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1129 20TH STREET, N.W.  
WASHINGTON, D C 20036  
(202) 466-8565

\*VIRGINIA BAR ONLY

July 9, 1992

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

Dear Ms. Searcy:

On behalf of Raystay Company, permittee of low power television station W55BP at Lebanon, Pennsylvania, we are submitting an original and one copy of an application for additional time to construct that station.

Pursuant to the Commission's July 11, 1991 Public Notice (FCC Fees, 69 RR 2d 787, 788), no filing fee is required for this application.

Should there be any questions concerning this matter, kindly communicate directly with this office.

Respectfully submitted,

*John J. Schauble*

John J. Schauble

APPLICATION FOR EXTENSION OF BROADCAST CONSTRUCTION  
PERMIT OR TO REPLACE EXPIRED CONSTRUCTION PERMIT  
(CAREFULLY READ INSTRUCTIONS ON BACK BEFORE COMPLETING)

For Commission Use Only  
File No. **BMPTTL-92070915**

1. Legal Name of Applicant (See instruction C)  
**Raystay Company**

3. PURPOSE OF APPLICATION:  
 a. Additional time to construct broadcast station  
 b. Construction permit to replace expired permit

2. Mailing Address (Number, street, city, state, ZIP code)  
**P.O. Box 38**

4. IDENTIFICATION OF OUTSTANDING CONSTRUCTION PERMIT  
File Number: **BMPTTL-911220JI** Call Letters: **W55BP**  
Frequency: \_\_\_\_\_ Channel No.: \_\_\_\_\_

