

**P** 1-2-92  
F.H.

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DEC 20 1991

Federal Communications Commission  
Office of the Secretary

Dec 23 2 42 PM '91  
SERVICES  
DIVISION

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

In re Application of )  
)  
BEACON BROADCASTING CORPORATION )  
)  
For a Construction Permit for a )  
New Noncommercial Educational FM )  
Station on Channel 207A at )  
Allentown, Pennsylvania )

FCC File: BPED-900905ML

To: Chief, Mass Media Bureau

RECEIVED  
DEC 23 1991  
FM EXAMINE

DEC 23 2 52 PM '91

OPPOSITION TO PETITION TO DENY

Beacon Broadcasting, Inc. ("Beacon"), by its attorneys, hereby respectfully submits its response to the "Petition To Deny" filed by The Lehigh Valley Community Broadcasters Association ("Lehigh") in connection with the above-referenced application.<sup>1</sup> For the reasons noted herein, the Petition should be denied.

1. Lehigh proffers three arguments in support of their Petition. Initially, Lehigh argues that Beacon's application, as amended on June 10, 1991, is patently defective "...due to massive predicted interference to television Station WPVI, Channel 6, Philadelphia, Pennsylvania..." Lehigh argues that this "patent defect" in Beacon's engineering warrants the dismissal thereof.

<sup>1</sup> Lehigh has an application pending before the Commission for a new noncommercial FM station on Channel 207A at Allentown, Pennsylvania that is mutually-exclusive to the Beacon application. See FCC File No. BPED-891019MF.

2. Attached hereto is the "Engineering Statement" of Lechman & Johnson, Inc., engineering counsel to Beacon. The Statement describes the method utilized to determine the potential interference area to WPVI-TV. This method is consistent with Section 73.525(e)(1) of the Commission's Rules and sound engineering practice. Moreover, the data generated through this methodology demonstrates that the operation of Beacon's proposed noncommercial FM station will comply with the requirements of Section 73.525 of the Commission's Rules vis-a-vis WPVI-TV.<sup>2</sup> Clearly, therefore, no basis in fact or law exists for the dismissal of the Beacon application on this basis.

3. Lehigh's second argument concerns the plotting of the proposed tower on the site location map contained in engineering Exhibit VB-4A. Lehigh argues that while the application contains the correct geographic coordinates for the tower, the plotting thereof on the map is incorrect.

4. Beacon's engineering counsel has reviewed the matter and ascertained that the plotting of the tower on the site map is incorrect by a few feet. Accordingly, a corrective amendment is being filed herewith.

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<sup>2</sup> Beacon notes that the Lehigh application specifies the same tower location and power level as is contained in Beacon's application.

5. Beacon notes that it is proposing to mount its antenna on an existing tower at an established tower antenna farm. There are a number of towers in the immediate vicinity of the proposed tower. Beacon's erroneous plotting of the exact location was inadvertent due to confusion over the specific location of the tower. However, all other information regarding the tower in the application, such as geographic coordinates, has been and is correct.

6. The Commission has held in the past that the incorrect plotting of a proposed antenna site is not an issue affecting the tenderability of the application where the proposed antenna will be placed on an existing tower whose site location is a matter of record at the FCC.<sup>3</sup> Such an error may be cured by a corrective amendment. Beacon has tendered such an amendment herewith.

7. Finally, Lehigh argues that Beacon's Exhibit VB-2(b) contains incorrect information regarding the proposed directional antenna system. As noted in the attached Engineering Statement, this exhibit contains a typographical error in this regard. However, the application has always contained, and does presently contain, the correct information in Exhibit IV and Exhibit VB-2, pages 1, 2 and 3.<sup>4</sup> Such an inadvertent and trivial error has never been the basis for the return or dismissal of an application. In fact, the Commission's tenderability standards specifically provide

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<sup>3</sup> See the FM Branch letter to Trans Caribbean Broadcasting Company, 8920-JAG, attached to the Engineering Statement.

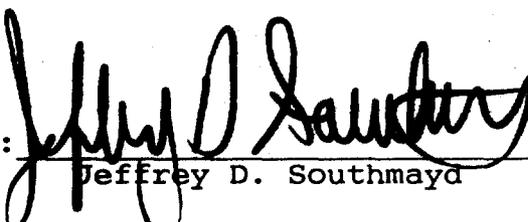
<sup>4</sup> A corrected Exhibit VB-2, page 4 is being submitted as part of the subject amendment.

for overlooking such an error where the correct information is contained elsewhere in the application.

Based on the foregoing, and the facts contained in the attached Engineering Statement and affidavit, the Lehigh Petition should be summarily denied.

