

ORIGINAL

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

RECEIVED  
MAR 16 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. 92-187
	)	
FAMILY STATIONS, INC.	)	File No. BPED-890815MC
Bakersfield, California	)	
	)	
	)	
SHEPHERD COMMUNICATIONS, INC.	)	File No. BPED-891113ME
Shafter, California	)	
	)	
	)	
For Construction Permit for a	)	
New Noncommercial FM Station	)	

To: Honorable Edward Luton  
Administrative Law Judge

SECOND SUPPLEMENT TO PETITION FOR LEAVE TO AMEND

Family Stations, Inc. ("Family"), by its attorney, hereby files this Second Supplement to its Petition for Leave to Amend its above-captioned application for a new noncommercial FM station at Bakersfield, California.

In the Amendment and accompanying material filed in this proceeding on January 15, 1993, Family proposed, among other things, a move to a new transmitter site. However, by Family's calculations, the tower proposed by Family is at geographic coordinates that are different from those used by other Commission licensees with antennas located on the same tower. The Hearing Branch advised Family of these inconsistencies and requested informally

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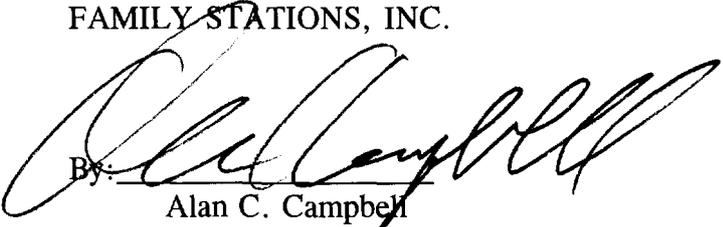
that this matter and an issue involving the correct "Class" of station be addressed by Family. In a Supplement filed on January 27, 1993, Family advised the Presiding Officer and the parties of this situation and indicated that it was investigating the matter with a view toward filing a further amendment to its application.

Family has now completed its investigation and is proffering its further amendment which is attached hereto. In particular, the attached Amendment confirms the coordinates used by Family and reports Family's efforts to advise the tower owner and the FAA as to the correct coordinates. The Amendment changes the class of station from Class B to Class A, corrects the identification of other licensees using the tower and revises the RF Radiation Statement to reflect the additional tower users.

WHEREFORE, for the reasons set forth herein and in the settlement petition and related material filed in this proceeding on January 15, 1993, Family requests that the Presiding Officer grant Family's petition for leave to amend and grant its application, as amended, for a new noncommercial station at Bakersfield, California.

Respectfully submitted,

FAMILY STATIONS, INC.

By: 

Alan C. Campbell  
Its Attorney

Irwin, Campbell & Crowe  
1320 Eighteenth Street, N.W.  
Suite 400  
Washington, D.C. 20036  
(202) 728-0400  
March 16, 1993

**CERTIFICATE OF SERVICE**

I, Lorena L. Ferry, hereby certify that on this 16th day of March, 1993, copies of the foregoing "Second Supplement To Petition For Leave To Amend" have been served either by hand delivery or first-class United States mail, postage prepaid, upon the following:

The Honorable Edward Luton\*  
Federal Communications Commission  
2000 L Street, N.W., Room 225  
Washington, D.C. 20554

Paulette Laden, Esquire\*  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 7212  
Washington, D.C. 20554

David D. Oxenford, Jr., Esquire  
Fisher Wayland Cooper & Leader  
1255 23rd Street, N.W.  
Suite 800  
Washington, D.C. 20037

Chief Data Management Staff  
Audio Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 350  
Washington, D.C. 20554

  
Lorena L. Ferry

\* Denotes hand delivery

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## AMENDMENT

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

On January 15, 1993, Family Stations, Inc. ("Family") filed an amendment to its above-referenced pending application for a new noncommercial FM station at Bakersfield, California. Please supplement that amendment with the following additional information.

