

ORIGINAL

LAW OFFICES OF  
BOOTH, FRERET & IMLAY  
SUITE 150

MM 9776

ROBERT M. BOOTH, JR. (1911-1981)  
JULIAN P. FRERET  
CHRISTOPHER D. IMLAY

1920 N STREET, N.W.  
WASHINGTON, D.C. 20036

MAR 30 2 56 PM '92

TELEPHONE  
(202) 296-9100  
TELECOPIER  
(202) 293-1319

March 27, 1992

RECEIVED

RECEIVED

MAR 30 1002

MAR 27 1992

FM EXAMINERS

Federal Communications Commission  
Office of the Secretary

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N. W., Room 222  
Washington, D. C. 20554

Re: Positive Alternative Radio, Inc.  
Application for New Educational  
FM Broadcast Station, Point  
Pleasant, WV

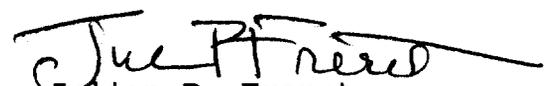
Dear Ms. Searcy:

Enclosed herewith is an original and two copies of FCC Form 340, seeking authority on behalf of Positive Alternative Radio, Inc. to construct a new non-commercial educational broadcast station at Point Pleasant, West Virginia.

No filing fee is required.

Should any technical question arise concerning this application, kindly communicate with Roy P. Stype, III, Carl E. Smith Consulting Engineers, telephone (216) 659-4440; other questions - if any - should be referred to this office.

Yours very truly,

  
Julian P. Freret

JPF:mf

Attachments

APPLICATION FOR CONSTRUCTION PERMIT FOR  
NONCOMMERCIAL EDUCATIONAL BROADCAST STATION  
(Carefully read instructions before filing form) Return only form.

RECEIVED

For Commission Use Only  
File No. BPE-920327MH  
MAR 20 2 49 PM '92  
MM 97-76

Section I - GENERAL INFORMATION  
MAR 27 1992

1. Name of Applicant  
Federal Communications Commission  
Office of the Secretary  
POSITIVE ALTERNATIVE RADIO, INC.

Street Address or P.O. Box  
Post Office Box 889

City Blacksburg	State VA	ZIP Code 24063
--------------------	-------------	-------------------

Telephone No. (Include Area Code)  
(703) 552-4252

Send notices and communications to the following person  
at the address below:

Name  
BOOTH, FRERET & IMLAY

Street Address or P.O. Box  
1920 N Street, N. W., Suite 150

City Washington	State DC	ZIP Code 20036
--------------------	-------------	-------------------

Telephone No. (Include Area Code)  
(202) 296-9100

2. This application is for:  AM  FM  TV

(a) Channel No. or Frequency  
201A 88.1

(b) Principal Community	City	State
	Point Pleasant	WV

(c) Check one of the following boxes:

- Application for NEW station
- MAJOR change in licensed facilities; call sign: \_\_\_\_\_
- MINOR change in licensed facilities; call sign: \_\_\_\_\_
- MAJOR modification of construction permit; call sign: \_\_\_\_\_  
File No. of construction permit: \_\_\_\_\_
- MINOR modification of construction permit; call sign: \_\_\_\_\_  
File No. of construction permit: \_\_\_\_\_
- AMENDMENT to pending application; application file number: \_\_\_\_\_

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

3. Is this application mutually exclusive with a renewal application?  Yes  No

88.1MHZ	of License
BPED -920327MH NEW	State
POINT PLEASANT WV	
POSITIVE ALTERNATIVE RADIO, INC.	

**Section II - LEGAL QUALIFICATIONS**

Name of Applicant

**POSITIVE ALTERNATIVE RADIO, INC.**

1. Applicant is: *(Check one box below)*

- (a) governmental or public educational agency, board or institution
- (b) private nonprofit educational institution
- (c) Other *(specify)*

2. For applicants 1(c) only, describe in an Exhibit the nature and educational purposes of the applicant.

Exhibit No.  
**1**

3. For applicants 1(c) applying for a new noncommercial educational television station only, describe in an Exhibit how the applicant's officers, directors and members of its governing board are broadly representative of the educational, cultural and civic segments of the principal community to be served.

Exhibit No.

4. Describe in an Exhibit how the proposed station will be used, in accordance with 47 C.F.R. Section 73.503 or Section 73.621, for the advancement of an educational program.