Respectfully submitted,

Beacon Broadcasting Corporation

By:   
Jeffrey D. Southmayd  
Its Attorney

Southmayd & Miller  
1233 20th Street, N.W.  
Suite 205  
Washington, D.C. 20036  
(202) 331-4100

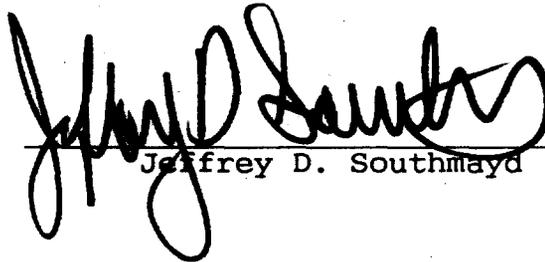
Date: December 20, 1991

**CERTIFICATE OF SERVICE**

I, Jeffrey D. Southmayd, do hereby swear and affirm that copies of the foregoing were served by first class U.S. mail, postage pre-paid, on this 20th day of December, 1991, on the following:

Mr. Dennis Williams  
Chief, FM Branch  
Mass Media Bureau  
FCC  
1919 M Street, N.W.  
Room 332  
Washington, D.C. 20554\*

Malcolm G. Stevenson, Esquire  
Schwartz, Woods & Miller  
The Dupont Circle Building  
Suite 300  
1350 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Counsel to Lehigh Valley Community  
Broadcasters Association

  
\_\_\_\_\_  
Jeffrey D. Southmayd

\* Via Hand Delivery

ORIGINAL

DECEMBER 19, 1991

AFFIDAVIT

CITY OF UPPER MARLBORO )  
                                  ) SS  
COUNTY OF PRINCE GEORGES )

Peter W. Lechman, being duly sworn, upon oath, deposes and says:

[The remainder of the page is obscured by heavy horizontal black lines.]

2. Exhibit VB-2, Page 4 of Beacon's application (directional antenna information) shows ERP that exceed 0.135 kw.
  
3. LVCBA has alleged that Beacon has understated the population within the computed interference area and has applied (intent thereof) Section 73.525(e)(1)(vi) incorrectly.

I will address the first issue. As mortals will, we made an error. This is pointed out in the Petition to Deny. The applicant specified an existing tower in an antenna farm area. The geographic coordinates on the site map were correct. However, we inadvertently specified the wrong tower on the map. We in turn have corrected that error and the corrected Exhibit VB-4 is being submitted to the Commission concurrently with the filing of this response to the Petition to Deny. This correction does not constitute a major change. The Commission's policy is "In this case, since the proposed site is a site previously authorized by the Commission, the defects are not tenderability or acceptability defects and may therefore be resolved by an amendment."<sup>1</sup>

Issue 2 addresses Exhibit VB-2, Page 4 in Beacon's application as the dBk and kw columns being incorrect. My review of the application also showed incorrect tabulation in this particular Exhibit. However, Table IV, Pages 1 and 2 lists the correct data that should have been in

Beacon Broadcasting Corp.  
December 19, 1991  
Page 3

those columns. Exhibit VB-2, Pages 1, 2, and 3, conforms with the data as tabulated in Table IV, and contains the correct information. Therefore, a corrected Exhibit VB-2, Page 4 is being filed concurrently with the response to this Petition to Deny. Collectively all the

"In cases where the terrain in one or more directions depart widely from the surrounding terrain average (for example, an intervening mountain), a supplemental showing may be made. Such supplemental showings must describe the procedure used and should include sample calculations. The application must include maps indicating the predicted interference area for both the regular method and the supplemental method.

Section 73.525(e)(1)(iv) describes the method in computing the Prediction of Coverage as specified in Section 73.313 of the Rules and Regulations. Section 73.313(e) of the Rules are as follows:

"In cases where the terrain in one or more directions from the antenna site departs widely from the average elevation of the 3 to 16 kilometer sector, the prediction method may indicate contour distances that are different from what may be expected in practice. For example, a mountain ridge may indicate the practical limit of service although the prediction method may indicate otherwise. In such cases, the prediction method should be followed, but a supplemental showing may be made concerning the contour distances such as determined by other means. Such supplemental showing should



Beacon Broadcasting Corp.  
December 19, 1991  
Page 6

20735, and a previous engineer employed by NPR, also was a member of the Docket 20735 committee. All confirmed that alternative technical showings were contemplated in Docket 20735. As known throughout the Industry, a compromise between the non-commercial entities and TV Channel 6 personnel of the new Rules were adopted June 20, 1985 and released June 27, 1985 in a Memorandum Opinion and Order terminating the proceeding of Docket No. 20735.

