

PEPPER & CORAZZINI

ATTORNEYS AT LAW

200 MONTGOMERY BUILDING

1776 K STREET, NORTHWEST

WASHINGTON, D. C. 20006

(202) 296-0600

ROBERT LEWIS THOMPSON

GREGG P. SKALL

E. THEODORE MALLYCK

OF COUNSEL

FREDERICK W. FORD

1909-1986

TELECOPIER (202) 296-5572

VINCENT A. PEPPER
ROBERT F. CORAZZINI
PETER GUTMANN
WILLIAM J. FRANKLIN
JOHN F. GARZIGLIA
TODD J. PARRIOTT
NEAL J. FRIEDMAN
ELLEN S. MANDELL
HOWARD J. BARR
LOUISE CYBULSKI*
JENNIFER L. RICHTER*
* NOT ADMITTED IN D.C.

February 5, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Washington, DC 20554

Re: MM Docket 92-309
Application of Charles Fitzgerald
(FCC File No. BPCT-920114KF)

Dear Ms. Searcy:

Transmitted herewith on behalf of Charles Fitzgerald, applicant in the above-referenced proceeding, is an original and six (6) copies of a Technical Amendment to amend his application at Section V-C 2(b). Kindly refer this material to Administrative Law Judge Chachkin.

Should there be any questions with respect to this matter, kindly communicate with the undersigned.

Sincerely,

Gregg P. Skall
Gregg P. Skall *by*
fc

Enclosures

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 92-309
)	
LOCAL TELEVISION)	FCC File No. BPCT-911106KP
ASSOCIATES, INC.)	
)	
CHARLES FITZGERALD)	FCC File No. BPCT-920114KP
)	
WEBBER/MOORE BROADCASTING)	FCC File No. BPCT-920114KG
COMPANY LIMITED PARTNERSHIP)	
)	
For Construction Permit for a)	
New Commercial Television)	
Station on Channel 35 at)	
Jacksonville, North Carolina)	

To: The Hon. Joseph Chachkin
Administrative Law Judge

TECHNICAL AMENDMENT

Charles Fitzgerald, by his attorneys and pursuant to Section 73.3522(b)(2) of the Commission's Rules, hereby petitions for leave to amend its above-captioned application at Section V-C 2(b) to specify the correct coordinates as N 34° 29' 38" W 77° 29' 18". Submitted herewith is a Declaration of Melvyn Lieberman, the consulting engineer who prepared the Engineering Report contained in Mr. Fitzgerald's application. As stated therein, by typographical error, the Engineering Report in the application stated the wrong coordinates for the proposed transmitter site.

As further shown in the attached Engineering Declaration, the correct geographical coordinates are for the tower of FM broadcast station WKOO-FM, upon whose tower Fitzgerald would be located and which NEWCO, the new North Carolina corporation identified in the Joint Motion for Approval of Settlement, now

proposes construction. Once the correct coordinates are substituted, it is clear from Exhibit 1 that the proposed antenna would be located 12 meters below the overall height of the tower. Accordingly, FAA coordination is unnecessary.

CONCLUSION

Based on the foregoing, the corrected tower site coordinates demonstrate that applicant Fitzgerald would locate its antenna on an existing tower below its maximum height. Accordingly, there is no requirement to coordinate with the FAA.

Respectfully submitted,

CHARLES FITZGERALD

By: Gregg P. Skall / by Lc
Gregg P. Skall

His Attorney

Pepper & Corazzini
1776 K Street, N.W., #200
Washington, DC 20006
(202) 296-0600

February 5, 1993

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RUBIN, BEDNAREK & ASSOCIATES, INC.

CONSULTING TELECOMMUNICATIONS ENGINEERS

1350 CONNECTICUT AVENUE, NW - SUITE 610

WASHINGTON, DC 20036

ENGINEERING DECLARATION

This engineering declaration is submitted to support the amendment of CHARLES FITZGERALD, BPCT-920114KF an applicant for a new TV station in Jacksonville, North Carolina.

1. There is a typographical error in Paragraph 2-B of section V-C of FCC form 301. The geographical coordinates for the instant proposed station were given as N 34° 29' 28" W 77° 29' 18". The correct coordinates should have been N 34° 29' 38" W 77° 29' 18".
2. The geographical coordinates N 34° 29' 38" W 77° 29' 18" are those of FM broadcast station WKOO-FM upon whose tower Fitzgerald will locate. This is evidenced by the following references in the engineering portion of the Fitzgerald application.
 - A. The response to Paragraph 3 of FCC form 301 refers to the WKOO-FM tower for sharing space.
 - B. The response to Paragraph 6 of FCC form 301 states "existing tower" which refers to the WKOO-FM antenna tower.
 - C. In the Engineering Statement, response to Paragraph 8 refers to an existing tower that will not have its height altered.
 - D. In the Engineering Statement, response to Paragraph 14 refers to sharing space with WKOO-FM.
 - E. In the Engineering Statement, response to Paragraph 20 again refers to the sharing of tower space with WKOO-FM.
 - F. Exhibit I of Section V-C of FCC form 301 depicts a tower that shares space with WKOO-FM.
 - G. Distance and bearing computations shown in Exhibit V of Section V-C of FCC form 301 are correct for coordinates N 34° 29' 38" W 77° 29' 18".

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CONSULTING TELECOMMUNICATIONS ENGINEERS

1350 CONNECTICUT AVENUE, NW - SUITE 610

WASHINGTON, DC 20036

- H. All engineering studies of allocations, terrain elevations and distances to contours were made from N 34° 29' 38" W 77° 29' 18".
3. The technical material contained in this engineering amendment has been directly prepared or supervised by the undersigned and the facts stated in this amendment are true of his knowledge and belief except as to such statements as are herein stated to be on information and belief and as to such statements he believes them to be true.

Jan 21, 1993
Date

Melvyn Lieberman
Melvyn Lieberman

CERTIFICATE OF SERVICE

I, Susan A. Burk, a secretary with the law firm of Pepper & Corazzini, do hereby certify that a true and correct copy of the foregoing "Technical Amendment" was served by U.S. mail, first-class, postage prepaid on the 5th day of February, 1993, on the following individuals:

* The Hon. Joseph Chachkin
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., ROOM 226
Washington, DC 20554

* Robert Zauner, Esq.
Enforcement Division
Hearing Branch, Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., ROOM 7212
Washington, DC 20554

* Barbara A. Kreisman, Chief
Video Services Division
Federal Communications Commission
1919 M Street, N.W., ROOM 700
Washington, DC 20554

Dennis F. Begley, Esq.
Reddy, Begley & Martin
2033 M Street, N.W., #500
Washington, DC 20036
(Counsel for Webber/Moore Broadcasting
Company - Limited Partnership)

David Oxenford, Esq.
Fisher, Wayland, Cooper & Leader
1255 23rd St., N.W., #800
Washington, DC 20037
(Counsel for Local TV Associates, Inc.)



Susan A. Burk

* - Via Hand Delivery