

**BAKER
&
HOSTETLER**
COUNSELLORS AT LAW

DOCKET FILE COPY ORIGINAL

WASHINGTON SQUARE, SUITE 1100 • 1050 CONNECTICUT AVENUE, N.W. • WASHINGTON, D.C. 20036 • (202) 861-1500
FAX (202) 861-1783 • TELEX 2357276
WRITER'S DIRECT DIAL NUMBER (202) 861-1739

May 13, 1993

RECEIVED

MAY 13 1993

BY HAND

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Donna A. Searcy, Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: Scripps Howard Broadcasting Company
MM Docket 93-94

Dear Ms. Searcy:

Transmitted herewith, on behalf of Scripps Howard
Broadcasting Company, licensee of Station WMAR-TV, Baltimore.

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of)
)
Scripps Howard)
Broadcasting Company)
)
For Renewal of License of)
Station WMAR-TV,)
Baltimore, Maryland)
)
and)
)
Four Jacks)
Broadcasting, Inc.)
)
For a Construction Permit for)
a New Television Facility on)
Channel 2 at Baltimore, Maryland)

MM Docket No. 93-94

File No. BRCT-~~911003KE~~ **RECEIVED**

MAY 13 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

File No. BPCT-910903KE

To: The Honorable Richard L. Sippel
Presiding Administrative Law Judge

**MOTION TO ENLARGE ISSUES
RELATED TO TOWER SITE**

Respectfully submitted,

Scripps Howard
Broadcasting Company

By: Kenneth C. Howard, Jr.
Leonard C. Greenebaum
David N. Roberts

Its Attorneys

BAKER & HOSTETLER
1050 Connecticut Avenue, N.W.
Suite 1100
Washington, D.C. 20036
(202) 861-1500

Dated: May 13, 1993

TABLE OF CONTENTS

SUMMARY 3

MOTION TO ENLARGE ISSUES 5

 Background Facts 6

 The WPOC(FM) Antenna Will Have to be Displaced 7

 The Site is Not Zoned for the Intended Use 9

 The Tower is Not Adequate for the Contemplated Use . . . 10

 Four Jacks Falsely Certified That It Had Reasonable
 Assurance of a Suitable Site 13

 Four Jacks Misrepresented the Height of Its Proposed
 Tower 13

 Four Jacks Violated § 1.65 of the Commission's Rules . . 14

 Four Jacks Did Not Take the Necessary Steps to Determine
 Whether it was Financially Qualified Before So
 Certifying In its Application 15

SUMMARY

In this Motion to Enlarge Issues, Scripps Howard Broadcasting Company ("Scripps Howard") seeks the addition of several issues against Four Jacks Broadcasting, Inc. ("Four Jacks") that result from Four Jacks' failure to secure reasonable assurance of a suitable tower site before certifying that it had such assurance in its application. Four Jacks has failed to meet the Commission's requirements related to an applicant's site because (1) the WPOC(FM) antenna, located on its proposed tower, will have to be displaced and Four Jacks has received no assurance that WPOC(FM)'s licensee will consent to such displacement, (2) the site is not zoned for the contemplated use, and (3) the tower is not adequate for the contemplated use.

Four Jacks' failure to secure reasonable assurance of a suitable site is especially egregious because Four Jacks' principals own the site. Four Jacks' principals failure to secure assurance from their own tenant that it would consent to a relocation essential to Four Jacks' proposed use of the site supports the addition of a false site certification issue.

In addition to falsely certifying to the availability of the site, Four Jacks misrepresented the height of the proposed tower in its application. Even once the actual height of the tower was brought to the attention of Four Jacks, including in the Hearing Designation Order itself, Four Jacks failed to amend its application pursuant to § 1.65 of the Commission's rules. Four

Jacks' actions in relation to the tower height support the addition of misrepresentation and § 1.65 issues.

By relying on the use of a clearly unavailable and unsuitable site as part of its application, Four Jacks clearly failed to engage in reasonable and serious efforts to determine how much it would cost to construct its proposed facility before certifying that it was financially qualified. Therefore, issues should be added against Four Jacks to determine whether it is financially qualified and whether it made a false financial certification.

