
16. Mr. Sam Pate\*  
4000 Graves Mill Road  
Lynchburg, VA 24502
17. Dr. Don Crain  
4714 Mill Park Circle  
Glen Allen, VA 23060
18. Dr. Jack Dinsbeer  
4029 Piper Drive  
Jacksonville, FL 32207
19. Dr. R. Herbert Fitzpatrick  
1141 Largo Road  
Upper Marlboro, MD 20777
20. Dr. Freddie Gage  
200 Oak Forest Trail  
Euless, TX 76039
21. Dr. Jack Graham  
6314 Contour  
Dallas, TX 75248

22. Dr. James Merritt  
3610 Wynterset Drive  
Lithonia, GA 30058
23. Dr. David Rhodenhizer  
6525 Rieston Court  
Alexandria, VA 23210
24. Rev. Bailey Smith  
155 Whitney Valley Walk  
Duluth, GA 30136
25. Dr. George Sweet  
503 Dundas Road  
Chesapeake, VA 23320
26. Dr. Charles Thompson  
4809 Montcrest Drive  
Chattanooga, TN 34716
27. Dr. Jerry Thorpe  
#50 Sunnygrove  
Odessa, TX 79761
28. Dr. Jerry Vines  
13046 Yaupon Place  
Jacksonville, FL 32216
29. Dr. Danny Lovett  
5709 Inverness Place  
Northport, AL 35476
30. Mr. George Rogers  
Rt. 1, Box 1285  
Coleman Falls, VA 24536
31. Dr. Allen McFarland  
4040 Weyanoke Drive  
Portsmouth, VA 23703

\* Members of the Executive Committee  
\*\* Ex Officio

# **ENGINEERING EXHIBIT**

## **Amendment to Application for Construction Permit**

prepared for  
**Liberty University**  
Lynchburg, Virginia

Ch 215A (90.9 MHz) 0.10 KW (H&V) 184 m

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<b>Section V-B - FM BROADCAST ENGINEERING DATA</b>	<b>FOR COMMISSION USE ONLY</b> File No. _____ ASB Referral Date _____ Referred by _____
--	--

Name of Applicant  
Liberty University

Call letters (if issued)  <span style="margin-left: 40px;"><u>New</u></span>	Is this application being filed in response to a window? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If Yes, specify closing date: _____
--	---

Purpose of Application: (check appropriate boxes)

<input type="checkbox"/> Construct a new (main) facility	<input type="checkbox"/> Construct a new auxiliary facility
<input type="checkbox"/> Modify existing construction permit for main facility	<input type="checkbox"/> Modify existing construction permit for auxiliary facility
<input type="checkbox"/> Modify licensed main facility	<input type="checkbox"/> Modify licensed auxiliary facility

If purpose is to modify, indicate below the nature of change(s) and specify the file number(s) of the authorizations affected.

<input type="checkbox"/> Antenna supporting-structure height	<input type="checkbox"/> Effective radiated power
<input type="checkbox"/> Antenna height above average terrain	<input checked="" type="checkbox"/> Frequency
<input type="checkbox"/> Antenna location	<input type="checkbox"/> Class
<input type="checkbox"/> Main Studio location	<input checked="" type="checkbox"/> Other (Summarize briefly) To specify new frequency

Amendment to BPED-911206MB

File Number(s) \_\_\_\_\_

1. Allocation:

Channel No.	Principal community to be served:			Class (check only one box below)				
	City	County	State	<input checked="" type="checkbox"/> A	<input type="checkbox"/> B1	<input type="checkbox"/> B	<input type="checkbox"/> C3	
215	Lynchburg	Campbell	VA	<input type="checkbox"/> C2	<input type="checkbox"/> C1	<input type="checkbox"/> C	<input type="checkbox"/> D	

2. Exact location of antenna. (No change proposed)

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.  
On Candler Mountain, 0.8 km S. S.E. of the intersection of Candler Mountain Road and State Route 224.

