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November 3, 1998

**BY HAND DELIVERY**

Magalie R. Salas, Esquire  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, DC 20554

Re: Reply Comments  
MM Docket No. 98-155  
RM-9082;RM-9133

Dear Ms. Salas:

Transmitted herewith on behalf of Chisholm Trail Broadcasting Co., Inc., licensee of Station KXLS(FM), Alva, Oklahoma, is an original and four copies of its Reply Comments, filed in the above-referenced proceeding in connection with the Commission's *Notice of Proposed Rule Making and Orders to Show Cause*, DA 98-1682 (released August 28, 1998).

Should any questions arise concerning this matter, please communicate directly with this office.

Very truly yours,  
FLETCHER, HEALD & HILDRETH, P.L.C.



Andrew S. Kersting  
Counsel for Chisholm Trail  
Broadcasting Co., Inc.

Enclosure

cc (w/ encl.): Certificate of Service (by hand & first-class mail)  
Mr. Dennis Williams (FCC) (by hand)  
Mr. Glenn Greisman (FCC) (by hand)

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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 98-155
Table of Allotments,	)	RM-9082
FM Broadcast Stations	)	RM-9133
(Alva, Mooreland, Tishomingo, Tuttle,	)	
and Woodward, Oklahoma)	)	

To: Chief, Allocations Branch

**REPLY COMMENTS**

CHISHOLM TRAIL BROADCASTING CO., INC.

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November 3, 1998

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## SUMMARY

As demonstrated herein, Tyler intended to move Station KTSH from Tishomingo to the Oklahoma City area at the time he acquired the KTSH construction permit in May 1996. After putting the station on the air, Tyler filed a modification application in an effort to create a mutual exclusive situation between KTSH and his soon-to-be-filed reallocation proposal. Tyler filed his rulemaking petition one month later seeking the reallocation of Channel 259C3 from Tishomingo to the Oklahoma City suburb of Tuttle.

Due to the Commission's prohibition on the removal of a community's sole local broadcast service, Tyler knew that his reallocation proposal was not likely to be granted, and his goal of attaining another Oklahoma City radio station would never materialize, without the commencement of a new broadcast service at Tishomingo. Accordingly, in response to the Commission's directive to "provide further information demonstrating why the public interest would be served" by removing Tishomingo's sole local broadcast service merely to provide a first such service at Tuttle (*NPRM* at ¶10), Tyler had no choice but to hasten the commencement of KAZC's on-air operation. In a desperate attempt to effectuate his reallocation proposal, Tyler elected to take KTSH off the air for the sole purpose of permitting KAZC to commence program tests. In the process of doing so, Tyler made a series of material misrepresentations to the Commission concerning the operation of both stations. Therefore, because Tyler has attempted to deceive the Commission concerning the operation of KTSH and KAZC in an effort to obtain a grant of his proposal to move KTSH from Tishomingo to the Oklahoma City area, Tyler's rulemaking petition should be denied. Furthermore, program test authority for Station KAZC should be revoked, and the Commission should issue an

order directing Tyler and South Central to show cause why their respective authorizations for Stations KTSH and KAZC should not be designated for a revocation hearing.

In the unlikely event the Commission elects to consider Tyler's proposal on its merits, Tyler's reallocation proposal should be denied because it fails to comply with the requirements of Section 1.420(i) of the Commission's rules.

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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	)	
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FM Broadcast Stations	)	RM-9133
(Alva, Mooreland, Tishomingo, Tuttle,	)	
and Woodward, Oklahoma)	)	

To: Chief, Allocations Branch

**REPLY COMMENTS**

Chisholm Trail Broadcasting Co., Inc. ("Chisholm"), licensee of Station KXLS(FM), Alva, Oklahoma, by counsel, hereby submits its reply comments in response to the "Comments of Ralph Tyler," filed October 19, 1998 ("Tyler Comments"),<sup>1</sup> in connection with the *Notice of Proposed Rule Making and Orders to Show Cause*, DA 98-1682 (released August 28, 1998) ("*NPRM*"), in the above-captioned proceeding. In reply, the following is stated:

**I. Introduction.**

In its *NPRM*, the Commission directed Tyler to provide further information demonstrating why the public interest would be served by removing the sole local broadcast service at Tishomingo, Oklahoma,<sup>2</sup> merely to provide a first local service at Tuttle. *NPRM* at ¶10. In response to the Commission's directive, Tyler stated that "[i]ntervening matters have now rendered it unnecessary"

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<sup>1</sup> Tyler also filed "Supplement to Comments of Ralph Tyler," on October 21, 1998 ("Supplemental Comments"). These reply comments also are responsive to Tyler's Supplemental Comments.

<sup>2</sup> Unless otherwise indicated, all communities referenced herein are located in the state of Oklahoma.

for him to make such a public interest showing. Tyler Comments, p. 4. Specifically, Tyler claims that Tishomingo will not lose its sole local broadcast service because noncommercial educational Station KAZC has commenced operation, a license application for that facility has been filed, and “it is usually just a matter of time before a license is issued to cover the construction permit.”<sup>3</sup> *Id.* By noting that KAZC has commenced operation, Tyler claims he has complied with the Commission’s directive in the *NPRM* and demonstrated that the public interest would be served by reallocating Channel 259C3 from Tishomingo to Tuttle. *Id.* at 4-5.

As demonstrated herein, the mere fact that KAZC has commenced operation does not indicate that the reallocation of Channel 259C3 from Tishomingo to Tuttle would serve the public interest. On the contrary, the facts regarding KAZC’s commencement of on-air operation establish that the very existence of the noncommercial station has been nothing but a sham from the outset, and is merely a part of Tyler’s overall scheme to defraud the Commission.

## **II. Statement of Facts.**

A. Station KTSH. Tyler acquired the construction permit for Station KTSH from South Central on May 10, 1996,<sup>4</sup> and filed a license application for the station on

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<sup>3</sup> In support of his Comments, Tyler attached a letter dated September 29, 1998, from Randall Christy, President of South Central Oklahoma Christian Broadcasting, Inc. (“South Central”), to the FCC Secretary, notifying the Commission that KAZC had commenced program tests and would be filing a license application within ten days. In his Supplemental Comments, Tyler attached a copy of the FCC’s October 20, 1998, Public Notice reflecting that South Central filed a license application for Station KAZC on October 2, 1998 (File No. BLED-981002KA).

<sup>4</sup> See File No. BAPH-960111B6 and BLH-960820KA, Ex. 1 (copy attached hereto as Attachment A). South Central had acquired the KTSH construction permit in September 1994. After filing an application to replace an expired permit for the station on September 21, 1994 (File No. BPH-940921JE), South Central later filed three applications to extend the KTSH permit (see File Nos. BPH-950216JA, BMPH-951107JA, and BMPH-960218IC), but was never

(continued...)

August 20, 1996 (File No. BLH-960820KA). On February 20, 1997, while the KTSH license application was pending, Tyler filed an application for a construction permit to move KTSH's transmitter to a site located approximately 10 miles northwest of Tishomingo, in the direction of Tuttle, which is in an isolated area near a rock quarry (File No. BPH-970220IA).<sup>5</sup> Shortly after filing his construction permit application, on March 21, 1997, Tyler filed his "Petition for Rulemaking and Request for Order to Show Cause" ("Petition for Rulemaking") claiming that his proposal to reallocate Channel 259C3 from Tishomingo to Tuttle met the requirements of Section 1.420(i) of the Commission's rules because, according to Tyler, the proposed reallocation was short-spaced to KTSH's licensed transmitter site and the site specified in his then-pending construction permit application. Tyler also claimed that his proposal would not deprive Tishomingo of its sole existing broadcast service because of South Central's then-pending application for KAZC.<sup>6</sup>

B. Station KAZC. South Central filed its application for a noncommercial educational station at Tishomingo on January 27, 1997 (File No. BPED-970127MD), proposing to operate from the same site as KTSH. South Central also proposed to operate with a height above average terrain of 100 meters, a height above ground of 77 meters, and a height above mean sea level of 345 meters, all of which are identical to KTSH's licensed facility.<sup>7</sup> Exhibit 1 to the engineering portion of South Central's construction permit application specified a 3-bay antenna, which was to

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<sup>4</sup>(...continued)  
able to put the station on the air.

<sup>5</sup> See Chisholm "Response to Order to Show Cause," filed October 19, 1998 ("Response"), Attachment B, Exhibit 1.

<sup>6</sup> Tyler Petition for Rulemaking, pp. 2-3.

<sup>7</sup> See BPED-970127 MD and BLH-960820KA.

be located at the same height as the radiation center of KTSH's antenna, and on the opposite side of the tower.<sup>8</sup> Exhibit 6 to the engineering portion of the application stated: "The 3-bay antenna system will be mounted with its center of radiation 76.93 meters (252.4 feet) above the ground at the proposed tower location . . . ." The engineering exhibit further stated: "Co-located KTSH.C is mounted with its center of radiation at 76.93 meters (252.4 feet) above ground level . . . ." *Id.* As noted in the *NPRM* (¶4, n.3), South Central's construction permit application was granted on October 14, 1997, 11 days after the grant of the KTSH license application.

C. KTSH's Suspended Operation. On August 28, 1998, the Commission issued its *NPRM* in this proceeding specifying comment and reply comment deadlines of October 19 and November 3, 1998, respectively. By letter dated October 1, 1998, Tyler notified the Commission that KTSH had "temporarily suspended" operations on September 28, 1998, "due to antenna failure."<sup>9</sup> Pursuant to Section 73.1740(a)(4) of the Commission's rules, KTSH was permitted to remain off the air for a period of 30 days, until October 28, 1998.<sup>10</sup>

D. KAZC License Application. By letter dated September 29, 1998, South Central notified the FCC that KAZC had commenced program tests, and that a license application would be filed "within the next 10 days."<sup>11</sup> The engineering portion of the KAZC license application

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<sup>8</sup> See Attachment B.

<sup>9</sup> See Letter dated October 1, 1998, from Ralph Tyler to Magalie Roman Salas, Esquire (copy attached hereto as Attachment C).

<sup>10</sup> The undersigned counsel has made repeated efforts to obtain a copy of any further request that Tyler may have filed with the FCC seeking authorization for KTSH to remain off the air. As of this date, however, these efforts have been unsuccessful.

<sup>11</sup> See Tyler Comments, Attachment.

was prepared by Randall Mullinax, who listed his address as: 5105 S. Shields, Oklahoma City, Oklahoma 73129. Mr. Mullinax listed his phone number as (405) 616-5500. The address and telephone number of Mr. Mullinax are identical to that reflected at the top of Tyler's October 1, 1998, letter to the FCC Secretary notifying the Commission that KTSH had suspended program operation.<sup>12</sup> Mr. Mullinax's address also is the same as that listed for Tyler in KTSH's August 20, 1996, license application and station license.<sup>13</sup>

Mr. Mullinax executed the engineering portion of the KAZC license application on October 1, 1998, the same day that Tyler notified the Commission that KTSH had gone off the air.<sup>14</sup> Also on October 1, 1998, Randall Christy, President of South Central, executed the legal portion of the KAZC license application. *Id.* The license application was received at the FCC's lockbox location in Pittsburgh, Pennsylvania, on the following day (*see* File No. BLED-981002KA).<sup>15</sup>

Item 9 of the engineering portion of an FCC Form 302-FM application asks the applicant to describe the station's facilities as constructed. In response to Item 9 of the KAZC license application, Mr. Mullinax provided information identical to that contained in the KAZC construction permit, including a radiation center above ground of 77 meters, radiation center above mean sea level

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<sup>12</sup> *See* Attachment C.

<sup>13</sup> *See* Attachments A & D.

<sup>14</sup> *See* Tyler Comments, Attachment (containing a copy of BLED-981002KA).

<sup>15</sup> Although KAZC is a noncommercial educational station, the KAZC license application included an FCC Form 159 and a check made payable to the FCC in the amount of \$150.00, which is the filing fee for license applications of commercial stations. *See* Mass Media Services Application Fee Filing Guide, September 1998 Edition.

of 345 meters, and an antenna height above average terrain of 100 meters.<sup>16</sup> In response to Item 10 on the application form, which asks whether there are any differences between the facilities authorized in the KAZC construction permit and those constructed, Mr. Mullinax checked the box “No.”<sup>17</sup>

Item 13 of FCC Form 302-FM requires the applicant to provide information concerning the station’s transmission line. With the exception of the line efficiency, the information submitted by Mr. Mullinax in response to Item 13 of the KAZC license application -- Cablewave, Model #HCC 158-50J, and 105.5 meters -- is identical to that contained in KTSH’s license application, filed August 20, 1996 (BLH-960820KA).<sup>18</sup>

The engineering portion of South Central’s construction permit application lists the address of its transmitter site as being “6.76 km East of State Highway 99 on State Highway 7 near Bromide, *Johnston County, Oklahoma*” (emphasis added).<sup>19</sup> In response to Items 17 and 19 of the KAZC license application, which asks for similar information, Mr. Mullinax listed the address of both KAZC’s main studio and transmitter site as being: “6.76 km East of State Hwy 99 on Hwy 7, *Johnson, OK*” (emphasis added) in response to both questions. Mr. Mullinax did not provide any information concerning the city in which KAZC’s main studio and transmitter were located. The information submitted by Mr. Mullinax in response to Items 17 and 19 of the KAZC license

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<sup>16</sup> Compare BLED-981002KA with BPED-970127MD.

<sup>17</sup> See Tyler Comments, Attachment (containing a copy of BLED-981002KA).

<sup>18</sup> See Attachment A, p. 8.

<sup>19</sup> See Attachment B, p. 4. As indicated therein, the engineering portion of South Central’s Form 340 application was completed by William G. Brown of Bromo Communications.

application is identical to that contained in KTSH's August 20, 1996, license application (File No. BLH-960820KA).<sup>20</sup>

E. KTSH/KAZC Transmitter Site. Stations KTSH and KAZC currently operate from a common tower located at North Latitude: 34° 21' 23"; West Longitude: 96° 33' 34". The KTSH/KAZC transmitter site (the "Site") is enclosed by a fence which restricts access to the Site.<sup>21</sup> As demonstrated in Attachment E hereto, William H. Nolan visited the Site on both October 24 and October 30, 1998. At the time of both of his visits, the gate to the fence was locked. During his first visit to the Site, Mr. Nolan did not enter the fenced area, but attempted to monitor both stations using a spectrum analyzer. He confirmed that KTSH was not operating because there was no signal on 99.7 MHZ. KAZC was broadcasting and was airing contemporary Christian music. *Id.* at 3.

Mr. Nolan noted that the KTSH antenna consists of an end-fed Jampro 6-bay antenna, which is located on the tower structure at 77 meters above ground. The lowest bay of the antenna had been removed from the supporting structure. The open inner-bay line and the empty mounting bracket for the missing bay were visible. *Id.* at 3-4.

Station KAZC's antenna consists of a Jampro 1-bay antenna, with no tuning section, located 68 meters above ground on the tower. The KAZC antenna is located just below the lowest bay of the KTSH antenna. Mr. Nolan confirmed the height of the KAZC antenna on the tower by counting the number of tower sections. He also noted that the KAZC antenna has been mounted in such a manner that it has an upward beam tilt of approximately 3 degrees. *Id.* at 4.

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<sup>20</sup> See Attachment A.

<sup>21</sup> See Attachment E, Exs. 1 & 2.

Mr. Nolan returned to the Site on October 30, 1998. At the time of this visit, the gate at the highway was again locked, restricting his access to the Site. After calling directory assistance in an effort to obtain a telephone phone number for the stations' main studios, Mr. Nolan called a phone number listed in Connerville, Oklahoma, for KTSH. Mr. Nolan spoke with Tina Smith, who agreed to meet him at the gate and show him the stations' respective public files.<sup>22</sup> *Id.* at 4.

In response to Mr. Nolan's question concerning why KTSH was off the air, Ms. Smith advised him that the station had suffered "antenna failure." When Mr. Nolan asked Ms. Smith if she knew when the station would be back on the air, Ms. Smith produced two letters from the station's public file. The first was a copy of Tyler's October 1, 1998, letter to the FCC notifying the Commission that KTSH had suspended operations. The second letter was dated October 27, 1998, addressed to the Commission, and requested authority to remain silent for an additional 90 days "pending the installation of new equipment." *Id.* at 4.