RECEIVED

MAY 13 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In re Application of)	MM Docket No. 93-94
)	
Scripps Howard)	File No. BRCT-910603KX
Broadcasting Company)	
)	
For Renewal of License of)	
Station WMAR-TV,)	
Baltimore, Maryland)	
)	
and)	
)	
Four Jacks)	File No. BPCT-910903KE
Broadcasting, Inc.)	
)	
For a Construction Permit for)	
a New Television Facility on)	
Channel 2 at Baltimore, Maryland)	

To: The Honorable Richard L. Sippel
Presiding Administrative Law Judge

**MOTION TO ENLARGE ISSUES
RELATED TO TOWER SITE**

Scripps Howard Broadcasting Company ("Scripps Howard"), licensee of Station WMAR-TV, Baltimore, Maryland, through counsel, hereby respectfully moves to enlarge the issues against Four Jacks Broadcasting, Inc. ("Four Jacks") in the above proceeding to add issues to determine:

- (1) Whether Four Jacks lacks reasonable assurance of a suitable site;
- (2) Whether Four Jacks' site is unsuitable for its proposed use;
- (3) Whether Four Jacks falsely certified in its application that it had reasonable assurance that it had a suitable site available;
- (4) Whether Four Jacks misrepresented the height of its proposed tower;

- (5) Whether Four Jacks violated Section 1.65 of the Commission's Rules by failing to amend its application to reflect the true height of its designated tower;
- (6) Whether Four Jacks had taken all of the necessary steps to determine whether it was financially qualified at the time it so certified in its application;
- (7) Whether Four Jacks falsely certified in its application that it was financially qualified; and
- (8) Whether, in light of the evidence adduced under the above issues, Four Jacks possesses the requisite character to be a Commission licensee.

Background Facts

1. In its application, Four Jacks has certified that it has reasonable assurance of a site on which to locate the antenna for its proposed station. (The relevant pages of Four Jacks' application are attached as Exhibit A.) In the engineering portion of its application, Four Jacks has identified this site as 1200 North Rolling Road, Catonsville, Baltimore, Maryland. Exhibit A. The site is owned by Cunningham Communications, Inc. ("Cunningham"), which is in turn owned by the principals of Four Jacks.¹

2. Commission precedent establishes that an applicant must have reasonable assurance that it has a transmitter site available that is suitable for its intended purpose. Cuban-American Limited, 2 F.C.C. Rcd 3264 (Rev. Bd. 1987), review denied

¹ In Four Jacks' Opposition to Petition to Deny ("opposition"), filed February 12, 1992, it identified the site owner as Cunningham and the owner of Cunningham as the principals of Four Jacks. Opposition at 4, n.2. The relevant pages of the Opposition are attached as Exhibit B.

in part, granted in part 5 F.C.C. Rcd 7321; reconsideration of denial of review denied, 68 Rad. Reg. 2d (P&F) 1088; Naguabo Broadcasting Co., 6 F.C.C. Rcd 912 (Rev. Bd 1991), review granted in part, denied in part, 6 F.C.C. Rcd 4879; decision on review modified in part 7 F.C.C. Rcd 784. Four Jacks fails to meet this requirement because: (1) the WPOC(FM) antenna will have to be displaced and Four Jacks has received no assurance that WPOC(FM)'s licensee will consent to such displacement, (2) the site is not zoned for the contemplated use, and (3) the tower is not adequate for the contemplated use. While some of these defects may theoretically be curable, Four Jacks had failed to take reasonable steps at the time it filed its application to assure that the site could be made suitable.

The WPOC(FM) Antenna Will Have to be Displaced

3. The antenna for WPOC(FM), Baltimore, Maryland, licensed to Nationwide Communications, Inc., is currently located at the 198 meter level of the tower, where Four Jacks plans to locate its antenna. See Engineering Report of Donald Everist, P.E. of Cohen, Dippel and Everist, attached as Exhibit C. Four Jacks has proposed to use a Channel 2 superturnstile antenna that will require a downward relocation of the WPOC(FM) antenna and require WPOC (FM) to operate at a higher power. Exhibit C at 1.

