

ORIGINAL

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

93-314

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FEB 18 1994

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations,)
(Cadiz and Oak Grove, Kentucky))

MM Docket No. 93-314
RM-8396

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Acting Chief, Allocations Branch
Policy and Rules Division, Mass Media Bureau
MAIL STOP 1800D5

COMMENTS OF HAM BROADCASTING, INC.

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Dated: February 18, 1994

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Table of Contents

	<u>Pages</u>
SUMMARY	i
I. INTRODUCTION	1
II. ARGUMENT	2
A. The extent to which community residents work in the larger metropolitan area, rather than the specified community	7
B. Whether the smaller community has its own newspaper or other media that covers the community's local needs and interests	8
C. Whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area	8
D. Whether the specified community has its own local government and elected officials	10
E. Whether the smaller community has its own telephone book provided by the local telephone company or ZIP Code	10
F. Whether the local community has its own commercial establishments, health facilities, and transportation systems	11
G. The extent to which the specified community and the central city are part of the same advertising market	13
H. The extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools and libraries	13
III. CONCLUSION	15

SUMMARY

Ham Broadcasting, Inc. ("Ham"), licensee of WKDZ(AM) and WKDZ-FM, Cadiz, Kentucky, herein submits its Comments in further support of its proposal in RM-8396 to upgrade WKDZ-FM from Channel 292A at Cadiz to Channel 293C3 at Oak Grove, Kentucky. As demonstrated in the attached Engineering Statement, Ham's proposed upgrade will create a net service gain area of 2,988 square kilometers with a population of 170,424, will not create any "underserved" areas, and will not deprive Cadiz of local radio service.

In its Notice of Proposed Rule Making for this proceeding, the FCC has raised a question as to whether Oak Grove should be credited with the aural services licensed to the Clarksville Urbanized Area for purposes of Section 307(b) of the Communications Act. The issue arises because the U.S. Census Bureau happens to have placed Oak Grove inside the Clarksville Urbanized Area, which is purely the result of a mechanical application of the Census Bureau's definition of "Urbanized Area." The Census Bureau's placement of Oak Grove inside the Clarksville Urbanized Area is not an accurate indicator of the "real life" relationship between Oak Grove and Clarksville, and thus is not an appropriate basis for grouping Oak Grove and Clarksville together for Section 307(b) purposes.

Further, Oak Grove is not "interdependent" with Clarksville as that term was defined by the FCC in Faye & Richard Tuck and applied in subsequent cases. Oak Grove and Clarksville are in different states, which immediately belies any contention that

Oak Grove is in any respect dependent on Clarksville for governmental or economic support. Indeed, Oak Grove is an entirely separate and distinct community with its own government, municipal services, local businesses, churches, civic groups and fraternal organizations. In addition, Oak Grove has its own telephone area and postal ZIP codes, and does not rely on Clarksville for police, fire protection, school and library services. Most of Oak Grove's working population works in Oak Grove's home county, not in Clarksville, and Oak Grove's community leaders and residents clearly perceive Oak Grove as separate and distinct from Clarksville, as evidenced by the attached statements of the Mayor of Oak Grove and the County Judge Executive for Christian County, Kentucky.

Ham also submits that its proposed upgrade of WKDZ-FM is extremely important to the station's survival. The station operates in an increasingly competitive environment and has seen its revenues decline in each of the past three years. Oak Grove is the only community available of any meaningful size at which WKDZ-FM may upgrade its facilities and which does not already have a station of its own.

Finally, if Ham's proposal is approved, Ham will immediately file an application for a construction permit authorizing the upgrade of WKDZ-FM to Channel 293C2 at Oak Grove, and construct the facilities authorized therein.

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To: Acting Chief, Allocations Branch
Policy and Rules Division, Mass Media Bureau
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COMMENTS OF HAM BROADCASTING, INC.