Ms. Smith advised Mr. Nolan that she was not aware of any work being done to repair the KTSH antenna, and offered to show him the bay that had been removed from the tower. *Id.* at 5. Upon climbing a ladder which provided access to a storage area above the ceiling of the KTSH/KAZC studio room, Mr. Nolan saw the missing single bay of KTSH's Jampro antenna. The bay was in an upright position with the mounting bracket still attached. Two sections of the inner-bay line were still attached to the bay, with one section attached to the top and the other section

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<sup>22</sup> Mr. Nolan reviewed the public files for both KTSH and KAZC. During this visit, Ms. Smith informed Mr. Nolan that there was only one studio for both KTSH and KAZC. *See* Attachment E, p. 4 and Ex. 5. Ms. Smith indicated that she was the only "operator" for both KTSH and KAZC, and that she normally worked five days a week at the studio. *Id.* at 5. Ms. Smith also informed Mr. Nolan that the programming for both stations was the same, which consisted of a Christian music format provided by Jones Satellite Music. *Id.*

attached to the bottom of the bay. Both the top and the bottom of the bay had a cover bolted in place to prevent contamination from dust or moisture. Mr. Nolan's examination of the single bay of the KTSH Jampro 6-bay antenna revealed the following:

A visual inspection of the entire antenna assembly revealed no physical damage of any kind. No abnormal discoloration was apparent to indicate any burning or super heating of the antenna bay. Normal tarnishing of the antenna bay was noted, indicating that it had been in service on the supporting structure.

Attachment E, p. 5 and Ex. 6. Ms. Smith advised Mr. Nolan that the single antenna bay had been in storage for approximately 30 days. *Id.* at 6. Mr. Nolan noted that the design of the Jampro antenna used by KTSH permits any bay or bays to be used individually as an emergency antenna. *Id.* at 7.

Ms. Smith also informed Mr. Nolan that there was only one transmitter for both KTSH and KAZC. After Ms. Smith offered to show it to Mr. Nolan, he noted the existence of a Collins 830 Broadcast FM transmitter. *Id.* and Ex. 7. Ms. Smith advised Mr. Nolan that the Collins transmitter had served as the transmitter for KTSH until KAZC went on the air. She explained that Mr. Mullinax had "changed" the transmitter so KAZC could go on the air. According to Ms. Smith, there was a period of approximately 24 hours between the time that KTSH was taken off the air and KAZC began broadcasting. *Id.* When asked if KTSH and KAZC had ever operated simultaneously, Ms. Smith reiterated that KTSH had been off the air approximately 24 hours before KAZC commenced operation, and that Mr. Mullinax had told her that KTSH had antenna damage. *Id.*

After leaving the Site, Mr. Nolan drove to the transmitter site specified in KTSH's existing construction permit. Mr. Nolan found no activity at the KTSH permit site that would indicate that

Tyler has made any progress in constructing the facility authorized in construction permit BPH-970220IA. *Id.* at 6.

Based on his October 24 and October 30, 1998, visits to the Site, Mr. Nolan made the following observations: Station KTSH is not on the air, and has no transmission line connected to its antenna. One bay of its 6-bay Jampro antenna has been removed from the tower, and has been stored on top of the ceiling of the KTSH/KAZC studio room (which is within a larger building).<sup>23</sup> Mr. Nolan stated that there was “no damage of any kind” to the antenna bay, nor did it appear that there had been any attempt to repair the single bay of the KTSH antenna. *Id.* at 6. “The antenna bay has been carefully stored with covers attached to both ends to prevent contamination from dust or moisture.” *Id.*

Mr. Nolan also stated that there is only one FM transmitter at the KTSH/KAZC Site. The Collins 830 transmitter served as the transmitter for KTSH since the station commenced operation. After KTSH was taken off the air, Mr. Mullinax re-tuned the transmitter to operate on 88.3 MHz so that KAZC could commence program tests. Stations KTSH and KAZC have never operated simultaneously. Mr. Nolan stated that it would not be possible for KTSH to return to on-air operation without the installation of a new transmitter. He also stated that it would be necessary to install notch filtering devices in the antenna systems of both stations before KTSH and KAZC could operate simultaneously. The failure to install such filtering would “result in unsatisfactory interference to both stations, and possibly generate mixing products in the FM band.” *Id.*

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<sup>23</sup> The studio room of Stations KTSH and KAZC is inside the larger transmitter building of Station KTEN(TV), Channel 10, Ada, Oklahoma.

Mr. Nolan further found that there is only one transmission line on the supporting tower structure, which currently serves KAZC. The transmission line apparently was disconnected from the KTSH antenna, and reconnected to the KAZC antenna. KTSH cannot return to on-air operation without the installation of a new transmission line. *Id.*

With respect to the operation of Station KAZC, Mr. Nolan concluded that KAZC is operating under program test authority at a height above average terrain which is at least 9 meters below the height authorized in the KAZC construction permit, and the height above average terrain stated in KAZC's October 2, 1998, license application. Mr. Nolan also noted that the KAZC antenna has been installed "incorrectly" because it has approximately 3 degrees of positive beam tilt, which is not authorized in its construction permit or specified in its license application. *Id.* at 6-7.

Finally, Mr. Nolan concluded as follows:

In my professional opinion, there is no damage to the KTSH antenna. Station KTSH was operating normally until the station was taken off the air in order to utilize its transmitter and transmission line for Station KAZC. The lowest bay was simply removed to allow for the mounting of the KAZC antenna. Since the KTSH transmission line was utilized for the KAZC antenna, the integrity of this transmission line is unquestionable. If the lowest bay of the KTSH antenna was damaged severely by arcing, it is reasonable to assume that the fitting on the transmission line would have also been damaged by the introduction of contaminants such as carbon, which [is] a typical byproduct of severe antenna damage.

Attachment E, p. 7.

### **III. Tyler's Proposal to Move Station KTSH From Tishomingo to Tuttle Has Been a Sham From the Outset, and is Merely an Attempt to Defraud the Commission.**

Throughout this rulemaking proceeding, Tyler's principal argument in support of his proposal to move KTSH from Tishomingo to Tuttle has been that the proposed reallocation of Channel 259C3 to Tuttle will not deprive Tishomingo of its only local broadcast service. Accordingly, at various

stages of this proceeding, Tyler has noted the existence of South Central's pending application, the grant of the KAZC construction permit, and, most recently, the commencement of program tests on KAZC. However, in an effort to effectuate his overall scheme of moving KTSH to the Oklahoma City area, Tyler deliberately took Station KTSH off the air in order to facilitate the on-air operation of KAZC. In the process of doing so, Tyler misrepresented material facts to the Commission concerning the operation of both KTSH and KAZC.

As demonstrated by the facts outlined above, Tyler has intended to move KTSH into the Oklahoma City market since he first acquired the construction permit from South Central in May 1996. Although South Central had been unable to construct the station, Tyler promptly put KTSH on the air and filed a license application on August 20, 1996 (File No. BLH-960820KA). On February 20, 1997, while the application was still pending, Tyler filed a construction permit application purportedly to move the station's transmitter to a site northwest of the community in the direction of Tuttle. *See* BPH-970220IA. However, Tyler never intended to construct his modified facility. Indeed, the KTSH construction permit site is located in a remote area near a rock quarry, which is not easily accessible. Tyler filed his construction permit application solely in an effort to support his soon-to-be-filed rulemaking petition in an attempt to show that his facility at Tishomingo was mutually exclusive with the proposed reallocation of Channel 259C3 at Tuttle. Tyler filed his rulemaking petition approximately one month later, on March 21, 1997. In his petition, Tyler claimed, *inter alia*, that his proposal complied with Section 1.420(i) of the rules because the proposed reallocation was short-spaced to the transmitter site specified in his then-pending construction permit application. *See* Tyler Petition for Rulemaking, pp. 2-3.

Due to the Commission's prohibition on the removal of a community's sole existing service, Tyler knew that his rulemaking petition was not likely to be granted, and his overarching plan of moving KTSH to the Oklahoma City area would never materialize, without the commencement of a new broadcast service at Tishomingo.<sup>24</sup> Accordingly, although South Central previously had filed an application to replace an expired construction permit for Station KTSH, and later filed three extension applications without being able to put the station on the air, in January 1997, just eight months after it had assigned the KTSH permit to Tyler, South Central filed an application for a construction permit for a noncommercial station at the same community, proposing to locate its antenna on the same tower as KTSH.

Although there may have been nothing inherently improper about Tyler's plan to move KTSH to Tuttle initially, his plan eventually unraveled. The Commission's August 28, 1998, *NPRM* directed Tyler to "provide further information demonstrating why the public interest would be served" by removing Tishomingo's sole local broadcast service merely to provide a first such service at Tuttle. *NPRM* at ¶10. Tyler undoubtedly realized that he could not make a satisfactory showing in this regard due to the fact that his proposal would deprive the county seat of Johnston County, Oklahoma, of its sole local broadcast service, and, at the same time, merely provide the already well-served community of Tuttle with a 27th radio service.<sup>25</sup> Thus, Tyler had no choice but to hasten the commencement of KAZC's on-air operation. In a desperate attempt to effectuate his goal of moving

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<sup>24</sup> As noted in Chisholm's Response, this proceeding is not the first time that Tyler has attempted to move a station from a rural community to a smaller community near Oklahoma City. See *Ada, Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896 (Allocations Branch 1996), in which Tyler was successful in moving Station KKNB (formerly KTLS), from Ada to Newcastle, which is approximately 15 miles east of Tuttle.

<sup>25</sup> See Chisholm Response, pp. 10-12.

KTSH to the Oklahoma City area, Tyler elected to take KTSH off the air for the sole purpose of permitting KAZC to commence on-air operations. Incredibly, Tyler would have the Commission believe that KTSH suffered “antenna failure” on September 28, 1998, and that, on the following day, KAZC commenced program tests from the same tower, and at the same location on the tower where KTSH’s former transmission line had been plugged into KTSH’s end-fed, Jampro 6-bay antenna.

Mr. Nolan’s attached statement establishes that the lowest bay of the KTSH Jampro 6-bay antenna was removed from the tower and stored out of view on top of the ceiling of the KTSH/KAZC studio room, which is located within the larger Station KTEN(TV) transmitter building. After examining the single antenna bay, Mr. Nolan found that there was “no physical damage to the antenna of any kind.” *See* Attachment E, p. 5 and Ex. 6. Although the single bay reflected normal tarnishing, indicating that it previously had been attached to the remaining portion of the KTSH antenna on the tower, there was no “abnormal discoloration” to indicate that the bay had suffered any burning or overheating. *Id.* Mr. Nolan also determined that there had not been any attempt to repair the single antenna bay. *Id.* at 6. On the contrary, the single antenna bay had been “carefully stored with covers attached to both ends to prevent contamination from dust or moisture,” and had been stored in the same area for approximately 30 days. *Id.*

Moreover, as Mr. Nolan explained, the Jampro antenna used by KTSH is designed to permit any individual bay or bays to be used independently as an emergency antenna. *See* Attachment E, p. 7. Thus, if the single bay of the KTSH antenna which was removed from the tower is, in fact, damaged (as Tyler claims), the question arises as to why the remaining portion of the KTSH antenna on the supporting structure was not returned to service in a suitable configuration, and why the transmission line was not left intact to permit KTSH to remain on the air? Moreover, if the

remaining portions of the KTSH antenna are, in fact, damaged, why did Tyler not also remove these portions of the KTSH antenna from the tower along with the individual bay to facilitate the necessary repairs, instead of removing only one bay and storing it on top of the ceiling of the KTSH/KAZC studio room for what has now been more than 30 days?

Furthermore, Mr. Mullinax's response to Item 13 of the KAZC license application (concerning the station's transmission line) confirms that Tyler merely unplugged the transmission line from the KTSH antenna and plugged it into the single-bay KAZC antenna, which is located at the same height on the tower where the transmission line had previously been connected to KTSH's end-fed, Jampro 6-bay antenna. *See* KAZC License Application and Attachment E, p. 6 and Ex. 4. Indeed, Exhibit 4 to Attachment E clearly shows that the lowest bay of the KTSH antenna had to be removed from the tower in order to make room for the KAZC single-bay antenna.

Tyler's misrepresentations regarding the operation of KTSH are compounded by the misrepresentations contained in the KAZC license application. Tyler's engineer, Mr. Mullinax, falsely certified to the Commission that KAZC's facilities, as constructed, were consistent with those specified in the KAZC construction permit. Mr. Mullinax had been at the Site to re-tune the KTSH transmitter to operate on KAZC's noncommercial frequency. He also informed Ms. Smith that KTSH had suffered "antenna failure" and that KAZC was on the air. Thus, Mr. Mullinax was fully aware that the KAZC antenna had not been installed on the tower at the same height as the center of radiation of KTSH's 6-bay antenna. Moreover, Items 17 and 19 of the KAZC license application and KTSH's August 20, 1996, license application contain the same mistake with respect to the location of the stations' main studio and transmitter site being in "Johnson" County, rather than Johnston County. The addresses in both applications (unlike the KAZC construction permit

application) also do not contain any reference to a city in which the tower is located. These facts strongly suggest that, in completing the KAZC license application, Mr. Mullinax merely copied the information contained in the KAZC construction permit and KTSH license application, and simply ignored the fact that the installation of KAZC's antenna did not comply with the station's construction permit.

The facts that (i) KAZC is using a single-bay antenna instead of the 3-bay antenna proposed in its FCC Form 340 application; (ii) the single-bay antenna is located on the tower 9 meters below its authorized height, and in the same location on the tower that the lowest bay of the KTSH antenna was previously located; (iii) KAZC's single-bay has been attached to the supporting structure in such a manner that it has an upward beam tilt of approximately 3 degrees; and (iv) Tyler's engineer falsely certified that KAZC's facilities, as constructed, are in compliance with the station's construction permit; all demonstrate the haste with which KAZC was constructed so that Tyler could inform the Commission in his October 19, 1998, Comments that KAZC had commenced program tests. Indeed, Mr. Nolan's inspection of the KTSH/KAZC transmitter site revealed that there is only one transmitter and one transmission line at the Site. The Collins 830 transmitter had served as KTSH's transmitter from the time the station commenced operation in August 1996, until Tyler had his engineer re-tune the KTSH transmitter to 88.3 MHz so he could put KAZC on the air. KTSH cannot return to the air without the installation of an additional transmitter and transmission line. Attachment E, p. 6. Mr. Nolan also found that, in order for Stations KTSH and KAZC to operate simultaneously at the Site, Tyler would need to obtain an additional set of studio equipment, secure an alternative source of programming for KTSH, and both stations would have to install expensive

notch filtering devices in their respective antenna systems to prevent KTSH and KAZC from interfering with one another. *Id.*

As demonstrated herein, Tyler has been acutely aware that his rulemaking proposal to move KTSH to the Oklahoma City area is dependent upon the existence of another radio station in Tishomingo, so that the proposed reallocation of Channel 259C3 to Tuttle will not deprive Tishomingo of its only local broadcast service. The facts outlined above concerning the operation of Stations KTSH and KAZC firmly establish that the very existence of KAZC has been merely a gimmick in Tyler's scheme to defraud the Commission and move KTSH to Tuttle. Indeed, the record in this proceeding establishes that Tyler has attempted to deceive the Commission in an effort to obtain a grant of his proposal to move KTSH from Tishomingo to the Oklahoma City area. Therefore, because Tyler has made a series of misrepresentations of material fact to the Commission concerning the operation of Stations KTSH and KAZC, his proposal to move KTSH from Tishomingo to Tuttle should be denied. Furthermore, program test authority for Station KAZC should be revoked, and the Commission should issue an order directing Tyler and South Central to show cause why their respective authorizations for Stations KTSH and KAZC should not be designated for a revocation hearing.

**IV. Tyler's Rulemaking Proposal Fails to Comply With Section 1.420(i) of the Commission's Rules.**

Tyler's proposal to move KTSH from Tishomingo to Tuttle should be denied because it does not meet the requirements of Section 1.420(i) of the Commission's rules. Section 1.420(i) of the rules states in pertinent part:

In the course of a rule making proceeding to amend §73.202(b) . . . , the Commission may modify the license or permit of an FM . . . station to specify a new community of license *where the amended allotment would be mutually exclusive with the licensee's or permittee's present assignment.*

47 CFR §1.420(i) (emphasis added). As demonstrated below, Tyler's proposal does not comply with Section 1.420(i) because the proposed reallocation is not mutually exclusive with the existing allotment of Channel 259C3 at Tishomingo.

Tishomingo and Tuttle are separated by a distance of 153.59 km (95.43 miles). *See* Attachment F, p. 3. Under Section 73.207(b) of the rules, the minimum distance separation requirement for co-channel Class C3 stations is 153 km or 95 miles. Thus, the center-city reference coordinates for Tishomingo and Tuttle meet the minimum distance separation requirements of Section 73.207(b). Although Tyler selected a transmitter site for his proposed reallocation which is short-spaced to the existing allotment of Channel 259C3 at Tishomingo, as demonstrated in Attachment F hereto, there is an area consisting of over 50 square kilometers to the north and west of Tuttle in which a site could be located that would be fully-spaced to the existing Channel 259C3 allotment at Tishomingo. Thus, if the Commission elected to do so, it could allot Channel 259C3 to Tuttle with a minor site restriction of only 2.34 km to the northwest of Tuttle, without disturbing the existing Channel 259C3 allotment at Tishomingo. *See* Attachment F, p. 4 and Ex. 3. For example, if the transmitter of a station operating on Channel 259C3 at Tuttle were to be located at North Latitude: 35° 18' 35"; West Longitude: 97° 49' 28"; the station would provide a city-grade coverage to the entire community of Tuttle and be fully-spaced to the existing Channel 259C3 allotment at Tishomingo. *Id.* at 4 and Ex. 5.

