

MAY & DUNNE
CHARTERED
ATTORNEYS AT LAW
 February 12, 1992

1000 THOMAS JEFFERSON STREET, N.W.
 SUITE 520
 WASHINGTON, D.C. 20007
 (202) 298-6345

Paul F. Crouch
 Trinity Broadcasting Network, Inc.
 P.O. Box C11949
 Santa Ana, CA 92711

RE: TBA, TBD, TBF, TBI, TBN, TBNY, TBOC, TEW, TBT and NMIV

FOR SERVICES RENDERED JANUARY 11 THROUGH FEBRUARY 7, 1992:

PREVIOUS BALANCE:
 LESS PAYMENT RECEIVED 01/29/92:
 BALANCE FORWARD

<u>SERVICES RENDERED:</u>	<u>ATTY. TIME</u>	<u>CLERK TIME</u>
TBA (B08)		
TBD (B19)		
TBI (B38)		
TBN (B78)		
TBNY (B49)		
TBOC (B57)		
TBF (B26)		
TEW (B94)		
TBT (B69)		
NMIV (B47)		
TOTAL HOURS:		

TOTAL SERVICES RENDERED:

DISBURSEMENTS

	<u>TRAVEL</u>	<u>XEROX</u>	<u>FAX & PHONE</u>	<u>POSTAGE</u>	<u>WORK PRO.</u>	<u>FEES & CHARGES*</u>	<u>OVERNIGHT EXPRESS</u>	<u>CLIENT MEMOS</u>	<u>TOTALS</u>
TBT									
TBA									
TBD									
TBF									
TBI									
TBN									
TBNY									
TBOC									
TEW									
NMIV									
TOTALS									
TOTAL E									

NETAL DUE AS OF FEBRUARY 7, 1992:

Includes filing fees and delivery charges;

62587

and Controlling Body Commission

93 AS Enquiry No. 389

Proposer Row M.W.B

DEC 03 1993

Disposition: Granted

DEC 03 1993

Rejected

Reporter A. W. W.

Date DEC 03 1993

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**Trinity Broadcasting Network
Engineering Department
Memo**

Date: February 19, 1992

To: Paul Crouch

From: Ben Miller

Subject: Low Power Status Report

Transmitted herewith please find a copy of my latest report on activities in low power.

Orders are being placed today for Kalispell, MT., Brookings, SD., Shreveport, LA., and the National Minority station in Huntington, WV.

**Ben Miller
Engineering**

Federal Election Commission	
Docket No. 99-75	Entity No. 390
Presented by	MM12
Disposition	DEC 03 1993
Reporter	DEC 03 1993
Date	DEC 03 1993

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FACSIMILE

TRINITY BROADCASTING NETWORK

P.O. Box C-11951
Santa Ana, CA 92711

Tel (714) 665-2128 Fax (714) 730-3568

To: Jim Planck

CC: Ben Miller

Date: 4 March 1992

Company: Planck Technical Services

Time: 3:30 pm

Tel: 714-370-4515

From: George Horvath

FAX: 714-370-4862

Ref: 030592-3

Total number of pages including this page: 2

Jim,

Atlantic City, NJ = do you have all you need? ... via earlier FAX

Toledo, OH (South): = do you have all you need? (ch 46)

.....
Need TOWER CONSTRUCTION STATUS/CONFIRMATION on any station...especially where we are building/responsible for tower construct. (FAA - Reporting Requirement)

STATUS

Columbia, SC = start modifying (shortening tower per minor mod.)

START IN 6 WEEKS ?

Evansville, IN = ESTIMATE...start building tower within 2 week period.

Lake City, FL = start construction...any day now ?

Statesville, NC = In our opinion, will their tower support our antenna?
(sight survey recently completed)

Bullhead City, AZ = Results from recent survey. Comments about clearing terrain, cause to mount atop their tower?.

Montrose, SD = need status

.....
SPURIOUS EMISSIONS - COLUMBIA, SC

Please see attached. Transmitter manufacturer is to have copy. PLEASE ADVISE WHETHER OR NOT THIS CAN BE ACHIEVED. 104 db below one milliwatt is near the space loss (I.L.) to a geosynchronous satellite, over 20k miles up...another words if we put our transmitter in orbit..spec. is no prob-lem-o.