1. Ham Broadcasting, Inc. ("Ham"), licensee of station WKDZ-FM, Cadiz, Kentucky, by its attorneys, hereby submits its Comments in response to the Commission's Notice of Proposed Rule Making in the above-captioned proceeding ("Notice").^{1/} Ham is the proponent in RM-8396 and is submitting these Comments to express its continuing interest in the upgrade of WKDZ-FM from Channel 292A at Cadiz to Channel 293C3 at Oak Grove, Kentucky, and to address certain issues raised in the Notice pertaining to Oak Grove's relationship to the Clarksville Tennessee-Kentucky Urbanized Area (the "Clarksville Urbanized Area").

I. INTRODUCTION

2. In the Notice, the Commission recognized that the public interest could be served by Ham's proposed upgrade, noting that the upgrade would provide Oak Grove with its first local transmission service and would enable WKDZ-FM to expand its

^{1/} DA 93-1460 (released December 28, 1993).

service area. Notice at ¶ 4. The Notice asked Ham to provide information describing the resulting gain or loss area, the number of reception services that currently serve the gain or loss area, and whether the gain or loss area will include any underserved areas. Id. at ¶ 3. In addition, the Commission noted that Oak Grove is located within the Clarksville Urbanized Area and questioned whether Oak Grove should therefore be credited with all of the aural services licensed to the Clarksville Urbanized Area for Section 307(b) purposes. Id. As demonstrated below, under the "interdependence" criteria set forth in Faye and Richard Tuck, Inc., 3 FCC Rcd 5374, 5377 ¶ 28 (1988), Oak Grove is separate from and independent of Clarksville and therefore should not be credited with the aural services licensed to the Clarkville Urbanized Area.

II. ARGUMENT

3. The Engineering Statement attached hereto as Exhibit 1 reflects that the proposed operation of WKDZ-FM on Channel 293C3 at Oak Grove will serve an area of 4,824 square kilometers with a total population of 184,928.^{2/} The "gain" area is 3,824 square kilometers with a population of 175,339, and the "loss" area is only 881 square kilometers with a population of 4,915.^{3/}

^{2/} Population figures are from the 1990 U.S. Census.

^{3/} The small population inside the loss area is attributable to the fact that much of WKDZ-FM's existing 1 mV/m coverage area in Trigg County includes the unpopulated Land Between the Lakes National Recreation Area. See Exhibit 1A (comparison of Rand
(continued...))

Hence, the proposed upgrade of WKDZ-FM will create a net gain area of 2,988 square kilometers with a population of 170,424. Both the entire gain area and the entire loss area receive primary service (i.e., 1 mV/m for FM stations and .5 mV/m daytime for AM stations) from more than five aural services excluding WKDZ-FM; and, as recognized in the Notice, Cadiz will still retain one local aural service if the proposed upgrade is approved.^{4/} Hence, the proposed upgrade of WKDZ-FM to Channel 293C3 at Oak Grove will expand the station's coverage area significantly without either creating any underserved areas or depriving Cadiz of local radio service.

4. The only remaining issue, then, is whether Oak Grove should be credited with the Clarksville Urbanized Area's aural services for purposes of determining whether the reallocation of WKDZ-FM to Oak Grove would result in a preferred arrangement under Section 307(b) of the Communications Act. The issue arises because the U.S. Census Bureau happens to have placed Oak Grove inside the Clarksville Urbanized Area, even though Oak Grove and Clarksville are located in different states and are not otherwise sufficiently related to each other so as to be considered

3/(...continued)

McNally Road Atlas with map of loss area). This area should not be considered a "loss" since no people are affected. None live there now, and because the area is a national recreation area, none will live there in the future.

4/ Station WKDZ(AM) is also licensed to Cadiz. Notice at ¶ 2, n.3. As the licensee of WKDZ(AM), Ham is committed to ensuring that the AM station remains fully attentive to the needs of the Cadiz community. WKDZ-FM will also continue to provide 1 mV/m service to Cadiz after the upgrade.

"interdependent" under Faye and Richard Tuck, supra, and subsequent cases.