The applicant is familiar with the Allentown area relative to television coverage and reception of the Philadelphia TV stations. In the early 1970's, Service Electric Cable TV, Inc., a cable company that provide cable throughout the Allentown area, was in a hearing at the FCC regarding specific channel carriage on its system. KYW, Channel 3, Philadelphia, is an NBC network affiliate. WBRE-TV, Channel 28, Wilkes-Barrie, Pennsylvania, is also an NBC Network affiliate. The FCC hearing was to determine which station would be carried on the cable system per FCC Rules and Regulations. Extensive television field strength measurements were made throughout the Allentown area to determine the intensity of what grade coverage was in the Allentown area. Both Channel 3 and Channel 6 in Philadelphia are located on the same tower at Culp Street, Roxborough, Pennsylvania. The engineering firm of Kea & Kennedy were retained to take measurements data in accordance with the TASO method. Results of that data showed that the Philadelphia television stations provided less than Grade B service in the Allentown area due to the intervening hills and mountains between the two cities.

LECHMAN & JOHNSON, INC.

Beacon Broadcasting Corp.  
December 19, 1991  
Page 7

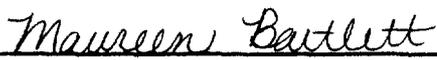
The television field strength measurement data taken on these stations are at the FCC in the appropriate Docket for the hearing case.

Therefore, the method used to determine the interference area was computed in accordance with Section 73.525 of the Rules and Regulations and the supplemental showing is based on sound engineering principals and can be confirmed with information on file with the FCC in the Service Electric Cable TV, Inc. hearing proceeding.

Affiant states that all statements and computations made in the Affidavit were made by him personally or under his direct supervision and that all information and facts contained herein are true of his own knowledge, except when stated to be on belief, and as to that information, he believes it to be true.

  
\_\_\_\_\_  
Peter W. Lechman  
Telecommunications Consultant

Sworn and subscribed to before me this 19th day of December, 1991.

  
\_\_\_\_\_  
Maureen Bartlett  
Notary Public

My Commission Expires: 8/9/94

Beacon Broadcasting Corp.  
December 19, 1991  
Page 8

1. Letter to Trans Caribbean Broadcasting Company, dated December 4, 1991, re: WTBN(FM), Charlotte Amalie, VI, BPH-911125ID, Paragraph 1, Page 2.

**ENGINEERING STATEMENT**

**BEACON BROADCASTING CORPORATION  
APPLICATION FOR A NEW NON COMMERCIAL FM STATION  
ALLENTOWN, PENNSYLVANIA**

**Channel 207A**

**0.135 kw (Max) DA**

**245 Meters**

**December 18, 1991**

## ENGINEERING STATEMENT

### BEACON BROADCASTING CORPORATION APPLICATION FOR A NEW NON COMMERCIAL FM STATION ALLENTOWN, PENNSYLVANIA

Channel 207A

0.135 kw (Max) DA

245 Meters

This Engineering Statement is submitted in support of corrected Tables and Exhibits associated with Beacon Broadcasting Corporation's application (File #BPED-900905ML) for a new non commercial FM station proposing to serve Allentown, Pennsylvania. No changes are being presented in this Statement other than to correct an Exhibit showing the actual location of an existing tower that matches the geographical coordinates listed on FCC Form 340 and typo errors that occurred on two tables.

Table III is corrected to reflect the data shown in Table IV, Pages 1 and 2. Exhibit VB-2, Page 4, is corrected to reflect the data shown in Table IV, Pages 1 and 2. When reading the data from the computer file to the word processor, the data was inadvertently not saved and the previous data reoccurred. All other data and Exhibits shown in Exhibit VB-2, page 1, page 2 and page 3 are correct.

Exhibit VB-4 replaces Exhibit VB-4A and Exhibit VB-4B showing the correct plot of the coordinates as indicated throughout the application. The proposed site is that of TV Station WFMZ, Allentown, Pennsylvania. Correcting the plot of the proposed transmitter site does not constitute a major change in Beacon Broadcasting Corporation's application.

Exhibit VB-5 replaces Exhibit VB-5A and Exhibit VB-5B. The error that occurred on that Exhibit was the population and area figures were incorrect. The area and population figures shown thereon are shown on FCC Form 340, Page 14, Question 15.

LECHMAN & JOHNSON, INC.

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Peter W. Lechman  
Telecommunications Consultant  
December 18, 1991

LECHMAN & JOHNSON, INC.