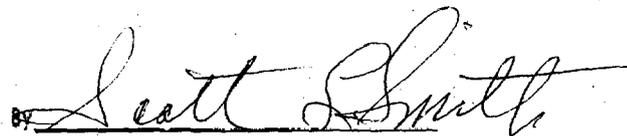
1. The proposed Class of Station as referenced on Page 1 of Section V-8, FM Broadcast Engineering Data, is incorrect. Also, at the time of the amendment preparation, it was not known that there were other broadcast facilities on the tower besides KGET TV. Therefore, Item No. 3 on page 1 does not list these other users, nor does Exhibit E10, the rf radiation compliance study, take into consideration these other facilities on the tower. Therefore, please replace the existing Page 1 of Section V-8 with the attached corrected page amending the Class of Station from Class B to Class A, and including all of the broadcast facilities on the tower in Item No. 3, replace the existing Exhibit E2, tower sketch, with the attached amended Exhibit E2 and E2(a), adding the other broadcast facilities on the tower to the tower sketch, and replace the existing Exhibit E10 with the attached Exhibit E10 correcting the rf radiation compliance study to include all users of the tower.

2. As referenced in Exhibit E1 of the pending amendment application, the tower coordinates proposed by Family are different from those listed in the FCC Database for the KGET TV tower. The discrepancy was discovered when the site coordinates were plotted on the Mt. Adelaide 7 1/2 minute topographic map during the amendment preparation. Family immediately notified the tower owner, KGET TV, of the discrepancy, advising that all broadcast users of the tower correct their coordinates with the FCC and FAA. This written notification is attached hereto as Exhibit A.

3. On February 23, 1993, Family sent to the FAA a Notice of Proposed Construction or Alteration, FAA Form 7460-1, requesting FAA approval of the proposed facility and advising them of the discrepancy in the coordinates. A final determination from the FAA has not yet been received by Family; it will be forwarded to the FCC immediately upon receipt. A copy of the FAA Form 7460-1 that was sent to the Western-Pacific Regional Office is attached hereto as Exhibit B. The original sent to the FAA included Exhibits E1, E2, and E5 of the amendment to the application filed on January 15, 1993, in order to clarify the coordinate discrepancy. As these Exhibits are already on file with the Commission as part of the amendment, they are not duplicated herein.

Respectfully Submitted,

FAMILY STATIONS, INC.



Scott L. Smith, Vice President

Date 3/11/93

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

**Family Stations, Inc.**

Call letters (if issued)

**N/A**

Is this application being filed in response to a window?  Yes  No

If Yes, specify closing date: **N/A**

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

File Number(s) **BPED-890815MC**

1. Allocation:

Channel No.	Principal community to be served:			Class (check only one box below)
<b>217</b>	City	County	State	<input checked="" type="checkbox"/> A <input type="checkbox"/> B1 <input type="checkbox"/> B <input type="checkbox"/> C3 <input type="checkbox"/> C2 <input type="checkbox"/> C1 <input type="checkbox"/> C <input type="checkbox"/> D
	<b>Bakersfield</b>	<b>Kern</b>	<b>CA</b>	

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark.

**Mt. Adelaide, 16 miles east of Bakersfield, Kern County, CA**

(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	35°	26'	17"	Longitude	118°	44'	22"
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3. Is the supporting structure the same as that of another station(s) or proposed in another pending application(s)?  Yes  No

**See Exhibit E1**

If Yes, give call letter(s) or file number(s) or both.