5. The Census Bureau's placement of Oak Grove inside the Clarksville Urbanized Area appears to be the result of a technical application of the Bureau's definition of "Urbanized Area" and is not an accurate indicator of the "real life" relationship between Oak Grove and Clarksville. The Census Bureau defines an Urbanized Area as an area comprising one or more places (the "central place") and the adjacent territory having a population density of at least 1,000 persons per square mile.^{5/} As indicated by the attached Census Bureau map,^{6/} Oak Grove is connected to the Clarksville Urbanized Area only by a corridor which runs along U.S. Highway 41-A, the only highway from the center of Clarksville to the main gate of the U.S. military base at Fort Campbell, Kentucky. Over time there has been a growth in population along the Highway 41-A corridor which has reached a density of 1,000 persons per square mile. The Census Bureau thus includes Oak Grove in the Clarksville Urbanized Area because (a) Oak Grove is adjacent to the Highway 41-A corridor and (a) both the highway corridor and Oak Grove have a population density of at least 1,000 persons per square mile. But in light of the factual circumstances discussed below, the Census Bureau's mechanical definition of Urbanized Area has no significance other than by virtue of the mechanics, and thus

^{5/} Exhibit 2.

^{6/} Exhibit 3.

should not be deemed an appropriate basis for grouping Clarksville and Oak Grove together for Section 307(b) purposes.

6. When evaluating an upgrade proposal involving the reallocation of an FM station from outside to inside an Urbanized Area, the Commission focuses on the relationship between the proposed community of license and the central city of the Urbanized Area, i.e., the extent to which the two cities are "interdependent" rather than separate, distinct communities with different needs and interests. The leading case is Faye & Richard Tuck, supra. The Commission has emphasized the importance of the "interdependence" criterion as follows:

The ultimate focus of [the FCC's] analysis . . . is the characteristics of the specified community rather than the technical aspects of the applicant's proposal. Thus, the most important consideration . . . is the relationship between the specified and the central city of the Urbanized Area. In comparison, evidence on the remaining criteria - - the size and proximity of the specified community to the central city, and signal population coverage - - is pertinent, but has less significance than evidence of interdependence.

Id. (emphasis added); see also RKO General Inc. (KFRC), 5 FCC Rcd 3222, ¶ 6 (1990) ("interdependence" is the "crucial criterion under Tuck") ("RKO"). Hence, the technical aspects of Ham's reallocation proposal at most bear on the strength of the showing Ham must make to demonstrate that the communities in question are not interdependent. See, e.g., RKO at 3223, ¶ 13.^{7/} They do

^{7/} Oak Grove, which is in the State of Kentucky, is approximately 10 miles north of Clarksville, which is in the State of Tennessee. Oak Grove has a 1990 population of 2,863; Clarksville has a 1990 population of 75,494 (1990 U.S. Census). If the proposed upgrade is approved, WKDZ(FM) will place its 3.16 (continued...)

not create an irrebuttable presumption of interdependence, and they will in fact be overridden by significant evidence of independence between the two communities in question.

7. The Commission considers the following "sub-criteria" when evaluating whether there is any "interdependence" between the specified community and the central city:

a. the extent to which community residents work in the larger metropolitan area, rather than the specified community;

b. whether the smaller community has its own newspaper or other media that covers the community's local needs and interests;

c. whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area;

d. whether the specified community has its own local government and elected officials;

e. whether the smaller community has its own telephone book provided by the local telephone company or ZIP code;

f. whether the community has its own commercial establishments, health facilities, and transportation systems;

g. the extent to which the specified community and the central city are part of the same advertising market; and

h. the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools and libraries.

1/(...continued)
mV/m contour over approximately less than half of Clarksville and its 1 mV/m contour over all of both Clarksville and the present community of license, Cadiz. See Exhibit 1.

Tuck at 5378, ¶ 36. As set forth below and supported by the attached statement of Mr. D. J. Everett, President of Ham,^{8/} the attached letter from The Honorable Bobby G. Mace, Mayor of Oak Grove, Kentucky,^{9/} and the attached letter from Mr. Steve Tribble, County Executive Judge for Christian County, Kentucky,^{10/} an analysis of these eight "sub-criteria," whether viewed individually or collectively, dictates a finding that Oak Grove and Clarksville are independent of each other and must be regarded as separate communities for Section 307(b) purposes.