Moreover, although Tyler claims that the proposed reallocation of Channel 259C3 would serve 767,353 persons from his preferred transmitter site at Tuttle, if the transmitter of the proposed Tuttle station were to be located at North Latitude: 35° 22' 08"; West Longitude: 97° 42' 35"; which is fully-spaced to the existing Channel 259C3 allotment at Tishomingo, the station would serve 804,735 persons, or an additional 37,382 persons. See Attachment F, pp. 4-5 and Exs. 6 & 7.

Because the proposed reallocation of Channel 259C3 to Tuttle would result in a substantial loss to the Tishomingo community, the Commission should not permit Tyler to manufacture mutual exclusivity between the existing Channel 259C3 allotment at Tishomingo and the proposed reallocation of Channel 259C3 at Tuttle merely by selecting a preferred transmitter site that is 9.3 km east of Tuttle. See *NPRM* at ¶12. This is particularly true where, as here, the center-city reference coordinates of the two communities are fully-spaced, and there is a substantial area -- consisting of over 50 square kilometers -- in which to select a site that would be fully-spaced to the existing allotment at Tishomingo. Indeed, as the Commission is well aware, if the proposed allotment were to be approved, it is not at all unlikely that Tyler would soon file a modification application seeking to move his transmitter to the north of Tuttle -- to a location that would be fully-spaced to the Channel 259C3 allotment at Tishomingo -- in order to enhance KTSH's coverage of the Oklahoma City metropolitan area. The Commission should not permit Tyler to play fast and loose with the Commission's processes by selecting a short-spaced transmitter site in an attempt to manufacture mutual exclusivity where it otherwise would not exist.

Furthermore, even assuming, *arguendo*, that the Commission were to consider Tyler's preferred transmitter site, the proposed reallocation would not be mutually exclusive with KTSH's licensed facility due to the intervening terrain between Tishomingo and Tuttle. As demonstrated in

Attachment F, if a station were to operate on Channel 259C3 from Tyler's preferred transmitter site at Tuttle, that facility would not be mutually exclusive with Tyler's existing KTSH facility because there would be no overlap between the stations' protected and interfering contours. *See* Attachment F, p. 3 and Ex. 1. Moreover, to the extent it is relevant, even if the Commission were to consider the transmitter site authorized in Tyler's existing construction permit for KTSH, that site still would not create the requisite mutual exclusivity with the operation of a Channel 259C3 facility at Tuttle. As demonstrated in Attachment F, there is a substantial area in which a site could be located such that a station operating on Channel 259C3 at Tuttle would not be mutually exclusive with a station operating with the facilities authorized in KTSH's construction permit. For example, if a station were to operate on Channel 259C3 at Tuttle from a site located at North Latitude: 35° 19' 07"; West Longitude: 97° 53' 39"; there would be no prohibited overlap between the Tuttle station's and KTSH's protected and interfering contours. *See* Attachment F, pp. 3-4 and Ex. 2. Therefore, for all of these reasons, Tyler's proposal fails to comply with Section 1.420(i) of the rules because the proposed reallocation of Channel 259C3 is not mutually exclusive with the existing Channel 259C3 allotment at Tishomingo.

**V. Conclusion.**

The record in this proceeding establishes that Tyler deliberately took Station KTSH off the air for the sole purpose of permitting Station KAZC to commence program tests. In the process of doing so, Tyler made a series of misrepresentations of material fact to the Commission concerning the operation of both stations. Therefore, because Tyler has attempted to defraud the Commission in an effort to obtain a grant of his proposal to move KTSH from Tishomingo to Tuttle, Tyler's rulemaking petition should be denied. Moreover, program test authority for Station KAZC should

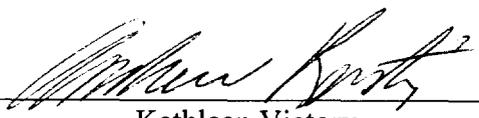
be revoked, and the Commission should issue an order directing Tyler and South Central to show cause why their respective authorizations for Stations KTSH and KAZC should not be designated for a revocation hearing.

In the unlikely event the Commission elects to consider Tyler's proposal on its merits despite his attempts to deceive the Commission, Tyler's proposal should be denied because it fails to comply with the requirements of Section 1.420(i) of the Commission's rules.

WHEREFORE, in light of the foregoing, Chisholm Trail Broadcasting Co., Inc. respectfully requests that the proposal to (i) delete Channel 259C3 at Tishomingo, Oklahoma, (ii) allot Channel 259C3 to Tuttle, Oklahoma, (iii) modify the license for Station KTSH, Tishomingo, to specify Tuttle as its community of license, and (iv) modify the license of Station KXLS, Channel 259C1, Alva, Oklahoma, to operate on Channel 260C1, be DENIED.

Respectfully submitted,

CHISHOLM TRAIL BROADCASTING CO., INC.

By:   
Kathleen Victory  
Andrew S. Kersting

Its Counsel

Fletcher, Heald & Hildreth, P.L.C.  
1300 North Seventeenth Street  
11th Floor  
Arlington, Virginia 22209  
(703) 812-0400

November 3, 1998

c:\ask...\victory\pleading\tishrep.com

**ATTACHMENT A**

**KTSH License Application, Filed August 20, 1996**

FOR  
FCC  
USE  
ONLY

WUCYMELLON AUG 20 1996

**FCC 302-FM**

**APPLICATION FOR FM  
BROADCAST STATION LICENSE**

(Please read instructions before completing this form.)

FOR MASS MEDIA BUREAU USE ONLY

FILE NO. *FILE-960820KA*

**Section I - GENERAL INFORMATION**

1. APPLICANT NAME Ralph Tyler (See Exhibit No. 1)		<b>RECEIVED</b> AUG 23 1996	
MAILING ADDRESS (Line 1) (Maximum 35 characters) 5105 S. Shields Boulevard		AUDIO SERVICES DIVISION	
MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)			
CITY Oklahoma City	STATE OR COUNTRY (if foreign address) OK	ZIP CODE 73129	
TELEPHONE NUMBER (include area code) (405) 632-6766	CALL LETTERS KTSH	OTHER FCC IDENTIFIER (IF APPLICABLE)	
<b>FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1</b>			
2. A. Is a fee submitted with this application?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
B. If No, select the appropriate box to indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) or reason a fee is not applicable and go to Question 3.			
<input type="checkbox"/> Governmental Entity		<input type="checkbox"/> Noncommercial educational licenses	
<input type="checkbox"/> Other (Please explain):			
C. If Base 2.A. is Yes, provide the following information:			
Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the 'Mass Media Services Fee Filing Guide.' Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).			
(A)	(B)	(C)	FOR FCC USE ONLY
FEE TYPE CODE	FEE MULTIPLE (if required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	
M H R	0 0 0 1	\$135.00	
To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.			
(A)	(B)	(C)	FOR FCC USE ONLY
	0 0 0 1	\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.		TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY
		\$135.00	<i>135.00</i>

LAW OFFICES  
SMITHWICK & BELENDIUK, P. C.

1990 M STREET, N.W.  
SUITE 510  
WASHINGTON, D.C. 20036

TELECOPIER  
(202) 785-2804

TELEPHONE  
(202) 785-2800

August 20, 1996

**COURIER**

FCC/MELLON

ORIGINAL

AUG 20 1996

Federal Communications Commission  
Mass Media Services  
P.O. Box 358195  
Pittsburgh, Pennsylvania 15251-5195

Attention: Lock Box Supervisor

RE: KTSH(FM), Tishomingo, Oklahoma  
Application for New License (FCC Form 302-FM)  
File No. BMPH-960228IC

Dear Sir or Madam:

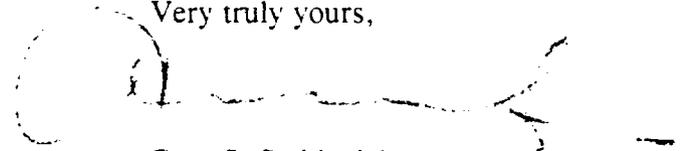
Transmitted herewith, on behalf of Mr. Ralph Tyler, permittee of KTSH(FM), Tishomingo, Oklahoma, are an original and two copies of an application for license (FCC Form 302-FM) to cover construction permit No. BMPH-960228IC.

Enclosed is a check in the amount of \$135.00 in payment of the filing fee (Fee Code:

Please stamp "received" the enclosed additional copy, and return it in the self-addressed envelope provided.

If there are any questions with respect to this matter, please communicate with the undersigned.

Very truly yours,



Gary S. Smithwick  
Counsel for  
**RALPH TYLER**

GSS/pn.K082096  
Enc.

cc: KTSH Public File  
Mr. Ralph Tyler

FOR  
FCC  
USE  
ONLY

# FCC 302-FM

## APPLICATION FOR FM BROADCAST STATION LICENSE

(Please read instructions before completing this form.)

FOR MASS MEDIA BUREAU USE ONLY

FILE NO.

### Section I - GENERAL INFORMATION

1. APPLICANT NAME Ralph Tyler (See Exhibit No. 1)												
MAILING ADDRESS (Line 1) (Maximum 35 characters) 5105 S. Shields Boulevard												
MAILING ADDRESS (Line 2) (If required) (Maximum 35 characters)												
CITY Oklahoma City	STATE OR COUNTRY (If foreign address) OK	ZIP CODE 73129										
TELEPHONE NUMBER (include area code) (405) 632-6766	CALL LETTERS KTSH	OTHER FCC IDENTIFIER (IF APPLICABLE)										
<b>FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1</b>												
2. A. Is a fee submitted with this application?			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
B. If No, select the appropriate box to indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) or reason a fee is not applicable and go to Question 3.												
<input type="checkbox"/> Governmental Entity	<input type="checkbox"/> Noncommercial educational licenses	<input type="checkbox"/> Other (Please explain):										
C. If here 2.A. is Yes, provide the following information:												
Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).												
(A)	(B)	(C)	FOR FCC USE ONLY									
FEE TYPE CODE	FEE MULTIPLE (If required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)										
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To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.												
(2) (A)	(B)	(C)	FOR FCC USE ONLY									
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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.		TOTAL AMOUNT REMITTED WITH THIS APPLICATION	FOR FCC USE ONLY									
		<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td>\$135.00</td></tr></table>	\$135.00	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td> </td></tr></table>								
\$135.00												

**Section I - GENERAL INFORMATION (Page 2)**

3. Has an adverse finding been made or an adverse final action taken by any court or administrative body with respect to the applicant or parties to the application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?  Yes  No

If the answer is Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), and the disposition of the litigation. Where the requisite information has been earlier disclosed in connection with another application or as required by 47 U.S.C. Section 1.65(c), applicant need only provide: (i) an identification of that previous submission by reference to the file number in the case of an application, the call letters of the station regarding the application or Section 1.65 information was filed, and the date of filing; and (ii) the disposition of the previously reported matter.

Exhibit No.  
DNA

4. For permittees of commercial FM stations only:

Has permittee filed its Ownership Report (FCC Form 323) or ownership certification in accordance with 47 C.F.R. Section 73.3615(b)? See instructions.

Yes  No  
 Does Not Apply

The APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum 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 47 U.S.C. Section 304.)

The APPLICANT acknowledges that all the statements made in this application and attached exhibits are considered material representations and that all the exhibits are a material part hereof and are incorporated herein as set out in full in the application.

**CERTIFICATIONS**

5. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 882, or, in the case of a non-individual applicant (e.g., corporation, partnership, or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a 'party' for these purposes, see 47 C.F.R. Section 1.2002(b).  Yes  No
6. I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Applicant RALPH TYLER	Signature <i>Ralph Tyler</i>
Title Owner	Date 2-19-90

**WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).**

**FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT**

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use the information provided in this form to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may be necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. SECTION 552a(e)(3).

---

## EXHIBIT 1

The construction permit covered by this application was issued March 26, 1996, to South Central Oklahoma Christian Broadcasting, Inc. (File No. BMPH-960228IC, that modified BPH-890112MC, as modified by BMPH-910616IH, as extended by BMPH-951107JA, as replaced by BPH-950216JA.) It expires September 26, 1996.

By File No. BAPH-960111B6, dated March 26, 1996, the Commission granted consent to assignment of the construction permit to Ralph Tyler. On May 10, 1996, the assignment was consummated.

Mr. Tyler requests the Commission to correct its database to reflect that the construction permit has been assigned to Mr. Tyler.

SECTION II - TECHNICAL DATA

1. This license application is for a: (check all that apply)

- Request for program test authority.
- Commercial station.
- Directional antenna.
- License to cover construction permit for an auxiliary facility.
- License to utilize former licensed main facility as an auxiliary facility.
- Station on automatic program test authority.
- Noncommercial station.
- Non-directional antenna.

SPECIAL OPERATING CONDITIONS MAY PROHIBIT AUTOMATIC PROGRAM TEST AUTHORITY.

2. Call Sign: KTSH      3. Frequency or channel: 99.7      Class: C3

4. Community of License: 

City	Tishomingo	State	OK
------	------------	-------	----

5. Select ONE that applies and enter the file number(s) on the appropriate line(s). This application:

- (a)  covers a construction permit. Original file number: BPH-890112MC  
as modified by: BMPH-910616JH  
as extended by: BMPH-951107JA  
as replaced by: BPH-950216JA

(b)  modifies a license, file number: \_\_\_\_\_

6. Is this application being filed pursuant to MM Docket No. 88-375 (Class A Upgrade)?  Yes  No  
See Instructions.

If Yes, attach the supplemental Exhibit to this application.

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

IF YOU SELECTED 5(b), "MODIFIES A LICENSE," PROCEED TO ITEM 8.

7. Expiration date of construction permit:

Month	Day	Year
9	26	96

**THIS APPLICATION MUST BE ON FILE WITH THE COMMISSION BEFORE THE EXPIRATION DATE OF YOUR CONSTRUCTION PERMIT. SEE INSTRUCTIONS.**

SECTION II - TECHNICAL DATA (e 2)

8. Description of facilities authorized by the construction permit or license noted in item 5(a) or 5(b):

(a) Antenna coordinates: 34 ° 21 ' 34 " N. Lat. 96 ° 33 ' 34 " W. Lon.

	Horizontal		Vertical
(b) Effective radiated power:	<u>25.0</u>	kW	<u>25.0</u>
(c) Beam tilt effective radiated power (if applicable):	<u>DNA</u>	kW	<u>DNA</u>
(d) Radiation center above ground:	<u>77</u>	meters	<u>77</u>
(e) Radiation center above mean sea level:	<u>345</u>	meters	<u>345</u>
(f) Antenna height above average terrain:	<u>100</u>	meters	<u>100</u>
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	<u>455</u>	meters	

9. Description of facilities as constructed:

(a) Antenna coordinates: 34 ° 21 ' 34 " N. Lat. 96 ° 33 ' 34 " W. Lon.

	Horizontal		Vertical
(b) Effective radiated power:	<u>25.0</u>	kW	<u>25.0</u>
(c) Beam tilt effective radiated power (if applicable):	<u>DNA</u>	kW	<u>DNA</u>
(d) Radiation center above ground:	<u>77</u>	meters	<u>77</u>
(e) Radiation center above mean sea level:	<u>345</u>	meters	<u>345</u>
(f) Antenna height above average terrain:	<u>100</u>	meters	<u>100</u>
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	<u>455</u>	meters	

10. Are there any differences between the facilities described in Item 8 and those in Item 9?  Yes  No

IF YES, YOU MAY NOT BE ABLE TO USE THIS FORM. SEE INSTRUCTIONS.

Attach an Exhibit explaining in detail how these differences occurred.

Exhibit No.

11. SPECIAL OPERATING CONDITIONS. Attach an Exhibit that demonstrates compliance with the special operating conditions, terms, and obligations described in the construction permit.

See Instructions. The licensee will at all times protect personnel at the antenna site from radio frequency radiation.

Exhibit No.

Does Not Apply

CONVERSION TO AND FROM METRIC:  
 METERS = 0.3048 X FEET                      FEET = 3.281 X METERS

SECTION II - TECHNICAL DATA (Page 3)

10. Antenna description:

Make	Model Number	Number of Sections	Power Gain
JAMPRO	JMPC-6X	6	3.2

If the antenna utilizes beam tilt, null fill, reduced spacing (less than one wavelength) between bays or the antenna is directional or specialized, an exhibit must be attached. SEE INSTRUCTIONS.

Exhibit No.

11. Transmission line system description:

(a) Transmission Line(s):

Make	Model Number	Length in Meters	Efficiency
Cablewave	HCC158-50J	105.5 meters	0.847 %
		meters	%

IF MORE SPACE IS NEEDED, PLEASE ATTACH EXHIBIT.

