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WALKER, BORDELON, HAMLIN, THERIOT AND HARDY AUG 13 1992

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
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MICHAEL T. TUSA, JR.

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OUR FILE NO.

350-005

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BRADFORD D. CAREY  
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August 13, 1992

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HAND DELIVERED

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

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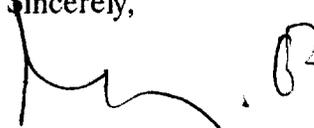
Re: Educational Media Foundation of Bryan/College Station  
Applicant, New Non-Commercial Educational FM Station  
Bryan, Texas - FCC File No. BPED-910924MC

Dear Ms. Searcy:

On behalf of Educational Media Foundation of Bryan/College Station, enclosed please find an original and four (4) copies of an Opposition to Petition to Deny or Hold in Abeyance, filed in this matter by Channel 6, Inc. Simultaneously, Educational Media Foundation of Bryan/College Station is filing an Amendment to the above-referenced application.

If the Commission has any questions, please feel free to contact me at any time.

Sincerely,

  
Marjorie R. Esman

FM EXAMINERS

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MRE/bgc  
Enclosures

cc: Dennis Williams  
Ann K. Ford  
Buddy Holiday

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

In re: Application of	)	
	)	
<b>EDUCATIONAL MEDIA FOUNDATION</b>	)	
<b>OF BRYAN/COLLEGE STATION</b>	)	FCC FILE NO. BPED-910924MC
Bryan, Texas	)	
	)	

**For Non-Commercial FM Broadcast  
Station Construction Permit**

**To: Chief, Audio Services Division**

**OPPOSITION TO SUPPLEMENT TO  
PETITION TO DENY OR HOLD IN ABEYANCE**

Educational Media Foundation of Bryan/College Station, ("Educational Media Foundation") through counsel, opposes the Supplement to Petition to Deny or Hold in Abeyance filed by Channel 6, Inc. on or about July 29, 1992 on the following grounds:

As the attached Engineering Statement shows, the concerns raised by Channel 6, Inc. have no material effect on Educational Media Foundation's Application. The original Application provided exhibits sufficient to show the proper area of interference to KCEN-TV. Moreover, the original Application provided, in accordance with Section 73.525(e)(3)(i), that Educational Media Foundation would

comply with necessary provisions of the rule in case of any required modification to its facilities if translator K63DL were to cease carrying the programming of KCEN-TV. This is all that is required under the rules.

Channel 6, Inc. has suggested that the translator's protected contour should have been calculated differently. As the attached Engineering Statement shows, that is not correct. However, even assuming Channel 6, Inc.'s allegations are correct, the results would have been essentially the same as those submitted with the original Application.

Using the 1990 U.S. Census population figures for the city of Bryan, Texas,

For the reasons set forth above, and as further stated in the attached Engineering Statement, the Petition to Deny and Supplement to Petition to Deny should be dismissed and the above-referenced application should be processed in accordance with the Commission's rules.

Respectfully submitted,



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ASHTON R. HARDY  
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HARDY  
701 South Peters Street  
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(504) 524-5328

Attorneys for Educational Media  
Foundation of Bryan/College  
Station

Dated: August 13, 1992

**GALLAGHER & ASSOCIATES**

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power reduction is not possible, but it would be possible to reduce height until the population within the interference area was less than 3000 persons. The application on file does refer to Section 73.525(e)(3)(i) and states that "The applicant understands and agrees to the provisions of this rule section."

The KCEN engineer argues that Section 74.707(a)(2) requires that translator protected contour be calculated using an antenna height above average terrain (HAAT) based only on the average of the eight radial averages, such as to produce a circular coverage contour. The rule in question says only that the contour be based on the ERP and the "antenna height above average terrain". Notwithstanding the definition of this term in the rules, the same phrase is used elsewhere in the rules to mean the HAAT in pertinent directions. In particular, Section 74.707(c) specifically states that the field strength of the translator be calculated using the ERP and the "antenna height above average terrain (HAAT) in pertinent directions." Further, Section 74.707(a)(2) specifies that the curves in Section 73.699 be used. Section 73.684(d) describes how to use these curves and states that the "antenna height to be used with these charts is the height of the radiation center of the antenna above the average terrain along the radial in question." Finally, it is noted that Section 74.707(a)(2) describes how to calculate the "protected contour" of the translator, while Section 73.525(e)(3) specifies that the "Grade A" contour is to be used. Although these contours have the same numerical value they do not have the same name or purpose.

