

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

In the Matter of)
)
Application of)
)
FLORIDA ATLANTIC UNIVERSITY) File No. BMPLIF-19950524DE
)
)
For Authorization to Modify Facilities)
of EBS Station WQCT296)
)
)
Boynton Beach, Florida)

To: The Wireless Telecommunications Bureau

PETITION FOR RECONSIDERATION

**SOUTHERN FLORIDA
INSTRUCTIONAL TELEVISION, INC.**

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June 24, 2005

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SUMMARY

Southern Florida Instructional Television, Inc. ("SFITV") hereby petitions for reconsideration of the grant by the Wireless Telecommunications Bureau (the "Bureau") of the captioned modification application of Florida Board of Regents, as represented by Florida Atlantic University (the "FAU Modification").

The Bureau's action is contrary to the requirements of Section 1.939(h) of the Commission's Rules, which provides that any grant of an application must include a written disposition of any substantive issues raised in a petition to deny such application. SFITV timely filed a petition to deny the FAU Modification on November 1, 1996 (the "Petition"). In its summary grant of the FAU Modification, released on May 25, 2005, the Bureau failed to acknowledge the existence of the Petition, much less address any of the substantive issues raised therein.

The Petition had demonstrated the existence of SFITV's D Group modification in Miami, which continues to be mutually exclusive with the FAU Modification. Without resolution of this mutual exclusivity, there is no basis for grant of the FAU Modification.

FAU has previously attempted to disavow the existence of the mutually exclusive SFITV application by relying on Footnote 47 to the Commission's Memorandum Opinion and Order in MM Docket 83-523 -- a provision supporting waiver of the cut-off rules pertaining to major change proposals in situations where the proposals are filed to accommodate settlement agreements between applicants that have achieved cut-off status and where the settlement resolves mutually exclusive proposals. The FAU Modification fails to achieve such cut-off status, however, as it relies upon a settlement with a

modification based on an involuntary Petition for Displacement that is defective under the Commission's rules. Moreover, the so-called "settlement" did not resolve all pending mutually exclusive proposals as the FAU Modification remained mutually exclusive with the SFTV Modification.

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To: The Wireless Telecommunications Bureau

PETITION FOR RECONSIDERATION

SOUTHERN FLORIDA INSTRUCTIONAL TELEVISION, INC. ("SFITV"), through counsel and pursuant to Section 1.106 of the Commission's Rules,¹ hereby submits this petition for reconsideration of the grant by the Wireless Telecommunications Bureau (the "Bureau") of the captioned modification application of the Florida Board of Regents, as represented by Florida Atlantic University ("FAU").² The Bureau issued its grant without any acknowledgement or disposition of a timely filed and pending Petition to Deny, filed on November 1, 1996 by SFITV ("the "Petition").³ As detailed in that

¹ 47 C.F.R. §1.106.

² See Public Notice, "Wireless Telecommunications Bureau Site-By-Site Actions," Rpt No. 2157 (May 25, 2005).

³ A copy of this Petition to Deny is included in Exhibit A attached hereto.

Petition and reiterated here, the captioned modification application (the "FAU Modification") is mutually exclusive with the pending modification application of SFITV, licensee of Educational Broadcast Service ("EBS") Station WHR-790 for the D Channel Group at Metro Dade Center in Miami, Florida (the SFITV Modification"),⁴ and thus is not eligible for grant without resolution of such mutual exclusivity.⁵ For these reasons and as further shown below, the Bureau should reconsider its grant of the FAU Modification and return it to pending status.

I. DISCUSSION

A. **The Bureau Erred In Granting the FAU Modification Without Addressing the Substantive Issues Raised In SFITV's November 1, 1996 Petition to Deny.**

Section 1.939(h) of the Commission's Rules, 47 C.F.R. § 1.939(h), provides, in relevant part, that:

[i]f a petition to deny has been filed and the Commission grants the application, the Commission will dismiss or deny the petition by issuing a concise statement of the reason(s) for dismissing or denying the petition, disposing of all substantive issues raised in the petition.