Exhibit No.

(b) Additional losses (Filters, Isocouplers, Multiplexers, etc.) in transmission line system:

Description	Loss in dB	Efficiency
DNA	dB	%
	dB	%

IF MORE SPACE IS NEEDED, PLEASE ATTACH EXHIBIT.

Exhibit No.

(c) Total Efficiency of transmission line system:

0.847 %

14. Transmitter power output (in kilowatts):

9.22 kW

SEE INSTRUCTIONS TO CALCULATE TPO.

15. Operating constants:

(a) D.C. plate current in last radio stage (amperes):

6300 A

(b) Applied D.C. voltage in last radio stage (volts):

2.04 V

(c) Efficiency of transmitter at operating power (percent):

71.8 %

(d) RF transmission line meter reading (percent):

DNA %

SEE INSTRUCTIONS TO CHECK OPERATING CONSTANTS.

16. Is the main studio located within the city of license or the predicted 3.16 mV/m (70 dBu) field strength contour of the main facility?

Yes  No

If NO, attach an Exhibit pursuant to the Instructions.

Exhibit No.

17. Location of Main Studio: (P.O. BOXES ARE UNACCEPTABLE)

Street Address or Location Description		
6.76 km East of State Highway 99 on Highway 7		
City	County	State
	Johnson	OK

CONVERSION TO AND FROM METRIC:

METERS = 0.3048 X FEET

FEET = 3.281 X METERS

SECTION II - TECHNICAL DATA (page 4)

18. Location(s) of Remote Control Point(s):

(a)	Street Address or Location Description DNA		
	City	County	State
(b)	Street Address or Location Description DNA		
	City	County	State

If there are additional remote control points, attach an Exhibit which describes their locations.

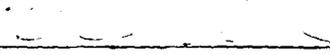
Exhibit No.
-------------

19. Location of Antenna Site:

Street Address or Location Description 6.76 km East of State Highway 99 on Highway 7		
City	County Johnson	State OK

20. CERTIFICATION OF PREPARER

I certify that I represent the applicant in the capacity indicated below and that I have examined the foregoing statement of technical information and that it is true to the best of my knowledge and belief.

Name (please print or type) David R. Allen	Signature (check appropriate box below) 
Address (include ZIP Code) 5528 Old Bullard Road, Suite 104 Tyler, Texas 75703	Date  Telephone No. (include Area Code) 903-509-2470

- |   |   |
|---|---|
| <input type="checkbox"/> Technical Director | <input type="checkbox"/> Registered Professional Engineer |
| <input type="checkbox"/> Chief Operator     | <input checked="" type="checkbox"/> Technical Consultant  |
| <input type="checkbox"/> Other (specify)    |   |

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5105 S. SHIELDS BLVD. 632-6766  
OKLAHOMA CITY, OK 73129

39-197/1030  
1026260

2820

DATE 8-19-96

PAY TO THE  
ORDER OF

FCC

\$ 135<sup>00</sup>

One Hundred Thirty Five & <sup>70</sup>/<sub>100</sub>

DOLLARS

FRONTIER STATE BANK

P.O. BOX 95329  
OKLAHOMA CITY, OK 73143

MEMO

FCC FILING

Ralph H. Tyler

⑆ 103001977⑆ 2820 1026260⑆

**ATTACHMENT B**

**Portions of the Engineering Section of**  
**South Central Oklahoma Christian Broadcasting, Inc.'s**  
**FCC Form 340 Application, Filed January 27, 1997**

Section V-B - FM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. \_\_\_\_\_

ASB Referral Date \_\_\_\_\_

Referred by \_\_\_\_\_

Name of Applicant

South Central Oklahoma Christian Broadcasting, Inc.

Call letters (if issued)

New

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

If Yes, specify closing date: \_\_\_\_\_

Purpose of Application: (check appropriate boxes)

Construct a new (main) facility

Construct a new auxiliary facility

Modify existing construction permit for main facility

Modify existing construction permit for auxiliary facility

Modify licensed main facility

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.

Antenna supporting-structure height

Effective radiated power

Antenna height above average terrain

Frequency

Antenna location

Class

Main Studio location

Other (Summarize briefly)

File Number(s) \_\_\_\_\_

1. Allocation:

Channel No. 202	Principal community to be served:		
	City Tishomingo	County Johnston	State OK

Class (check only one box below)

A  B1  B  C3  
 C2  C1  C  D

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.  
 6.76 km East of State Highway 99 on State Highway 7 near Bromide, Johnston County, Oklahoma

(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	34	°	21	'	34	"	Longitude	96	°	33	'	34	"
----------	----	---	----	---	----	---	-----------	----	---	----	---	----	---

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.

KTSH.C (FM), KTEN-TV

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.

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.

Existing tower/83-SW-2240

Exhibit No. n/a
--------------------

Date \_\_\_\_\_ Office where filed Southwest Region

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

	Landing Area	Distance (km)	Bearing (degrees True)
(a)	<u>None</u>	_____	_____
(b)	_____	_____	_____

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

(1) of site above mean sea level; 268 meters

(2) of the top of supporting structure above ground (including antenna, all other appurtenances, and lighting, if any); and 445 meters

(3) of the top of supporting structure above mean sea level [(aX1) + (aX2)] 713 meters

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

(1) above ground 77 meters (H)

77 meters (V)

(2) above mean sea level [(aX1) + (bX1)] 345 meters (H)

345 meters (V)

(3) above average terrain 100 meters (H)

100 meters (V)

8. Attach as an Exhibit sketch(es) of the supporting structure, labeling 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. <u>1</u>
-------------------------

9. Effective Radiated Power:

(a) ERP in the horizontal plane 1.75 kw (H\*) 1.75 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 6)

(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.  
n/a

- (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 exhibit(s).

4. 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.  
5

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

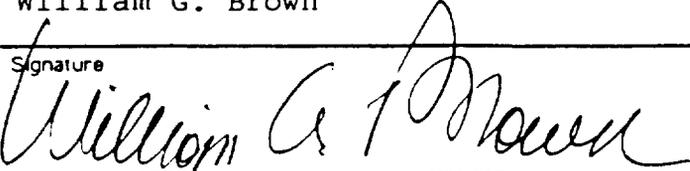
If you answer Yes, submit as an Exhibit an Environmental Assessment required by Section 1.1311.

Exhibit No.  
n/a

If No, explain briefly why not. Categorically excluded from environmental processing under the provisions of § 1.1306. Radiofrequency Radiation Calculation Statement is Exhibit #6.

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) William G. Brown	Relationship to Applicant (e.g., Consulting Engineer) Technical Consultant
Signature 	Address (Include ZIP Code) P.O. Box 1588 Clayton, GA 30525-1588
Date January 15, 1997	Telephone No. (Include Area Code) (706 ) 782-7222

# **BROMO**

BROADCAST  
TECHNICAL CONSULTANTS

# **COMMUNICATIONS** Inc

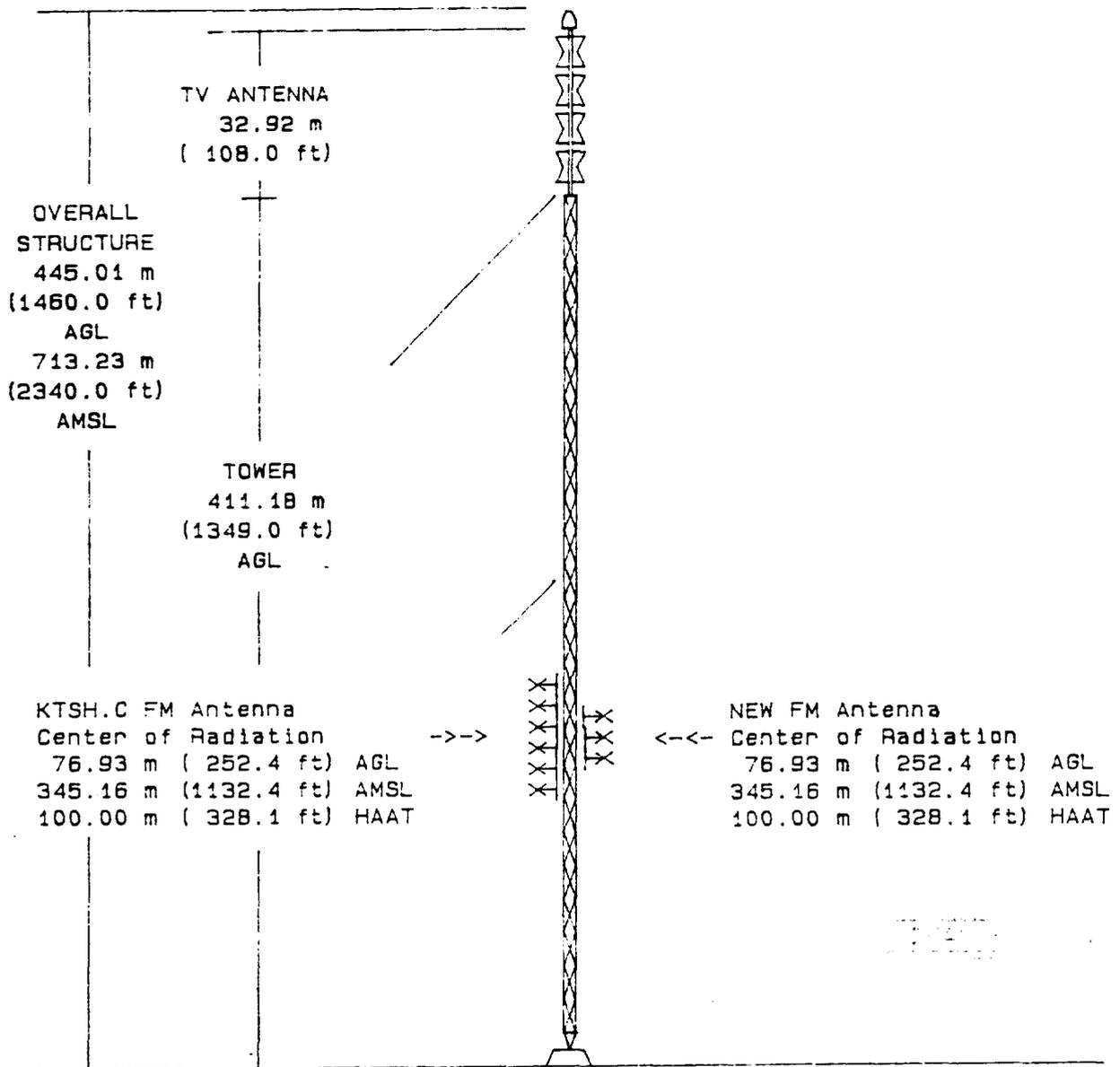
WILLIAM G. BROWN  
CLIFTON G. MOOR  
ROBERT L. PURCELL

Old Courthouse, 2nd Floor  
Warwoman Road  
P. O. Box 1588  
Clayton, Georgia 30525  
(706) 782-7222  
FAX (706) 782-7095

Washington, DC  
(202) 429-0600

**New FM Application**  
**Channel 202A - 88.3 MHz**  
**1.75 kW ERP - 100 m HAAT**  
**Tishomingo, Oklahoma**  
**January 1997**

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North Latitude 34-21-34 Site Elev 268.22 m ( 880.0 ft) AMSL  
 West Longitude 96-33-34 Terrain Avg 245.15 m ( 804.3 ft) AMSL  
 (Sketch not drawn to scale)

### Vertical Plan Sketch

SITE ELEVATION - 268 m ( 880 ft) AMSL  
 TOP OF STRUCTURE - 445 m (1460 ft) AGL  
 713 m (2340 ft) AMSL  
 FM Antenna COR - 77 m ( 252 ft) AGL  
 345 m (1132 ft) AMSL  
 100 m ( 328 ft) HAAT

FIGURES ROUNDED TO NEAREST METER (FOOT).

### EXHIBIT #1

**New FM Application**  
 Channel 202A - 88.3 MHz  
 1.75 kW ERP - 100 m HAAT  
 Tishomingo, Oklahoma  
 January 1997

**BROMO** BROADCAST  
 COMMUNICATIONS TECHNICAL CONSULTANTS

**New FM Application**  
Channel 202A - 88.3 MHz  
1.75 kW ERP - 100 m HAAT  
Tishomingo, Oklahoma  
January 1997

**EXHIBIT #6**

**Radiofrequency Radiation Study and Statement**

This radiofrequency radiation study is being conducted to determine whether this proposal is in compliance with OST Bulletin Number 65, dated October 1985, regarding human exposure to radiofrequency radiation in the vicinity of broadcast towers. This study considers all nearby contributing stations and utilizes the appropriate formulas contained in the OST Bulletin.

The 3-bay antenna system will be mounted with its center of radiation 76.93 meters (252.4 feet) above the ground at the proposed tower location and operate with an effective radiated power of 1.75 kilowatts in both the horizontal and vertical plane (circularly polarized). At two meters, the height of an average person, above the ground at the base of the proposed tower, this proposal will contribute, worst case, 19.7224 microwatts/sq. centimeter or 1.97% of the allowable ANSI limit.

Co-located KTSH.C is mounted with its center of radiation at 76.93 meters (252.4 feet) above ground level and operates with an effective radiated power of 25 kilowatts in the horizontal and vertical planes (circularly polarized). At two meters, the height of an average person above the ground at the base of the proposed tower, KTSH.C contributes, worst case 281.749 microwatts/sq. centimeter or 28.17% of the allowable ANSI limit.

Co-located KTEN (TV) is mounted with its center of radiation at 427.64 meters (1403 feet) above ground level and operates with an effective radiated power of 316 kilowatts in the horizontal plane. At two meters, the height of an

average person above the ground at the base of the proposed tower, KTEN (TV) contributes, worst case 28.8166 microwatts/sq. centimeter or 2.88% of the allowable ANSI limit.

Adding the radiofrequency radiation contribution of this proposal of 1.97% to the contribution of 28.17% of co-located KTSH.C and the contribution of 2.88% of co-located KTEN (TV) produces a total of 33.02% or far below the maximum contribution of 100%. Therefore, it is thought that this instant application is in compliance with OST Bulletin Number 65.

Further, the applicant will post warning signs in the vicinity of the tower warning of potential radiofrequency radiation hazards at the site. Because there are two co-located stations, maintenance periods will be coordinated so the public will suffer a minimum loss of service due to maintenance.

In addition, the applicant will reduce the power of the proposed facility or cease operation, as necessary, to protect persons having access to the site, tower or antenna from radiofrequency radiation in excess of FCC guidelines.

**ATTACHMENT C**

**Letter Dated October 1, 1998 from Ralph H. Tyler  
to Magalie Roman Salas, Esquire**

532N  
C 69

RECEIVED

Ralph H. Tyler

OCT 6 1998  
705 S. Shields Blvd. Oklahoma City, Oklahoma 73129 (405) 616-5500  
-CC MAIL ROOM-

October 1, 1998

Magalie Roman Salas, Esquire  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

RE: KTSH (FM) Tishomingo, Oklahoma

Dear Ms. Salas:

This letter is to inform the Federal Communications Commission that due to antenna failure on September 28, 1998, the operation of KTSH (FM) has been temporarily suspended.

If there are any questions concerning our suspended operation, please contact me at (405) 616-5500 or by mail at the above address.

Sincerely,



Ralph H. Tyler  
President

cc: KTSH Public File  
Gary Smithwick

**ATTACHMENT D**

**Station KTSH License**



United States of America  
FEDERAL COMMUNICATIONS COMMISSION  
FM BROADCAST STATION LICENSE

Official Mailing Address:

-----  
RALPH TYLER  
5105 SOUTH SHIELDS BLVD  
OKLAHOMA CITY, OK 73129  
-----

Authorizing Official:

-----  
*Daniel J. Fontaine*  
Daniel J Fontaine  
Supervisory Engineer  
Audio Services Division  
Mass Media Bureau

Grant Date: OCT 03 1997

Call Sign: KTSH

This license expires 3:00 a.m.  
local time, June 01, 2005

License File No.: BLH-960820KA

This license covers Permit No.: BPH-890112MC  
as last modified by Permit No.: BMPH-960228IC  
as last extended by Permit No.: BMPH-951107JA  
as last replaced by Permit No.: BPH-950216JA

Subject to the provisions of the Communications Act of 1934, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this license, the licensee is hereby authorized to use and operate the radio transmitting apparatus herein described.

This license is issued on the licensee's representation that the statements contained in licensee's application are true and that the undertakings therein contained so far as they are consistent herewith, will be carried out in good faith. The licensee shall, during the term of this license, render such broadcasting service as will serve the public interest, convenience, or necessity to the full extent of the privileges herein conferred.

This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequency designated in the license beyond the term hereof, nor in any other manner than authorized herein. Neither the license nor the right granted hereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934. This license is subject to the right of use or control by the Government of the United States conferred by Section 606 of the Communications Act of 1934.