The facilities of K63DL are reported in the FCC database as having an ERP of 0.95 kW and that its antenna is 157 metres above mean sea level. In order to accurately predict location of the Grade A contour using good engineering practices and procedures normally used by the FCC to predict TV contours, the average of the terrain was determined as follows:

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second database. These values were then used in conjunction with the reported 157 metre AMSL antenna height to determine the antenna height above average terrain in each pertinent direction. The distances to the Grade A contour were then calculated using the ERP and the HAAT as required by Section 74.707.

Even if the contour were predicted using the average of all eight radials, as a circle, the end results would be unchanged. The HAAT average for all eight radials for K63DL, using the method described above, is 71 metres. If this were used to predict the distance to the Grade A contour, the radius would have been 6.8 kilometres (not 4.5 km as stated by the KCEN engineer), and the results would have been essentially the same.

The engineering for KCEN-TV points out that the population of Bryan, Texas, as reported in the 1990 U.S. Census is greater than 50,000 persons. The 1990 U.S. Census does report the population of the entire city of Bryan as 54,059 persons. Since a portion of the interference area does penetrate a portion of Bryan, Section 73.525(e)(4) provides that the multiplication factor for vertical polarization be 10, and not 40 as used in the application. This is true.

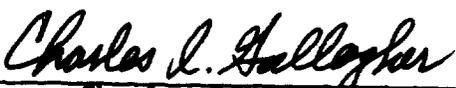
The attached Figure 1 and Figure 2 show the interference to KCEN-TV as recalculated using a factor of 10. These maps are the same as the Exhibit No. E-6A and E-6B in the application as on file, but using a multiplication factor of 10. The population within the interference area, beyond the K63DL Grade A contour is only 1197 persons, as tabulated on Figure 2\*. This is still well below the maximum of 3000 permitted by the FCC Rules. The population within the entire interference area, including that within the K63DL Grade A contour, is not believed pertinent since the

\* If the K63DL Grade A contour is plotted as a 6.8 km circle the population within the interference area outside of the K63DL contour would be 1127 persons.

Rules permit a large portion to be subtracted. It is admittedly greater than 3000 persons and, as stated in the application, the applicant accepts the condition set forth in Section 73.525(e)(3). However, for the sake of completeness, the population within the entire interference area has been determined to be 9499 persons, including those that have an alternate source of KCEN programming.

In conclusion, the three questions raised in the KCEN engineering have been answered above. The issue related to the multiplication factor for vertical polarization has been answered by the attached exhibits, and will be corrected by a suitable amendment to the application. As discussed above, the three issues raised by KCEN-TV have no material effect on the application, and do not represent a reason to deny that application.

I, Charles I. Gallagher, hereby declare under penalty of perjury that this engineering statement and associated exhibits have been prepared by me or under my direct supervision, I further state that I am a Consulting Radio Engineer, and a Registered Professional Engineer in the State of Maryland, No. 11415, that my qualifications are a matter of record with the Federal Communications Commission, having been presented on previous occasions. All data and statements contained herein are true and correct to the best of my knowledge and belief.