TABLE III  
DISTANCE TO PROPOSED COVERAGE CONTOURS

BEACON BROADCASTING CORPORATION  
APPLICATION FOR A NEW  
NON COMMERCIAL FM STATION  
ALLENTOWN, PENNSYLVANIA

Channel 207A

0.135 kW(Max) DA

245 Meters

Azimuth True	Average Elevation 2-10 Miles (meters A.M.S.L.) <sup>1</sup>	Effective Antenna Height Above Average Terrain (Meters)	Effective Radiated Power (kW)	Distance to Proposed Contour (kM)	
				70 dBu	60 dBu <sup>2</sup>
0	127.1	269.3	0.112	9.9	17.5
45	122.5	273.9	0.130	10.4	18.4
90	143.2	253.2	0.100	9.3	16.4
135	166.1	230.3	0.029	6.3	11.6
180	199.3	197.1	0.055	6.9	12.5
225	219.1	177.3	0.133	8.3	14.9
270	123.4	273.0	0.111	9.9	17.6
315	111.8	284.6	0.132	10.6	18.8

Ground elevation at site A.M.S.L.	283.4 meters
Average elevation of terrain (2-10 miles) A.M.S.L.	151.6 meters
Effective antenna height above average terrain	244.8 meters <sup>3</sup>
Effective antenna height above ground level	113.0 meters
Effective antenna height A.M.S.L.	396.4 meters
Overall tower height above ground level	203.6 meters
Overall tower height A.M.S.L.	487.0 meters

Coordinates

North Latitude: 40° 33' 54"

West Longitude: 75° 26' 26"

<sup>1</sup>Data taken from Television Station WFMZ(TV) records on file with the FCC. Data converted to meters from feet.

<sup>2</sup>Data in Table IV, Page 1; Page 15, FCC Form 340

<sup>3</sup>Rounded to 245 meters.

DIRECTIONAL ANTENNA INFORMATION

BEACON BROADCASTING CORPORATION  
 APPLICATION FOR A NEW  
 NON COMMERCIAL FM STATION  
 ALLENTOWN, PENNSYLVANIA

Channel 207A

0.135 kW(Max) DA

245 Meters

<u>Azimuth</u>	<u>Rel. Fld.</u>	<u>dB</u>	<u>dBk</u>	<u>kW</u>
0	0.910	-0.82	-9.52	0.112
10	0.899	-0.92	-9.62	0.109
20	0.908	-0.84	-9.54	0.111
30	0.932	-0.61	-9.31	0.117
40	0.967	-0.29	-8.99	0.126
45	0.981	-0.17	-8.87	0.130
50	0.991	-0.08	-8.78	0.132
60	1.000	-0.00	-8.70	0.135
70	0.982	-0.16	-8.86	0.130
80	0.929	-0.64	-9.34	0.116
90	0.859	-1.32	-10.02	0.100
100	0.754	-2.46	-11.16	0.077