Name of Licensee:

RALPH TYLER

Station Location:

OK-TISHOMINGO

Frequency (MHz): 99.7

Channel: 259

Class: C3

Hours of Operation: Unlimited

Main Studio Address:

OK-6.76 KILOMETERS EAST OF STATE HIGHWAY 99 ON HIGHWAY 7, NEAR BROMIDE

Transmitter location (address or description):

OK-6.76 KILOMETERS EAST OF STATE HIGHWAY 99 ON STATE HIGHWAY 7, NEAR BROMIDE

Remote Control Point Address:

OK - NONE

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: 9.2 kW

Antenna type: (directional or non-directional): Non-Directional

Description: JAMPRO JMPC-6X, SIX SECTIONS, CIRCULARLY POLARIZED

Antenna Coordinates: North Latitude : 34 21 34  
 West Longitude : 96 33 34

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW).....:	25.0	25.0
Height of radiation center above ground (Meters).....:	77	77
Height of radiation center above mean sea level (Meters).....:	345	345
Height of radiation center above average terrain (Meters).....:	100	100

Antenna structure registration number: 1011425

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

1. The permittee/licensee in coordination with other users of the site must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency radiation in excess of FCC guidelines.

\*\*\* END OF AUTHORIZATION \*\*\*

**ATTACHMENT E**

**Engineering Statement of William H. Nolan**  
**Regarding Inspection of KTSH/KAZC Transmitter Site**

**ATTACHMENT E**

**Engineering Statement of William H. Nolan**  
**Regarding Inspection of KTSH/KAZC Transmitter Site**

# *Nolan Broadcast Services*

## **KTSH/KAZC Tower Site Inspection**

**Tishomingo, Oklahoma**

Prepared for:

***Chisholm Trail Broadcasting Company***

**November, 1998**

# *Nolan Broadcast Services*

## **Certification of Engineer**

I, William H. Nolan, with offices at 1664 Melrose Lane, Wichita, KS, have been retained for the purpose of preparing the technical data forming this report.

My work is a matter of record before the Federal Communications Commission. I have filed numerous applications that have been subsequently granted by the Commission. I have spent 18 years in the broadcast industry, and have designed and constructed numerous radio stations in that time, including AM and FM facilities.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

Signed: 

Date: 11/2/98

William H. Nolan  
Broadcast Technical Consultant  
(316) 655-0655

# *Nolan Broadcast Services*

## **Engineering Statement**

I, William H. Nolan, have been retained by Chisholm Trail Broadcasting Co. to inspect the tower facilities of radio stations KTSH (FM) and KAZC (CP) to determine antenna orientation and operating status.

## **Background**

KTSH (FM) and KAZC (CP) currently operate from a common tower located at a North Latitude of 34° 21' 23", and a West Longitude of 96° 33' 34".<sup>1</sup>

KTSH (FM) operates at a HAAT of 100 meters, with a height above ground level on the supporting structure of 77 meters. KTSH (FM) operates on Channel 259C3.

KAZC (CP) filed an FCC Form 302-FM Application for FM Broadcast Station License on October 2, 1998, specifying a HAAT of 100 meters, with a height above ground level on the supporting structure of 77 meters.<sup>2</sup> This application specified no beam tilt. KAZC operates on Channel 202A, under program test authority.

## **October 24, 1998 Site Inspection**

I visited the tower site for KTSH and KAZC on Saturday, October 24, 1998, at 2:00pm CST. The gate at the highway was locked, and access to the main studio was restricted. I attempted to monitor both stations with an IFR Com 120-B spectrum analyzer to determine operating frequencies and modulation parameters. I confirmed that this was the correct tower site by photographing the FCC Tower Registration identification sign located at the main gate. (See Exhibits #1, 2, and 3)

Licensed station KTSH (FM) was not on the air. The spectrum analyzer confirmed no carrier at 99.7 MHz. Thus, it was not possible to ascertain whether or not KTSH was operating within Commission rules regarding frequency and modulation.

Station KAZC (CP) was on the air, and program material consisted of Contemporary Christian music. I noted several instances in which the call letters "KAZC" were announced on the air. The operating frequency and modulation parameters were found to be within compliance of Commission rules.

---

<sup>1</sup> FCC Tower Registration ID #1011425

<sup>2</sup> FCC File No. BLED-981002KA

# *Nolan Broadcast Services*

An inspection of the KTSH (FM) antenna on the supporting structure revealed an end-fed Jampro 6-bay antenna, located at 77 meters AGL. However, the lowest bay of the antenna was removed from the supporting structure. The open innerbay line, and the empty mounting bracket for the missing bay were clearly visible. (See Exhibit #4)

An inspection of the KAZC (CP) antenna on the supporting structure revealed a Jampro 1-bay antenna, with no tuning section, located at 68 meters AGL. This antenna was clearly below the lowest bay of the KTSH Jampro antenna. The antenna height AGL was further confirmed by counting tower sections. It was also noted that the KAZC (CP) antenna was incorrectly mounted, resulting in approximately 3 degrees of positive beam tilt. (See Exhibit #3)

## **October 30, 1998 Site Inspection**

I revisited the site on Friday, October 30, 1998 at 12:15pm CDT. The gate at the highway was again locked, and access to the main studio was restricted. I called directory assistance in an effort to obtain a phone number for the main studio of KTSH, or KAZC. There was no listing for either radio station in Tishomingo, Oklahoma. I asked the operator to check any small town within the area to determine if she could locate any phone listing for either station. The operator was able to provide a phone number listed for KTSH in Connerville, Oklahoma.

I called the number provided and asked to see the Public Inspection File for radio station KTSH. After several questions regarding who I was, and whom I represented, I was told that I would be met at the gate for access.

The operator on duty was Ms. Tina Smith. She produced the public file for KTSH, and I proceeded to review its contents. There was no copying machine available in the main studio, so it became necessary for me to photograph any documents that I desired to copy.

I asked Ms. Smith why KTSH was off the air, and she informed me that there was an "antenna failure." I then asked Ms. Smith if she knew when the station would be back on the air. She produced two letters from the public file. The first letter, addressed to the Commission, indicated that KTSH was off the air due to an antenna failure. The second letter, dated October 27, 1998, and addressed to the Commission, requested an additional 90 days of silence "pending the installation of new equipment."

I then asked Ms. Smith to see the public inspection file for station KAZC, and I proceeded to review its contents.

# *Nolan Broadcast Services*

I then asked Ms. Smith if the studio we were in was the KTSH studio, or the KAZC studio. She informed me that there was only one studio for both radio stations. I asked Ms. Smith if the program content for stations KTSH and KAZC were the same. She informed me that the only music service available was a Christian format provided by Jones Satellite Music. Ms. Smith also informed me that she was the only operator for stations KTSH and KAZC, and that she normally worked five days a week at the studio. (See Exhibit #5)

I asked Ms. Smith if she was aware of any work that was underway to repair the KTSH antenna. She informed me that she was not aware of any work being done on the antenna, and offered to show me the bay that had been removed from the tower. I accepted her offer, and she led me to a ladder that provided access to a storage area above the ceiling of the studio room.

I inspected the single bay of the KTSH Jampro antenna, which was stored above the main studio room. This bay was in an upright position, with the mounting bracket still attached. Two sections of inner bay line were still attached to the bay. One section was attached to the top of the bay, and one section was attached to the bottom of the bay. The inner bay line attached to the top of the antenna bay had a cover bolted in place to prevent contamination from dust or moisture. Bolts were visible on the bottom section of inner bay line as well, indicating that it had also been covered to prevent contamination. A visual inspection of the entire antenna assembly revealed no physical damage of any kind. No abnormal discoloration was apparent to indicate any burning or super heating of the antenna bay. Normal tarnishing of the antenna bay was noted, indicating that it had been in service on the supporting structure. (See Exhibit #6)

I then asked Ms. Smith about the location of the transmitters for radio stations KTSH and KAZC. She informed me that there was only one transmitter, and offered to show it to me. I accepted her offer, and she led me to a fenced area within the building that contained a Collins 830 Broadcast FM transmitter. (See Exhibit #7)

I asked Ms. Smith if this was, in fact, the transmitter for radio station KTSH. She informed me that the transmitter had been in service for radio station KTSH until the time that KAZC went on the air. She stated that Randy Mullinax, the chief engineer, had "changed" the transmitter to run station KAZC so it could go on the air. She also said that there were approximately 24 hours between the time that KTSH was taken off the air, and KAZC began broadcasting.

I then asked Ms. Smith if there was ever a time when both radio stations were on the air simultaneously. She again informed me that radio station KTSH went off the air approximately 24 hours before radio station KAZC went on the

# *Nolan Broadcast Services*

air, and that Randy Mullinax had told her that station KTSH had antenna damage.

I then walked outside the studio building with Ms. Smith and took photographs of the base of the supporting structure, and the KTSH and KAZC antennas. (See Exhibits #8 and #9)

Upon leaving the KTSH/KAZC transmitter site, I drove to the KTSH construction permit site. There was no existing tower, and no activity at the KTSH permit site that would indicate the construction of a broadcast facility in progress. (See Exhibit #10)

## **Conclusion**

Licensed station KTSH (FM) is not on the air, and has no transmission line connected to its antenna. One bay of the 6-bay Jampro antenna has been removed from the tower, and is stored on top of the main studio room's ceiling area. There is no damage of any kind apparent to this antenna bay. The antenna bay has been carefully stored with covers attached to both ends to prevent contamination from dust or moisture. According to Ms. Smith, this antenna element has been in storage for approximately 30 days. There does not appear to have been any attempt to repair any alleged damage to the single bay of the antenna.

There is only one FM transmitter at the site location for radio stations KTSH and KAZC. This Collins 830 transmitter served radio station KTSH since the station commenced operation. Station KTSH was taken off the air, and its transmitter was retuned by station engineer Randy Mullinax to allow station KAZC to begin operation under program test authority on Channel 202A. Radio stations KTSH and KAZC have never been on the air simultaneously. It would not be possible to return station KTSH to the air without the installation of a new transmitter. Furthermore, it would be necessary to install notch filtering in the antenna systems of both radio stations to accomplish simultaneous operation. Failure to install proper notch filtering for both radio stations would result in unsatisfactory interference to both facilities, and possibly generate mixing products in the FM band.

There is only one transmission line on the supporting structure for the use of stations KTSH and KAZC. This transmission line is currently serving radio station KAZC. This line was disconnected from the KTSH antenna, and reconnected to the KAZC antenna. It is not possible to return station KTSH to the air without the installation of a new transmission line.

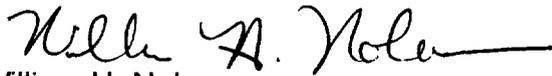
# *Nolan Broadcast Services*

Station KAZC (CP) is operating under program test authority at a height above average terrain at least 9 meters below the value stated in the KAZC construction permit<sup>3</sup>, and FCC Form 302-FM. Furthermore, the antenna has been installed incorrectly resulting in approximately three degrees of positive beam tilt, which was not specified in the construction permit, or FCC Form 302-FM.

In my professional opinion, there is no damage to the KTSH antenna. Station KTSH was operating normally until the station was taken off the air in order to utilize its transmitter and transmission line for station KAZC. The lowest bay was simply removed to allow for the mounting of the KAZC antenna. Since the KTSH transmission line was utilized for the KAZC antenna, the integrity of this transmission line is unquestionable. If the lowest bay of the KTSH antenna was damaged severely by arcing, it is reasonable to assume that the fitting on the transmission line would have also been damaged by the introduction of contaminants such as carbon, which are a typical byproduct of severe antenna damage.

The design of the Jampro antenna used by station KTSH permits any bay or bays to be used individually as an emergency antenna.

Respectfully Submitted,

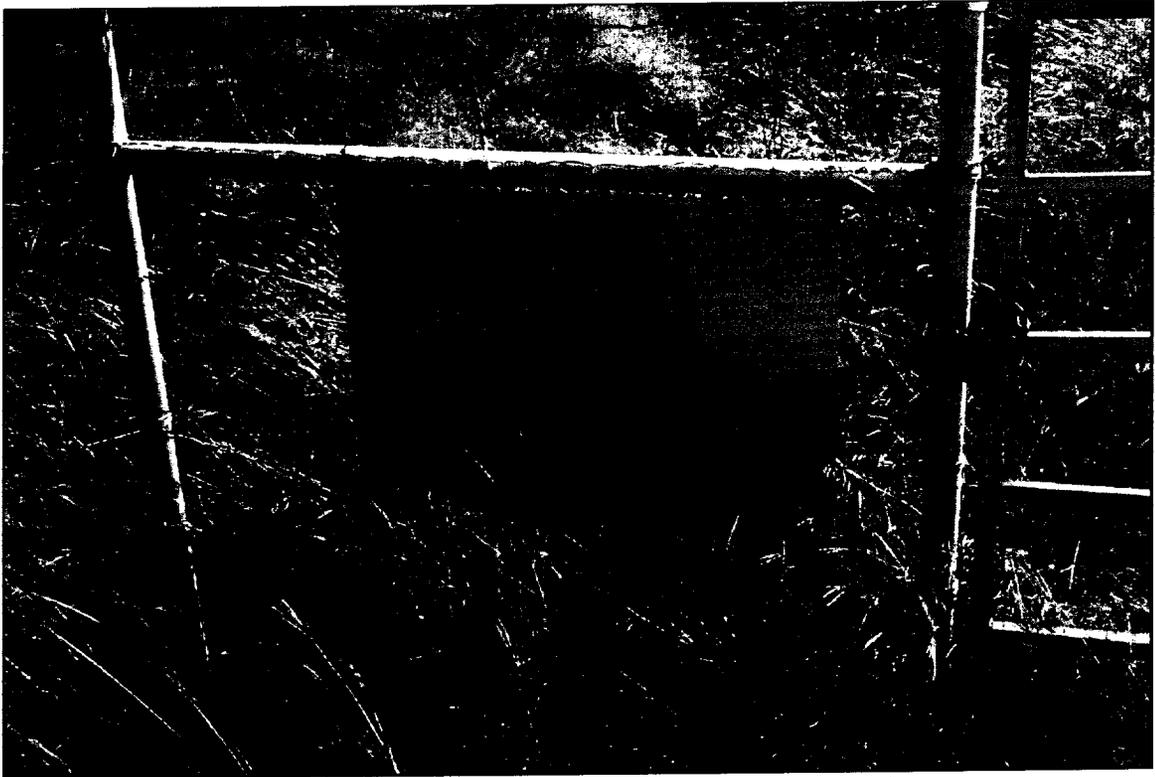


William H. Nolan  
Broadcast Technical Consultant

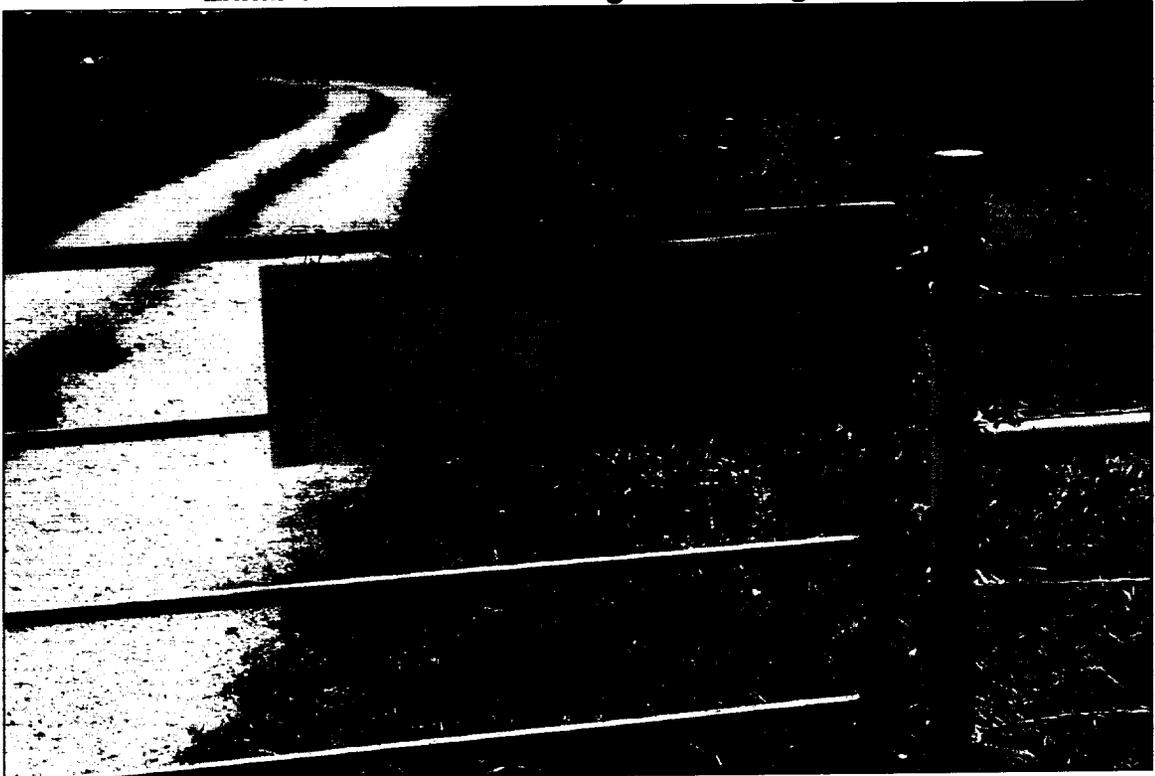
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<sup>3</sup> FCC File No. BPED-970127MD