  
Charles I. Gallagher

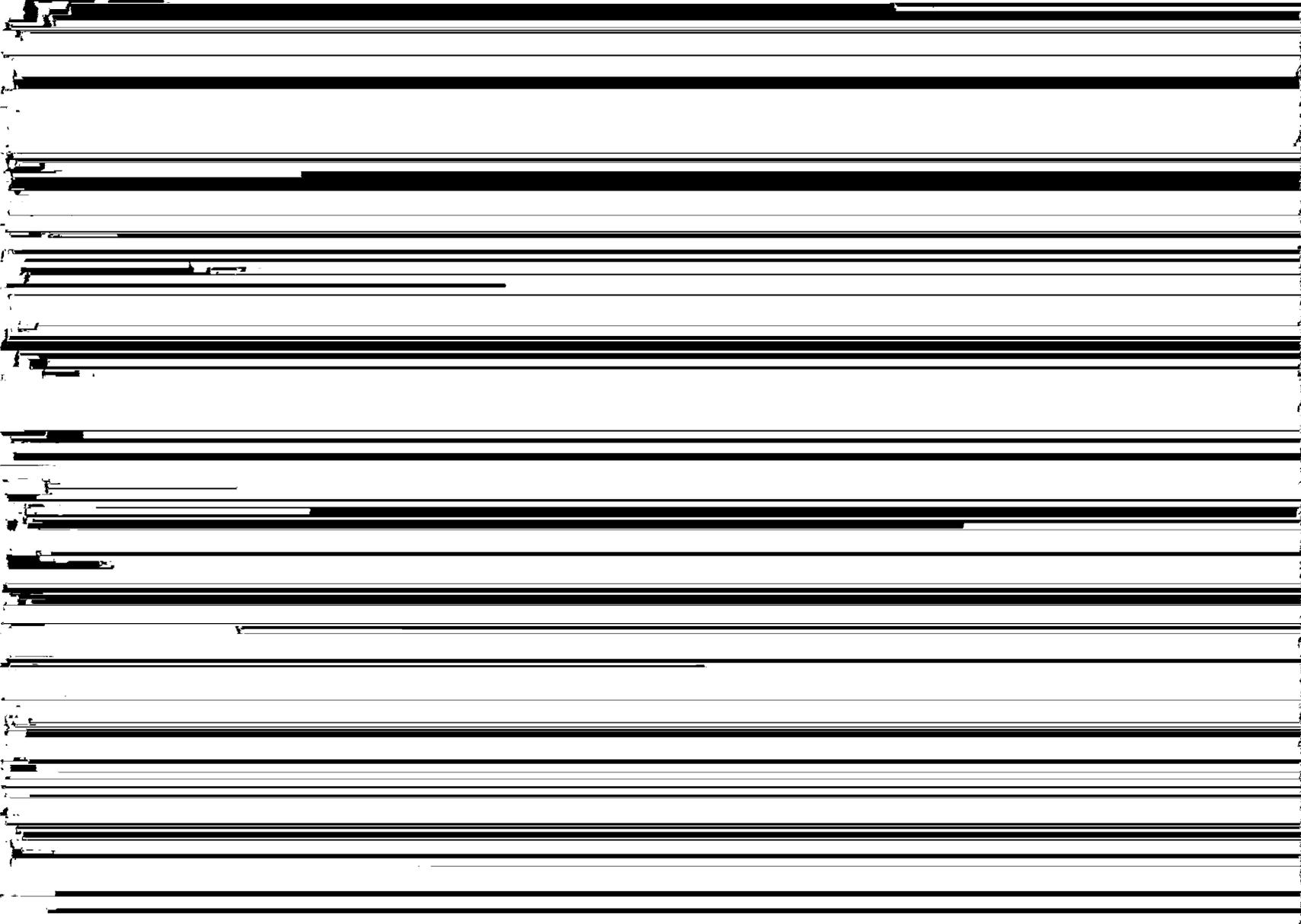
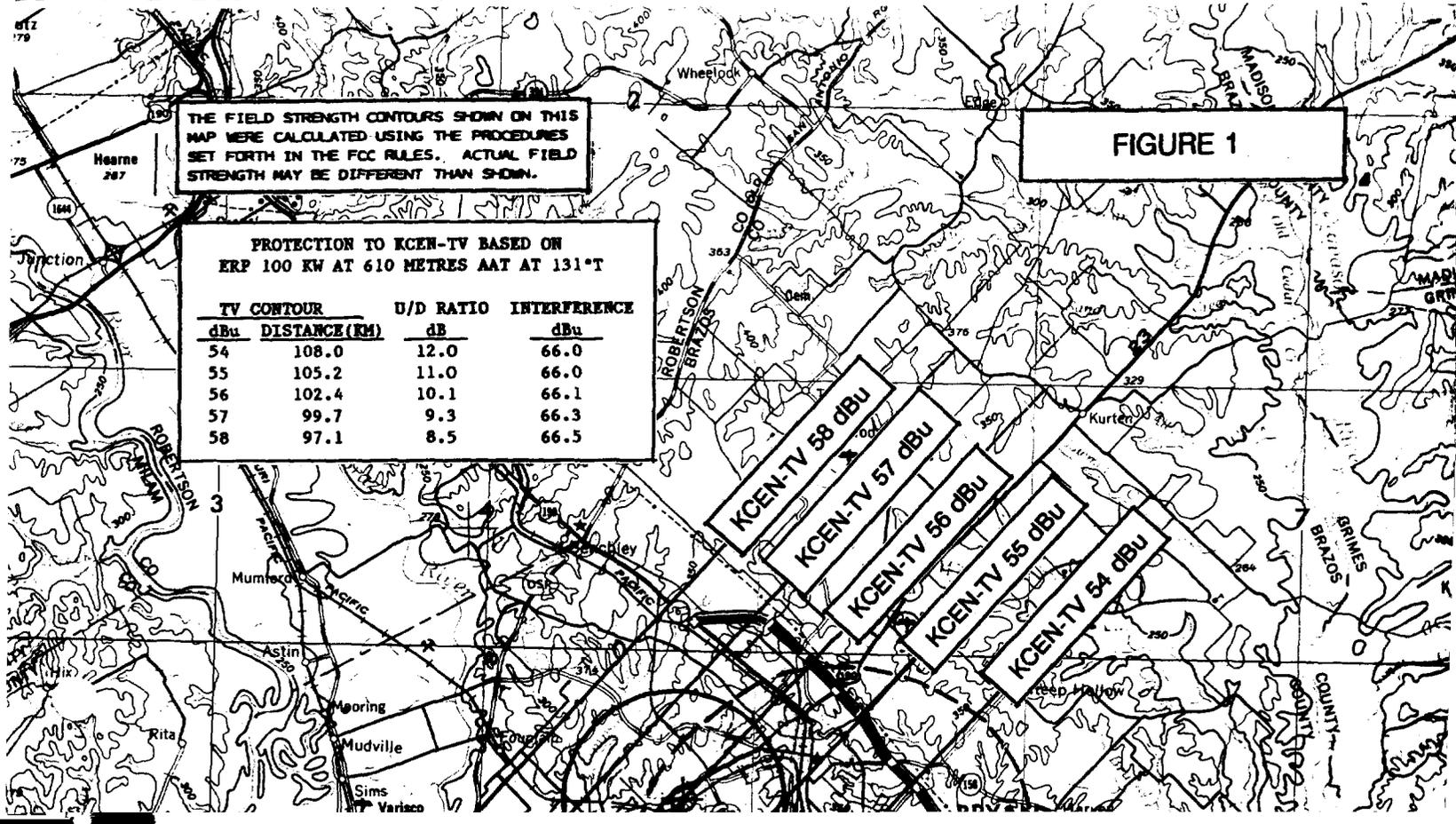
August 10, 1992