(b) Geographical coordinates (to nearest second). If mounted on element of an AM array, specify coordinates of center of array. Otherwise, specify tower location. Specify South Latitude or East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed.

Latitude      37      20      56	Longitude      79      10      05
----------------------------------	-----------------------------------

3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)?     Yes     No

If Yes, give call letter(s) or file number(s) or both.    W19BC, land mobile facilities

If proposal involves a change in height of an existing structure, specify existing height above ground level including antenna, all other appurtenances, and lighting, if any.  
N/A

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

\* No Change Proposed\*

4. Does the application propose to correct previous site coordinates?

Yes  No

If Yes, list old coordinates.

Latitude                    °                    '                    "	Longitude                    °                    '                    "
---	--

5. Has the FAA been notified of the proposed construction?

Yes  No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

No change in tower height; notification not required by FCC Rules.

Exhibit No. N/A
--------------------

Date \_\_\_\_\_ Office where filed \_\_\_\_\_

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Distance (km)	Bearing (degrees True)
(a) <u>Lynchburg</u>	<u>3.2</u>	<u>225</u>
(b) <u>Falwell</u>	<u>4.5</u>	<u>45</u>

7. (a) Elevation: (to the nearest meter)

(See Figure 1 for non-rounded values)

(1) of site above mean sea level; 414 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 21 meters

(3) of the top of supporting structure above mean sea level [(a)(1) + (a)(2)] 435 meters

(b) Height of radiation center: (to the nearest meter) H = Horizontal; V = Vertical

(1) above ground 10 meters (H)

10 meters (V)

(2) above mean sea level [(a)(1) + (b)(1)] 424 meters (H)

424 meters (V)

(3) above average terrain 184 meters (H)

184 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No. Fig. 1
-----------------------

9. Effective Radiated Power:

(a) ERP in the horizontal plane 0.10 kw (HM) 0.10 kw (VM)

(b) Is beam tilt proposed?  Yes  No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No.
-------------

\_\_\_\_\_ kw (HM) \_\_\_\_\_ kw (VM)

\*Polarization

**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.  
N/A

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.  
N/A

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.  
Stmt. B

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.  
\*

14. Attach as an Exhibit (*name 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.  
\*

U.S.G.S. Roanoke 1:250,000

(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 \_\_\_\_\_ \* \_\_\_\_\_ sq. km.      Population \_\_\_\_\_ \*

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.  
\*

Enter the following from Exhibit above:      Gain Area \_\_\_\_\_ sq. mi.  
Loss Area \_\_\_\_\_ sq. mi.

Percent change (gain area plus loss area as percentage of present area) \_\_\_\_\_ %.

If 50% or more this constitutes a major change. Indicate in question 2(c), Section I, accordingly.

\* On File BPED-911206MB  
No Changes Proposed

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 4)

Exhibit No.  
N/A

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 73.3131*).

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

Linearly interpolated 30-second database       7.5 minute topographic map

(Source: NGDC TPG-0050)

Other (*briefly summarize*).

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances to the 1 mV/m contour (kilometers)
0	SEE TABLE 1	
45		
90		
135		
180		
225		
270		
315		

**Allocation Studies**

(*See Subpart C 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.

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.  
N/A

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. 4

Stmt C  
Tables 2A-E

- (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.  
Stmt. C

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?

Yes  No

N/A

(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.  
N/A

(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.  
N/A

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.

**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.  
N/A

- (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.  
Stmt. D

Fig. 5

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 D (secondary) proposals.)

Exhibit No.  
N/A

26. Environmental Statement (See 47 C.F.R. Section 1.1301 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.

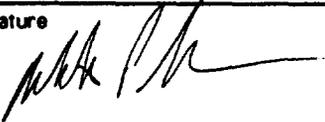
Exhibit No.  
N/A

If No, explain briefly why not.