Exhibit No.  
**2**

5. Is there any provision contained in any by-laws, articles of incorporation, partnership agreement, charter, statute or other document which would restrict the applicant in advancing an educational program or complying with any Commission rule, policy or provision of the Communications Act of 1934, as amended?

Yes  No

If Yes, provide particulars in an Exhibit.

Exhibit No.

**CITIZENSHIP AND OTHER STATUTORY REQUIREMENTS**

6. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction B to Section II.)

Yes  No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

Yes  No

If the answer to (b) above is Yes, attach an Exhibit giving full disclosure concerning this assistance.

Exhibit No.

7. (a) Has an adverse finding been made or an adverse final action taken by any court or administrative body as to the applicant or any party to this application in a civil or criminal proceeding brought under the provisions of any law related to the following:

Any felony; broadcast related antitrust or unfair competition; criminal fraud or fraud before another governmental unit; or discrimination?

Yes  No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

Yes  No

If the answer to (a) and/or (b) above is Yes, attach an Exhibit giving full disclosure concerning persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.

PARTIES TO APPLICATION

8. Complete the following Table with respect to all parties to this application:

(NOTE: If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.)

INSTRUCTIONS: If applicant is a corporation or an unincorporated association with 50 or fewer stockholders, stock subscribers, holders of membership certificate or other ownership interest, fill out all columns, giving the information requested as to all officers, directors and members of governing board. In addition, give the information as to all persons or entities who are the beneficial or record owners of or have the right to vote capital stock, membership or ownership interests or are subscribers to such interests. If the applicant has more than 50 stockholders, stock subscribers or holders of membership certificates or other ownership interests, furnish the information as to officers, directors, members of governing board, and all persons or entities who are the beneficial or record owners of or have the right to vote 1% or more of the capital stock, membership or ownership interests. If applicant is a governmental or public educational agency, board or institution, fill out columns (a), (b), and (c) as to all members of the governing board and chief executive officers.

Name and Residence Address(es)  (a)	Office Held  (b)	Director or Member of Governing Board		% of: Ownership (O) or Voting Stock (VS) or Membership (M)  (d)
		YES	NO	
		(c)		
Vernon H. Baker 147 Jackson Street Blacksburg, VA 24063	Director	X		There is No Stock
Virginia A. Baker 147 Jackson Street Blacksburg, VA 24063	Director	X		
Edward A. Baker 400 Allegheny Street Blacksburg, VA 24063	Director	X		

Section II - LEGAL QUALIFICATIONS (Page 3)

9. Does the applicant or any party to this application have, or have they had, any interest in:

(a) a broadcast station, or pending broadcast station application before the Commission?

Yes  No

(b) a broadcast application which has been dismissed with prejudice by the Commission?

Yes  No

(c) a broadcast application which has been denied by the Commission?

Yes  No

(d) a broadcast station, the license of which has been revoked?

Yes  No

(e) a broadcast application in any pending or concluded Commission proceeding which left unresolved character issues against the applicant?

Yes  No

If the answer to any of the questions in (a)-(e) above is Yes, state in an Exhibit the following information:

Exhibit No.  
3

(1) Name of party having interest;

(2) Nature of interest or connection, giving dates;

(3) Call letters of stations or file number of application or docket; and

(4) Location.

### SECTION III - FINANCIAL QUALIFICATIONS

Note: If this application is for a change in an operating facility, DO NOT fill out this Section.

1. Is this application contingent upon receipt of a grant from the National Telecommunications and Information Administration?  Yes  No

2. Is this application contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political subdivision?  Yes  No

NOTE: If either Questions 1 or 2 is answered "Yes," your application cannot be granted until all of the necessary funds are committed or appropriated. In the case of grants from the National Telecommunications and Information Administration, no further action on your part is required. If you rely on funds from a source specified in Question 2, **you must advise the F.C.C. when the funds are committed or appropriated.** This should be accomplished by letter amendment to your application, in triplicate, signed in the same manner as the original application, and clearly identifying the application to be amended.

3. The applicant certifies, except as noted above, that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without additional funds.  Yes  No

### SECTION IV - PROGRAM SERVICE STATEMENT

Attach as an Exhibit, a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No. 4
------------------

NOTE: No program service statement need be filed where the proposed station's programming would be **wholly** "instructional" as that type of programming is defined in the Instructions to this Section.

**SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

1. Does the applicant propose to employ five or more full-time employees?

Yes  No

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

**SECTION VII - CERTIFICATION**

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580?

