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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of )  
 )  
JOHN T. PRITCHARD )  
 )  
For Construction Permit for New )  
Commercial FM Station at )  
Burlington, Iowa )

File No. BPH-910722MT

TO: Mass Media Bureau

OPPOSITION TO "INFORMAL OBJECTION"

John T. Pritchard, by his attorney, hereby opposes the "Informal Objection" of Talley Broadcasting Company ("TBC"), dated December 5, 1991, and directed to the referenced application.

TBC, the licensee of Station KBKB-FM, Fort Madison, Iowa, informally objects to Pritchard's application for Channel 276C3 at Burlington, Iowa, asserting that operation of Pritchard's proposed station presents "potential interference to air radio navigation" (p. 2), and that "the possibility of receiver-induced intermodulation interference exists at least a limited basis" (sic, p. 4).

TBC's concern for potential interference to air navigation is based solely upon its own experience two years ago in obtaining an FAA determination that its proposal to upgrade Station KBKB-FM would not involve a hazard to air navigation.

The short answer -- indeed, the only answer -- to this concern is that the FAA has evaluated Pritchard's proposal, and on November 29, 1991, issued a conditional "no hazard" determination. A copy thereof is attached as Exhibit 1 hereto.

TBC's concern for possible receiver-induced intermodulation interference, which rests only on the fact that Pritchard's proposed tower is 2.3 kilometers from the KBKB-FM tower, fares no better. KBKB-FM operates on 101.7 MHz, whereas Pritchard would operate on 103.1 MHz. The 1.4 MHz difference is unrelated to any FM receiver component which might result in intermodulation of the two signals: Cf. Section 73.207 of the Commission's rules, proscribing specific separations for stations operating on frequencies 10.6 or 10.8 MHz apart, to prevent I.F. interference.

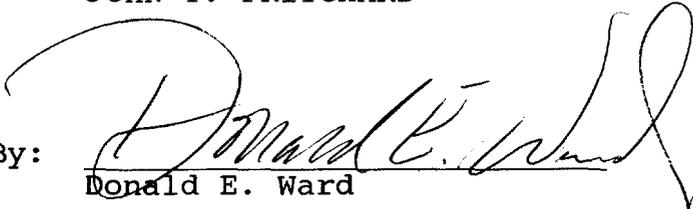
Pritchard's application specifically acknowledges the proximity of Station KBKB-FM to Pritchard's transmitter site, as well as his obligations to address interference complaints (See Engineering Statement, pages 1 and 2). TBC's "Objection" requests nothing of Pritchard that he has not already acknowledged, or that the Commission's Rules do not already provide.

Accordingly, the TBC "Informal Objection" should be dismissed or denied.

Respectfully submitted,

JOHN T. PRITCHARD

By:

  
Donald E. Ward

Donald E. Ward, P.C.  
1201 Pennsylvania Avenue, N.W.  
Fourth Floor  
P.O. Box 286  
Washington, D. C. 20044-0286  
(202) 626-6290

His Attorney

December 18, 1991

DO NOT REMOVE CARBONS

<b>NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION</b>	Aeronautical Study Number  <b>91-ACE-0498-OE</b>
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<b>1. Nature of Proposal</b> A. Type <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration B. Class <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months) C. Work Schedule Dates Beginning <u>Upon FCC Approval</u> End <u>6 Months Later</u>	<b>2. Complete Description of Structure</b> A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure. B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports. C. Include information showing site orientation, dimensions, and construction materials of the proposed structure.  A single triangular cross section steel guyed tower with an FM antenna mounted on the side near the top. The station will operate on 103.1 MHz (FM broadcast) with 11.8 KW effective radiated power.
<b>3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration.</b> (Number, Street, City, State and Zip Code) ( 319 ) <u>752-7879</u> area code Telephone Number  John T. Pritchard 2212 Piper Place, Apt. #1 Burlington, IA 52601	
<b>B. Name, address and telephone number of proponent's representative if different than 3 above.</b>  Evans Associates 216 N. Green Bay Road Thiensville, WI 53092 (414) 242-6000	