The FAU Modification Application was filed on May 24, 1995, along with a modification by The School Board of Palm Beach, Florida (the "Palm Beach School Board" and the "Palm Beach School Board Modification").⁶ Both modifications related

⁴ BMPLIF-930616DV.

⁵ SFITV has standing to file this Petition for Reconsideration as the grant of the FAU Modification will cut substantially into SFITV's protected service area. If the FAU Modification is not granted, SFITV would receive a full geographic service area ("GSA") which is not split with anyone else.

⁶ BMPLIF-950524DN.

to authorizations or applications for Channels D1, D2, D3 and D4, respectively, in the vicinity of Boynton Beach, Florida. In particular, these modifications purported to “settle” issues between them by apportioning the D1 and D2 Channels to the Palm Beach School Board and the D3 and D4 Channels to FAU. The FAU Modification also increased transmitter output power from 15 to 50 watts and requested a protected service area.⁷ Each of these modification applications was accompanied by a “Joint Motion for Approval of Settlement and Request for Waiver of the Cut-off Rules,” indicating that a “settlement” had been reached among the Palm Beach School Board, FAU and the lessees of each licensee’s excess capacity.

The Palm Beach School Board application was listed as accepted for filing on Public Notice, Report No. 23836A, released September 30, 1996. Under relevant FCC rules then in effect, petitions to deny the Palm Beach School Board Modification were due no later than November 1, 1996. Although filed at the same time and clearly part of the overall “settlement,” the FAU Modification never appeared on Public Notice as accepted for filing.⁸ In an abundance of caution, SFITV filed its Petition to Deny *both* modification applications on November 1, 1996, thereby ensuring that any grant relating

⁷ Under Rule 74.911(a)(1) as then in effect, any increase in transmitter output power was a “major change.” The increase in transmitter power requested by FAU, therefore, rendered its Modification Application “newly filed.”

⁸ The FAU Modification did appear on Public Notice on June 9, 1995 as a new ITFS application “tendered for filing,” as distinguished from “accepted for filing” -- the latter of which would have triggered a time period for filing petitions to deny and the former of which would not.

to *either* modification application would be undertaken *only after a consideration and resolution of the substantive issues raised in the Petition.*⁹

Notwithstanding SFITV's pending Petition, the Bureau granted the FAU Modification effective May 18, 2005, with the grant appearing on Public Notice on May 25, 2005.¹⁰ To the best of SFITV's knowledge, such action was taken without issuing any decision addressing any of the substantive issues raised in SFITV's Petition, or indeed, without even acknowledging the existence of the Petition. Accordingly, pursuant to Section 1.939(h) of the Rules, the Bureau erred in such grant and should return the FAU Modification to pending status until such time as it has considered and resolved the issues raised in the Petition.

B. The FAU Modification Application Is Mutually Exclusive With The SFITV Modification Application.

Any disposition of the FAU Modification must begin with a consideration of whether there are any pending applications or licenses that are mutually exclusive with it. As argued by the Petition, the FAU Modification cannot properly be granted because it is mutually exclusive with a pending modification application filed by SIFTV. The

⁹ The FAU Modification eventually did appear on Public Notice as accepted for filing -- some eight years later on September 10, 2003. See Public Notice, Report No. 1602. By that time, of course, SFITV's Petition to Deny had been pending since November 1, 1996. SFITV properly advised the FCC of this pending Petition to Deny in its December 17, 2002 response to the Bureau's Public Notice, DA 02-2752, released October 18, 2002 (requiring licensees to advise the FCC of all pending legal matters and petitions and to indicate whether continued processing of such matters was requested), requested the continued processing of this petition with respect to the FAU Modification, and included a copy of the Petition with the filing. See Exhibit A attached hereto. Counsel for FAU acknowledged the filing of SFITV's Petition in its December 17, 2002 filing, and also requested the continued processing of its Opposition thereto. See Exhibit B attached hereto. The purpose of these filings was to ensure that the Bureau knew about any pending petitions.

¹⁰ See note 2, *supra*.

chronology of filings and cut-off dates, as set out below, definitively establishes that SFITV's Modification is mutually exclusive with FAU's May 24, 1995 Modification, such that the applications must be considered together.