4. Four Jacks concedes in its application that its proposal cannot be implemented without moving the WPOC(FM) antenna. Exhibit A. Four Jacks, however, apparently has neither sought nor obtained permission from Nationwide to move WPOC(FM)'s antenna.

See Declaration of Don E. Watkins, Vice-President-Engineering, Nationwide Communications, Inc., attached as Exhibit D. Even if Nationwide were willing to give its permission for the move, Nationwide, not Four Jacks, would have to file an application for minor modification and have it approved before Four Jacks would be assured that it could use its specified site. See 47 C.F.R. § 73.1690. Unless Nationwide had agreed to file such an application at the time Four Jacks filed its application, Four Jacks did not have reasonable assurance that it possessed a suitable site. Therefore, an issue should be specified against Four Jacks to determine if it had reasonable assurance of the proposed site's suitability.

5. In addition, over eighty (80) licensees at the site will also have to be moved for Four Jacks to implement its proposal. Exhibit C at 2. Even though the necessity for these moves is apparent upon review of the site, Exhibit C at 2, Four Jacks has failed to indicate how it intends to address the need to move these other licensees. Four Jacks has not provided any indication that it has contacted any of these licensees to obtain their consent to the move of their facilities. Four Jacks' failure to address the serious matter of relocating over eighty licensees on the tower is further evidence that Four Jacks lacks reasonable assurance of a suitable site.

The Site is Not Zoned for the Intended Use

6. The tower at Four Jacks' proposed site is currently built to a height of approximately 666 feet. See Statement of Donald R. Hall, Registered Property Line Surveyor, a copy of which is attached as Exhibit E and which was previously submitted with Scripps Howard's Petition to Deny filed January 29, 1992. As noted

the Baltimore County Council on October 15, 1992 attached as Exhibit G. In proceedings leading to the adoption of the Final Log of Issues, Cunningham requested that its tower site be re-zoned as commercial, which would give it greater flexibility in seeking an increased tower height. Id. The County Council determined, however, that Cunningham's proposal should be rejected and that the property should remain zoned for residential use. Id. Therefore, this initial determination by the zoning authority makes it highly improbable that Four Jacks will be able to obtain the necessary zoning authority for its proposed tower.

10. The Commission ordinarily assumes that an applicant will receive the necessary zoning authority to implement its proposal. See Teton Broadcasting Limited Partnership, 1 F.C.C. Rcd 518, 519 (1986). This assumption is rebutted, however, by an adverse initial decision from the appropriate zoning authority, even if the applicant intends to appeal that decision. J. Sherwood, Inc., 63 F.C.C.2d 151, 156 (Rev. Bd. 1976). Due to the adverse initial decision by the Baltimore County Council on Cunningham's request to re-zone its property as commercial, an issue has arisen as to whether Four Jacks will be able to use its designated site. Therefore, an issue should be added to determine whether Four Jacks' site is suitable for its proposed use.

The Tower is Not Adequate for the Contemplated Use

Inc., attached as Exhibit H, demonstrates that the tower "must not be used for the installation of the Channel 2 Antenna." Exhibit H at 13. (emphasis in the original).

12. Mr. Vlissides made his report based on an analysis of Four Jacks' tower using a structural computer program especially designed to evaluate this type of structure. Exhibit H at 13. Mr. Vlissides based his analysis on direct observation of the tower, (albeit from a distance) and over thirty years of professional engineering experience. Since he lacked direct access to the tower site, some assumptions were necessary. These assumptions, which were identified in his report, were weighted in favor of the tower's structural integrity. For example, in calculating the wind load resulting from twenty-two transmission lines, each of which goes up the tower as high as the antenna to which it is connected, Mr. Vlissides accounted for shielding by systematically reducing the percentage of exposure according to the distance the lines went up the tower. Under Case 2 of his analysis, Mr. Vlissides assumed 100% exposure for the first eight lines, the ladder and the conduit, for the next four lines 75% exposure, for the next three, 50% exposure, the next six, 25% exposure and the last one, 0% exposure. Id. at Case 2, p. 4.