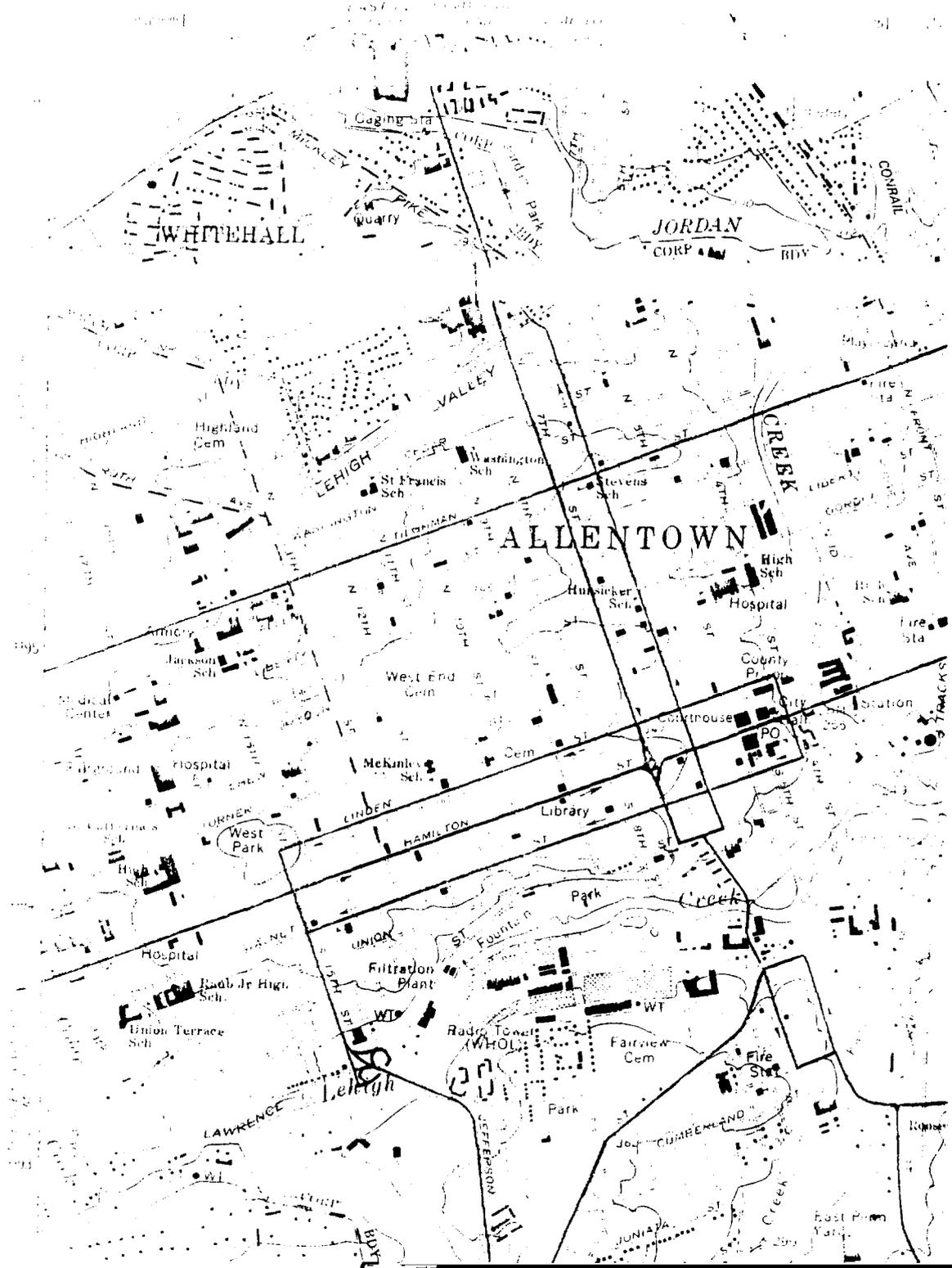


COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
TOPOGRAPHIC AND GEOLOGIC SURVEY