**RECEIVED**

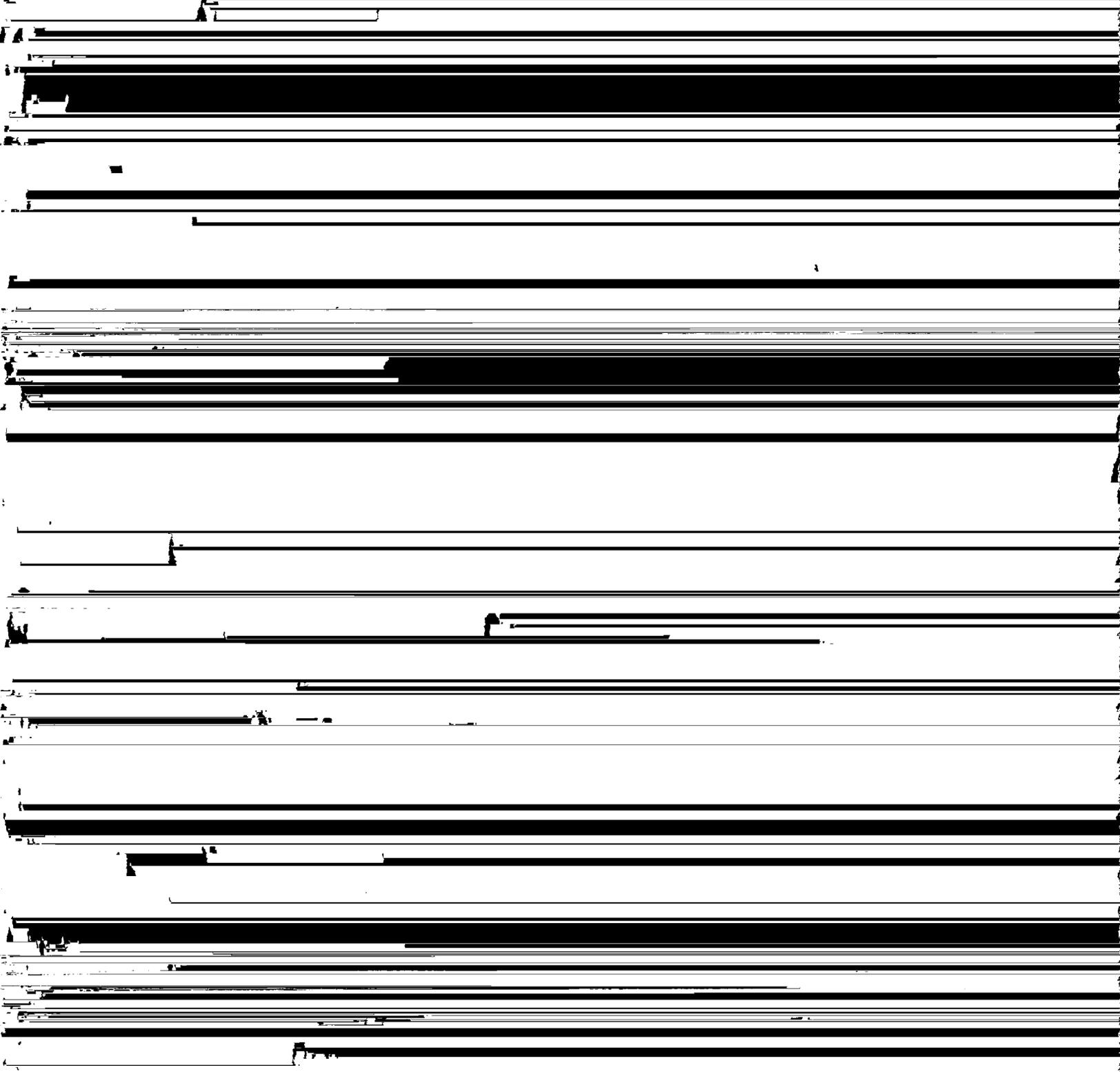


EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has ~~built and is currently the licensee of FMV station WJGB~~

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.



**ATTACHMENT 19**

**Affidavit of Edward Rick, III**

AFFIDAVIT OF EDWARD RICK, III

I, Edward Rick, III, hereby declare as follows:

1. I am the Vice-President and an owner of Ready Mixed Concrete Company of Lancaster, Pennsylvania, 36 Erick Road, Lancaster, Pennsylvania (hereinafter referred to as "Ready Mixed"). As reflected in the documents attached to this Affidavit as Appendix A, I am the person identified in the Federal Communications Commission ("FCC") applications of Raystay Company ("Raystay") for authority to construct low power television stations on Channels 23 and 31 in Lancaster, Pennsylvania.

2. On February 14, 1989, I was visited at my office by a person who identified himself as Gregory B. Daly. Mr. Daly give me his card and told me that he was interested in placing a TV antenna on the roof of our plant. We discussed his proposal generally, and he provided me with a copy of the form letter attached to this Affidavit as Appendix B, which he asked me to sign. I refused, however, because I had very little information about his proposal. Although he led me to believe that the antenna he was talking about would be no more than ten or fifteen feet high, he was unable to tell me the exact size or weight of the structure, nor could he assure me that the antenna would not cause interference to other communications facilities that were located on the roof. Also, I felt that the form he had prepared contained legal jargon that might create a binding

commitment which I was not willing to give, particularly without further information about his plans. I therefore declined to sign the form as requested.

3. In the alternative, Mr. Daly asked me to draft a brief letter expressing my general willingness and ability to negotiate a lease for space on our roof. He asked me to quote a ballpark figure for rent, which I did by randomly choosing the figure \$250 per month because I was not quite sure what he had

would suit their needs. One of the visitors told me that they would require a dust free area for their equipment, but I explained that, as a concrete company, we could not provide them with an area that would be dust free. In response, the visitors told me that our site would not be suitable and our conversation ended. They left after giving me the clear impression that they had no plans to pursue the matter with us further. Attached to this Affidavit as Appendix D is a copy of a note that I wrote and placed in my files at the conclusion of their visit.

5. I recently have been shown the engineering sketch attached to this Affidavit as Appendix E. I understand that Raystay submitted this sketch to the FCC in applications that it filed in March 1989 for two low power television station licenses in Lancaster. In reviewing the sketch, I can state with certainty that I did not tell Mr. Daly that Ready Mixed would consider leasing roof space for a structure like the one depicted in the diagram. As stated above, I was never fully aware what Mr. Daly was planning. Although he led me to believe that the antenna would be approximately ten or fifteen feet high, he could not answer my questions regarding the exact size of the antenna, and he did not explain to me how it would be mounted. I certainly was not aware that he was planning to ask the FCC for authority to construct a 97-foot structure sufficient to support two broadcast antennas. If Mr. Daly had told me of Raystay's true plans, I would have had immediate

concerns about the roof's capacity to hold such a structure.

Indeed, apart from Mr. Dalv's visit in February 1989 and the

I understand that this report was submitted to

**APPENDIX A**

**SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

1. For Low Power TV applicants, will this station employ on a full-time basis five or more persons?

Yes  No

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Report (FCC Form 396-A).