On August 14, 1992, FAU filed an application for a new EBS relay station operating at 15 watts on the D-Group at Boynton Beach, Florida. FAU's application was placed on the "A" cut-off list released October 7, 1993, with a cut-off date of December 30, 1993.

On June 16, 1993, SFITV -- the existing licensee for the D Channel Group in Miami, Florida under WHR-790 -- filed a major change application, which subsequently appeared on the "A" cut-off list released April 26, 1995, with a cut-off date of July 7, 1995.¹¹ Neither a "B" cut-off date nor a deadline for amendments as of right were ever established for SFITV's application. On May 17, 1995, SFITV filed a minor amendment to relocate its facilities by 0.5 miles to collocate with other area licensees, which did not affect the cut-off status of SFITV's June 16 Modification.¹²

On May 24, 1995, FAU filed the captioned major amendment to its application seeking authorization to increase its proposed power from 15 watts to 50 watts, amending its proposal to request channels D3 and D4 only, and requesting a 15 mile protected service area. As demonstrated by the Engineering Exhibit attached to SFITV's Petition,

¹¹ This major change application was accompanied by a Request for Special Temporary Authority as the filing was made during the EBS filing freeze. The FCC staff determined to process the combined filings as a major change application.

¹² Although the EBS rules were subsequently revised to provide that an increase in the height of the transmitting antenna of 25 feet or more constituted a "major" change, these revised rules did not become effective until May 25, 1995. Accordingly, SFITV's May 17, 1995 amendment proposed a minor change under the rules in effect on the date on which it was filed.

the FAU Modification is predicted to receive harmful interference from SFITV's June 16, 1993 proposal and from the facilities SFITV proposed on May 17, 1995. Accordingly, the FAU Modification filed on May 24, 1995 is mutually exclusive with SFITV's June 16, 1993 Modification, as amended May 17, 1995.

C. The FAU Modification Did Not Qualify For A Waiver of the Cut-Off Rules; Rather, It Was Cut-off Simultaneously With SFITV's Modification.

In order to avoid a finding that the FAU Modification is mutually exclusive with SFITV, FAU must find some basis for arguing that the cut-off rules pertaining to major change proposals were waived in this case. FAU has previously attempted to make this argument by relying on the self-styled "market settlement" with the Palm Beach School Board (and other parties) as the basis for invoking Footnote 47 of the Memorandum Opinion and Order in MM Docket 83-523 ("Footnote 47"), which in turn provides that "[t]he cut-off rules pertaining to major change proposals may be waived in situations where the proposals are filed to accommodate settlement agreements between applicants that have achieved cut-off status and the settlement resolves mutually exclusive proposals."¹³ According to FAU's rationale, the Commission should have waived its EBS cut-off rules with respect to the FAU Modification and the Palm Beach School Board Modification, thereby ensuring that no further applications would be filed and deemed "mutually exclusive" thereto. This reliance on Footnote 47, however, is misplaced.

¹³ Memorandum Opinion and Order (Instructional Television Fixed Service Reconsideration), 59 Rad. Reg. 2d 1355, 1381, n. 47 (1986).

Upon closer examination, it is clear that the “settlement” referred to in the FAU Modification and the Palm Beach School Board Modification fails to resolve mutually exclusive applications that have achieved cut-off status, first because such settlement with respect to the D Channels is based on a filing that is defective under the Commission’s rules, and second, because the settlement did not include SFITV, and so failed to resolve all pending mutually exclusive applications. As a result, Footnote 47 would not support a waiver of the cut-off rules with respect to the FAU Modification.

The Palm Beach School Board originally held the license for KHU90, a grandfathered E-Group station. On December 29, 1993, the licensee of the commercial E Channel Group -- not Palm Beach School Board -- filed a “Petition for Displacement” and an accompanying application proposing the involuntary migration of the Palm Beach School Board’s grandfathered E Group station KHU90 to the D Group stations. *That application was defective and had no basis in the Commission’s rules.* Indeed, the *only* circumstances in which the Commission has authorized BRS tentative selectees to propose the involuntary migration of grandfathered EBS stations is where the EBS station in question is a point-to-point facility. *See* 47 C.F.R. §74.902(h). Since KHU90 is not a point-to-point station, there was then, and is now, *no* basis in the Commission’s Rules for any entity to unilaterally apply on the Palm Beach School Board’s behalf to migrate KHU90 to the D Group.