13. In making his report, Mr. Vlissides increased the allowable stress by 33%, the maximum allowable under EIA/TIA RS 222-E. Id. at 6.² With respect to the tower members, Mr.

² Mr. Vlissides' research indicated that without the 33% increase in allowable stress the tower would be on the verge of collapse under existing antenna and transmission

Vlissides assumed that they are made of 50,000 psi high-strength steel, although it is more probable that the tower legs are made of 35,000 psi ASTM A53 pipe and the diagonals and horizontals are ASTM A36 solid bars. Id. at 7. Mr. Vlissides also disregarded the additional weight and wind pressure of the skeleton for a ten bay FM antenna already on the tower, visible in the photographs submitted with his report. Id. at 8. Finally, and very significantly, Mr. Vlissides did not consider the effects of icing in his study. Id. at 9.

14. Even though all the assumptions in Mr. Vlissides report were weighted in favor of the tower's structural integrity, under case 2 of his analysis, 60% of the tower leg sections would be overstressed by as much as 84% if Four Jacks' proposal is implemented. Id. at 10. Under cases 3 and 4, 30% of the tower leg sections would be overstressed by as much as 68%. Mr. Vlissides concludes his report by stating:

It is my engineering opinion that, due to the large overstresses calculated in the tower legs, the subject tower is not adequately designed to support the Channel 2 antenna and its transmission lines as described in the Organization of Analysis Section of this report. Therefore, I strongly recommend that the subject tower must not be used for the installation of the Channel 2 antenna.

Id. at 13 (emphasis in the original). The report also warns that, "any significant icing of the tower and its guy cables, in addition to wind loading specified for this geographical area, will put the tower and surrounding area in serious danger." Id. at 9. Mr.

line loads. Exhibit H at 7.

Vlissides' report makes clear that the tower should not be used as planned and that Four Jacks' site is, therefore, unsuitable.

15. A designated site must be capable of effectuating the applicant's proposal before it can be considered suitable. Cuban American, 2 F.C.C. Rcd at 3267. Mr. Vlissides' report, weighted to resolve all doubts in favor of the tower's structural integrity, demonstrates that Four Jacks' proposed site is unsuitable for its contemplated use. Therefore, an issue should be added against Four Jacks to determine whether its site is suitable for the proposed use.

Four Jacks Falsely Certified That It
Had Reasonable Assurance of a Suitable Site

16. As the owners of the Cunningham tower, Four Jacks' principals knew that the WPOC(FM) antenna would need to be moved at the time they signed their application. In spite of this knowledge, they failed to take steps to determine whether such a move could take place. Therefore, an issue should be added to determine whether Four Jacks falsely certified that it had reasonable assurance of the availability of a suitable site and, if so, whether it lacks the requisite character to be a Commission licensee.

Four Jacks Misrepresented the
Height of Its Proposed Tower

17. In Four Jacks' application, it specifies a tower height of 381 meters. Exhibit A. As the Hearing Designation Order recognizes, however, the record height for the tower is only 368.5 meters. Four Jacks' principals, as the principals of Cunningham,

knew the tower was not at the specified height when the application was signed. They may well have perceived that advantages would flow from concealment of the tower's actual height.³ In any event, Four Jacks' reasons for this misrepresentation are of secondary importance. Under Commission precedent the fact of misrepresentation, not the motive behind it, is the determinative issue. It is well settled that "[t]he fact of concealment may be more significant than the facts concealed." David Ortiz Radio Corporation v. F.C.C., 941 F.2d 1253, 1260 (D.C. Cir. 1991) (quoting, F.C.C. v. WOKO, Inc., 329 U.S. 223, 227 (1946)). An affirmative misstatement can justify the disqualification of an applicant. Id. Therefore, an issue should be added to determine whether Four Jacks misrepresented the height of its proposed tower in its application, and, if so, whether it should be disqualified.