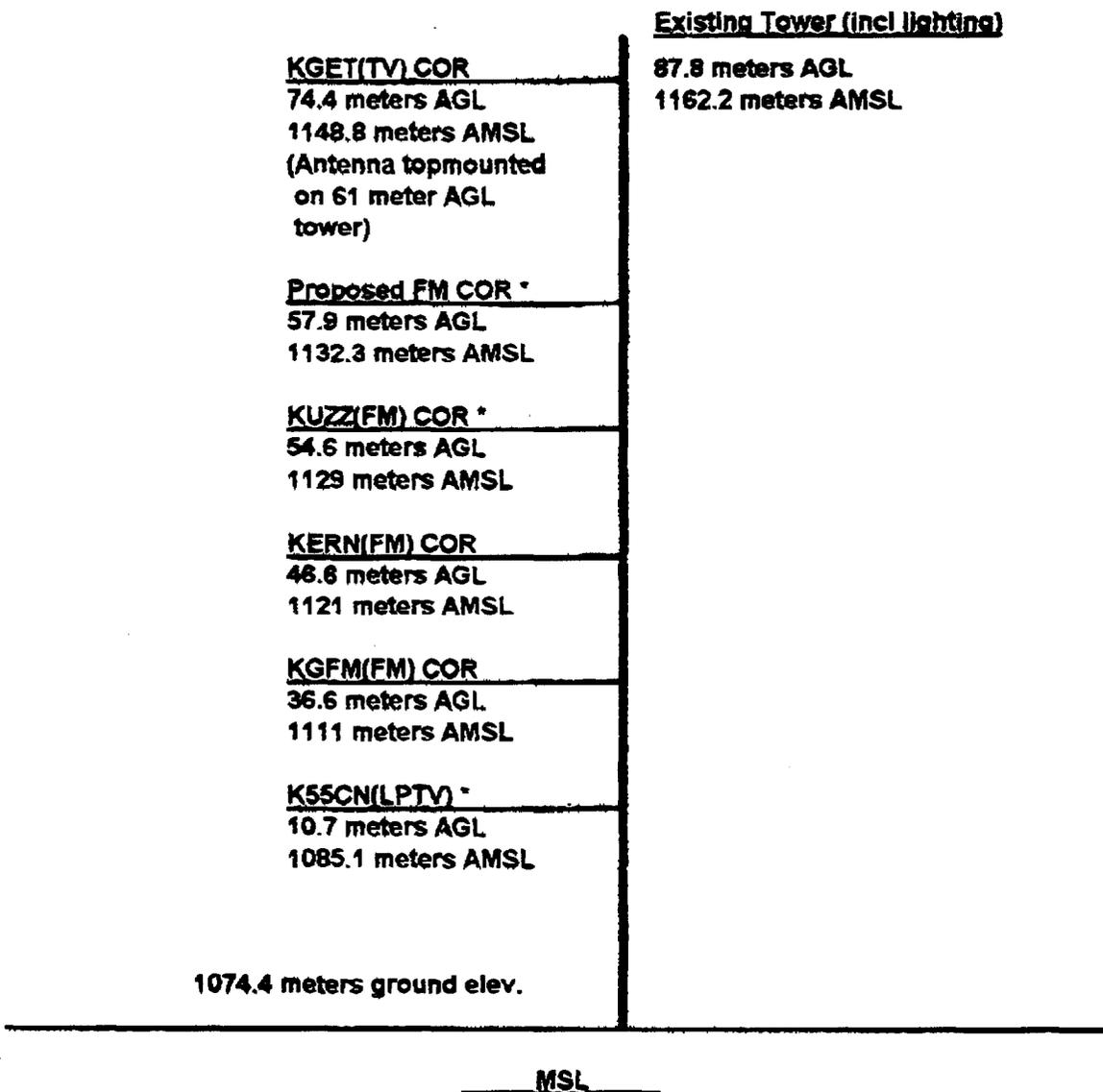
**KGET(TV), KUZZ(FM), KERN(FM), KGFM(FM), K55CN (LPTV)**

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**

**Family Stations, Inc.  
WFRH (FM), Kingston, NY  
BMPED-92012IID**

**EXHIBIT E2  
January 1993**



MSL

NOT TO SCALE

\* See Exhibit E2(a)

***Family Stations, Inc.  
WFRH (FM), Kingston, NY  
BMPED-9201211D***

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**EXHIBIT E2(a)  
March 1993**

The proposed FM will be replacing KUZZ's antenna, which is being relocated within the next few months to an adjacent tower (Construction Permit File No. BPH9104241F).