A. The extent to which community residents work in the larger metropolitan area, rather than the specified community.

8. According to the 1990 U.S. Census, Oak Grove's population includes 1,338 workers age 16 and over. Of these 1,338 workers, 979, or 73%, work in Oak Grove's home county, i.e., Christian County, while only 359, or 27%, work out of state.^{11/} Hence, even assuming that all of the 359 persons who work outside of Christian County worked in Clarksville (which is not an established fact), nearly three quarters of Oak Grove's work force are employed in Christian County and not in Clarksville. Compare, e.g., RKO at 3224, ¶ 19 (noting that only

^{8/} Exhibit 4.

^{9/} Exhibit 5.

^{10/} Exhibit 6.

^{11/} Exhibit 7 (excerpt from 1990 U.S. Census computer printout, obtained by Mr. Everett from the Pennyrile Area Development District).

35.1% of the smaller community's residents worked in the community).

B. Whether the smaller community has its own newspaper or other media that covers the community's local needs and interests.

9. Oak Grove does not have its own newspaper. According to an inquiry made by Mr. Everett, residents of Oak Grove subscribe in approximately equal numbers to the Kentucky New Era, published in Hopkinsville, the county seat for Christian County, and the Clarksville Leaf Chronicle, published in Clarksville.^{12/} There are presently no radio or television broadcast stations licensed to Oak Grove. Although there are three AM stations, one commercial FM station and one noncommercial FM station licensed to other communities in the Clarksville Urbanized Area,^{13/} Mr. Everett has found that none of those stations includes the city of Oak Grove in its station identification announcements, and they do not make any concerted effort to serve Oak Grove or cover events of particular interest to Oak Grove's residents.^{14/}

C. Whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area.

10. As set forth in the attached letter from the Mayor of Oak Grove and the County Judge Executive for Christian County (Exhibits 5 and 6, respectively), Oak Grove's community leaders

^{12/} Exhibit 4 at 1.

^{13/} The stations are WCTZ(AM), WDXN(AM), and WJZM(AM), Clarksville; WCVQ(FM), Fort Campbell (commercial); and WAPX-FM, Clarksville (non-commercial).

^{14/} Exhibit 4 at 1, Exhibit 5 at 2.

and its residents view Oak Grove as a community entirely separate and independent from Clarksville. Simply put, those who live in Oak Grove view themselves as Kentuckians, not "suburbanites" of the Tennessee community of Clarksville. Oak Grove residents are governed by Kentucky laws and pay their taxes to the State of Kentucky. They share no common legislative representation (local, state or federal) with Clarksville. They share no governmental or utility services with Clarksville, nor do Oak Grove and Clarksville share a common school district. Oak Grove residents must go to the Christian County courthouse to renew their automobile tags and driver's licenses; obtain marriage licenses; record deeds, property transfers and mortgages; register to vote; and request automobile inspections. As described more fully below, Oak Grove's police department is entirely independent of Clarksville's. Oak Grove's emergency medical services are provided in Kentucky; the city's ambulances ordinarily transport patients to Hopkinsville, not Clarksville. The banks which serve Oak Grove are all chartered in Kentucky; no Tennessee banks from Clarksville or elsewhere have branches in Oak Grove, nor are they permitted to operate there. Finally, though Oak Grove residents sometimes travel to Clarksville for shopping and entertainment, they are more as likely to travel to Hopkinsville and do so often because they are required to conduct their government-related and legal affairs there,^{15/} and

^{15/} Exhibit 5 at 2.

because the general sales tax rate in Kentucky is lower and Tennessee taxes groceries but Kentucky does not.^{16/}

D. Whether the specified community has its own local government and elected officials.

11. Oak Grove has its own mayor and city council as well as its own annual budget, which for 1994 is estimated to be \$1,300,496.64.^{17/} At the state level Oak Grove is represented in the Kentucky State Legislature, whereas Clarksville is represented by members of the Tennessee General Assembly. Further, Oak Grove and Clarksville are represented by different members of the United States Senate and House of Representatives and are subject to the authority of different State governors.