Federal Communications Commission

Docket No. 93-79 Exhibit No. 391

Presented by MMMB

Denied DEC 03 1993

Disposition Referred DEC 03 1993

Rejected

Reporter A. Williams

Date DEC 03 1993

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FACSIMILE

NATIONAL MINORITY TV, INC.

P.O. Box C-11951
Santa Ana, CA 92711

Tel (714) 665-2128 Fax (714) 730-3568

To: Mr. Michael D. Blackwell

Date: 24 March 1992

Company: Syncom Incorporated

Time: 10:15 am PST

Tel: 803-343-2383

From: George H. Horvath

FAX: 803-343-2387

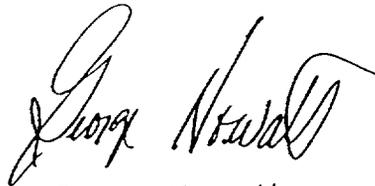
Ref: 032492NM-1

Total number of pages including this page: 1

Dear Mr. Blackwell,

Simply want to thank you for granting us the extension to our lease.
Please forgive me not corresponding sooner.

BEST REGARDS,



George Horvath
Consultant

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029080

Field	93-73
Docket No.	352
Presented by	MMD
Examiner	DEC 03 1993
Report	DEC 03 1993
Date	DEC 03 1993

FACSIMILE

NATIONAL MINORITY TV, INC.

P.O. Box C-11951
Santa Ana, CA 92711

Tel (714) 665-2128 Fax (714) 730-3568

To: Brian Claydon

CC:

Date: 24 March 1992

Company: May and Dunne

Time: 10:45 am PST

Tel: 202-298-6345

From: George H. Horvath 

FAX: 202-298-6375

Ref: 032492NM-2

Total number of pages including this page: 1

REF: Columbia, SC

W51BR

BMPTT-911015JQ

Letter to Donna Searcy associated to application dated 31 January 1992

Dear Bryan,

Need you to look into the pending Columbia, SC (W51BR) Application for Modification (BMPTT-911015JQ) and push through or stay on top of, as much as possible. This is the minor modification seeking a decrease in ant. height, ERP, gain and supporting structure. Believe the FAA is involved too.

Reason: significant savings in lease payments if we complete construction on schedule. The opposite is true if we don't.

Please advise on how things look. If there are any problems, please advise.

BEST REGARDS,

HH

- Josephine Holland has this one
- FAA problem?

②

25878

FACSIMILE

TRINITY BROADCASTING NETWORK

P.O. Box C-11949
Santa Ana, CA 92711

Tel (714) 665-2128 Fax (714) 730-3568

To: Kevin T. Fisher

CC:

Date: 27 April 1992

Company: Smith and Powstenko

Time: 10:50 AM PST

Tel: 202-293-7742

From: George H. Horvath 

FAX: 202-296-2429

Ref: 042792-1

Total number of pages including this page: 1

Hope you had a pleasant weekend.
Burnt ...with children at pool ...90...100 degrees ..hot.

Question(s)

Need confirming: Columbia, SC...reducing Tower Height?...need FAA Form?. My
file is poor...from memory...Isn't there pending
FAA action?
Lake City, FL...we're relocating site/tower

I want to go ahead and file FAA's Form 7460..Columbia and Lake City...

On Form, Question 2D

How do I answer?...Actual Survey...Map Contour...Other

Question 6 A and B

What names / info goes here?.

BEST,
GHH

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029078

File

**National Minority TV, Inc.
Engineering Department
Memo**

Date: August 4, 1992

To: Jane Duff

From: Ben Miller

Subject: Columbia, SC

Jane,

After looking over the Jules Cohen study for Blackwell's building top site, it does appear that a 67 foot tower supporting our antenna would alleviate the problem of our contribution to the overall non-ionizing radiation on the rooftop and it would eliminate the problem of the existence of the FM antennas and supporting structure distorting the pattern of our antenna, but it would do little to deal with the problem of the existence of our tower in the aperture of the two FM stations antenna apertures. As I see it, the only way that problem could be addressed is the allowing the FM stations to mount below our antenna on our new tower.