To the extent that the displacement application was legitimate, it would have been mutually exclusive with the FAU Modification. Both the Palm Beach School Board and FAU apparently treated the two applications as mutually exclusive, ultimately agreeing to split the D-group between them in the May 24, 1995 modifications. In fact, however, the

FAU Modification should have been deemed “newly filed,”¹⁴ and the Palm Beach School Board Modification (which was based upon the defective displacement application) should have been deemed a new application implementing the apportionment of the D1 and D2 channels to the Palm Beach School Board.

Moreover, although both filings purportedly were made pursuant to Footnote 47, neither one affected the status of the SFITV Miami D Group Modification. The FAU Modification was not eligible for immediate cut-off because it did not terminate all mutual exclusivity, leaving the SFITV proposal still mutually exclusive with it. Because the Palm Beach School Board Modification was premised upon a defective filing, it could not be used to bootstrap that defective filing into a waiver of the cut-off rules for the D Group. It was a new application when it was filed on May 24, 1995 and thus, could not have achieved the cut-off status required for its inclusion in a Footnote 47 settlement. The FAU Modification cannot avoid rendering its application “newly filed,” as there is no settlement partner with a cut-off application (as is required for Footnote 47 to operate to insulate that amended application from “newly filed” status). Failing any waiver of the cut-off rules, the FAU Modification was (and is) mutually exclusive with SFITV’s June 16, 1993 Miami D Group Modification, as amended May 17, 1995. And because the May 24, 1995 “market settlement” did not include the Miami D Group Modification, it did not resolve *all* mutually exclusive applications. Footnote 47 cannot be used, therefore, to cut-off the SFITV mutually exclusive proposal.

¹⁴ Under Rule 74.911(a)(1) as then in effect, any increase in transmitter output power was a “major change.”

II.
CONCLUSION

WHEREFORE, the foregoing premises considered, SFITV respectfully requests that the Bureau reconsider the grant of the FAU Modification and return that application to pending status, for disposition in accordance with the rules governing mutually exclusive applications.

Respectfully submitted,

SOUTHERN FLORIDA
INSTRUCTIONAL TELEVISION, INC.

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June 24, 2005

EXHIBIT A

**Southern Florida Instructional TV, Inc. December 17, 2002 Filing Pursuant to
FCC Public Notice Released October 18, 2002, DA -02-2752, "Wireless
Telecommunications Bureau Seeks to Verify ITFS, MDS MMDS
Pending Matters**

(attachments to letter filing included)

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December 17, 2002

HAND DELIVERED TO:

Office of the Secretary
Federal Communications Commission
c/o Vistrionix, Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, D.C. 20002

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DEC 17 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Attention: MDS/ITFS Legal Matters

FILING PURSUANT TO FCC PUBLIC NOTICE
RELEASED OCTOBER 18, 2002, DA 02-2752, "WIRELESS
TELECOMMUNICATIONS BUREAU SEEKS TO VERIFY
ITFS, MDS, MMDS PENDING LEGAL MATTERS"

Applicant Name: Florida Atlantic University

Petitioner Name: Southern Florida Instructional TV, Inc.

Petitioner FRN: 0008094104

This Verification Filed on Behalf of: Southern Florida Instructional TV, Inc.

Nature of Proceeding: Application for Authorization of New ITFS Station (D3 & D4), File Nos. BMPLIF-950524DE and BMPLIF-920814DA

Pleading Cycle Is: Complete

Pleadings: Are Not Listed in Appendix to Public Notice

Action on Petitioner's Pleadings Is: Requested

Pleadings Filed in Proceeding:

1(a). November 1, 1996 Petition to Deny filed by Southern Florida Instructional TV, Inc. (Date stamped copy attached)

1(b). February 21, 1997 Opposition filed by WBSA (Date stamped copy attached)¹

1(c). March 5, 1997 Reply filed by Southern Florida Instructional TV, Inc. (Date stamped copy attached)



Todd D. Gray, Esq.