12. Oak Grove must obtain any state grants directly from state agencies located in Frankfort, the Kentucky State capital. Any federal grants must be obtained through the Pennyrile Area Development District, which encompasses Christian County, Kentucky, but not any part of the State of Tennessee. Oak Grove's tax revenues are derived from assessments on its own residents; the residents of Clarksville make no financial or other contribution to the Oak Grove treasury, nor vice versa.^{18/}

^{16/} Exhibit 4 at 2.

^{17/} Exhibit 4 at 2.

^{18/} Id.

E. Whether the smaller community has its own telephone book provided by the local telephone company or ZIP Code.

13. Oak Grove does not have its own telephone directory, but this is because the local telephone company has adopted a practice of including all of the smaller communities in the region into a single, regional telephone directory. Oak Grove's telephone listings are included in the regional directory covering Christian County. That directory does not include listings for Clarksville. Further, Oak Grove and Clarksville each have their own area codes (502 - Oak Grove; 615 - Clarksville). The Clarksville telephone book does not include the Oak Grove zip code in its "List of Zip Codes for Nearby Communities."^{19/}

14. As to mail delivery, Oak Grove has its own Zip Code, "42262", which is in the "422" sequence of zip codes used by the surrounding Kentucky cities. By contrast, Clarksville's zip code, "37040," is in the "370" sequence of zip codes used by the Tennessee cities which surround Clarksville. Oak Grove has its own post office, and the rural postal routes surrounding Oak Grove are served by the Hopkinsville post office, not from Clarksville.

F. Whether the local community has its own commercial establishments, health facilities, and transportation systems.

15. According to the Oak Grove city records, there are a total of 233 commercial establishments licensed to do business in

^{19/} Exhibit 8.

Oak Grove.^{20/} These include grocery stores, restaurants, furniture stores, banks, garages, automobile sales, mobile home sales, video rentals, liquor stores, pawn shops, and dry cleaners. Mr. Everett has found that none of these businesses are branches or affiliates of similar businesses in Clarksville. In fact, the title page of the Clarksville Yellow Pages does not list Oak Grove, and conversely, the Christian County Yellow Pages title page does not list Clarksville.^{21/} Oak Grove businesses also operate under different local and state regulatory requirements. For example, liquor and beer sales are permitted on Sunday in Clarksville but not in Oak Grove. Oak Grove has its own Chamber of Commerce, which has an Oak Grove address and is not affiliated with the Clarksville Chamber of Commerce. In addition, Oak Grove has its own civic clubs and churches and fraternal organizations. Mr. Everett has not found any of these to be branches or affiliates of similar organizations in Clarksville.^{22/} Compare, e.g., FM Channel Assignments (Sandy Springs, et al.), 70 R.R.2d 182, 188 ¶ 26 (Mass Media Bureau, 1991) (finding of interdependence between Sandy Springs and Atlanta where the Sandy Springs Chamber of Commerce listed its address interchangeably as Atlanta and Sandy Springs, and where many of the public buildings and civic organizations in the Sandy Springs community directory were listed at Atlanta addresses).

^{20/} Exhibit 5 at 2.

^{21/} Exhibit 9.

^{22/} Exhibit 4 at 2, Exhibit 5 at 1.

16. Although Oak Grove does not have its own hospital, it does have its own emergency ambulance service, which normally transports patients to medical facilities in Hopkinsville, not Clarksville. Patients are transported to Clarksville only in unusual situations. Oak Grove also has its own veterinary hospital for animal care.^{23/}

17. Because of its small size, Oak Grove does not have its own public transportation system, except for the school buses which transport Oak Grove's children to and from schools in Hopkinsville, not Clarksville. Clarkville's municipal bus system does not serve Oak Grove.^{24/}

G. The extent to which the specified community and the central city are part of the same advertising market.

18. Arbitron includes Clarksville listeners in its radio audience measurements for Montgomery County, Tennessee, but it includes Oak Grove listeners in its radio audience measurements for Christian County, Kentucky.^{25/} This strongly suggests that the advertising community views Oak Grove and Clarksville as being in separate markets.