In researching who the other broadcast facilities are that utilize the tower, a discrepancy was discovered concerning the location on the tower of TV translator K55CN. According to the FCC TV Database, K55CN's radiation center above mean sea level is 1213 meters. As the ground elevation of the tower is 1074.4 meters, this would place K55CN 138.8 meters above ground; this is not possible, as the overall height of the tower is only 87.8 meters. The Licensee of K55CN was contacted, and according to their construction permit application the height above ground of the antenna is 35 feet or 10.7 meters, and the ground elevation of the tower is 3950 feet or 1204 meters. This is in error, as the ground elevation of 1074.4 meters is correct, determined directly from the 7 1/2 minute topographic map. Therefore, the correct radiation center AMSL of K55CN is 1085.1, assuming the 10.7 meters above ground level of the antenna is correct.

**Family Stations, Inc.  
New ED FM, Bakersfield, CA  
BPED-890815MC**

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**EXHIBIT E10  
January 1993**

**Environmental & RF Radiation Compliance Statement**

The proposed FM will be located at an existing communications site and therefore will not have any significant environmental impact per Section 1.1307 of the FCC Rules.

The proposed FM will operate with a maximum ERP of .106 KW, directional, and .212 KW combined horizontal and vertical. The antenna will be located 57.9 meters above ground. Currently that location is being utilized by KUZZ (FM), who will be vacating the tower within the next few months and moving to an adjacent tower at the same site. Therefore, KUZZ is not being taken into consideration in this RF compliance study. The other broadcast facilities on the tower are KGET (TV), operating with 5000 KW max. horizontal visual and 500 KW max. horizontal aural, at a height above ground of 74.4 meters; KERN (FM), operating with 4.5 KW ERP (9 KW H&V) at a height above ground of 46.6 meters; KGFM (FM), operating with 4.8 KW ERP (9.6 KW H&V) at a height above ground of 36.6 meters; and KSSCN (LPTV), operating with 10.4 KW at a height above ground of 10.7 meters. Per FCC OST Bulletin No. 85, Section II, Prediction Methods, all of the FM's combined at the lowest FM level would equal .469 mW/cm(sq.), or 47% of the ANSI requirement, and per Equation 5 on page 13, the combined TVs would equal 1% of the ANSI recommended limit. The total of all broadcast users on the tower would not exceed 48%, and therefore no rf radiation hazard would exist at ground level. Furthermore, the site is only accessible by authorized personnel, and rf radiation hazard warning signs are posted. Any authorized personnel working at the site in locations where a rf radiation hazard exists, including the tower, will be protected during times of access by either a reduction of power to a safe level or by temporarily ceasing operations of any of the facilities that would pose a rf radiation hazard.

- EXHIBIT A

- BKRSFLD5.TB



February 5, 1993

Tom Ballew, Director of Engineering  
KGET-TV, Channel 17  
Post Office Box 1700  
2831 Eye Street  
Bakersfield, CA 93302-1700  
tel: 1-805-327-7511  
FAX: 1-805-327-1994

Dear Tom:

During the preparation of our application to the FCC for a construction permit to install a Class A Non-Commercial Educational radio station at your Mt. Adelaide facility, we discovered an apparent discrepancy in the geographic coordinates that have been used in the past and that appear on the licenses of KGET-TV, KLYD-FM, and KGFM-FM.

We carefully plotted the location of your tower that is shown on the Mt. ADELAIDE 7 1/2 Minute U.S. Geological Survey map. We came up with the following coordinates:

North Latitude 35<sup>0</sup>-26'-17"  
West Longitude 118<sup>0</sup>-44'-22"

We believe that these coordinates are correct.