Four Jacks Violated § 1.65
of the Commission's Rules

18. As noted above, Four Jacks specified an incorrect tower height in its application, which was noted in the Hearing Designation Order. Four Jacks has made no attempt, however, to amend its application to specify the correct tower height, even though the discrepancy has been brought to its attention.

19. Section 1.65 of the Commission's Rules states:

(a) Each applicant is responsible for the continuing accuracy and completeness of information furnished in a pending application

³For example, it would help conceal their failure to comply with Commission and FAA requirements requiring the reporting of the change in tower height. See 14 C.F.R. § 771.13(c)(1) (1992); 47 C.F.R. § 73.1690(b)(1) (1992).

or in Commission proceedings involving a pending application.

47 C.F.R. § 1.65 (1992). If the information furnished is no longer "substantially accurate and complete in all significant respects," the applicant is required to amend the application within thirty (30) days to supply the corrected information. Id. By failing to amend its application, Four Jacks violated § 1.65.

20. An applicant's failure to amend its application within the required thirty day period will support the addition of an issue against that applicant. Radio Stations KNND and KRKT, 11 F.C.C.2d 364 (Rev. Bd. 1968). Four Jacks' has clearly failed to comply with Rule 1.65 and an appropriate issue should be added.

Four Jacks Did Not Take the Necessary
Steps to Determine Whether it was Financially Qualified
Before So Certifying In its Application

21. Commission precedent holds that an applicant must engage in serious and reasonable efforts to determine how much it would cost to construct and operate its proposed facility for three months before certifying that it is financially qualified. Northampton Media Associates, 4 F.C.C. Rcd 5517, 5519 (1989), reconsideration denied 5 F.C.C. Rcd 3075; aff'd, 941 F.2d 1214 (D.C. Cir. 1991); Pepper Schultz, 5 F.C.C. Rcd 3273 (1990), aff'd, reh'g denied, 927 F.2d 1258 (D.C. Cir. 1991), cert. denied, 112 S. Ct. 453 (1991). Four Jacks has not met this requirement.

22. At the time that Four Jacks made its financial certification, it simultaneously made its site certification based on the use of the site owned by Cunningham. Four Jacks made these simultaneous certifications even though its principals knew or, as

the site owners reasonably should have known, that the site was unsuitable and that they would need to find another site or build a new tower. As Mr. Vlissides points out in his report, a new tower could easily cost as much as \$350,000. Exhibit H at 14. Four Jacks cannot reasonably be believed to have made "serious and reasonable efforts" to determine what the cost would be of a new

financially qualified and, if so, whether it lacks the requisite character to be a Commission licensee.

WHEREFORE, Scripps Howard Broadcasting Company respectfully requests that the issues as requested above be added against Four Jacks Broadcasting, Inc.

Respectfully submitted,

Scripps Howard
Broadcasting Company

By: 
Kenneth C. Howard, Jr.
Leonard C. Greenebaum
David N. Roberts

Its Attorneys

BAKER & HOSTETLER
1050 Connecticut Avenue, N.W.
Suite 1100
Washington, D.C. 20036
(202) 861-1500