Yes  No

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, of 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 and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant POSITIVE ALTERNATIVE RADIO, INC.	Title Director
Signature <i>Vernon H Baker</i>	Date March 25, 1992

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT  
AND THE PAPERWORK REDUCTION ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, analysts, engineers and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain the requested authority.

Public reporting burden for this collection of information is estimated to vary from 76 to 80 hours with an average of 78 hours 04 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, can be sent to the Federal Communications Commission, Office of Managing Director, Washington, D.C. 20554, and to the Office of Management and Budget, Paperwork Reduction Project (3060-0034), Washington, D.C. 20503.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

## EXHIBIT 1

Applicant is a non-profit corporation organized for the purpose of owning and operating non-commercial FM radio stations. Positive Alternative Radio, Inc. works closely with educational institutions in the establishment and broadcasting of educational programming in the public interest and will provide a first local educational station for Point Pleasant.

EXHIBIT 2

PURPOSE AND OBJECTIVE OF POSITIVE ALTERNATIVE RADIO, INC.  
AT POINT PLEASANT WV. AND SURROUNDING AREA.

The University of Rio Grande, OH. is located about five miles west of Point Pleasant, WV. at Rio Grande OH. Plans are to work closely with this university in the exchange and production of educational programs which they wish to cooperate on.

Positive Alternative Radio, Inc. will offer educational programs designed to assist students with course work in curriculum studies and in extra-curriculum background education.

In addition, the proposed station will work with local intermediate and high schools to produce educational programs for use by pre-college and other students. Educational objectives of elementary, middle and advance public schools will be furthered by broadcast of programs produced by them as well as by programs produced by the station and its staff.

A diversified format is planned with educational, religious, musical and public affairs programs; programs for senior citizens; library and book reports; concerts by area musical groups or individuals; and documentaries and citizen forums.

The proposed station will be used to assist in the training of personnel in the field of broadcasting and, with the many and various proposed programs, will be a beneficial influence in the community and a cultural, informative and educational force to its listeners.

EXHIBIT 3

Applicant and its directors are no strangers to radio broadcasting. Positive Alternative Radio, Inc. operates or has authority to operate non-commercial stations WPAR(FM), Claremont, NC; WPVA(FM), Waynesboro, VA; WPVB(FM), Culpeper, VA; and WPIB(FM), Salem, VA. Applications are pending at the Commission for Winston-Salem, NC; Ashboro, NC; and Oxford, NC.

Other radio interests of applicant's directors are shown on the attached exhibits.

## BROADCAST OWNERSHIP AND INTEREST

EDWARD A. BAKER

STATUS	CALL LETTERS	FREQ.	LOCATION	COMPANY NAME	% INTEREST
On Air	WCXN	1170AM	Claremont, NC	WCXN INC.	100% Pres. Dir.
On Air	WKDI	840 AM	Denton, MD	Bayshore Communications Inc.	100% " "
On Air	WOKT	1040 AM	Cannonsburg, KY.	WOKT INC.	100% " "
ON Air	WSGH	1040 AM	Lewisville NC	Winston Salem Greensboro High Poin Area Radio Inc.	24% Vice Pres. Di
On Air	WBZI	1500 AM	Xenia, OH	Dayton Area Radio Inc.	No stock, Director
On Air	WKGM	940 AM	Smithfield VA	WKGM Inc.	No stock, Dir.
ON Air	WKTR	840 AM	Earlysville, VA	WKTR Inc.	100%, Pres.
CP	WBNN	1030 AM	Union City, Ind.	Edward A. Baker d/b/a Union City Radio	100% Owner
CP	WKNV	1030 AM	Dublin, VA	Edward A. Baker d/b/a Dublin Radio	100% Owner
CP	WBYG	99.5 FM	Pt. Pleasant WV	Big River Radio Inc.	24%, VP, Dir.
CP	WBG5	1030 AM	Pt. Pleasant WV	Big River Radio Inc.	24%, VP, Dir.
On Air	WDJK	95.3 FM	Xenia, Oh.	Dayton Area Radio Inc.	No stock, Dir.

