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Before the
Federal Communications Commission
Washington, DC

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)	MM Docket No. 93-107
)	
DAVID A. RINGER)	File No. BPH-911230MA
)	
ASF BROADCASTING CORP.)	File No. BPH-911230MB
)	
WILBURN INDUSTRIES, INC.)	File No. BPH-911230MC
)	
SHELLEE F. DAVIS)	File No. BPH-911231MA
)	
OHIO RADIO ASSOCIATES)	File No. BPH-911231MC

For Construction Permit for an
FM Station on Channel 280A in
Westerville, OH

To: The Review Board

FINAL PROGRESS REPORT REGARDING TRANSMITTER SITE

Shellee F. Davis ("Davis"), by her attorney, hereby submits a final progress report with regard to the availability of a new transmitter site for her use for Channel 280A at Westerville, Ohio. With respect thereto, the following is stated:

In her last Progress Report, Davis reported that she had been involved in discussions with regard to her possible use of a new transmitter site controlled by Mr. Dolores Buell, but that complications preventing the immediate designation of that site after (1) it was learned that the land on which the anticipated site rests already was leased and being used by a tenant/farmer; and (2) Mrs. Buell specifically requested that the tenant/farmer not be contacted by Ms. Davis (or presumably, any other applicant) directly. This latter request had been repeated to Davis legal counsel by Mrs. Tamara Caudy, Mrs. Buell's daughter, on two occasions: (1) on July 20, 1994, and (2) on August 4, 1994. This information led Davis initially to oppose on July 23,

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1994 the acceptance of that aspect of an amendment filed by Wilburn Industries, Inc., pertaining to the designation of the Buell land with respect to Wilburn's application. See "Opposition to Petition for Leave to Amend," filed by Shellee F. Davis on July 23, 1994.

By way of update of the state of affairs with respect to the Buell land, the following message was left on undersigned counsel's voice-mail system on Monday, August 22, 1994 at 9:47 a.m.:

Yes, Dan, this is Tamara Caudy, in Sunbury, Ohio. I am calling with respect to the tower that your client, Shellee Davis, has spoken with my mother about. And, after talking with Mr. Whitney, my mother's attorney, it was decided certainly that the best procedure probably would be for you to contact the farm tenant, if that is what you would like to do, and my mother, at this point, doesn't really need to have any further involvement with whatever contact you may have with Mr. Hendron, the farm tenant. So, if there is anything that you would need to talk to us about you can reach my mother who is now home or you can reach myself, I think you have both of those numbers. So I think that should take care it. Thank you very much.

Therefore, it appears that the question of the availability of the Buell site has been left largely to whatever determination the tenant, Mr. Hendron, may feel inclined to reach with respect to his desire release the land.

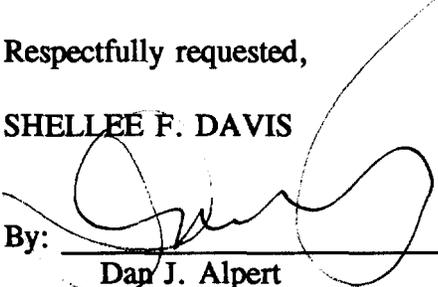
Ms. Davis had prepared and since June 28, 1994 was prepared to submit engineering information to designate the Buell site by way of amendment in her own application, which would have been filed immediately upon receipt of all assurances necessary to propose the site. See Attachment 1 (excerpt of engineering portion of FCC Form 301 prepared for Davis designating the Buell site). Insofar as the period of uncertainty grew and it became unknown when, if ever, Mrs. Buell would speak to and obtain clearance from Mr. Hendron (or provide applicants permission to secure assurances from Mr. Hendron, themselves), Ms. Davis went ahead and secured assurances for an alternative site, owned by the Ohio State University.

Rather than burden the Commission with a supplement to her site amendment and propose a new site, although the Buell site now appears to be potentially available to applicants, Shellee F. Davis intends to continue to designate the Ohio State University site at this time.