THE FIELD STRENGTH CONTOURS SHOWN ON THIS MAP WERE CALCULATED USING THE PROCEDURES SET FORTH IN THE FCC RULES. ACTUAL FIELD STRENGTH MAY BE DIFFERENT THAN SHOWN.

FIGURE 1

PROTECTION TO KCEN-TV BASED ON  
ERP 100 KW AT 610 METRES AAT AT 131°T

TV CONTOUR		U/D RATIO		INTERFERENCE	
dBu	DISTANCE (KM)	dB		dBu	
54	108.0	12.0		66.0	
55	105.2	11.0		66.0	
56	102.4	10.1		66.1	
57	99.7	9.3		66.3	
58	97.1	8.5		66.5	

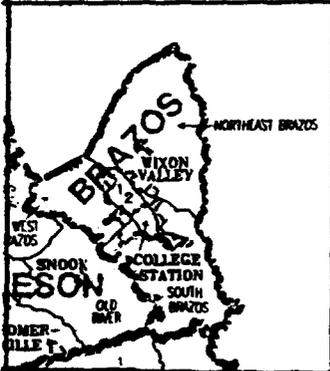
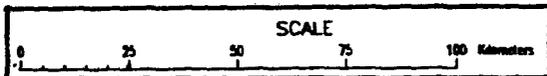