NON-COMMERCIAL EDUCATIONAL

On Air	WPAR	88.1 FM	Claremont NC	Positive Alternative Radio Inc.	No stock; Director
CP	WPVA	90.1 FM	Waynesboro, Va.	" " " "	"
CP	WPVB	89.9 FM	Culpeper, VA	" " " "	"
CP	WPIB	91.3 FM	Salem, Va	" " " "	"
CP	WPIR	90.9 FM	Bluefield, WV	VA-WV Community Radio Inc.	"
CP	WPGB	88.3 FM	Blountville, TN	Blountville Ed. Assoc. Inc	"
Appl.	-----	91.5 FM	Winston Salem, NC	Positive Alternative Radio Inc.	"
Appl.	-----	89.3 FM	Ashboro, NC	" " " "	"

VERNON H. BAKER AND VIRGINIA L. BAKER

PERCENT OWNERSHIP OR INTEREST

STATUS	CALL LETTERS	FREQ.	LOCATION	COMPANY NAME	PERCENT OWNERSHIP OR INTEREST	
					VERNON H. BAKER	VIRGINIA L. BAKER
On Air	WKGM	940 AM	Smithfield, Va.	WKGM INC.	51%, Pres.-Dir.	49%, Sec.-Treas.
On Air	WBZI	1500 AM	Xenia, Ohio	Dayton Area Radio INC.	75%, Pres.-Dir	15%. Sec.-Treas.
On Air	WSGH	1040 AM	Lewisville, NC.	Winston Salem, Greensboro, High Point Area Radio Inc.	51%, Pres. Dir.	25%. Sec-Treas.
On Air	WNOW	1030 AM	Mint Hill, NC.	Charlotte Metro Radio Inc.		100% Pres. Treas.
On Air	WAMN	1040 AM	Green Valley, WV.	WAMN Inc.	55% 51%, Pres. Dir.	45% 49% Sec.-Treas.
On Air	WFTK	1030 AM	Wake Forest, NC	Positive Radio Group Inc.	100% Pres. Dir.	0% Sec-Treas. D.
CP	WCBX	1160 AM	Fieldale, VA	Vernon H. Baker d/b/a Radio 1160	100%	
CP	WBGS	1030 AM	Point Pleasant W.V.	Big River Radio Inc.	51% Pres. Dir.	25% Sec.Treas.Di.
CP	WCQR	890 AM	Fairlawn, Va	Positive Radio Group Inc.	100% Pres. Dir.	
On Air	WDJK	95.3 FM	Xenia, Oh.	Dayton Area Radio Inc.	75% Pres. Dir.	15% Sec.Treas.
CP	WTGR	97.5 FM	Union City, OH	Vernon H. Baker d/b/a State Line Radio	100% owner	
CP	WBYG	99.5 FM	Pt. Pleasant WV	Big River Radio Inc.	51% Pres. Dir.	25% Sec.Treas.

EDUCATIONAL , NON-COMMERCIAL , NON-PROFIT, NON-STOCK

On Air	WPAR	88.1 FM	Claremont, NC	Positive Alternative Radio Inc., Dir., no stock	Dir.st
CP	WPVA	90.1 FM	Waynesboro, VA	" " " " "	"
CP	WPVA <sup>B</sup>	89.9 FM	Culpeper, VA	" " " " "	"
CP	WPIB	91.3 FM	Salem, VA	" " " " "	"
CP	WPGB	88.3 FM	Blountville TN.	Blountville Ed. Assoc. Inc.	" " "
CP	WPIR	90.9 FM	Bluefield, WV	VA-WV Community Radio Inc.	" " "
CP	WBKW	91.5 FM	Dublin, Va	Golden Rule Organization Workshop In.	" "

Feb. 26. 1988 01:16 AM P02

From : BBS7035515258

## EDUCATIONAL NON-COMMERCIAL, NON-PROFIT, NON-STOCK, Cont'd

CP WPRH	91.1 FM	Galax, VA	Golden Rule Organization Workshop Inc	"	"	"
CP WPBI	90.5 FM	Martinsville, VA.	Martinsville Community Workshop Inc	"	"	"
Appl. _____	91.5 FM	Winston Salem, NC	Positive Alternative Radio Inc.	"	"	"
Appl. _____	89.3 FM	Ashboro, NC	" " " "	"	"	"
Appl. _____	91.1 FM	Oxford, NC	Granville, Vance Community Radio Inc.	"	"	"

Vernon H. Baker was an officer, director and principal stockholder of Town and Country Radio, Inc., which sought authority to construct a new FM broadcast station at Suffolk, Virginia. The Town and Country application was denied after a comparative hearing. There were no character issues against Dr. Baker. (D-20260, BPH-8250)

#### EXHIBIT 4

Although applicant's proposed station will be educational in nature and will provide educational services within its service area, its principals will nonetheless determine on a regular basis the issues of importance confronting Point Pleasant and the surrounding area, and will air programs and spot announcements responsive to those needs.