# *William H. Nolan Broadcast Services*



**Exhibit #1 – FCC Tower Registration Sign at Gate**



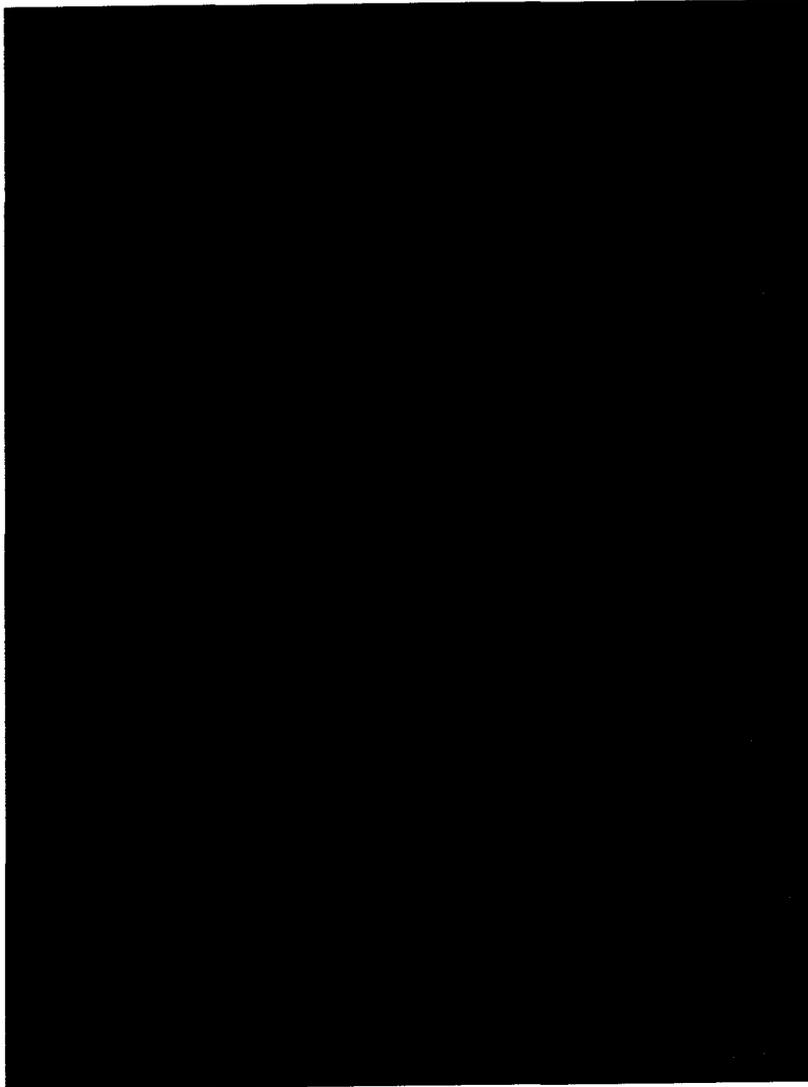
**Exhibit #2 – KTSH/KAZC Main Gate at Highway**

*William H. Nolan Broadcast Consultant*



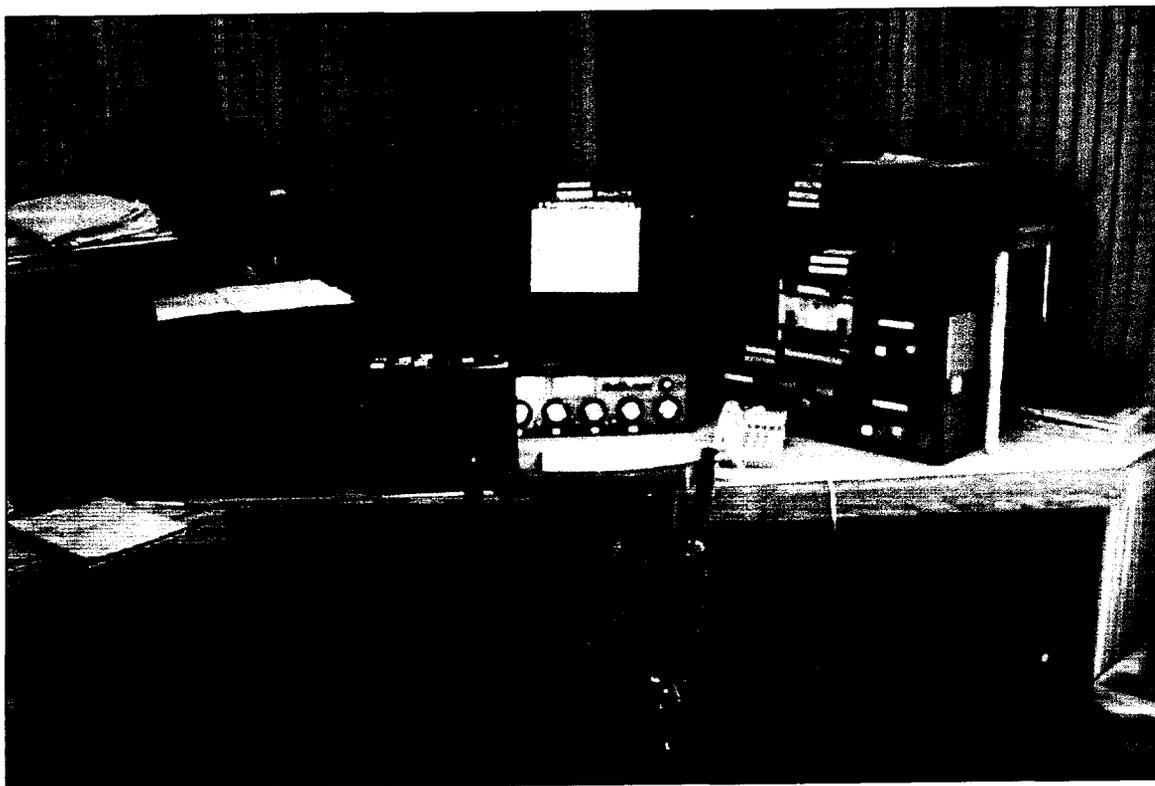
**Exhibit #3 – KTSH/KAZC Tower Site**

# *William H. Nolan Broadcast Services*



***Exhibit #4 – KTSH and KAZC Antennas***

# *Nolan Broadcast Services*



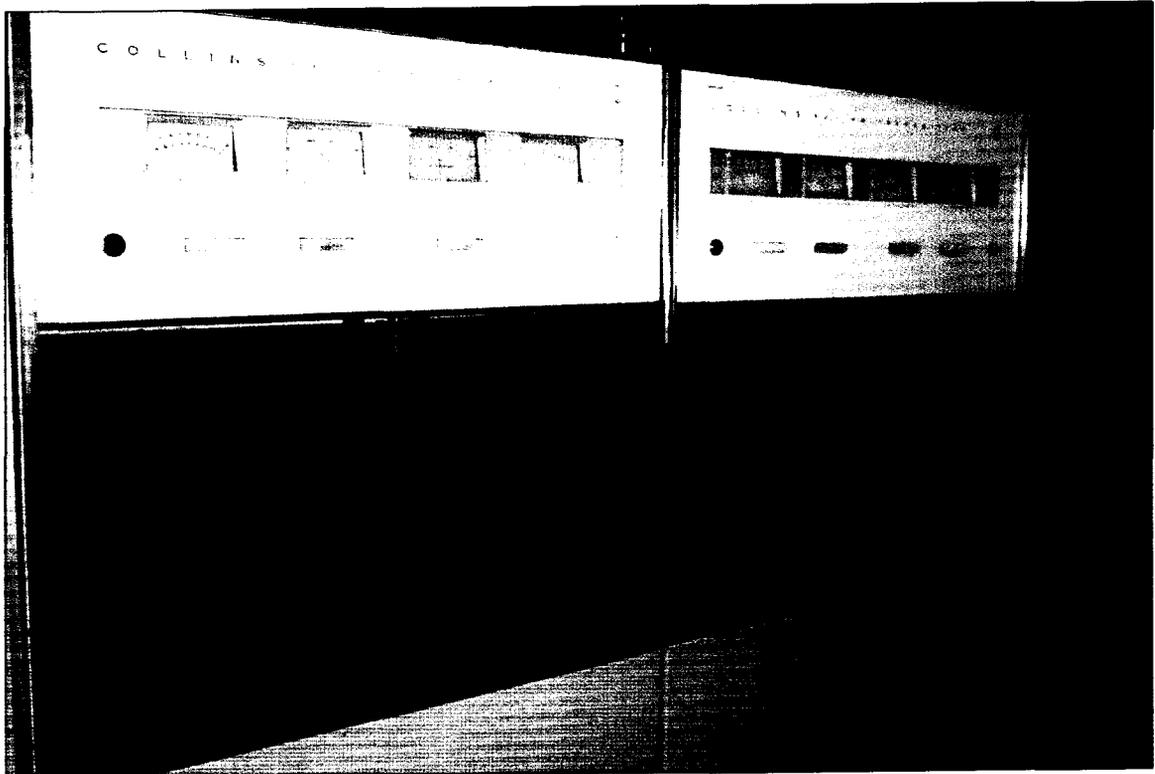
**Exhibit #5 – KTSH/KAZC Studio**

# Nolan Broadcast Services



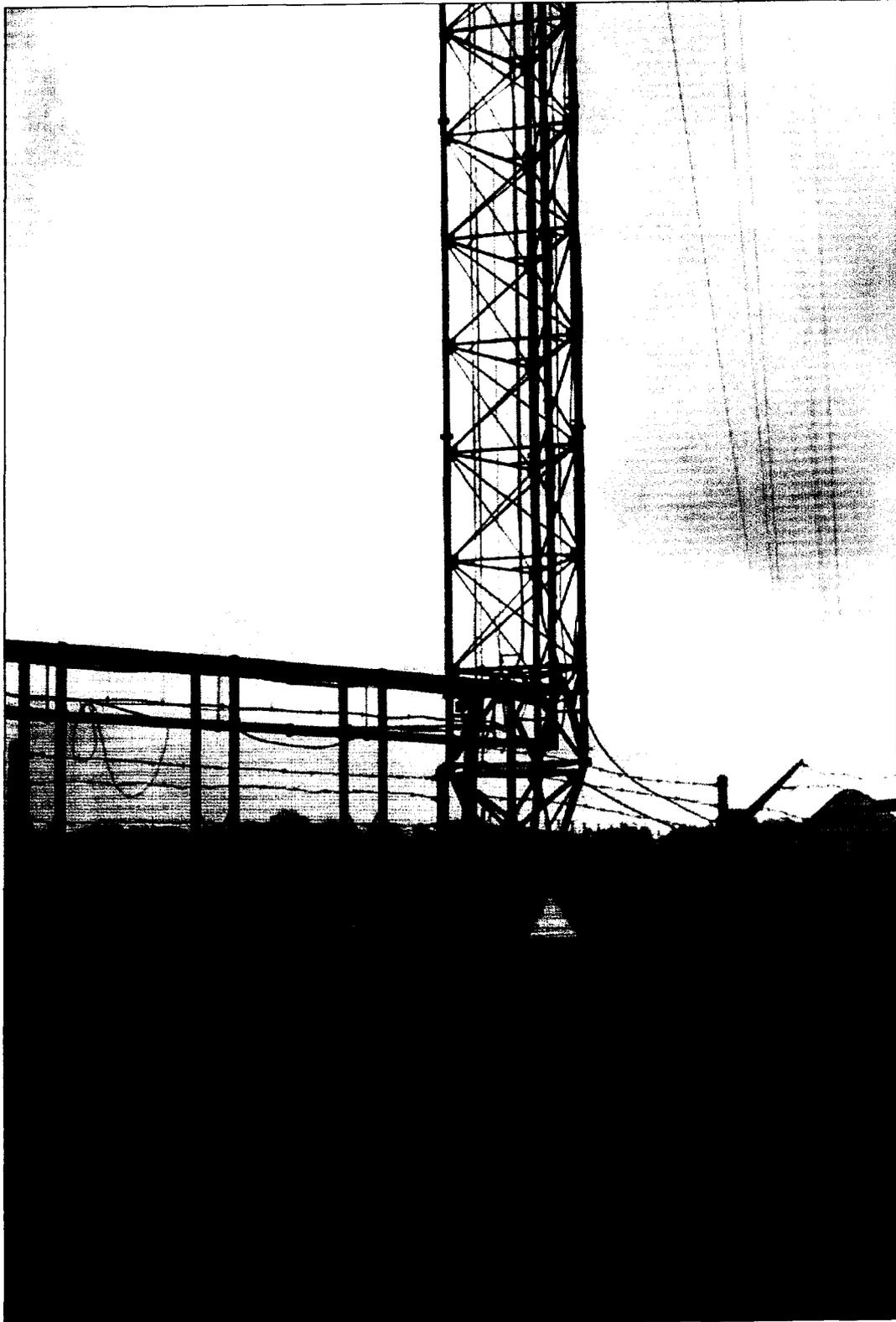
**Exhibit #6 – KTSH Jampro Antenna Bay Removed from Tower**

# *Nolan Broadcast Services*



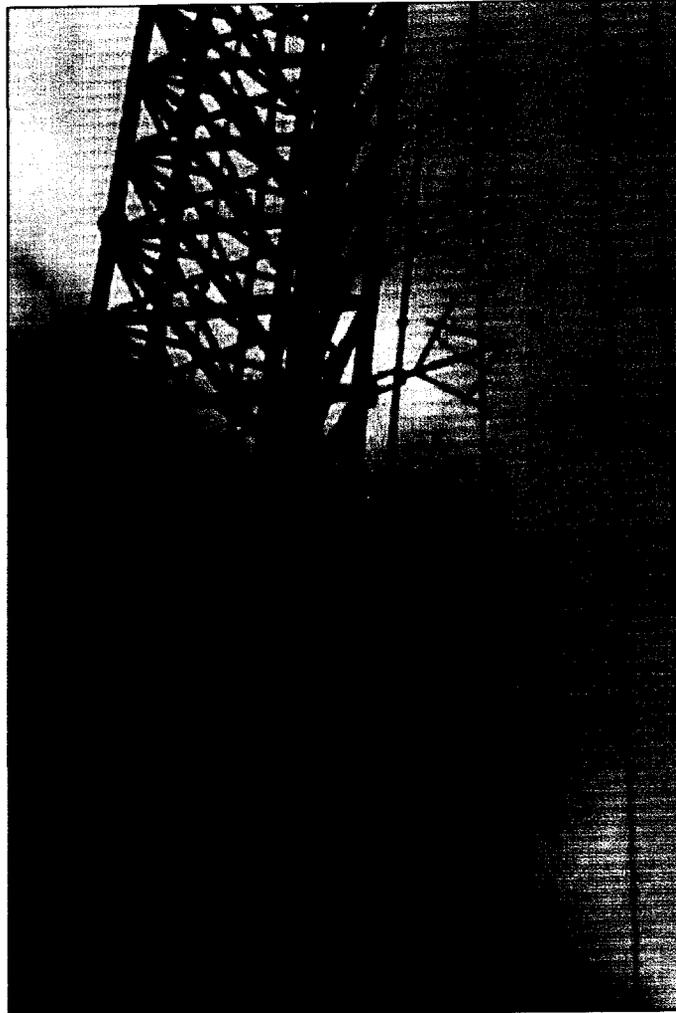
**Exhibit #7 – KTSH/KAZC Transmitter**

*William H. Nolan Broadcast Services*



**Exhibit #8 – Base of Supporting Structure for KTSH/KAZC**

# *Nolan Broadcast Services*



***Exhibit #9 – KTSH/KAZC Antennas***

# *William H. Nolan Broadcast Services*



***Exhibit #10 – KTSH Construction Permit Site Location***

**ATTACHMENT F**

**Engineering Statement of William H. Nolan**  
**Containing Mutual Exclusivity Analysis**

# *Nolan Broadcast Services*

## **Re-Assign Channel 259C3**

**Tishomingo, Oklahoma/Tuttle, Oklahoma  
Mutual Exclusivity Analysis**

Prepared for:

***Chisholm Trail Broadcasting Company***

**November, 1998**

# *Nolan Broadcast Services*

## **Certification of Engineer**

I, William H. Nolan, with offices at 1664 Melrose Lane, Wichita, KS, have been retained for the purpose of preparing the technical data forming this report.