The elevation sketch of the tower that I obtained from you folks shows the following coordinates:

North Latitude 35<sup>0</sup>-26'-20"  
West Longitude 118<sup>0</sup>-44'-23"

The FCC staff person reviewing our application has called us and asked us informally if we could contact you and clear up this minor discrepancy with you and your other tenants.

Our FCC attorney in Washington has advised me that it is his understanding from talking with the FCC staff person on this matter that the FAA should be notified first. The FAA would normally acknowledge these corrections in a written reply. Then a letter from each of the licensees to the Commission enclosing a copy of the FAA acknowledgement should be sufficient. The letter should of course make reference to the call letters and the current license number.

-copy-

wdb/fsi letter BKRSFLD5.TB to Tom Ballew, KGET-TV 2/5/93 (cont.)

You may also want to take a look at the HAAT, HAMSL, and HAGL figures that are stated in the licenses for each of the stations on the tower to verify their correctness. If there any corrections that would be appropriate, these could be submitted at the same time as the information on coordinates is submitted.

Please send me a copy of the FAA reply and any correspondence with the FCC on these matters. The reason we would like to have these in our file is because our application is inter-related with the existing licenses and changes thereto. If for no other reason, we need this for our RF radiation study which is mandatory these days.

Thanks for your cooperation in these matters.

Sincerely,



Wesley D. Becker  
Director of Engineering

encl: 7 1/2 Minute map plot

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copy to: Alan Campbell, Esq.  
Linda Adams

**EXHIBIT B**

**DO NOT REMOVE CARBONS**

Form Approved OMB No. 2120-0001

 U.S. Department of Transportation Federal Aviation Administration			<b>NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION</b>			Aeronautical Study Number					
<b>1. Nature of Proposal</b>						<b>2. Complete Description of Structure</b>					
A. Type <input type="checkbox"/> New Construction <input checked="" type="checkbox"/> Alteration		B. Class <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)		C. Work Schedule Dates Beginning <u>To be</u> End <u>determined</u>		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.					
3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration. (Number, Street, City, State and Zip Code) ( 916 ) <u>481-8191</u> area code Telephone Number  Family Stations, Inc. 3108 Fulton Ave. Sacramento, CA 95821						A. New FM, 91.3 MHz, .106 KW ERP KJZZ FM, 107.9 MHz, 5.8 KW ERP KERN FM, 94.1 MHz, 4.5 KW ERP KGFM FM, 101.5 MHz, 4.8 KW ERP KGET TV, CH 17, 5000 KW ERP KSSQN LPTV, CH 55, 10.4 KW ERP					
B. Name, address and telephone number of Proponent's representative if different than 3 above.						B. N/A  C. Antenna to be sidemounted on existing tower (see atch Exhibit E1 & E2) (If more space is required, continue on a separate sheet.)					
<b>4. Location of Structure</b>						<b>5. Height and Elevation (Complete to the nearest foot)</b>					
A. Coordinates (To nearest second) 35° 26' 17" Latitude 18° 44' 22" Longitude		B. Nearest City or Town, and State Bakersfield		C. Name of nearest airport, heliport, flightpark, or seaplane base Rio Bravo		A. Elevation of site above mean sea level 3524'		B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated 288'		C. Overall height above mean sea level (A + B) 3812'	
(1) Distance to 4B 10.6 Miles						(1) Distance from structure to nearest point of nearest runway 5.9 mi.					
(2) Direction to 4B SW						(2) Direction from structure to airport SW					
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). (if more space is required, continue on a separate sheet of paper and attach to this notice.)  Existing communications site on Mt. Adelaide east of Bakersfield. See atch topo map and Exhibit E1 for explanation of geographical coordinates correction											
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 February 23, 1993		Typed Name/Title of Person Filing Notice Linda Adams, Technical Consultant						Signature 			
NOTE: This form is to be used for the construction or alteration of a structure. It is not to be used for the construction or alteration of a structure.											