ENGINEERING EXHIBIT E-1

APPLICATION FOR CONSTRUCTION  
PERMIT FOR NEW NONCOMMERCIAL  
EDUCATIONAL FM STATION  
CHANNEL 201A - POINT PLEASANT, WV  
Positive Alternative Radio, Inc.  
Point Pleasant, WV

March 17, 1992

Prepared for: Mr. Vernon H. Baker  
Positive Alternative Radio, Inc.  
P.O. Box 889  
Blacksburg, VA 24063

**CARL E. SMITH CONSULTING ENGINEERS**

## C O N T E N T S

Title Page

Contents

FCC Form 340  
Section V-B

FAA Form 7460-1

Engineering Affidavit

Engineering Statement

1.0 General

2.0 Allocation Considerations

Fig. 2.0 - FM Allocation Study

Table 2.0 - FM Allocation Study - Channel 201A (88.1 MHz) -  
Point Pleasant, WV

Fig. 2.1 - TV Channel 6 Protection

3.0 Proposed Antenna System

Fig. 3.0 - Vertical Plan View

Table 3.1 - Proposed Directional Pattern

Fig. 3.1 - Proposed Directional Pattern

Fig. 3.2 - Vertical Radiation Pattern

4.0 Predicted Service Contours

Table 4.0 - Predicted Proposed  
1 mV/m Contour

Fig. 4.0 - Predicted Proposed  
1 mV/m Contour

5.0 Proposed Site

Fig. 5.0 - Topographic Map Showing  
Proposed Site

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

Name of Applicant

**Positive Alternative Radio, Inc.**

Call letters (if issued)

N/A

Is this application being filed in response to a window?  Yes  No

If Yes, specify closing date: \_\_\_\_\_ N/A

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) \_\_\_\_\_ N/A

1. Allocation:

Channel No.	Principal community to be served:			Class (check only one box below)							
	City	County	State	<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	<input type="checkbox"/> D
201	Point Pleasant	Mason	WV								

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.  
 670 meters northeast of intersection of SR 2 and SR 62,  
 Point Pleasant, Mason County, WV.
- (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	38	50	49	Longitude	82	07	50
----------	----	----	----	-----------	----	----	----

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. \_\_\_\_\_ WBYG(FM) - App.

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. \_\_\_\_\_ N/A

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

Yes  No

Exhibit No. N/A
--------------------

Date 10/18/91 Office where filed Eastern Regional Office

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>Gallia-Meigs Regional</u>	<u>2.5 km</u>	<u>250°</u>
(b) <u>Mason Co.</u>	<u>7.5 km</u>	<u>15°</u>

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

- (1) of site above mean sea level; 262 meters
- (2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 46 meters
- (3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 308 meters
- (b) Height of radiation center: *(to the nearest meter)* H = Horizontal; V = Vertical
  - (1) above ground 31 meters (H)
  - 31 meters (V)
  - (2) above mean sea level [(aX1) + (bX1)] 293 meters (H)
  - 293 meters (V)
  - (3) above average terrain 90 meters (H)
  - 90 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labelling all elevations required in Question 7 above, except item 7(bX3). 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. E-1
--------------------

9. Effective Radiated Power:

(a) ERP in the horizontal plane 3.0 kw (H\*) 3.0 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-B - 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 horizontally and vertically polarized radiated components in terms of relative field.

Exhibit No.  
E-1

11. Will the main studio be located within the 70 dBu or 3.16 mV/m contour?

Yes  No

If No, attach as an Exhibit justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.  
N/A

12. 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(d) and 73.318.)

Exhibit No.  
E-1

13. 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 D for Section V. Further, the map must 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.  
E-1

14. 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.  
E-1

- (a) the proposed transmitter location, and the radials along with profile graphs have been prepared;
- (b) the 1 mV/m predicted contour and, for noncommercial educational applicants applying on a commercial channel, the 3.16 mV/m contour; and
- (c) the legal boundaries of the principal community to be served.

15. Specify area in square kilometers (1 sq. mi. = 2.59 sq. km) and population (latest census) within the predicted 1 mV/m contour.

Area 1285 sq. km. Population 50,981

16. Attach as an Exhibit a map (Sectional Aeronautical charts where obtainable) showing the present and proposed 1 mV/m (60 dbu) contours.

Exhibit No.  
N/A

Enter the following from Exhibit above: Gain Area \_\_\_\_\_ sq. mi.  
Loss Area \_\_\_\_\_ sq. mi.