Other major questions arise from the planning of the 67 foot tower we would need to place atop the platform:

1. First is the issue of FAA approval on the additional 10 meters of height. At the very least we would have to endure the processing time for the mod to clear both FAA and FCC.
2. Secondly, who is going to pay the difference between the tower which we purchased for the custom installation we were given clearance to build? The new tower must replace the unused one. It is clear that the old tower cannot structurally support an additional 10 meters and must be discarded.
3. Finally, because of the substantially greater height of the new tower, the design of the new tower dictates that a "tapered" or wide-stance base must be used requiring a much greater number of square feet atop the platform. The building's structural engineer must be consulted to determine whether structurally, and from a

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space standpoint, it is even feasible to install the larger tower. Jim Planck is looking into this area. Until he has further answers, I don't know what our available courses of action are at this time.

Thanks,



Ben Miller
Engineering

cc:

Kevin Fisher
George Horvath

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W. Ben Miller
Technical Consultant
719 Calle Vallarta
San Clemente, CA 92673

August 13, 1992

Michael D. Blackwell
Syncom Incorporated
440 Knox Abbott Drive
Suite 240
Cayce, SC 29033

Dear Mr. Blackwell,

In an effort to resolve the multitude of issues which have arisen in our attempt to construct my client's low power television station within the provisions of their lease agreement with you, I feel it is necessary to bring some important facts to your attention. Once you understand these facts, you will need to provide us with answers as to how you want to go about resolving the various problems.

We have all read the engineering report on the electromagnetic field strength survey completed by Jules Cohen and Associates and the recommendations contained therein. Let me first state that in response to the other broadcast tenant's concerns about the addition of W51BR to the overall radiation picture, Cohen's report first makes it clear that a problem has already existed and that the addition of W51BR at a height of 18 meters would represent a contribution of only 0.3 percent of the ANSI guide level of 2.3 milliwatts per square centimeter.

Also, the report further confirms what we already knew regarding the potential effects of the erection of my client's 35 foot tower and antenna system within the aperture of WAAS and WHKZ's antennas. Specifically, the existence of the new tower would likely cause detrimental effects to the circularly polarized patterns of both antennas. Under the present situation, the findings of the report indicate that in order to remain compliant with federal guidelines regarding human exposure in the platform area, both FM stations are obliged to cease operation during work being performed in the platform area until personnel are clear of the platform. In the recommendations of the report specific to the two FM stations, it is suggested that both FM stations change antenna type to at least a four bay design to reduce downward radiation and to increase their mounting heights by at least 2 meters to preclude the need to restrict access to the platform area.

An alternative recommendation was made to erect a new 50 tower on the roof of the building about 70 feet from the existing platform.

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Michael D. Blackwell
Syncom Incorporated
440 Knox Abbott Drive
Suite 240
Cayce, SC 29033

It is my understanding that this was rejected outright by the owner of the building.

It would then seem clear to me what the most likely workable alternative is to deal with all existing problems as well as with ones associated with in the new installation of the W51BR antenna system you are obligated to accommodate in my client's lease agreement. Specifically my client proposes to erect at new tower on the platform which would need to be in the area of 85 feet in overall height. The exact height would depend on the make and model of the antenna selected by the two FM stations. The top 32.8 feet of the tower would be occupied by the W51BR antenna, and from about the 50 foot level down, a 4 bay broadband circularly polarized antenna could be mounted which can accommodate the diplexed feed of both WAAS and WHKZ. Both old FM towers would then be removed from the platform.