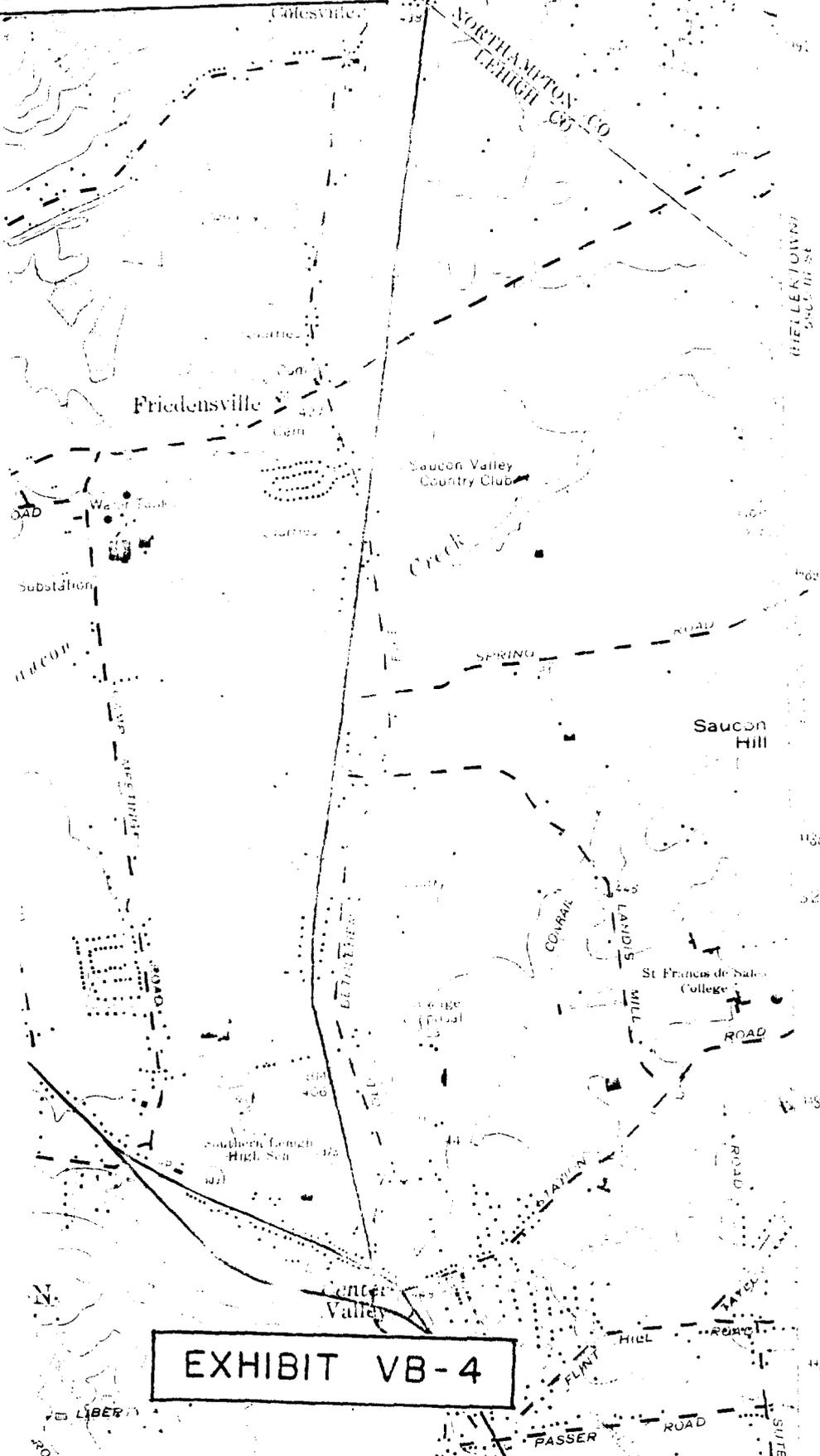
UNIVERSITY OF  
PITTSBURGH



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY



3' 54" N 75° 26' 26"