Respectfully requested,

SHELLEE F. DAVIS

By:



Dan J. Alpert

*The Law Office of Dan J. Alpert
1250 Connecticut Avenue, N.W.
Suite 700
Washington, D.C. 20036
(202) 637-9158*

August 29, 1994

ATTACHMENT 1

Section V-B - FM BROADCAST ENGINEERING DATA	FOR COMMISSION USE ONLY File No. _____ ASB Referral Date _____ Referred by _____
--	--

Name of Applicant **Shellee F. Davis**

Call letters (if issued)	Is this application being filed in response to a window? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, specify closing date: _____
--------------------------	---

Purpose of Application: (check appropriate boxes)

<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 below the nature of change(s) and specify the file number(s) of the authorizations 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"/> Class
<input type="checkbox"/> Main Studio location	<input type="checkbox"/> Other (Summarize briefly)

File Number(s) _____

1. Allocation:

Channel No.	Principal community to be served:			Class (check only one box below)
280A	City Westerville	County Franklin	State Ohio	<input checked="" type="checkbox"/> A <input type="checkbox"/> B1 <input type="checkbox"/> B <input type="checkbox"/> C3 <input type="checkbox"/> C2 <input type="checkbox"/> C1 <input type="checkbox"/> C

2. Exact location of antenna.

(a) Specify address, city, county and state. If no address, specify distance and bearing relative to the nearest town or landmark. **Approximately 600 meters northeast of the intersection of State Route 37 and County Line Road in Licking County, Ohio.**

(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 or West Longitude will be presumed.

Latitude	40 °	11 '	33 "	Longitude	82 °	45 '	07 "
----------	------	------	------	-----------	------	------	------

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. _____

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

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 2)

4. Does the application propose to correct previous site coordinates?
If Yes, list old coordinates.

Yes No

Latitude ° ' "	Longitude ° ' "
---	---

5. Has the FAA been notified of the proposed construction?

Yes No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No. N/A

Date June 27, 1994 Office where filed Great Lakes Regional

6. List all landing areas within 8 km of antenna site. Specify distance and bearing from structure to nearest point of the nearest runway.

	Distance (km)	Bearing (degrees True)
(a) <u>August Acres (pvt)</u>	<u>4.2</u>	<u>217°</u>
(b) _____	_____	_____

7. (a) Elevation: (to the nearest meter)

- (1) of site above mean sea level; 338 meters
- (2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 98 meters
- (3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 436 meters

(b) Height of radiation center: (to the nearest meter) H - Horizontal; V - Vertical

- (1) above ground 92 meters (H)
- 92 meters (V)
- (2) above mean sea level [(aX1) + (bX1)] 430 meters (H)
- 430 meters (V)
- (3) above average terrain 100 meters (H)
- 100 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(b)(3). If mounted on an AM directional-array element, specify heights and orientations of all array towers, as well as location of FM radiator.

Exhibit No. E1

9. Effective Radiated Power:

(a) ERP in the horizontal plane 6.0 kw (H*) 6.0 kw (V*)

(b) Is beam tilt proposed?

Yes No

If Yes, specify maximum ERP in the plane of the tilted beam, and attach as an Exhibit a vertical elevational plot of radiated field.

Exhibit No. N/A

_____ kw (H*) _____ kw (V*)

*Polarization

SECTION V-8 - FM BROADCAST ENGINEERING DATA (Page 3)

10. Is a directional antenna proposed?

Yes No

If Yes, attach as an Exhibit a statement with all data specified in 47 C.F.R. Section 73.316, including plot(s) and tabulations of the relative field.

Exhibit No.

11. Will the proposed facility satisfy the requirements of 47 C.F.R. Sections 73.315(a) and (b)?
See Exhibit E2

Yes No

If No, attach as an Exhibit a request for waiver and justification therefor, including amounts and percentages of population and area that will not receive 3.18 mV/m service.

Exhibit No.

12. Will the main studio be within the protected 3.18 mV/m field strength contour of this proposal?

Yes No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1126.

Exhibit No.

13. (a) Does the proposed facility satisfy the requirements of 47 C.F.R. Section 73.207?
See Exhibit E3

Yes No

(b) If the answer to (a) is No, does 47 C.F.R. Section 73.213 apply?

Yes No

(c) If the answer to (b) is Yes, attach as an Exhibit a justification, including a summary of previous waivers.

Exhibit No.

(d) If the answer to (a) is No and the answer to (b) is No, attach as an Exhibit a statement describing the short spacing(s) and how it or they arose.

Exhibit No.

(e) If authorization pursuant to 47 C.F.R. Section 73.215 is requested, attach as an Exhibit a complete engineering study to establish the lack of prohibited overlap of contours involving affected stations. The engineering study must include the following:

Exhibit No.

- (1) Protected and interfering contours, in all directions (360), for the proposed operation.
- (2) Protected and interfering contours, over pertinent arcs, of all short-spaced assignments, applications and allotments, including a plot showing each transmitter location, with identifying call letters or file numbers, and indication of whether facility is operating or proposed. For vacant allotments, use the reference coordinates as the transmitter location.
- (3) When necessary to show more detail, an additional allocation study utilizing a map with a larger scale to clearly show prohibited overlap will not occur.
- (4) A scale of kilometers and properly labeled longitude and latitude lines, shown across the entire exhibit(s). Sufficient lines should be shown so that the location of the sites may be verified.
- (5) The official title(s) of the map(s) used in the exhibit(s).