H. The extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries.

19. Oak Grove does not depend on Clarksville for any of the above-described services. It has its own police department,

^{23/} Exhibit 4 at 3.

^{24/} Exhibit 5 at 1.

^{25/} Oak Grove and Clarksville are served by separate cable operators (Cablevision Systems and Crown Cable, respectively).

which operates entirely independently of the Clarksville police department. In fact, criminals arrested in Oak Grove may not be transported to Tennessee unless proper extradition procedures have been followed. Similarly, Clarksville police have no authority in Oak Grove and may not arrest suspects or serve warrants in Oak Grove unless accompanied by an Oak Grove police officer. The Oak Grove police department operates its own emergency dispatch service, separate and apart from the Clarksville emergency dispatch center. Furthermore, the Oak Grove police department shares radio frequencies with Christian County law enforcement personnel, not those in Clarksville. Federal crimes committed in Oak Grove are tried in the Federal District Court for the Western District of Kentucky and not in any federal court in Tennessee.^{26/}

20. Oak Grove has its own fire department, sanitation service, municipal water system and municipal sewer system, which are separate and independent of those serving Clarksville. Streets and highways in Oak Grove are maintained by the Kentucky Department of Highways and the Christian County Road Department. Clarksville does not participate in the building, maintenance, upgrade or clearing of Oak Grove's street and roads. Oak Grove also participates in the activities of the Christian County City/County Planning Commission and is governed by Kentucky planning and zoning regulations.^{27/} Compare, e.g., Sandy

^{26/} Exhibit 4 at 3.

^{27/} Exhibit 6 at 1-2.

Springs, Georgia, 70 R.R.2d 182, 188 ¶ 26 (MM Bur. 1991) (finding of interdependence where the specified community received all government services either from the city of Atlanta, from Fulton County, or from metropolitan area authorities).

21. Finally, Oak Grove students attend Christian County public schools, and the Christian County Board of Education has made plans to locate an elementary school in Oak Grove. There is no library in Oak Grove, but the community is served by the Christian County (Kentucky) Bookmobile from Hopkinsville. Oak Grove does not receive Bookmobile service from Clarksville.^{28/}

III. CONCLUSION

22. In sum, whether measured under the indicia set forth in Tuck or any other reasonable criteria, Oak Grove and Clarksville can only be viewed as separate, independent communities in a Section 307(b) analysis. Unlike the communities at issue in earlier cases of this type, Oak Grove and Clarksville are located in different states and hence are not reliant upon each other for any of the items described in Tuck. For many important community activities and functions, Oak Grove looks to its own county in Kentucky and/or turns north toward Hopkinsville and does not deal with Clarksville. In other words, Ham's showing on the "interdependence" question is not "mixed";^{29/} it in fact

^{28/} Exhibit 10 (schedules of Hopkinsville and Clarksville Bookmobiles).

^{29/} RKO General, Inc. at 3224, ¶ 20.

demonstrates that Oak Grove is an entirely distinct community with a separate need for local broadcast service.

23. Finally, it is important to note that the upgrading of WKDZ-FM is extremely important to the economic survival of the station, functioning as it does in an increasingly competitive marketplace; the station's revenues have declined in each of the past three years. Moreover, as Ham's petition for rule making demonstrated, the open area available for a transmitter site for an upgraded station is very small. Oak Grove is also a growing community; its population of 2,863 in 1990 grew to 3,049 in 1992.^{30/}

24. Ham accordingly continues to request that the Commission amend its FM Table of Allotments to delete Channel 292A at Cadiz and add Channel 293C3 at Oak Grove, Kentucky, as set forth in the Notice. These Comments demonstrate clearly that adoption of the proposal would be in the public interest and would affirmatively advance the purposes of Section 307(b) of the Communications Act. If the proposed reallocation is approved, Ham will immediately file an application for a construction permit