This plan entails resolution of several issues;

1. First, both FM stations must agree to it and agree to the idea of sharing a common antenna. They must also agree with sharing the cost of the purchase of the common antenna and of the diplexing equipment as well as for the rigging work unless you are prepared to cover this.
2. Secondly, it will have to be determined as to who will bear the cost of dismantling and removal of the old towers.
3. National Minority TV exercised good faith in planning for the installation of their new existing 35 foot tower, even to the extent of engaging your structural engineer to approve the structural integrity of it's installation on the platform. All based upon representations made to them in your lease agreement. This tower is now useless and funds spent for it may technically be considered damages to National Minority because the tower cannot be used, and furthermore, each day which passes represents lost revenue to them. Furthermore, they have spent considerable funds for the mobilization of a crew from out of state to perform work which could not be performed. Also, they are now incurring storage charges for equipment which cannot be installed. The issue of who will bear the cost for the new tower, the cost of structural engineering costs and erection costs for that tower is a major one which requires a response from you.

Another area which digresses from the original agreement is the proposed location of the transmitter equipment. It was represented

Michael D. Blackwell
Syncom Incorporated
440 Knox Abbott Drive
Suite 240
Cayce, SC 29033

to my client that our equipment was to be located in the established transmission room. This was even confirmed by you during the visit of their representative to the site. Upon arrival of their crews, however, access to that equipment area was denied, and they were left to establish a new equipment area at considerable cost for new electrical service etc. This is a breach of the agreement, and they demand to be accommodated the established equipment room.

Finally, it was represented that sufficient space would be allocated for the installation of a 3.2 meter diameter satellite antenna. Upon arrival, the crews discovered that such an antenna could not be installed due to potential blockage to existing microwave antennas. Now my client is faced with the need to find another site for the satellite antenna, and microwave the signal to the platform from that other location. Because of this, they will expect to need space on the proposed new tower to locate their microwave receive antenna.

As I see it, the installation of the new shared tower is the only remaining alternative to allow the installation of my client's antenna on your platform. We must hear from you as soon as possible as to what your position is on this plan, as well as to the position of the FM stations, and finally, as to who will bear the associated costs. My client stands ready to supply all pertinent facts and specifications regarding their proposed equipment so that planning may commence at the earliest possible date. Until a resolution is reached they indicate that they consider your obligation on the lease to remain unfulfilled. We look forward to hearing from you.

Sincerely,



W. Ben Miller
for National Minority TV, Inc.

cc:

Jane Duff, National Minority TV, Inc.
George Horvath
Jim Planck, Planck Technical Services, Inc.
Kevin T. Fisher, Smith and Powstenko

WBM:wp

028437



**NATIONAL
MINORITY
TELEVISION
INC.**

P.O. Box C-11949, Santa Ana, CA 92711

September 10, 1992

Mr. Norman Juggert
JUGGERT & WAYMAN
2845 Mesa Verde Drive East, Suite 4
Costa Mesa, CA 92626

Dear Norm:

We have run into a sticky situation with a tower site in Columbia, South Carolina. I have attached a copy of the lease for tower space and receive dish for your review.

When Planck Technical Services (PTS) arrived at the site to install our equipment, they were told the original space for the transmitter was no longer available and we were assigned a different location in the building, which required a wall and enclosure to be built at our expense. This was only the beginning of sorrows. They were also told that both our antenna and dish would interfere with the other tenants.

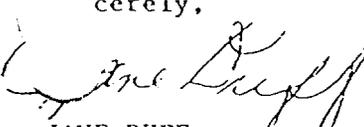
Ben wrote a lengthy letter and we talked to the site manager, Mr. Blackwell, on the phone, as well. Attached is Ben's letter, along with the response letters from the site owner, for your review. It was agreed that a consultant would be hired to advise all of the tenants as to what could be done to resolve the problem. The consultant sent his report, suggesting that a new tower be constructed where all tenants could co-exist without interference. The problem is this would require each tenant to share the costs of the new construction and, of course, the FM's were not interested in spending money to assist us, nor was the site owner willing to make any additional investment.

NMTV has experienced tremendous financial losses which were incurred due to the site owner not anticipating our requirements as spelled out in the lease. We have an antenna fabricated for this particular site that must be changed if this site is not used. We must also pay for the PTS crew expenses and services, as well as, loss of expected air time and revenues.

Let me know, of course, what action you recommend and if you have any questions regarding this matter.

Thanks.