My work is a matter of record before the Federal Communications Commission. I have filed numerous applications that have been subsequently granted by the Commission. I have spent 18 years in the broadcast industry, and have designed and constructed numerous radio stations in that time, including AM and FM facilities.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

Signed: 

Date: 11/3/98

William H. Nolan  
Broadcast Technical Consultant  
(316) 655-0655

# *Nolan Broadcast Services*

## **Engineering Statement**

I, William H. Nolan, have been retained by Chisholm Trail Broadcasting Co. to determine if the proposed reallocation of Channel 259C3 to Tuttle, Oklahoma is mutually exclusive with Channel 259C3 at Tishomingo, Oklahoma.

## **Exhibit Background**

Ralph Tyler, licensee of radio station KTSH, has proposed the relocation of channel 259C3 to the community of Tuttle, Oklahoma. A distance of 153.59 kilometers (95.43 miles) separates Tuttle and Tishomingo. Tyler has stated in his proposal that the reallocation of Channel 259C3 to Tuttle, Oklahoma is mutually exclusive with the existing allotment at Tishomingo, Oklahoma. Tyler has also stated that the reallocation of Channel 259C3 to Tuttle, Oklahoma is mutually exclusive with his construction permit for KTSH<sup>1</sup>.

## **Tyler's Proposed Site**

Tyler has proposed a transmitter site at North Latitude 35-17-33, and West Longitude 97-42-58. This site is not mutually exclusive with the existing KTSH facility, due to intervening terrain. It can be demonstrated using 73.215 contour protection methodology, that there is no prohibitive overlap between the Tuttle interfering contour, and the KTSH protected contour. There is also no prohibitive overlap between the KTSH interfering contour and the Tuttle protected contour. Channel 259C3 could be assigned to Tuttle with no interference to the existing allotment at Tishomingo. (See Exhibit #1)

## **KTSH Construction Permit**

Tyler holds a construction permit for station KTSH with a site located at North Latitude 34-19-46 and West Longitude 96-49-02. Although Tyler has chosen a site for reallocation that appears to confirm a mutually exclusive condition with regard to this construction permit, there is a substantial area available from which to choose a site that would not be mutually exclusive, due to intervening terrain. Utilizing a site located at North Latitude 35-19-07 and West Longitude 97-53-39 for example, it can be demonstrated using 73.215 contour protection methodology that there is no prohibitive overlap between the Tuttle interfering contour, and the KTSH protected contour. There is also no prohibitive overlap between the KTSH interfering contour and the Tuttle protected contour.

---

<sup>1</sup> FCC File No. BPH970220IA

# *Nolan Broadcast Services*

Channel 259C3 could be assigned to Tuttle with no interference to the existing construction permit for KTSH. (See Exhibit #2)

## **Fully Spaced Sites Available**

Although Tyler has chosen a site for reallocation that appears to confirm a mutually exclusive condition, there is an area of over 50 square kilometers available from which to choose a site that is fully spaced to the current allotment at Tishomingo. This area would only require a minor site restriction 2.34 kilometers to the northwest of Tuttle. (See Exhibit #3) Utilizing a site located at North Latitude 35-18-35 and West Longitude 97-49-28 for example, would serve the entire community of Tuttle with a 3.16 mV city grade contour, (See Exhibit #4), and would not be mutually exclusive with the current allotment at Tishomingo. (See Exhibit #5)

## **Population Served Could Increase**

Tyler has stated that the population served with the proposed reallocation to Tuttle would be 767,353 persons from his proposed transmitter site. Utilizing a site located at North Latitude 35-22-08 and West Longitude 97-42-35 for example, will increase the population served for the proposed Tuttle allotment to 804,735 persons<sup>2</sup>. (See Exhibit #6) Furthermore, this site is fully spaced to the current Tishomingo allotment, and would not be mutually exclusive. (See Exhibit #7)

## **Conclusion**

Tyler's proposal for the reallocation of Channel 259C3 to Tuttle, Oklahoma is not mutually exclusive with the existing allotment at Tishomingo, Oklahoma for the following reasons:

1. A site that is fully spaced to the existing Tishomingo allotment could easily be selected to replace Tyler's preferred transmitter location.
2. Contour protection demonstrates that there is no prohibitive overlap between Tyler's preferred transmitter site, and existing station KTSH.
3. A site can be chosen which, if contour protected, would not be mutually exclusive to the KTSH construction permit.

There is a substantial area consisting of over 50 square kilometers from which to choose a site location that would only require a minor site restriction of 2.34 kilometers to the northwest of Tuttle, and which would serve the entire

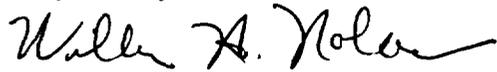
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<sup>2</sup> Source: 1990 U.S. Census Data

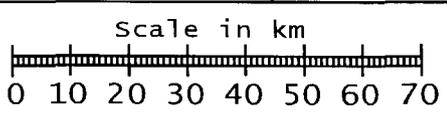
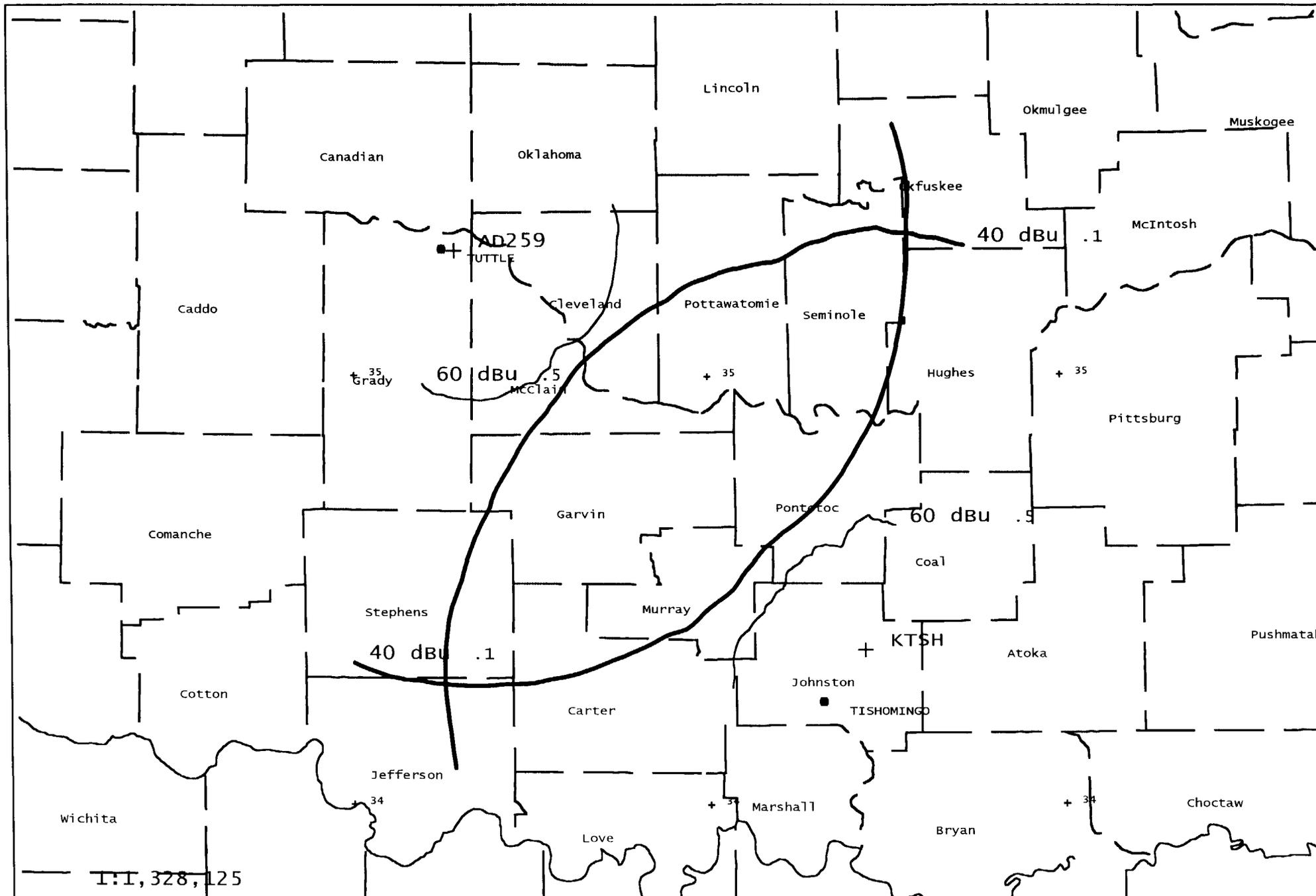
# *Nolan Broadcast Services*

community of Tuttle with a 3.16 mV city grade contour. Selecting a more appropriate site location than Tyler's preferred site would increase the population served by 37,382 persons.

Respectfully Submitted,

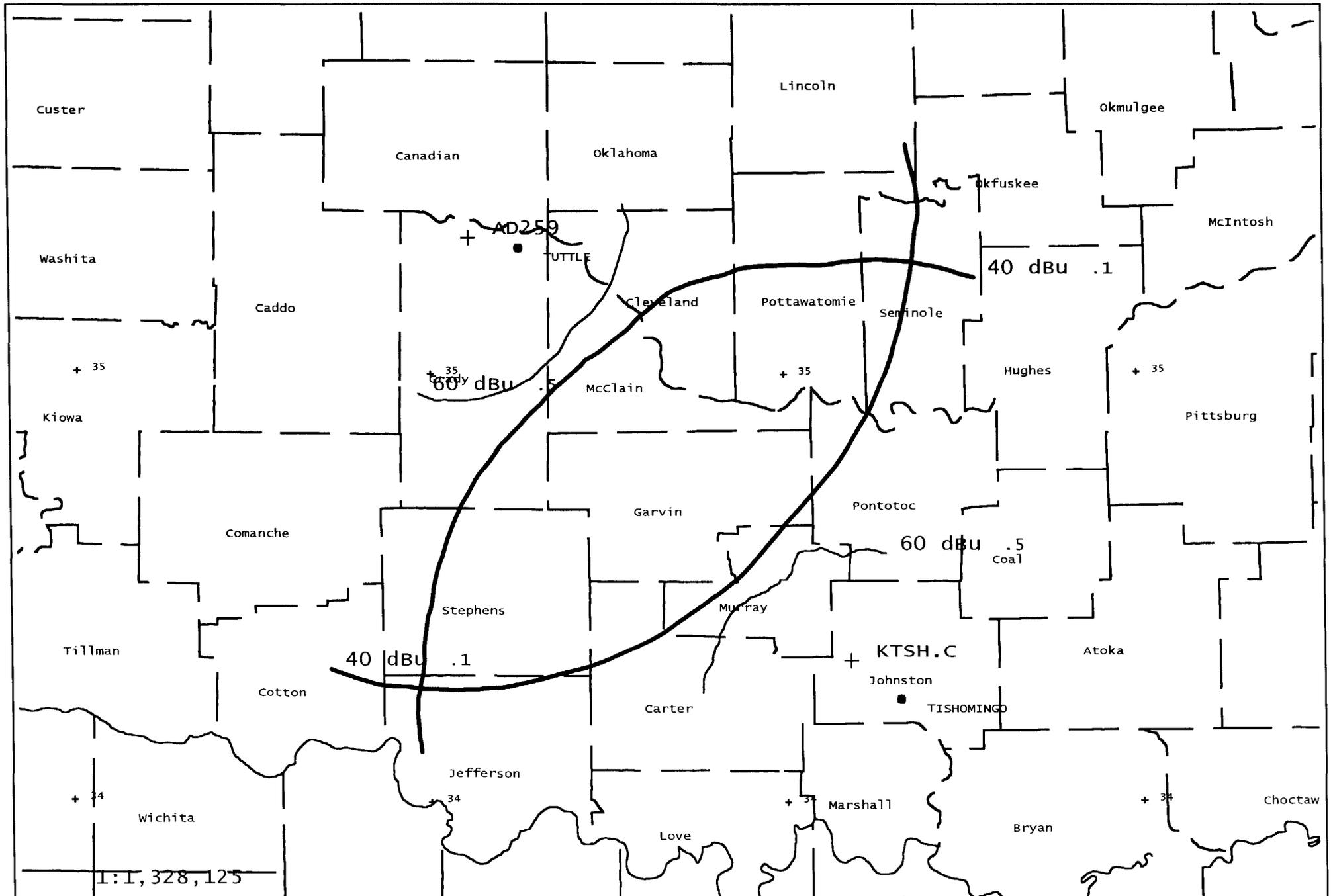


William H. Nolan  
Broadcast Technical Consultant



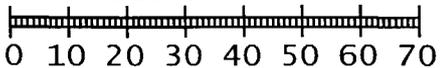
AD259	259C3	25kw	492.55M	AMSL
KTSH	259C3	25kw	345M	AMSL