^{30/} Exhibit 5 at 2. The station cannot remain licensed to Cadiz, because there is no transmitter site that meets spacing requirements from which a 3.16 mV/m signal can be provided to 80% or more of Cadiz.

authorizing the upgrade of station WKDZ-FM to Channel 293C3 at Oak Grove, and construct the authorized facilities accordingly.^{31/}

Respectfully submitted,



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Dated: February 18, 1994

^{31/} Exhibit 4 at 1.

EXHIBIT 1

ENGINEERING STATEMENT

Dwight R. Magnuson hereby declares as follows:

1. I prepared the Engineering Statement which accompanied the petition for rule making by Ham Broadcasting, Inc., RM-8396, to substitute Channel 293C3 at Oak Grove, Kentucky, for Channel 292A at Cadiz, Kentucky. My qualifications are a matter of record at the Commission.

2. I have studied the gain and loss area for WKDZ-FM if the station is moved from Channel 292A at Cadiz to Channel 293C3 at Oak Grove, at the allocation point proposed in RM-8396. The loss area is defined as the area within the F(50,50) predicted 1 mV/m contour of WKDZ-FM as licensed on Channel 292A at Cadiz which would not be within the predicted 1 mV/m service contour were WKDZ-FM to operate on Channel 293C3 at Oak Grove. The gain area is defined as the area which would be within the F(50,50) predicted 1 mV/m contour of WKDZ-FM operating on Channel 293C3 at Oak Grove which is not within the the 1 mV/m contour of WKDZ-FM as currently licensed at Cadiz. The gain and loss areas are depicted on the attached map.

3. Following is a table of areas and populations:

	<u>Area</u> (sq. km.)	<u>Population</u> (1990 Census)
Total 1 mV/m coverage Channel 293C3 at Oak Grove	4,824	184,928
Gain area after move to Oak Grove	3,824	175,339
Loss area after move to Oak Grove	881	4,915
Net gain (gain minus loss)	2,988	170,424

4. Both the entire gain area and the entire loss area receive primary service from more than five aural broadcast stations, not including WKDZ-FM. Primary service is defined as 1 mV/m FM and .5 mV/m AM daytime. Interference-free nighttime signals were not examined because there are more than five FM signals in both the loss and gain areas. The following is a partial list of stations providing primary service to the loss and gain areas:

a. Stations providing primary service to the loss area:

WPKY-FM, Princeton, KY (new call sign WAVJ)
WBLN-FM, Murray, KY
WKMS-FM, Murray, KY
WZZF-FM, Hopkinsville, KY
WHOP-FM, Hopkinsville, KY
WHOP(AM), Hopkinsville, KY
WQKS(AM), Hopkinsville, KY
WCVQ(FM), Fort Campbell, KY
WABD(AM), Fort Campbell, KY
WKYQ(FM), Paducah, KY
WKTG(FM), Madisonville, KY
WVHM(NCE-FM), Benton, KY
and others