14. Are there: (a) within 60 meters of the proposed antenna, any proposed or authorized FM or TV transmitters, or any nonbroadcast (except citizens band or amateur) radio stations; or (b) within the blanketing contour, any established commercial or government receiving stations, cable head-end facilities, or populated areas; or (c) within ten (10) kilometers of the proposed antenna, any proposed or authorized FM or TV transmitters which may produce receiver-induced intermodulation interference?

Yes No

If Yes, attach as an Exhibit a description of any expected, undesired effects of operations and remedial steps to be pursued if necessary, and a statement accepting full responsibility for the elimination of any objectionable interference (including that caused by receiver-induced or other types of modulation) to facilities in existence or authorized or to radio receivers in use prior to grant of this application. (See 47 C.F.R. Sections 73.315(b), 73.316(e) and 73.318.)

Exhibit No.
E4

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 4)

15. Attach as an Exhibit a 7.5 minute series U.S. Geological Survey topographic quadrangle map that shows clearly, legibly, and accurately, the location of the proposed transmitting antenna. This map must comply with the requirements set forth in Instruction V (D). The map must further clearly and legibly display the original printed contour lines and data as well as latitude and longitude markings, and must bear a scale of distance in kilometers.

Exhibit No.
E5

16. Attach as an Exhibit (*name the source*) a map which shows clearly, legibly, and accurately, and with the original printed latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.
E6

(a) the proposed transmitter location, and the radials along which profile graphs have been prepared;

(b) the 3.16 mV/m and 1 mV/m predicted contours; and

(c) the legal boundaries of the principal community to be served.

17. Specify area in square kilometers (1 sq. mi. = 259 sq. km.) and population (latest census) within the predicted 1 mV/m contour.

Area 2494 sq. km. Population 590,000

18. For an application involving an auxiliary facility only, attach as an Exhibit a map (*Sectional Aeronautical Chart or equivalent*) that shows clearly, legibly, and accurately, and with latitude and longitude markings and a scale of distance in kilometers:

Exhibit No.

(a) the proposed auxiliary 1 mV/m contour; and

(b) the 1 mV/m contour of the licensed main facility for which the applied-for facility will be auxiliary. Also specify the file number of the license.

19. Terrain and coverage data (*to be calculated in accordance with 47 C.F.R. Section 73.3131*)

Source of terrain data: (*check only one box below*)

Linearly interpolated 30-second database 7.5 minute topographic map

(Source: USGS (Communications Data Services, Inc.))

Other (*briefly summarize*)

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 5)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 8 to 16 km (meters)	Predicted Distances	
		To the 3.16 mV/m contour (kilometers)	To the 1 mV/m contour (kilometers)
244	135.3	19.1	32.3
0	77.8	14.4	25.3
45	76.5	14.3	25.1
90	80.1	14.6	25.6
135	101.6	16.5	28.5
180	90.5	15.6	27.1
225	120.9	18.0	30.8
270	135.4	19.1	32.6
315	117.1	17.7	30.4

*Radial through principal community, if not one of the major radials. This radial should NOT be included in the calculation of HAAT.

20. Environmental Statement (See 47 C.F.R. Section 1.1301 et seq.)

Would a Commission grant of this application come within Section 1.1307 of the FCC Rules, such that it may have a significant environmental impact? Yes No

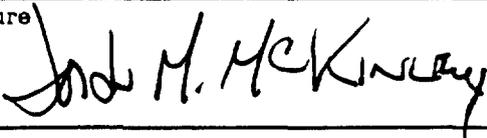
See Exhibit E7

If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

If No, explain briefly why not.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined the foregoing and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) John M. McKinley	Relationship to Applicant (e.g., Consulting Engineer) Technical Consultant
Signature 	Address (Include ZIP Code) 510 Whitley Drive Gahanna, Ohio 43230
Date June 27, 1994	Telephone No. (Include Area Code) (614) 475-1747

CERTIFICATE OF SERVICE

I, Dan J. Alpert, hereby certify that foregoing document was served on August 29, 1994 upon the following parties by First Class Mail, postage prepaid, or by Hand:

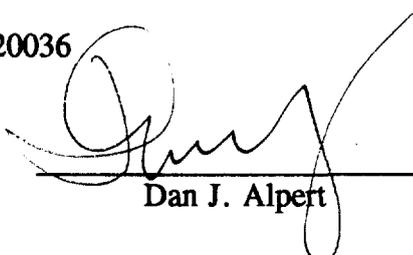
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