Percent change (gain area plus loss area as percentage of present area) \_\_\_\_\_ %.  
If 50% or more this constitutes a major change. Indicate in question 2(c), Section I, accordingly.

Exhibit No.  
N/A

17. 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:

(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. See 47 C.F.R. Section 73.1675. (File No.: \_\_\_\_\_)

18. Terrain and coverage data (to be calculated in accordance with 47 C.F.R. Section 73.313).

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

Linearly interpolated 30-second database  7.5 minute topographic map

(Source: \_\_\_\_\_ NGDC \_\_\_\_\_)

Other (briefly summarize)

Radial bearing (degrees True)	Height of radiation center above average elevation of radial from 3 to 16 km (meters)	Predicted Distances to the 1 mV/m contour (kilometers)
0	116	25.9
45	78	21.4
90	67	20.0
135	111	25.4
180	59	13.0
225	110	15.4
270	88	22.8
315	89	22.9

**Allocation Studies**

(See Subpart C of 47 C.F.R. Part 73)

19. Is the proposed antenna location within 320 kilometers (199 miles) of the common border between the United States and Mexico?  Yes  No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Agreement between the United States of America and the United Mexican States concerning Frequency Modulation Broadcasting in the 88 to 108 MHz band.

Exhibit No.  
N/A

20. Is the proposed antenna location within 320 kilometers of the common border between the United States and Canada?  Yes  No

If Yes, attach as an Exhibit a showing of compliance with all provisions of the Working Agreement for Allocation of FM Broadcasting Stations on Channels 201-300 under The Canada-United States FM Agreement of 1947.

Exhibit No.  
E-1

21. If the proposed operation is for a channel in the range from channel 201 through 220 (88.1 through 91.9 MHz), or if this proposed operation is for a class D station in the range from Channel 221 through 300 (92.1 through 107.9 MHz), attach as an Exhibit a complete allocation study to establish the lack of prohibited overlap of contours with other U.S. stations. The allocation study should include the following:

Exhibit No.  
E-1

- (a) The normally protected interference-free and the interfering contours for the proposed operation along all azimuths.
- (b) Complete normally protected interference-free contours of all other proposals and existing stations to which objectionable interference would be caused.
- (c) Interfering contours over pertinent arcs of all other proposals and existing stations from which objectionable interference would be received.
- (d) Normally protected and interfering contours over pertinent arcs, of all other proposals and existing stations, which require study to show the absence of objectionable interference.
- (e) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers and operating or proposed facilities.
- (f) When necessary to show more detail, an additional allocation study will be attached utilizing a map with a larger scale to clearly show interference or absence thereof.
- (g) 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.
- (h) The name of the map(s) used in the Exhibit(s).

22. With regard to any stations separated by 53 or 54 channels (10.6 or 10.8 MHz) attach as an Exhibit information required in 1/ (*separation requirements involving intermediate frequency (i.f.) interference*).

Exhibit No.  
E-1

23.(a) Is the proposed operation on Channel 218, 219, or 220?

Yes  No

(b) If the answer to (a) is yes, does the proposed operation satisfy the requirements of 47 C.F.R. Section 73.207?

Yes  No

(c) If the answer to (b) is yes, attach as an Exhibit information required in 1/ regarding separation requirements with respect to stations on Channels 221, 222 and 223.

Exhibit No.  
N/A

(d) If 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.  
N/A

1/ A showing that the proposed operation meets the minimum distance separation requirements. Include existing stations, proposed stations, and cities which appear in the Table of Allotments; the location and geographic coordinates of each antenna, proposed antenna or reference point, as appropriate; and distance to each from proposed antenna location.

SECTION V-B - FM BROADCAST ENGINEERING DATA (Page 6)

Exhibit No.  
N/A

(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:

- (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 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 exhibits(s).

24. Is the proposed station for a channel in the range from Channel 201 to 220 (88.1 through 91.9 MHz) and the proposed antenna location within the distance to an affected TV Channel 6 station(s) as defined in 47 C.F.R. Section 73.525?

Yes  No

If Yes, attach as an Exhibit either a TV Channel 6 agreement letter dated and signed by both parties or a map and an engineering statement with calculations demonstrating compliance with 47 C.F.R. Section 73.525 for each affected TV Channel 6 station.

Exhibit No.  
E-1

25. Is the proposed station for a channel in the range from Channel 221 to 300 (92.1-107.9 MHz)?

Yes  No

If Yes, attach as an Exhibit information required in 1/. (Except for Class D (secondary) proposals.)