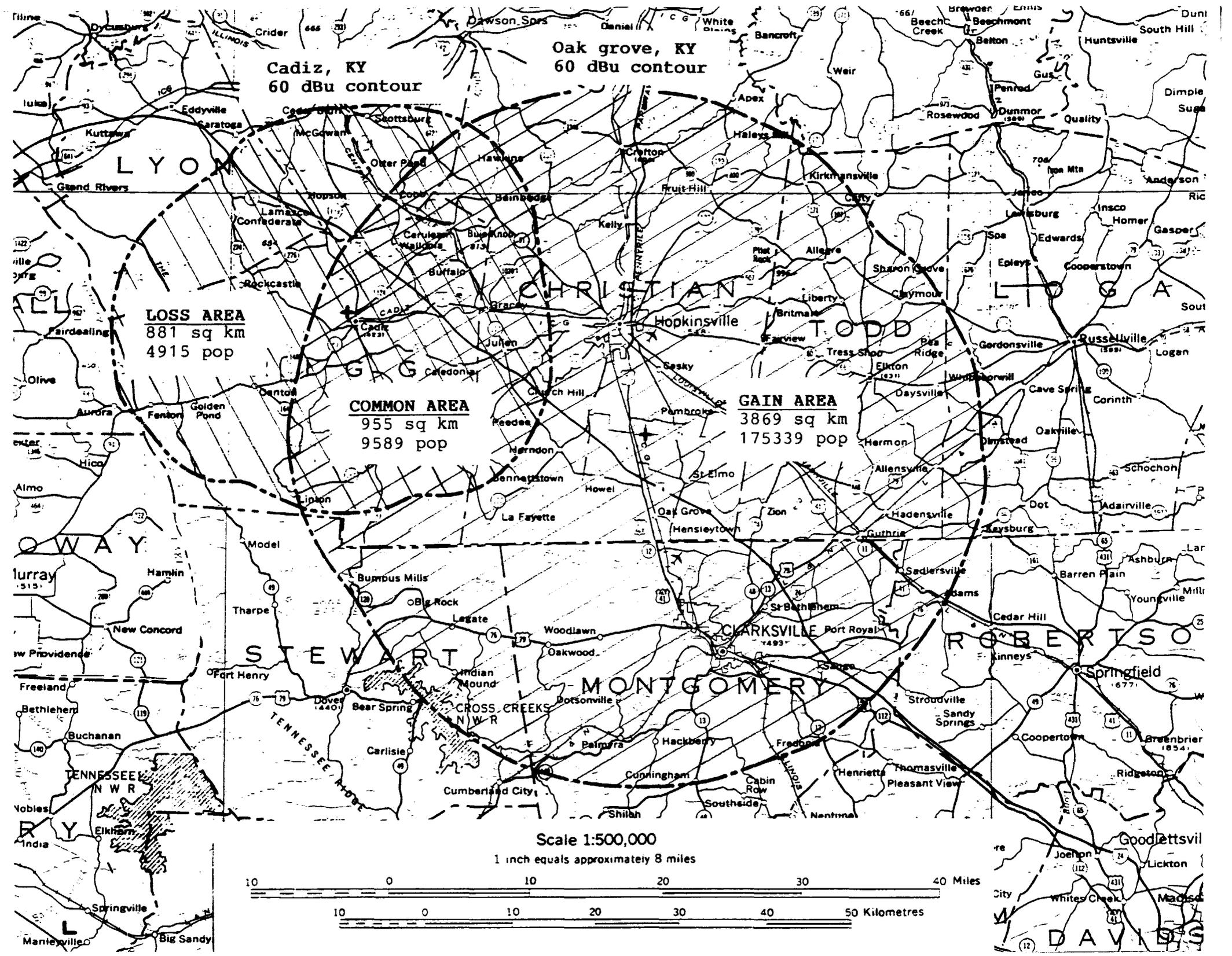
b. Stations providing primary service to the gain area:

WKMS-FM, Murray, KY
WBLN-FM, Murray, KY
WHOP-FM, Hopkinsville, KY
WHOP(AM), Hopkinsville, KY
WQKS(AM), Hopkinsville, KY
WZZF-FM, Hopkinsville, KY
WKYQ(FM), Paducah, KY
WABD(AM), Fort Campbell, KY
WCVQ(FM), Fort Campbell, FM
WBVR(FM), Russellville, KY
WLAC-FM, Nashville, TN
WSIX-FM, Nashville, TN
WZEZ(FM), Nashville, TN
WYHY(FM), Lebanon, TN
WGFK(FM), Gallatin, TN
and others

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 1, 1994.


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Oak grove, KY
60 dBu contour

Cadiz, KY
60 dBu contour

LOSS AREA
881 sq km
4915 pop

COMMON AREA
955 sq km
9589 pop

GAIN AREA
3869 sq km
175339 pop

Scale 1:500,000
1 inch equals approximately 8 miles