**SECTION VII - CERTIFICATIONS**

1. For new station and major change applicants only, the applicant certifies that it has or will comply with the public notice requirement of 47 C.F.R. Section 73.3580(g).

Yes  No

2. For applicants proposing translator rebroadcasts who are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.

Yes  No

N.A.

Primary station proposed to be rebroadcast:

Call Sign	City	State	Channel No.

3. The applicant certifies that it has contacted an authorized spokesperson for the owner of the rights to the proposed transmitter site and has obtained reasonable assurance that the site will be available for its use if this application is granted.

Yes  No

That person can be contacted at the following address and telephone number:

Name Edward Rick III		Mailing Address or Identification Realy-Mix Concrete Co of Lancaster, PA	
City Lancaster	State PA	ZIP Code 17603	Telephone No. (include area code) (717) 394-0637

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

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND IMPRISONMENT.  
U.S. CODE, TITLE 18, SECTION 1001.**

I certify that the statements in this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant Raystay Company	Signature <i>David N. Gardner</i>
Title Vice-President	Date March 7, 1989

**APPENDIX B**

# Fel SA, Incorporated

RIGHT-OF-WAY SPECIALISTS  
3500 WHITEHAVEN PKWY N.W.  
WASHINGTON, DC 20007-2253  
(202) 333-1985, 8, 7

REFERENCE: LETTER OF INTENT

Market Name: LANCASTER, PA County: LANCASTER

The undersigned is willing and able to lease to the addressee and/or its assignees, with the price and terms to be subsequently agreed upon, the following property should the Federal Communications Commission (FCC) grant a construction permit (license) to the addressee and/or its assignees:

- (  ) 1. Parcel of land \_\_\_\_\_ (size) near existing tower
- (  ) 2. Rooftop at approx. \_\_\_\_\_ feet Above Ground Level (AGL)
- (  ) 3. Tower space approx. \_\_\_\_\_ feet AGL: NOTE-IF LESS THAN 300ft\* THEN:  
 (  ) -Lessee, at his expense, may extend tower height to \_\_\_\_\_ ft AGL  
 (  ) -Lessee, at his expense, may replace tower with stronger (write S)  
 (  ) AND/OR taller (write T) tower pending FAA and zoning approval
- (  ) 4. Owner can provide a sheltered equipment space (20' X 20')

Site is miles N NE E SE S SW W NW of \_\_\_\_\_ (Nearest Town)

Physical Description/ Site Address: 26 Field Road  
LANCASTER, PA 17603

N Lat: \_\_\_\_\_ W. Long: \_\_\_\_\_ Ground Elev: \_\_\_\_\_

Call Sign: \_\_\_\_\_ Quad Map: LANCASTER 1:250,000 Map: \_\_\_\_\_

Nearest airport: \_\_\_\_\_ is \_\_\_\_\_ miles N NE E SE S SW W NW of site

This letter does not constitute a lease agreement but is intended to give reasonable assurance of the availability of this site for the above named purposes.