<b>4. Location of Structure</b> A. Coordinates (To nearest second) 40° 44' 03" Latitude 91° 15' 14" Longitude B. Nearest City or Town, and State Augusta, IA (1) Distance to 4B 1.9 Miles (2) Direction to 4B Northwest C. Name of nearest airport, heliport, flightpark, or seaplane base Fort Madison Munic. (1) Distance from structure to nearest point of nearest runway 6.2 mi (2) Direction from structure to airport 220° T	<b>5. Height and Elevation</b> (Complete to the nearest foot) A. Elevation of site above mean sea level 675' B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated 448' C. Overall height above mean sea level (A - B) 1123'
<b>D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s).</b> (if more space is required, continue on a separate sheet of paper and attach to this notice.)  On State Highway 16, 1.7 miles northwest of intersection of Highway 16 and U.S. Highway 61 in Green Bay Township, Lee County, Iowa (see attached topographic map).	

Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77) pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101). Persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).

I HEREBY CERTIFY that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.

Date	Typed Name/Title of Person Filing Notice	Signature
July 17, 1991	B. Benjamin Evans/Consulting Engineer	

FOR FAA USE ONLY: FAA will return this copy of this form as a separate acknowledgement.

<b>Other Proposal:</b> <input type="checkbox"/> Does not require a notice of FAA. <input checked="" type="checkbox"/> Is not identified as an obstruction under any standard of FAR Part 77, Subpart C, and would not be a hazard to air navigation. <input type="checkbox"/> Is identified as an obstruction under the standards of FAR Part 77, Subpart C, but would not be a hazard to air navigation. <input checked="" type="checkbox"/> Should be obstruction marked. <input checked="" type="checkbox"/> Lighted per FAA Advisory Circular 707-201, effective 3/15/70. <input type="checkbox"/> Obstruction marking and lighting are not necessary.  Remarks: See page 2	Supplemental Notice of Construction - FAA Form 702 is required only if the structure is a proposed construction. <input checked="" type="checkbox"/> At least 48 hours before any construction. <input checked="" type="checkbox"/> Within 10 days after the completion of construction.  This determination expires on _____ unless: (a) extended, revised or terminated by the submittal; (b) the construction is approved by the Federal Aviation Commission and an application for a construction permit is made by the owner before the expiration date. In such case the determination expires on the date prescribed by the FCC upon completion of construction or the date the FCC denies the application.  NOTE: Request for extension of this effect of your this determination must be submitted to the issuing office at least 15 days before the expiration date.  If the structure is subject to the jurisdiction of the FAA, a copy of this determination will be sent to that Agency.
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Issued At Kansas City, MO	Signature  Kathy U. Randolph, ACE-580c	Date 11-27-91
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November 29, 1991

This determination of no hazard is granted provided the following conditional statement is included in the proponents construction permit or license to radiate:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after 1 year of interference-free operation.

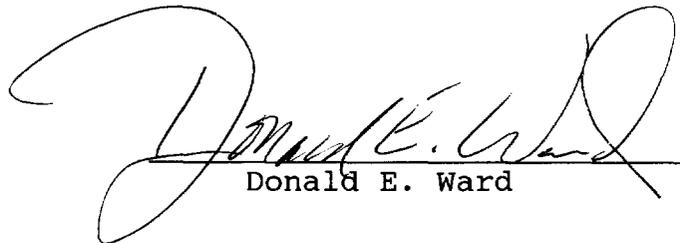
This determination cancels a previous Acknowledgment of Notice of Proposed Construction or Alteration, dated August 28, 1991, stating the construction would be objectionable because of interference to the Burlington, Iowa Municipal Airport Rwy 36 ILS localizer.

CERTIFICATE OF SERVICE

I, Donald E. Ward, do hereby certify that I have this 18th day of December, 1991, caused to be served by first class United States Mail, postage prepaid, a copy of the foregoing "Opposition to 'Informal Objection'" to the following:

Mr. John R. Peters  
Vice President  
Talley Broadcasting Company  
P.O. Box 369  
Fort Madison, Iowa 52627

David D. Oxenford, Esq.  
Fisher, Wayland, Cooper & Leader  
1255 23rd Street N.W., Suite 800  
Washington, D.C. 20037-1125  
Counsel to John M. Gianettino  
(BPH-910719MA)



Donald E. Ward