\* On File, BPED-911206MB  
No Change Proposed

**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) William P. Suffa, P.E.	Relationship to Applicant (e.g., Consulting Engineer) Consulting Engineer
Signature 	Address (Include ZIP Code) Suffa & Cavell, Inc. 3975 University Drive, Suite 450 Fairfax, VA 22030
Date August 19, 1992	Telephone No. (Include Area Code) (703) 591-0110

## Statement A

### **PURPOSE OF AMENDMENT**

prepared for  
**Liberty University**  
Lynchburg, Virginia

Ch 215A (90.9 MHz) 0.10 KW (H&V) 184 m

This amendment has been prepared on behalf of Liberty University to change the frequency of its proposed station in Lynchburg, Virginia (FCC File Number BPED-911206MB) to resolve a conflict with the pending application of WRXT, Roanoke. The WRXT application was filed on the A Cutoff date for the Liberty application.

The instant amendment proposes to relocate the Liberty facility to channel 215A, a third adjacent channel to that of WRXT. There will be approximately 0.36 square kilometers of overlap between the WRXT 60 dB $\mu$  contour and the 100 dB $\mu$  contour of the Liberty facility. Support for a waiver request is contained in Statement C.

Aside from the frequency change, there are no other changes proposed to the pending application.

**Statement B**

**INTERFERENCE CONSIDERATIONS**

prepared for  
**Liberty University**  
Lynchburg, Virginia

**Ch 215A (90.9 MHz) 0.10 KW (H&V) 184 m**

Liberty University proposes to construct a new educational FM station to serve Lynchburg, Virginia. The proposed facility would have maximum effective radiated power of 0.10 kilowatts at 184 meters above average terrain (AAT). This amendment proposes to change the operating frequency of the facility.

The site proposed for use by Liberty is a location used by low power television station W19BC as well as land mobile stations. It is immediately adjacent to the transmitting site of FM station WKZZ, Lynchburg and other land mobile interests. There are several other broadcast facilities within 10 kilometers of the proposed facility. No intermodulation or blanketing interference is expected with respect to facilities or radio receivers currently in operation. The blanketing contour extends a mere 200 meters - not even off the wooded mountaintop. There are no intermodulation products of particular concern from facilities within 10 kilometers of the proposed site.

In the unlikely event that interaction occurs between the proposed station and other facilities, it is expected that filtering can satisfactorily resolve any problems. The applicant will cooperate with other stations and take any reasonable steps to remedy any new interference to the extent required by the FCC Rules.

The proposed facility will be located south of Latitude 37° 30' N, so notification of the National Radio Astronomy Observatory at Green Bank, Virginia is not required by Section 73.1030(a) of the Commission's Rules. Accordingly, no such notification has been made.

Table 1

**ALLOCATION STUDY CONTOUR LOCATION DATA**

prepared for  
**Liberty University**  
Lynchburg, Virginia  
Ch 210A 0.10KW 184m