Dated: May 13, 1993

EXHIBIT A

FISHER, WAYLAND, COOPER AND LEADER

1255 TWENTY-THIRD STREET, N.W.

SUITE 800

WASHINGTON, D. C. 20037-1170

TELEPHONE (202) 659-3494

TELECOPIER (202) 296-6518

WRITER'S DIRECT NUMBER

(202) 775-3788

September 3, 1991

- BEN C. FISHER
- GROVER C. COOPER
- MARTIN R. LEADER
- RICHARD R. ZARAGOZA
- CLIFFORD M. HARRING
- JOEL R. KASWELL
- KATHRYN R. SCHMELTZER
- DOUGLAS WOLOSHIN
- BRIAN R. MOIR
- DAVID D. OXENFORD
- BARRY H. GOTTFRIED
- ANN K. FORD
- LARRY A. BLOSSER
- BRUCE D. JACOBS
- ELIOT J. GREENWALD
- CARROLL JOHN YUNG
- JOHN JOSEPH McVEIGH
- BARRIE D. BERMAN
- JOHN K. HANE III
- BRUCE F. HOFFMEISTER
- MICHELLE N. PLOTKIN
- SCOTT R. FLICK
- FRANCISCO R. MONTERO
- GREGORY L. MASTERS*
- MATTHEW P. ZINN
- ROBERT C. FISHER
- KAREN M. CORR*
- JOAN A. SULLIVAN*
- LAUREN ANN LYNCH*
- BRIAN J. CARTER

FCC/MELLON

SEP 03 1991

BEN S. FISHER
(1890-1954)

CHARLES V. WAYLAND
(1910-1980)

OF COUNSEL
JOHN O. HEARNE

MCI MAIL FWCLDC

*NOT ADMITTED IN D.C.

DELIVERY VIA COURIER TO MELLON BANK:

Federal Communications Commission
Mass Media Services
P.O. Box 358165
Pittsburgh, PA 15251-5165

Gentlemen:

Transmitted on behalf of Four Jacks Broadcasting, Inc. is an application for a construction permit for a television station to operate on Channel 2, Baltimore, Maryland. This application is mutually exclusive with the application of WMAR(TV), Baltimore, Maryland.

There is attached hereto a check in the amount of \$2,535.00, which is the required filing fee for this application.

Please direct any questions concerning the application to the undersigned.

Sincerely,

Martin R. Leader
Martin R. Leader

MRL/dp
3070-007.8

Attachments

Please read instructions on back of this form before completing it. Section I **MUST** be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I			RECEIPT COPY																			
APPLICANT NAME (Last, first, middle initial) Four Jacks Broadcasting, Inc.																						
MAILING ADDRESS (Line 1) (Maximum 35 characters - refer to instruction (2) on reverse of form) c/o Fisher, Wayland: MRL																						
MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters) 1255 23rd Street, N.W., Suite 800																						
CITY Washington																						
STATE OR COUNTRY (if foreign address) D.C.	ZIP CODE 20037	CALL SIGN OR OTHER FCC IDENTIFIER (if applicable) Channel 2																				
Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.																						
(A)	(B)	(C)	FOR FCC USE ONLY																			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3" style="padding: 2px;">FEE TYPE CODE</th> </tr> <tr> <td style="padding: 2px; text-align: center;">N</td> <td style="padding: 2px; text-align: center;">V</td> <td style="padding: 2px; text-align: center;">T</td> </tr> </table>	FEE TYPE CODE			N	V	T	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="4" style="padding: 2px;">FEE MULTIPLE (if required)</th> </tr> <tr> <td style="padding: 2px;"> </td> <td style="padding: 2px;"> </td> <td style="padding: 2px;"> </td> <td style="padding: 2px; text-align: center;">1</td> </tr> </table>	FEE MULTIPLE (if required)							1	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 2px;">FEE DUE FOR FEE TYPE CODE IN COLUMN (A)</th> </tr> <tr> <td style="padding: 2px;">\$</td> <td style="padding: 2px; text-align: right;">2,535.00</td> </tr> </table>	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)		\$	2,535.00	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="height: 20px;"> </td> </tr> </table>	
FEE TYPE CODE																						
N	V	T																				
FEE MULTIPLE (if required)																						
			1																			
FEE DUE FOR FEE TYPE CODE IN COLUMN (A)																						
\$	2,535.00																					