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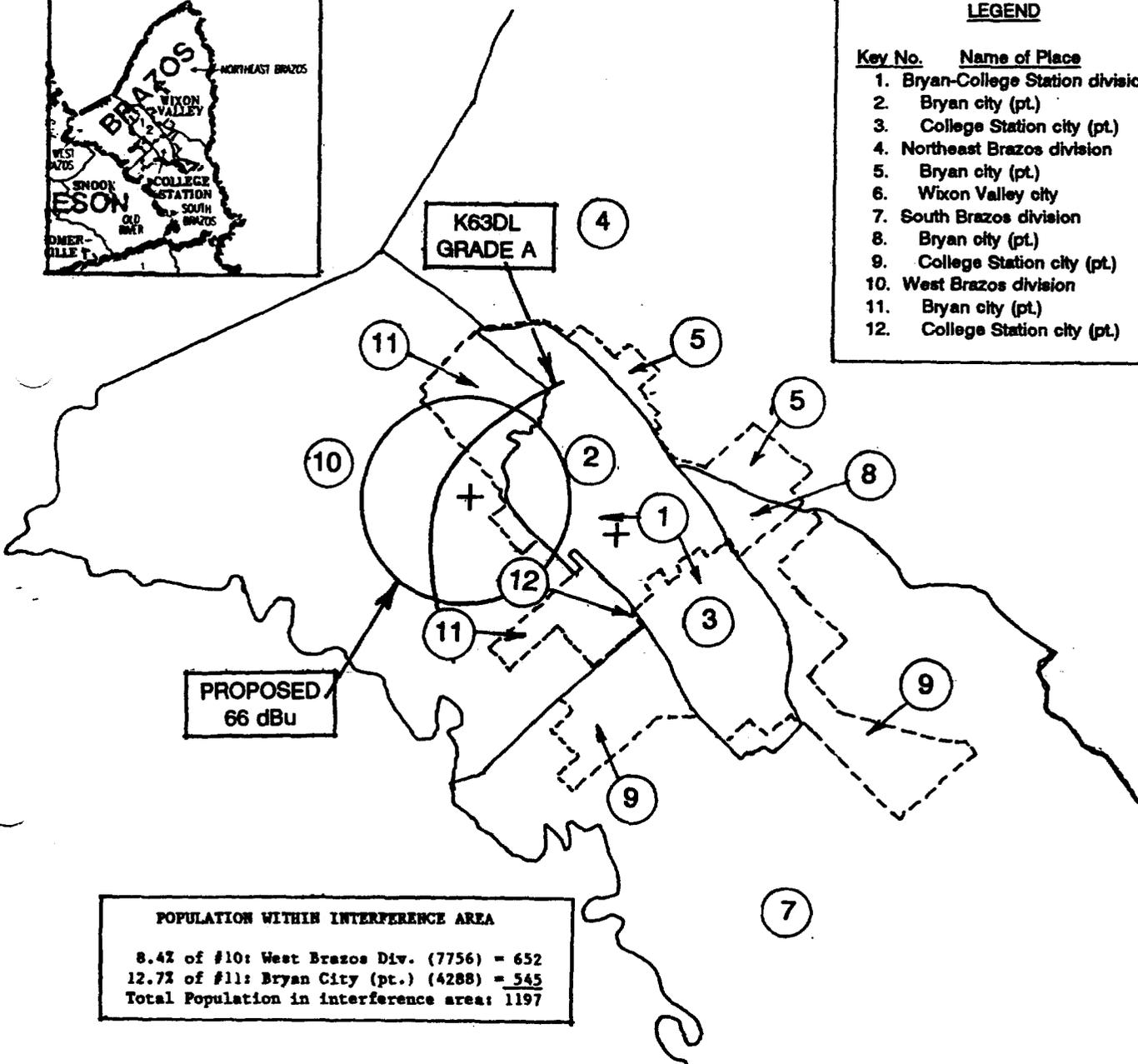
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FIGURE 2



**LEGEND**

Key No.	Name of Place	Persons
1.	Bryan-College Station division	81,659
2.	Bryan city (pt.)	44,698
3.	College Station city (pt.)	36,930
4.	Northeast Brazos division	7,747
5.	Bryan city (pt.)	2,592
6.	Wixon Valley city	186
7.	South Brazos division	12,495
8.	Bryan city (pt.)	2,481
9.	College Station city (pt.)	4,241
10.	West Brazos division	7,756
11.	Bryan city (pt.)	4,288
12.	College Station city (pt.)	80



**POPULATION WITHIN INTERFERENCE AREA**

8.4% of #10: West Brazos Div. (7756) = 652  
 12.7% of #11: Bryan City (pt.) (4288) = 545  
**Total Population in interference area: 1197**

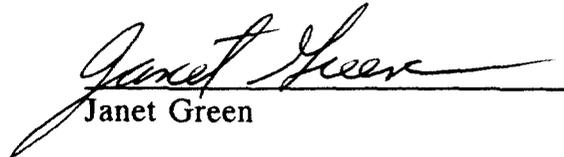
**INTERFERENCE TO TV CHANNEL 6  
 KCEN-TV, TEMPLE, TEXAS  
 FROM THE PROPOSED NEW FM STATION  
 BRYAN, TEXAS**

**CERTIFICATE OF SERVICE**

I, Janet Green, a Secretary in the law firm of Bordelon, Hamlin, Theriot and Hardy, do hereby certify that a copy of the above and foregoing document was mailed, postage prepaid, and properly addressed, this 13th day of August, 1992, to the following:

Dennis Williams \*  
Chief, FM Branch  
Federal Communications Commission  
Mass Media Bureau  
1919 M Street, Room 332  
Washington, D.C. 20554

Ann K. Ford, Esq.  
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1255 23rd Street, N.W.  
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Washington, D.C. 20037  
Attorneys for Channel 6, Inc.

  
Janet Green

\* Hand Delivered