*[Handwritten Signature]*

**APPENDIX C**

# READY MIXED CONCRETE COMPANY of LANCASTER, PA.

36 ERICK ROAD  
Telephone - 717-394-0637



P.O. BOX 1205  
LANCASTER, PA. 17603

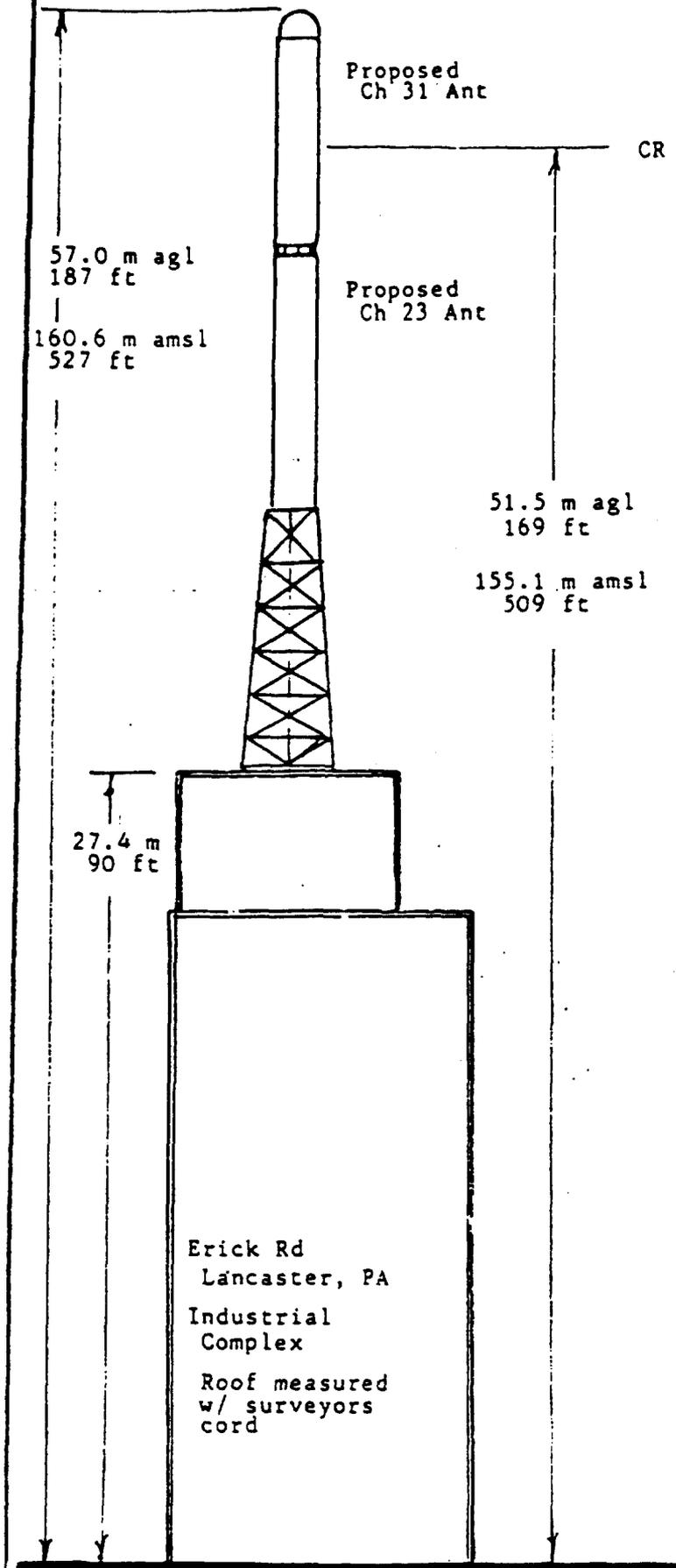
February 14, 1989

**APPENDIX D**



**Keystone  
Cement Co.**

**APPENDIX E**



Erick Rd  
Lancaster, PA  
Industrial  
Complex  
Roof measured  
w/ surveyors  
cord

**Figure 3**  
Vertical Plan Sketch  
of Supporting Structure  
Channel 31  
Raystay Company  
Lancaster, Pennsylvania

**R. L. HOOVER**  
CONSULTING  
TELECOMMUNICATIONS ENGINEER

Gnd Elev -  
103.6 m amsl  
340 ft

Proposed  
Site  
N 40° 03' 47"  
W 76° 19' 09"

Painted & Lighted  
in Accordance with  
FAA Specifications

Drawing not to scale

**APPENDIX F**

EXHIBIT 1

The permittee respectfully submits that a grant of the instant application would be in the public interest for the following reasons:

Initially, it must be noted that Raystay Co. has built and is currently the licensee of LPTV station W40AF licensed to Dillsburg, PA. Raystay built the station pursuant to a construction permit issued to it by the Commission.

At the present time, equipment for the station has not been ordered or delivered. Raystay, however, has had discussions with equipment suppliers concerning the types and prices of equipment that could be used at the site specified in the construction permit. It has entered into lease negotiations with representatives of the owners of the antenna site specified in the applications, although those negotiations have not been consummated. A representative of Raystay and an engineer have visited the antenna site and ascertained what site preparation work and modifications need to be done at the site.

Raystay has undertaken research in an effort to determine the programming that would be offered on the station. It has had discussions with program suppliers to determine what programs could be available for broadcast on the station. It has also had continuing negotiations with local cable television franchises to

ascertain what type of programming would enable the station to be carried on local cable systems.

The denial of this extension request could eliminate any possibility of the proposed LPTV service being offered to the community. No application mutually exclusive with Raystay's construction permit application was filed, so no other entity has expressed an interest in providing this service.

Accordingly, Raystay requests that the Commission extend the date for construction for a period of six months from the date this application is granted or from the date the current construction permit expires, whichever is later.