SECTION II — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee-Type Code.												
(A)	(B)	(C)	FOR FCC USE ONLY									
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)										
(2) <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td></tr></table>				<table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td></tr></table>					\$ <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td></tr></table>		<table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="height: 20px;"> </td></tr></table>	
(3) <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td></tr></table>				<table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td></tr></table>					\$ <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td></tr></table>		<table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="height: 20px;"> </td></tr></table>	
(4) <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td></tr></table>				<table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td></tr></table>					\$ <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td></tr></table>		<table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="height: 20px;"> </td></tr></table>	
(5) <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td></tr></table>				<table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td><td style="padding: 2px;"> </td></tr></table>					\$ <table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="padding: 2px;"> </td></tr></table>		<table border="1" style="width:100%; border-collapse: collapse;"><tr><td style="height: 20px;"> </td></tr></table>	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE. →		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="2" style="padding: 2px;">TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING</th> </tr> <tr> <td style="padding: 2px;">\$</td> <td style="padding: 2px; text-align: right;">2,535.00</td> </tr> </table>	TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING		\$	2,535.00	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="height: 20px;"> </td> </tr> </table>					
TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING												
\$	2,535.00											

This form has been authorized for reproduction.

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

For COMMISSION Fee Use Only	FEE NO:	For APPLICANT Fee Use Only Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	FEE TYPE:	
	FEE AMT:	FOR COMMISSION USE ONLY
	ID SEQ:	FILE NO.

Section I - GENERAL INFORMATION

1. Name of Applicant Four Jacks Broadcasting, Inc.			Send notices and communications to the following person at the address below:		
Street Address or P.O. Box 2000 West 41st Street			Name Martin R. Leader, Esq. Fisher, Wayland, Cooper & Leader		
City Baltimore	State MD	ZIP Code 21211	City Washington	State DC	ZIP Code 20037
Telephone No. (Include Area Code) (301) 467-4545			Telephone No. (Include Area Code) (202) 659-3494		

2. This application is for: AM FM TV

(a) Channel No. or Frequency
2+

(b) Principal Community	City	State
	Baltimore	MD

(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: _____

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 WMAR (TV)	Community of License	
	City Baltimore	State Maryland

SECTION III - FINANCIAL QUALIFICATIONS

NOTE: If this application is for a change in an operating facility do not fill out this section.

1. The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.
2. State the total funds you estimate are necessary to construct and operate the requested facility for three months without revenue.
3. Identify each source of funds, including the name, address, and telephone number of the source (and a contact person if the source is an entity), the relationship (if any) of the source to the applicant, and the amount of funds to be supplied by each source.

Yes No

\$ 3.5 million

Source of Funds (Name and Address)	Telephone Number	Relationship	Amount
American Security Bank 730 15th Street, N.W. Second Floor Washington, D.C. 20013 ATTN: Gregg Johnson Vice President	(202) 624-4818	Banker	\$4,000,000

SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

1 Does the applicant propose to employ five or more full-time employees? Yes No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC 800-A).

SECTION VII - CERTIFICATIONS

1 Has or will the applicant comply with the public notice requirement of 47 C.F.R. Section 73.3560? Yes No

2 Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose? Yes No

Exhibit No.

If No, attach as an Exhibit, a full explanation.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of Person Contacted Robert E. Smith

Telephone No. (include area code) (301) 467-4545

Person contacted: (check one box below)

Owner Owner's Agent Other (specify)

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 304 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 1.605, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

Section V-C - TV BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____

ASB Referral Date _____

Referred by _____

Name of Applicant

Four Jacks Broadcasting, Inc.

Call letters (if issued)

N/A

Purpose of Application (check appropriate box):

- | | |
|--|---|
| <input checked="" 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 nature of change(s) by checking appropriate box(es), and specify the file number(s) of the authorization(s) affected:

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

File Number(s) _____

I. Allocation:

Channel No.	Offset (check one)	Principal community to be served:			Zone (check one)
<u>2</u>	<input checked="" type="checkbox"/> Plus	City	County	State	<input checked="" type="checkbox"/> I
	<input type="checkbox"/> Minus	Baltimore	Baltimore	MD	<input type="checkbox"/> II
	<input type="checkbox"/> Zero				<input type="checkbox"/> III

2. Exact location of antenna:

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

1200 North Rolling Road, Catonsville, Baltimore, Maryland

(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 and West Longitude will be presumed.

Latitude	39	17	13	Longitude	76	45	16
----------	----	----	----	-----------	----	----	----

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.

WPOC (FM)

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

N/A