Exhibit #1  
Bill Nolan - 10/98



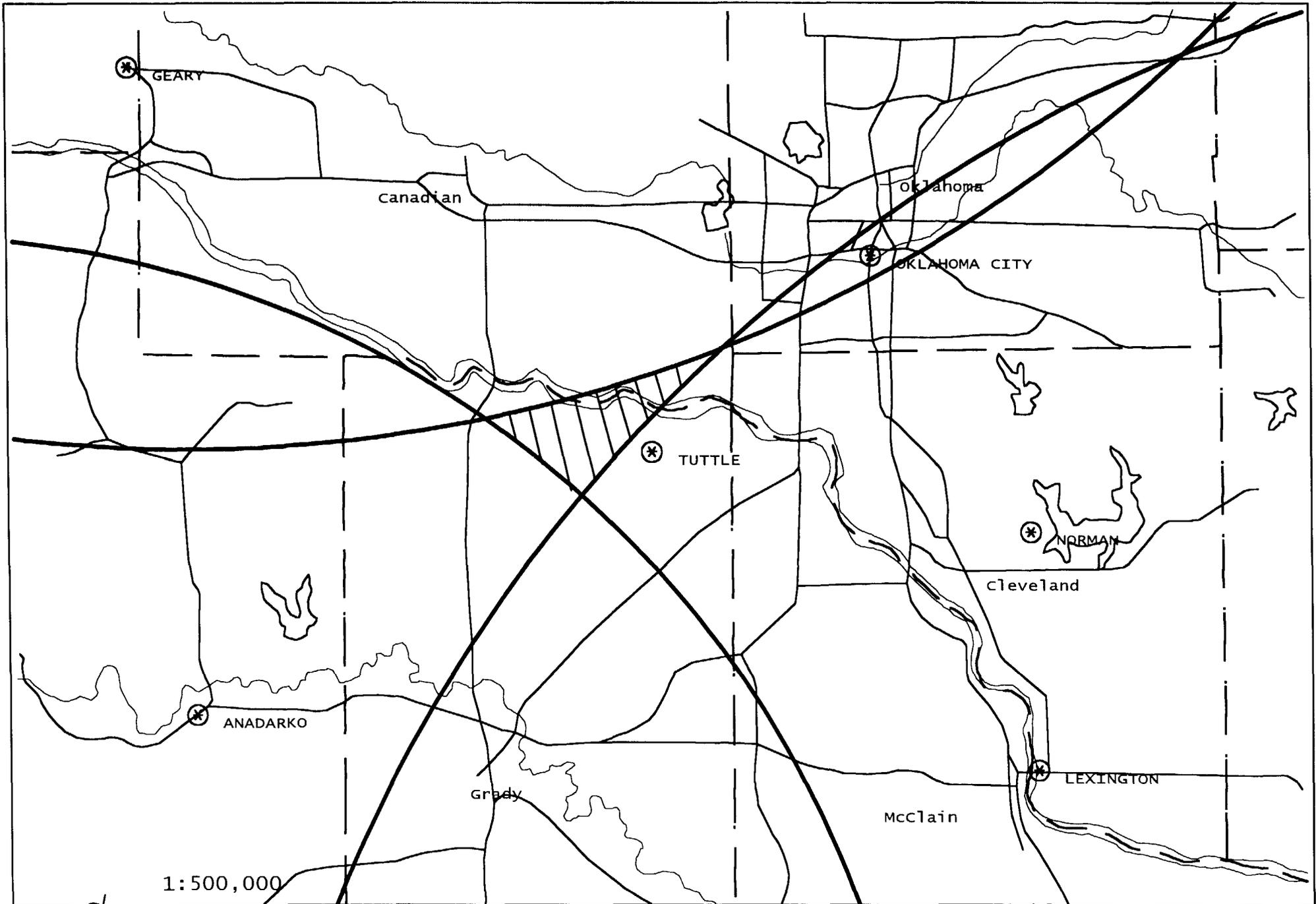
1:1, 328, 125

Scale in km



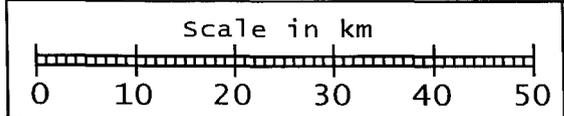
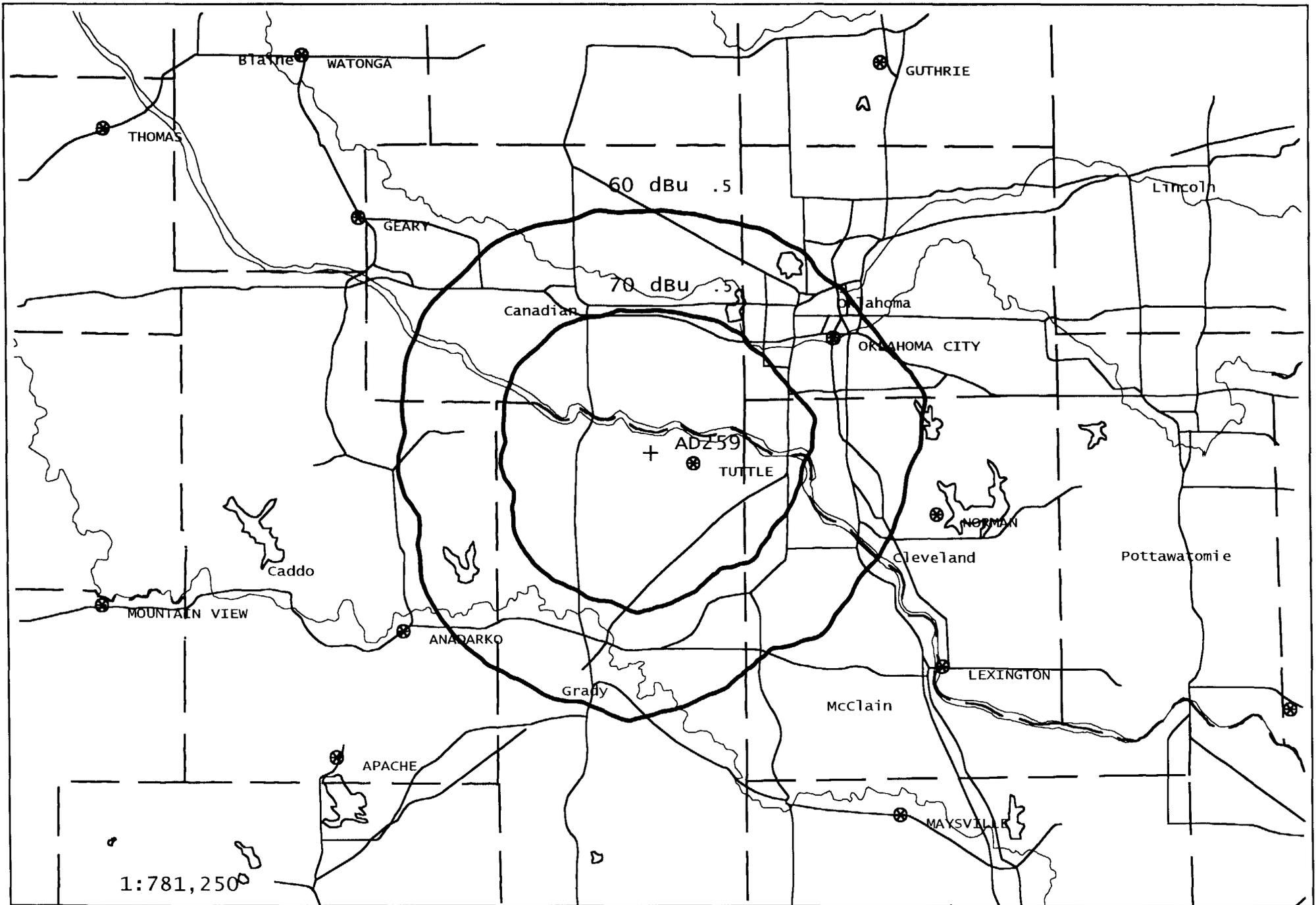
AD259	259C3	25kw	497.45M	AMSL
KTSH.C	259C3	25kw	376M	AMSL

Exhibit #2  
Bill Nolan - 10/98



Tuttle channel 259C3  
 Available Area for Full spacing

Exhibit #3  
 Bill Nolan - 10/98



AD259 259C3 25kw 495.75M AMSL  
N. Lat. 35 18 35 W. Lng. 97 49 28

Exhibit #4  
Bill Nolan - 10/98

Bill Nolan  
Nolan Broadcast Services

Exhibit #5

REFERENCE  
35 18 35 N  
97 49 28 W

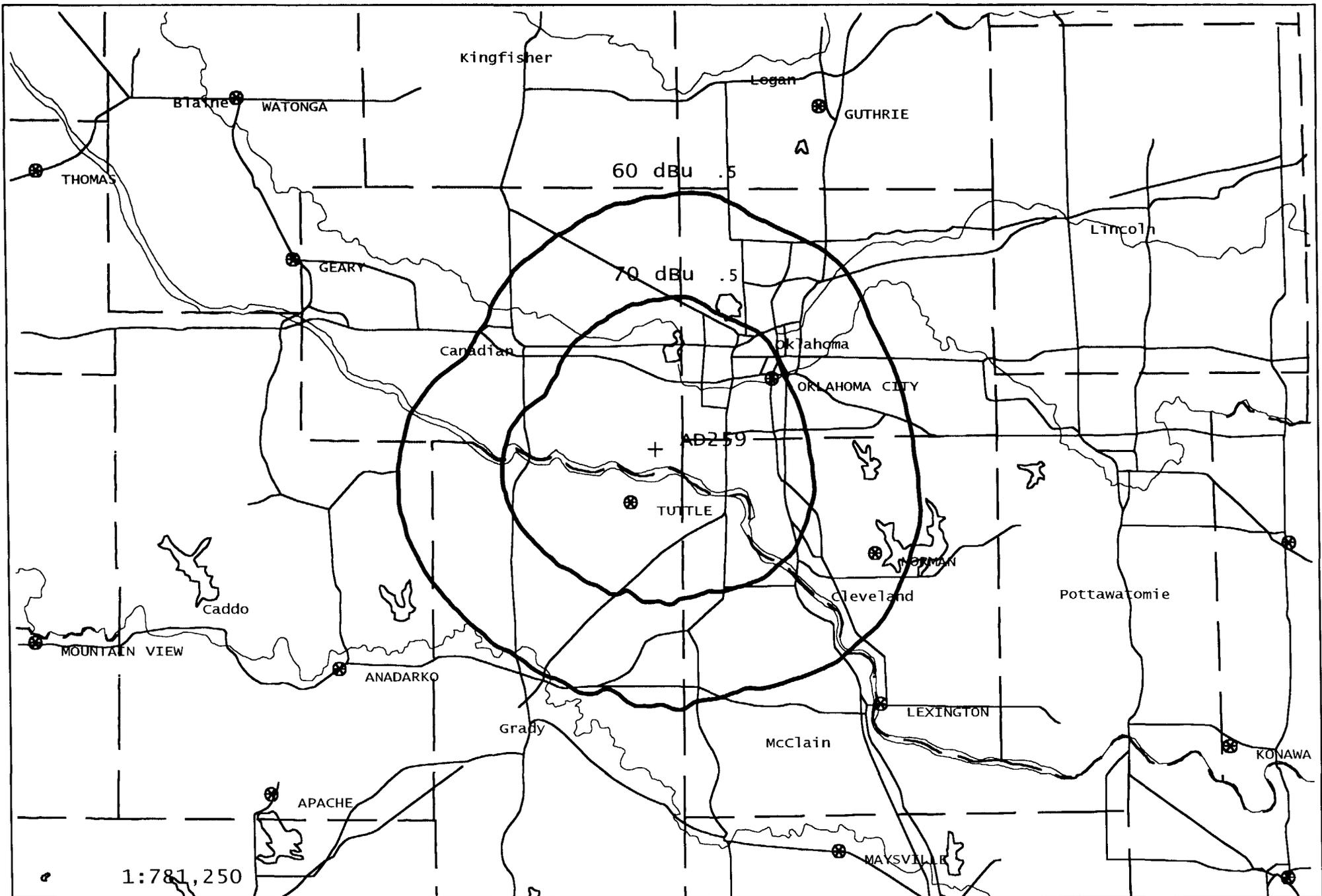
CLASS = C3  
Current Spacings

DISPLAY DATES  
DATA 10-31-98  
SEARCH 11-02-98

----- Channel 259 - 99.7 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			
AD259	AD 259C3	Tuttle	OK	10.04	101.0	153.0	-142.96
35 17 33	97 42 58		0.000 kw	0 M			
		Ralph Tyler		RM9082	980828		
		Site Restriction 9.3km East					
KXLS	LI 259C1	Alva	OK	147.91	344.8	211.0	-63.09
36 35 41	98 15 38	CN	100.000 kw	256 M			
		Chisholm Trail Broadcasting C		BLH810320AE	970218		
DE259	DE 259C1	Alva	OK	147.91	344.8	211.0	-63.09
36 35 41	98 15 38		0.000 kw	0 M			
		Ralph Tyler		RM9082	980828		
KTSH.C	CP 259C3	Tishomingo	OK	142.54	139.6	153.0	-10.46
34 19 46	96 49 02	CN	25.000 kw	100 M			
		Ralph Tyler		BPH970220IA	970827		
DE259	DE 259C3	Tishomingo	OK	156.53	132.1	153.0	3.53
34 21 34	96 33 34		0.000 kw	0 M			
		Ralph Tyler		RM9082	980828		
KTSH	LI 259C3	Tishomingo	OK	156.53	132.1	153.0	3.53
34 21 34	96 33 34	CN	25.000 kw	100 M			
		Ralph H. Tyler		BLH960820KA	971003		
AD260	AD 260C1	Alva	OK	147.91	344.8	144.0	3.91
36 35 41	98 15 38		0.000 kw	0 M			
		Ralph Tyler		RM9082	980828		
KBZQ	LI 258C3	Lawton	OK	103.52	219.8	99.0	4.52
34 35 31	98 32 55	CN	16.000 kw	103 M			
		William R. Fritsch, Jr.		BLH951031KB	960419		
KCKI	LI 258C1	Henryetta	OK	164.71	68.7	144.0	20.71
35 50 02	96 07 28	CN	100.000 kw	299 M			
		Tulsa Great Empire Broadcasti		BLH860425KD	960820		
KLUR	LI 260C1	Wichita Falls	TX	169.45	202.9	144.0	25.45
33 54 04	98 32 21	CN	100.000 kw	253 M			
		Sam F. Beard & Pamela S. Bear		BLH6738	961223		
KYLV	LI 205C3	Oklahoma City	OK	46.29	43.1	14.0	32.29
35 36 48	97 28 29	CN	4.300 kw	153 M			
		Oklahoma Christian University		BLED910318KG	980925		
ALOPEN	AL 261C2	Byng	OK	109.14	117.5	56.0	53.14
34 51 11	96 45 52	N	0.000 kw	0 M			
					970730		
		Reserved for KYKC per one-step application			970707IE		
KYKC.A	AP 261C2	Byng	OK	109.14	117.5	56.0	53.14
34 51 11	96 45 52	CN	50.000 kw	150 M			
		Central Oklahoma Communicatio		BPH970707IE	980306		
		One-step application from Channel 261C3-Amended			980218		
KCDL.C	CPM 257C3	Cordell	OK	106.80	278.6	43.0	63.80
35 26 49	98 59 16	CN	10.500 kw	154 M			
		Dove Media, Inc.		BMPH980717IE	980827		
		One Step Application-From Channel 257A					

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.				HAAT		
KCDL	LI 257A	Cordell	OK	109.41	269.4	42.0	67.41
35 17 35	99 01 38	CN	3.000 kw		61 M		
	Sonja & Donald wrightsman			BLH851204KC	970716		
	*To Channel 257C3 per One-Step Application BMPH-970702ID						



AD259 259C3 25kw 492.55M AMSL  
 N. Lat. 35 22 08 W. Lng. 97 42 35

Exhibit #6  
 Bill Nolan - 10/98

Bill Nolan  
Nolan Broadcast Services

Exhibit #7

REFERENCE  
35 22 08 N  
97 42 35 W

CLASS = C3  
Current Spacings

DISPLAY DATES  
DATA 10-27-98  
SEARCH 10-27-98

----- Channel 259 - 99.7 MHz -----

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.			HAAT			
AD259	AD 259C3	Tuttle	OK	8.49	183.9	153.0	-144.51
35 17 33	97 42 58		0.000 kw	0 M			
		Ralph Tyler		RM9082	980828		
		Site Restriction 9.3km East					
DE259	DE 259C1	Alva	OK	144.80	340.2	211.0	-66.20
36 35 41	98 15 38		0.000 kw	0 M			
		Ralph Tyler		RM9082	980828		
KXLS	LI 259C1	Alva	OK	144.80	340.2	211.0	-66.20
36 35 41	98 15 38	CN	100.000 kw	256 M			
		Chisholm Trail Broadcasting C		BLH810320AE	970218		
KTSH.C	CP 259C3	Tishomingo	OK	141.28	144.6	153.0	-11.72
34 19 46	96 49 02	CN	25.000 kw	100 M			
		Ralph Tyler		BPH970220IA	970827		
DE259	DE 259C3	Tishomingo	OK	153.63	136.6	153.0	0.63
34 21 34	96 33 34		0.000 kw	0 M			
		Ralph Tyler		RM9082	980828		
KTSH	LI 259C3	Tishomingo	OK	153.63	136.6	153.0	0.63
34 21 34	96 33 34	CN	25.000 kw	100 M			
		Ralph H. Tyler		BLH960820KA	971003		
AD260	AD 260C1	Alva	OK	144.80	340.2	144.0	0.80
36 35 41	98 15 38		0.000 kw	0 M			
		Ralph Tyler		RM9082	980828		
KCKI	LI 258C1	Henryetta	OK	152.64	69.7	144.0	8.64
35 50 02	96 07 28	CN	100.000 kw	299 M			
		Tulsa Great Empire Broadcasti		BLH860425KD	960820		
KBZQ	LI 258C3	Lawton	OK	115.31	221.7	99.0	16.31
34 35 31	98 32 55	CN	16.000 kw	103 M			
		William R. Fritsch, Jr.		BLH951031KB	960419		
KYLV	LI 205C3	Oklahoma City	OK	34.50	38.0	14.0	20.50
35 36 48	97 28 29	CN	4.300 kw	153 M			
		Oklahoma Christian University		BLED910318KG	980925		
KLUR	LI 260C1	wichita Falls	TX	179.71	205.2	144.0	35.71
33 54 04	98 32 21	CN	100.000 kw	253 M			
		Sam F. Beard & Pamela S. Bear		BLH6738	961223		
KYKC.A	AP 261C2	Byng	OK	103.45	123.4	56.0	47.45
34 51 11	96 45 52	CN	50.000 kw	150 M			
		Central Oklahoma Communicatio		BPH970707IE	980306		
		One-step application from Channel 261C3-Amended			980218		
ALOPEN	AL 261C2	Byng	OK	103.45	123.4	56.0	47.45
34 51 11	96 45 52	N	0.000 kw	0 M			
					970730		
		Reserved for KYKC per one-step application			970707IE		
KYKC	LI 261C3	Byng	OK	115.58	127.9	43.0	72.58
34 43 34	96 42 46	CN	13.000 kw	140 M			
		Central Oklahoma Communicatio		BLH921014KB	970730		
		*To Channel 261C2 per one-step application			970707IE		

Call N. Lat.	Channel W. Lng.	Location	Power	Dist HAAT	Azi	FCC	Margin
ALOPEN 34 42 31	257A 96 44 24	Ada N	OK 0.000 kw	114.87 0 M	129.5	42.0	72.87
96-10 Effective 3-3-97-Reserved for KADAFM per D96-10 Petition for Recon D96-10 filed 2-18-97-Dismissed MO&O D96-10, 970815 970826							
KCDL.C 35 26 49	CPM 257C3 98 59 16	Cordell CN	OK 10.500 kw	116.41 154 M	274.7	43.0	73.41
Dove Media, Inc. BMPH980717IE 980827 One Step Application-From Channel 257A							

**CERTIFICATE OF SERVICE**

I, Barbara Lyle, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., hereby certify that on this 3rd day of November, 1998, copies of the foregoing "Reply Comments" were hand delivered or mailed first-class, postage pre-paid, to the following:

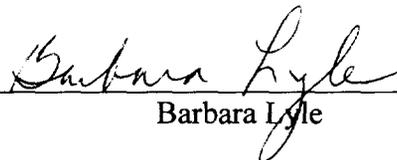
John A. Karousos, Chief\*  
Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., Room 565  
Washington, DC 20554

Ms. Leslie K. Shapiro\*  
Allocations Branch  
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Fisher, Wayland, Cooper, Leader  
& Zaragoza, L.L.P.  
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Counsel for FM 92 Broadcasters, Inc.

  
\_\_\_\_\_  
Barbara Lyle

\* Hand Delivered