<u>Azimuth</u> (deg)	<u>Effective Antenna Height</u> (meters)	<u>Effective Radiated Power</u> (dBK)	<u>Contour Distances</u>				<u>Protected 60 dBu</u> (km)
			<u>Interfering</u>		<u>54 dBu</u> (km)	<u>40 dBu</u> (km)	
			<u>100 dBu</u> (km)	<u>80dBu</u> (km)			
0	211	-10	0.7	4.4	22.6	49.1	14.9
5	213	-10	0.7	4.4	22.7	49.3	15.0
10	205	-10	0.7	4.3	22.3	48.3	14.7
15	202	-10	0.7	4.3	22.2	48.1	14.6
20	197	-10	0.7	4.3	21.8	47.5	14.5
25	201	-10	0.7	4.3	22.1	48.0	14.6
30	204	-10	0.7	4.3	22.3	48.3	14.7
35	201	-10	0.7	4.3	22.1	47.9	14.6
40	212	-10	0.7	4.4	22.7	49.2	15.0
45	219	-10	0.7	4.4	23.0	50.0	15.2
50	223	-10	0.7	4.5	23.2	50.4	15.4
55	228	-10	0.7	4.5	23.5	51.0	15.5
60	222	-10	0.7	4.5	23.2	50.3	15.3
70	211	-10	0.7	4.4	22.6	49.2	14.9
80	209	-10	0.7	4.4	22.5	48.9	14.9
90	193	-10	0.7	4.2	21.6	46.9	14.3
100	179	-10	0.7	4.1	20.8	45.4	13.8
110	183	-10	0.7	4.1	21.0	45.8	14.0
120	168	-10	0.7	4.0	20.1	44.1	13.4
130	169	-10	0.7	4.0	20.2	44.2	13.4
135	168	-10	0.7	4.0	20.1	44.1	13.4
140	172	-10	0.7	4.0	20.3	44.6	13.5
150	173	-10	0.7	4.0	20.4	44.7	13.6
160	161	-10	0.7	3.9	19.6	43.3	13.1
170	159	-10	0.7	3.9	19.5	43.2	13.0
180	149	-10	0.7	3.8	18.7	41.9	12.5
185	149	-10	0.7	3.8	18.7	41.9	12.5
190	150	-10	0.7	3.8	18.7	42.0	12.6
195	159	-10	0.7	3.9	19.4	43.2	13.0
200	178	-10	0.7	4.1	20.8	45.3	13.8
205	180	-10	0.7	4.1	20.9	45.5	13.8
210	183	-10	0.7	4.1	21.0	45.8	14.0
215	190	-10	0.7	4.2	21.4	46.6	14.2
220	170	-10	0.7	4.0	20.2	44.4	13.5
225	166	-10	0.7	4.0	20.0	43.9	13.3
230	179	-10	0.7	4.1	20.8	45.3	13.8
235	177	-10	0.7	4.1	20.7	45.1	13.7
240	171	-10	0.7	4.0	20.3	44.6	13.5

**Table 1**  
(con't)

<b>Azimuth</b> (deg)	<b>Effective Antenna Height</b> (meters)	<b>Effective Radiated Power</b> (dBK)	<b>Contour Distances</b>				<b>Protected 60 dBu</b> (km)
			<b>Interfering</b>				
			<b>100 dBu</b> (km)	<b>80dBu</b> (km)	<b>54 dBu</b> (km)	<b>40 dBu</b> (km)	
245	170	-10	0.7	4.0	20.2	44.3	13.5
250	172	-10	0.7	4.0	20.3	44.6	13.5
255	168	-10	0.7	4.0	20.1	44.2	13.4
260	169	-10	0.7	4.0	20.2	44.2	13.4
265	173	-10	0.7	4.0	20.4	44.7	13.6
270	179	-10	0.7	4.1	20.8	45.4	13.8
275	181	-10	0.7	4.1	20.9	45.6	13.9
280	184	-10	0.7	4.1	21.1	46.0	14.0
285	184	-10	0.7	4.1	21.1	46.0	14.0
290	188	-10	0.7	4.2	21.3	46.4	14.1
295	186	-10	0.7	4.2	21.2	46.2	14.1
300	188	-10	0.7	4.2	21.4	46.4	14.1
305	186	-10	0.7	4.2	21.2	46.1	14.0
310	189	-10	0.7	4.2	21.4	46.5	14.2
315	184	-10	0.7	4.1	21.1	46.0	14.0
320	184	-10	0.7	4.1	21.1	46.0	14.0
325	194	-10	0.7	4.2	21.7	47.1	14.3
330	196	-10	0.7	4.2	21.8	47.4	14.4
335	199	-10	0.7	4.3	21.9	47.6	14.5
340	200	-10	0.7	4.4	22.6	49.0	14.5
355	210	-10	0.7	4.4	22.6	49.0	14.9

NOTE: 100 dBu contour computed using free-space propagation without accounting for terrain.