Exhibit No.  
N/A

26. 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

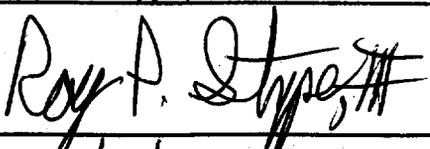
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.  
N/A

If No, explain briefly why not. **Categorically excluded by Section 1.1306 of the FCC Rules.**

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) <b>Roy P. Stype, III</b>	Relationship to Applicant (e.g., Consulting Engineer) <b>Consulting Engineer</b>
Signature 	Address (Include ZIP Code) <b>2324 N. Cleveland-Massillon Road Bath, OH 44210</b>
Date <b>3/17/92</b>	Telephone No. (Include Area Code) <b>(216) 659-4440</b>

DO NOT REMOVE CARBONS

Form Approved OMB No 2120-0001

<b>NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION</b> US Department of Transportation Federal Aviation Administration	Aeronautical Study Number
--	---------------------------

<b>1. Nature of Proposal</b> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding: 2px;"> <b>A. Type</b>  <input checked="" type="checkbox"/> New Construction  <input type="checkbox"/> Alteration         </td> <td style="width: 33%; padding: 2px;"> <b>B. Class</b>  <input checked="" type="checkbox"/> Permanent  <input type="checkbox"/> Temporary (Duration _____ months)         </td> <td style="width: 33%; padding: 2px;"> <b>C. Work Schedule Dates</b>          Beginning <u>Upon FCC Grant</u>          End <u>ASAP</u> </td> </tr> </table>	<b>A. Type</b> <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration	<b>B. Class</b> <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	<b>C. Work Schedule Dates</b> Beginning <u>Upon FCC Grant</u> End <u>ASAP</u>	<b>2. Complete Description of Structure</b> A. Include effective radiated power and assigned frequency of all existing, proposed or modified AM, FM, or TV broadcast stations utilizing this structure. B. Include size and configuration of power transmission lines and their supporting towers in the vicinity of FAA facilities and public airports. C. Include information showing site orientation, dimensions, and construction materials of the proposed structure. <p style="margin-left: 20px;">Tapered self supporting steel tower with side mounted 3 bay FM antenna. Facility will operate on 99.5 MHz with an ERP of 6 kW and an antenna height of 994' MSL.</p>
<b>A. Type</b> <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Alteration	<b>B. Class</b> <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Temporary (Duration _____ months)	<b>C. Work Schedule Dates</b> Beginning <u>Upon FCC Grant</u> End <u>ASAP</u>		

**3A. Name and address of individual, company, corporation, etc. proposing the construction or alteration.** (Number, Street, City, State and Zip Code)

( 703 ) 552-4252  
 area code Telephone Number

Mr. Vernon Baker  
 Big River Radio, Inc.  
 P.O. Box 889  
 Blacksburg, VA 24063-0889

**B. Name, address and telephone number of proponent's representative if different than 3 above.**

Carl E. Smith Consulting Engineers  
 2324 N. Cleveland-Massillon Road  
 Bath, OH 44210  
 216 659-4440

(if more space is required, continue on a separate sheet.)

<b>4. Location of Structure</b>			<b>5. Height and Elevation</b> (Complete to the nearest foot)	
<b>A. Coordinates</b> (To nearest second)	<b>B. Nearest City or Town, and State</b> Point Pleasant, WV	<b>C. Name of nearest airport, heliport, flight park, or seaplane base</b> Gallia-Meigs Regional	<b>A. Elevation of site above mean sea level</b> 860'	
38° 50' 49" Latitude	(1) Distance to EB _____ Miles	(1) Distance from structure to nearest point of nearest runway <u>1.54SM</u>	<b>B. Height of Structure including all appurtenances and lighting (if any) above ground, or water if so situated</b> 150'	
82° 07' 50" Longitude	(2) Direction to EB _____	(2) Direction from structure to airport <u>SW</u>	<b>C. Overall height above mean sea level (A + B)</b> 1010'	

**D. Description of location of site with respect to highways, streets, airports, prominent terrain features, existing structures, etc. Attach a U.S. Geological Survey quadrangle map or equivalent showing the relationship of construction site to nearest airport(s)** (if more space is required, continue on a separate sheet of paper and attach to this notice.)

Site is located 2200' northeast of the intersection of State Route 2 and State Route 62. See Figure 1.0.