**EXHIBIT VB-4**

**RECTED - REPLACES EXHIBITS VB-4A & VB-4B**

**ROADCASTING CORPORATION  
OR A NEW NON COMMERCIAL FM STATION  
LENTOWN, PENNSYLVANIA**

0.136 kw (Max) PA

245 Meters

PROPOSED SITE : 40° 33' 54" N 7

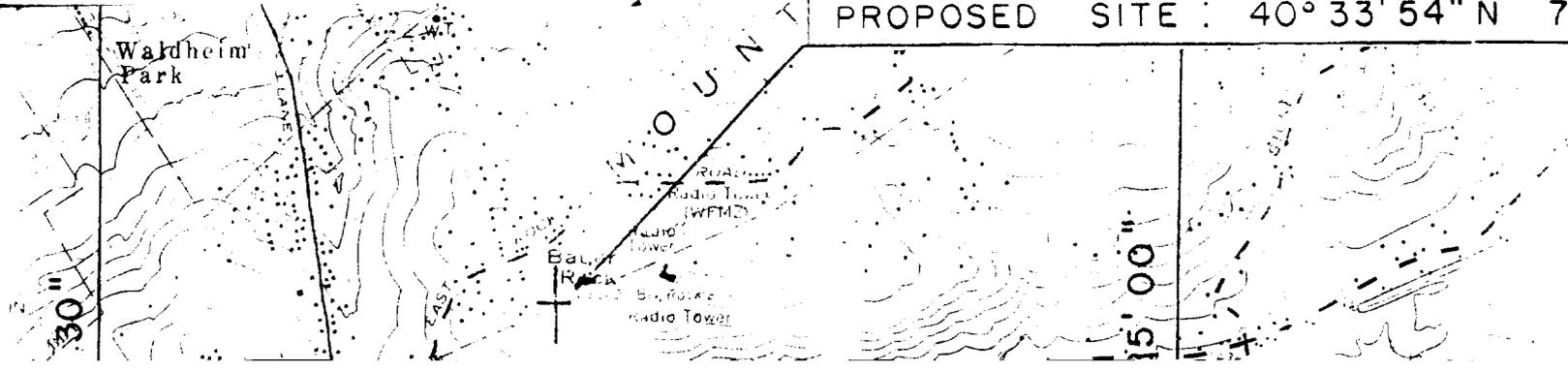
W O U N T

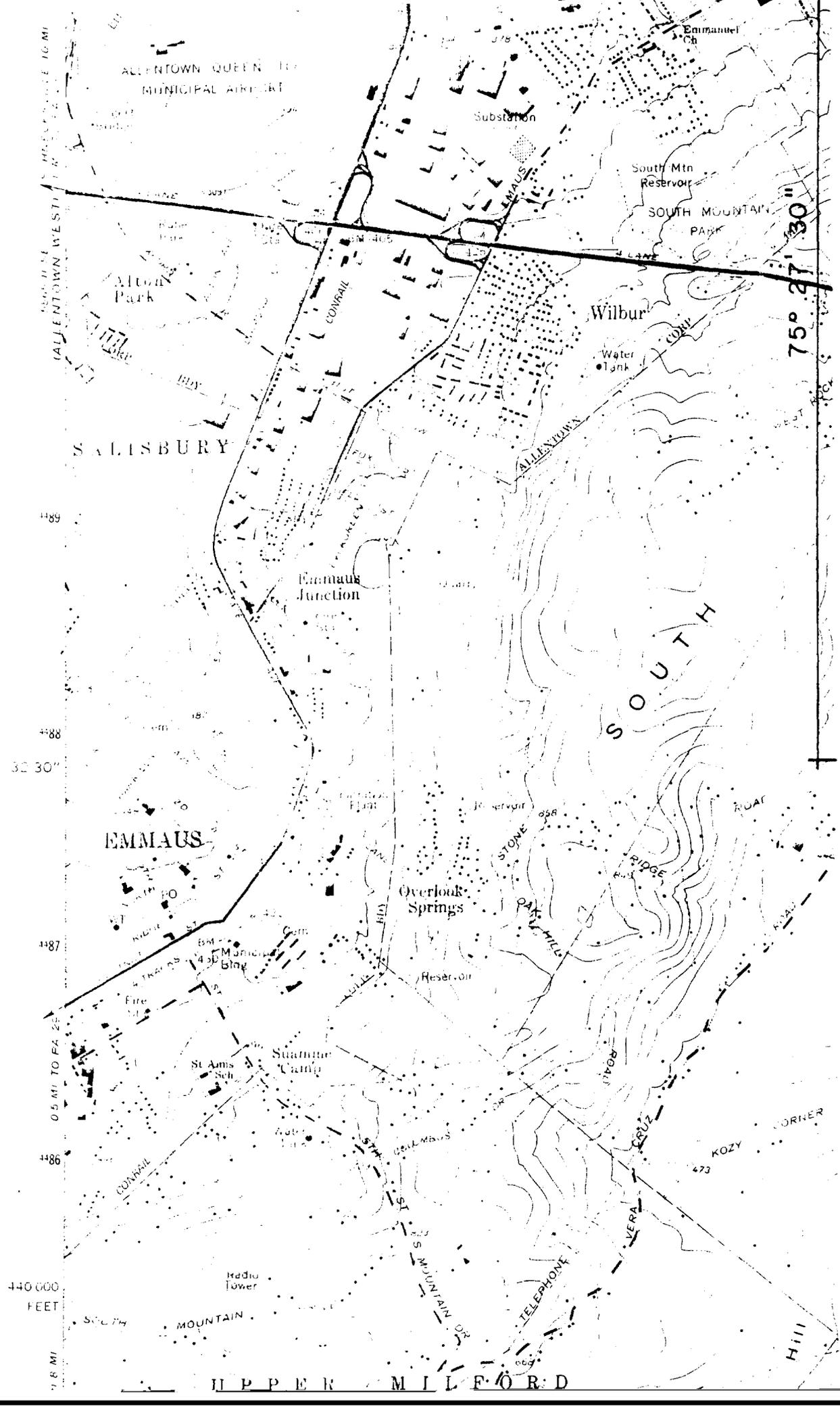
Waldheim  
Park

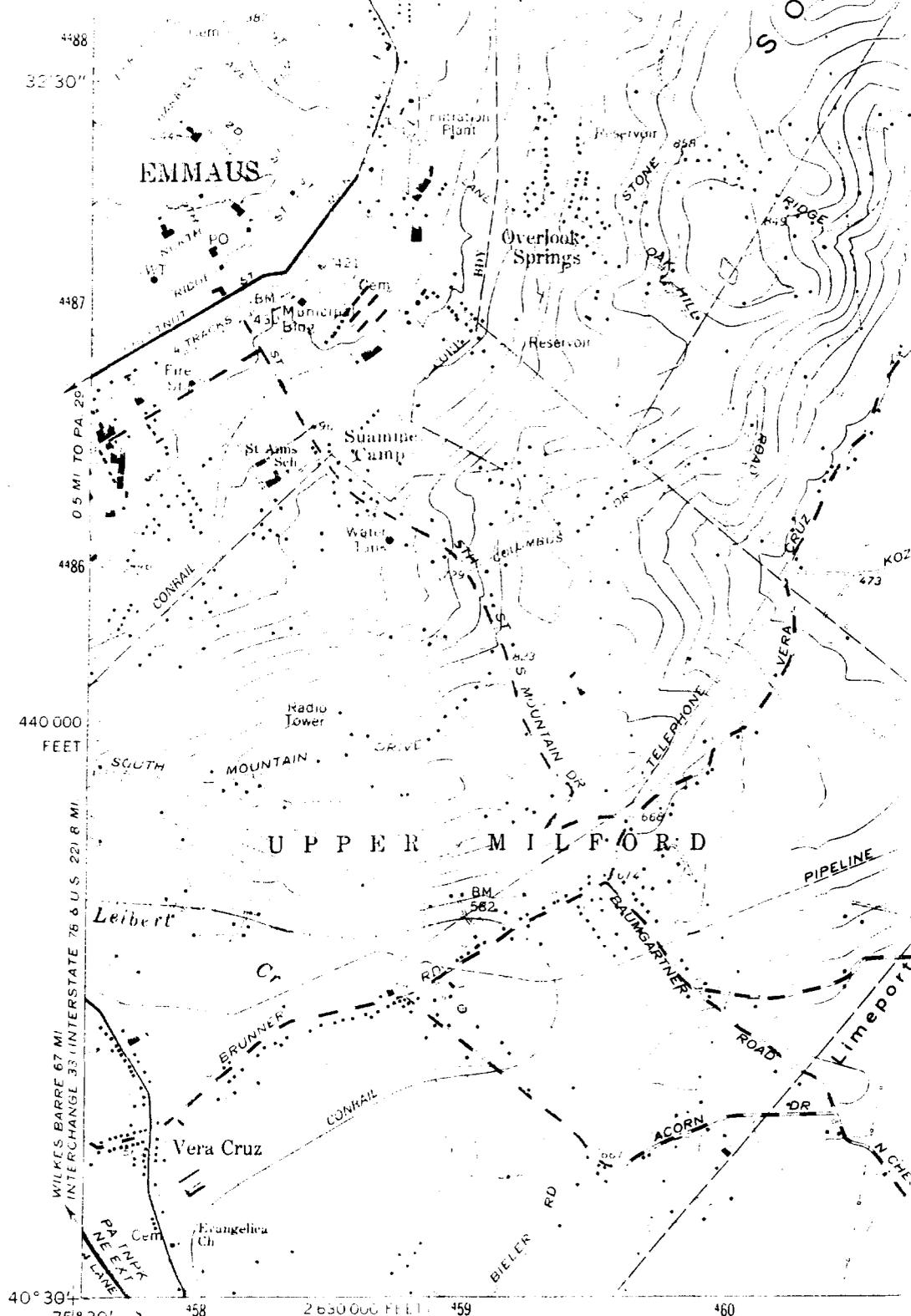
30"

15' 00"

Radio Tower  
Radio Tower (WFMD)  
Radio Tower  
Radio Tower







(EAST GREENVILLE)  
5804 1 NE

Mapped, edited, and published by the Geological Survey

Control by USGS, NOS/NOAA, and USCG

Topography by photogrammetric method from aerial photographs taken 1962. Field checked 1964

Polyconic projection. 10 000 foot grid based on Pennsylvania coordinate system, south zone

1000 meter Universal Transverse Mercator grid ticks, zone 18 shown in blue

1927 North American Datum

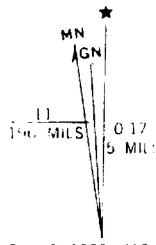
To place on the predicted North American Datum 1983

move the projection lines 6 meters south and

31 meters west as shown by dashed corner ticks

Fine red dashed lines indicate selected fence and field lines where generally visible on aerial photographs. This information is unclassified

Red tint indicates area in which only landmark buildings are shown



UTM GRID AND 1983 MAGN DECLINATION AT CENTER

40° 32' 30"

**CORRECTED**

**BEACON BROAD  
APPLICATION FOR A NE  
ALLEN TOW**

**Channel 207A**

**0.13**

Prepared By  
**LECHMAN & JOHNSON, INC.**  
TELECOMMUNICATIONS CONSULTANTS  
LARRAN, MARYLAND

**LOWER MILFORD**

**UPPER NAUCHTON**

Applebutter Hill

Limeport

Chestnut Hill

MILFORD SQUARE)  
9904 16 NW  
SCALE 1:4000

CONTINUE IN FINAL TO THE  
NATIONAL GEODESIC SURVEY DATUM OF 1983

THIS MAP COMPLIES WITH NATIONAL MAP ACTING STANDARDS  
FOR SALE BY U. S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

containing shown in parks and woodlands  
with Commonwealth of Pennsylvania agencies  
between 1981 and other... This map  
was edited 1983

017  
0 MILLS  
83 MAGNETIC NORTH  
CENTER OF SHEET