Sincerely,


JANE DUFF
Director

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JD:sd

(9)

JUGGERT AND WAYMAN

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

2845 MESA VERDE DRIVE EAST, SUITE 4
COSTA MESA, CALIFORNIA 92626

TELEPHONE

AREA CODE 714
546-3600

NORMAN G. JUGGERT
KENNETH L. WAYMAN

September 25, 1992

Syncom Incorporated
440 Knox Abbott Drive
Cayce, South Carolina 29033

Attn: Michael D. Blackwell, President

Re: National Minority Television, Inc. Master Lease Agreement

Dear Mr. Blackwell:

Our firm represents National Minority Television, Inc. Our client has asked that we attempt to resolve the dispute that has arisen regarding the above referenced lease prior to retaining counsel in Columbia.

We have advised our client that if a lawsuit is filed there is a strong probability that National Minority would recover substantial damages. Our client, however, prefers to resolve the matter in manner that would be in the best interests of both parties.

National Minority is interested in pursuing the suggestion of W. Ben Miller that an 85' tower be constructed on the existing platform utilizing the 35' tower that National Minority originally intended to install. I understand that this solution would require the cooperation of the two FM broadcasters currently on the platform as they would have to move to the new tower and to share a common antenna.

In addition, due to the refusal of the building owners to allow National Minority to use "the existing room" as provided in the lease, National Minority will incur additional expenses in preparing a new equipment area for the installation of a transmitter and terminal equipment.

National Minority would oversee the project and would advance the necessary costs. National Minority would require that all costs associated with the construction and installation of the 85' tower that are in addition to the costs that would have been incurred in the installation of the 35' tower be reimbursed by Syncom. National Minority would also require that all additional costs associated with the establishment of a new interior equipment area outside the existing room be reimbursed by Syncom.

The reimbursement would occur over the term of the lease through a reduction in rent.

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A budget for the project, as well as all technical and engineering requirements would be submitted to Syncom for approval in advance. The tower and interior improvements would become the property and responsibility of Syncom.

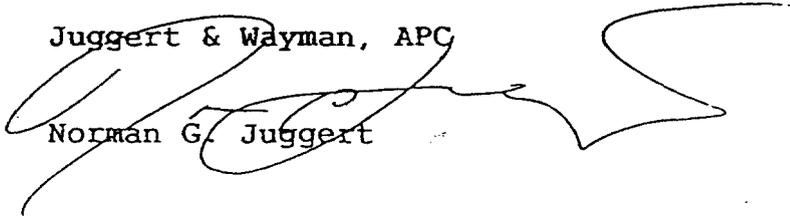
If Syncom is interested in this solution it will be necessary for Syncom to obtain the approval of the two FM stations, as they would be required to move to the new tower. We assume that the cost of such a move would be included in the budget unless the FM stations can be persuaded that the move is in their best interests.

In that regard, the proposed tower would provide those servicing the platform equipment with a safer workplace and would remove potential FCC violations with respect to ANSI guidelines for exposure of humans to non-ionizing radiation,

Please contact me at your earliest convenience regarding this proposal.

Sincerely,

Juggert & Wayman, APC


Norman G. Juggert

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Inter-Office Memo

O/C as per

TO: Ruth Brown and Jane Duff
FROM: Jim McClellan
DATE: May 7, 1992
RE: PART-TIME PRODUCER'S ASSISTANT

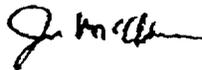
When Finished, Route to:

<input type="checkbox"/>	<i>pfo</i>
<input type="checkbox"/>	<i>B/M at</i>
<input type="checkbox"/>	<i>McClellan</i>
<input type="checkbox"/>	
<input type="checkbox"/>	

Here is the Job Description for the Part-Time Assistant I need to help produce "JOY" and our other productions. If you think we should use her for "JOY" only, that's okay too. I've enclosed both Job Descriptions for you to choose one.

Thanks for your cooperation!

In His Service,



Jim McClellan
 Station Manager

JM:mm
 Enclosures

Federal Communication Commission

Docket No. 93-77 Exhibit No. 343

Presented by M. W. B.

DEC 03 1999

Disposition

Sustained

Rejected

DEC 03 1999

Reporter

DEC 03 1999

Date

December

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