Notice is required by Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77), pursuant to Section 1101 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1101), persons who knowingly and willingly violate the Notice requirements of Part 77 are subject to a fine (criminal penalty) of not more than \$500 for the first offense and not more than \$2,000 for subsequent offenses, pursuant to Section 902(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1472(a)).

**I HEREBY CERTIFY** that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to obstruction mark and/or light the structure in accordance with established marking & lighting standards if necessary.

Date <u>10/18/91</u>	Typed Name Title of Person Filing Notice Roy P. Stype, III Consulting Engineer	Signature 
-------------------------	---	---------------

**FOR FAA USE ONLY** FAA will either return this form or issue separate acknowledgement.

<b>The Proposal:</b> <input type="checkbox"/> Does not require a notice to FAA. <input type="checkbox"/> Is not identified as an obstruction under any standard of FAR, Part 77, Subpart C, and would not be a hazard to air navigation. <input type="checkbox"/> Is identified as an obstruction under the standards of FAR, Part 77, Subpart C, but would not be a hazard to air navigation. <input type="checkbox"/> Should be obstruction <input type="checkbox"/> marked, <input type="checkbox"/> lighted per FAA Advisory Circular 70/7460-1, Chapter (s) _____ <input type="checkbox"/> Obstruction marking and lighting are not necessary.	<b>Supplemental Notice of Construction FAA Form 7460-1 is required any time the project is abandoned, or</b> <input type="checkbox"/> At least 48 hours before the start of construction. <input type="checkbox"/> Within five days after the construction reaches its greatest height.  This determination expires on _____ unless: (a) extended, revised or terminated by the issuing office; (b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application.  <b>NOTE:</b> Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date.  If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.
<b>Remarks:</b>	

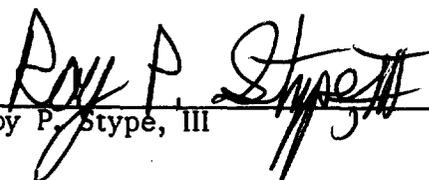
Issued In _____	Signature _____	Date _____
-----------------	-----------------	------------

ENGINEERING AFFIDAVIT

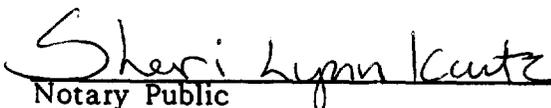
State of Ohio                    )  
  )    ss:  
County of Summit                )

Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Positive Alternative Radio, Inc., to prepare the attached "Engineering Exhibit E-1."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

  
\_\_\_\_\_  
Roy P. Stype, III

Subscribed and sworn to before me this    **17th**        day of   **March, 1992.**

  
\_\_\_\_\_  
Notary Public

SHERI LYNN KAUTZ, Notary Public  
For the State of Ohio  
My Commission Expires June 14, 1995  
Recorded in Summit County

/SEAL/

## ENGINEERING STATEMENT

### 1.0 GENERAL

This engineering exhibit is prepared on behalf of Positive Alternative Radio, Inc., in support of an application for a construction permit for a new noncommercial educational FM station in Point Pleasant, West Virginia. The proposed new station would operate on Channel 201 (88.1 MHz) using a directional antenna with a maximum effective radiated power of 3 kilowatts, both horizontal and vertical, at 90 meters above average terrain. As shown in Section 2.0 of this exhibit, the proposed facilities are in full compliance with all applicable allocation requirements.

The tower upon which the proposed antenna will be mounted is also proposed to accommodate the antenna for WBYG(FM) - Point Pleasant, West Virginia. WBYG would operate on Channel 258A (99.5 MHz) with a circularly polarized effective radiated power of 4.7 kilowatts with the antenna center of radiation located 41 meters above ground. Equation (4), found on Page 8 of FCC OST Bulletin No. 65, details the calculation technique for determining the worst case far field equivalent power density for FM stations. For WBYG, assuming a total effective radiated power of 9.4 kilowatts, this equation yields a predicted worst case power density of  $0.187 \text{ mW/cm}^2$  at the tower base. Since the permitted power density in the FM band is  $1 \text{ mW/cm}^2$ , as outlined in ANSI Standard C95.1 - 1982, this constitutes 18.7% of the permitted level.

The proposed facilities would employ a maximum effective radiated power of 3 kilowatts in both polarizations with the antenna center of radiation located 31 meters above ground. Utilizing a total effective radiated power of 6 kilowatts yields a predicted worst case power density of  $0.209 \text{ mW/cm}^2$  at the tower base. Since the permitted power density in the FM band is  $1 \text{ mW/cm}^2$ ,