Counsel for Southern Florida
Instructional TV, Inc.

cc w/encl: William Freedman, Esq.

DC01/389863.1

¹ There may be one or more requests for extension of the due date for this pleading, but none is in our possession.

RECEIVED

NOV - 1 1996

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)
)
The School Board of Palm Beach) File No. BMPLIF-950524DN
County, Florida)
)
To Modify Facilities of ITFS)
Station KHU-90 (Channels D1 & D2))
at Boynton Beach, Florida)
)
Florida Board of Regents)
(Florida Atlantic University)) File No. BMPLIF-950524DE
) BMPLIF-920814DA
)
For New ITFS To Facilities)
Utilizing Channels D3 & D4)
at Palm Beach, Florida)

To: Chief, Distribution Services Branch
Video Services Division, Mass Media Bureau

PETITION TO DENY

SOUTHERN FLORIDA INSTRUCTIONAL
TV, INC.

November 1, 1996

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The School Board of Palm Beach County ("SBPB") and Florida Atlantic University ("FAU") filed major change applications on May 24, 1995 proposing to split the D-Group channels at Palm Beach, Florida pursuant to a purported "Market Settlement Agreement". These applications are mutually exclusive with Southern Florida Instructional TV, Inc.'s ("SFITV's) June 16, 1993 major change application, as amended May 17, 1995, for D-Group facilities in Miami, Florida.

The "settlement agreement" reached between SBPB and FAU does not entitle the parties to a waiver of the ITFS cut-off rules. Waiver of the ITFS cut-off rules is permitted only where applicants have reached settlement agreements for mutually exclusive applications that have achieved cut-off status. SBPB's and FAU's agreement does not satisfy these requirements. First, SFITV's previously cut-off application is mutually-exclusive with FAU's and SBPB's applications. Second, SBPB's modification application is premised upon the acceptability of a defective application to displace SBPB's full service ITFS facilities from the Palm Beach E-Group to the D-Group.

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NOV - 1 1996

Before the
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re Applications of)
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The School Board of Palm Beach)
County, Florida) File No. BMPLIF-950524DN
)
To Modify Facilities of ITFS)
Station KHU-90 (Channels D1 & D2))
at Boynton Beach, Florida)
)
Florida Board of Regents)
(Florida Atlantic University)) File No. BMPLIF-950524DE
) BPLIF-920814DA
)
For New ITFS To Facilities)
Utilizing Channels D3 & D4)
at Palm Beach, Florida)

To: Chief, Distribution Services Branch
Video Services Division, Mass Media Bureau

PETITION TO DENY

Southern Florida Instructional TV, Inc. ("SFITV"), permittee¹ of ITFS Station WHR-790 (D-Group) at Miami, Florida, by its attorneys, hereby respectfully submits its Petition to Deny the above-referenced applications of The School Board of Palm Beach County, Florida ("SBPB") and the Florida Board of Regents, as represented by Florida Atlantic University ("FAU") for facilities utilizing Channels D1 and D2, and D3 and D4, respectively, in the vicinity of Palm Beach, Florida.² In their May 24, 1995

¹ Station WHR-790 is constructed and operating at the modified parameters specified in SFITV's June 16, 1993 modification application (File No. BMPLIF-930616DV) pursuant to Special Temporary Authority ("STA").

² SBPB's application was listed on Public Notice, Report No. 23836A, released September 30, 1996. Petitions to deny the application are due no later than November 1, 1996. The above-

applications, SBPB and FAU propose to split the ITFS D-Group facilities at Palm Beach, Florida in connection with a so-called Market Settlement Agreement. The applications were filed concurrently with a "Joint Motion for Approval of Settlement and Request for Waiver of Cut-Off Rules" indicating that a "settlement" had been reached among SBPB, FAU, Wireless Broadcasting Systems of West Palm Beach, Inc. ("WBS") and People's Choice TV, Inc. ("PCTV") for the ITFS and MDS channels in Palm Beach County, Florida.³ The parties to the "settlement" requested concurrent processing of their applications and sought waiver of cut-off rules" pursuant to Footnote 47 of the Memorandum Opinion and Order in MM Docket No. 83-523, 59 RR 2d 1355, 1381 (1986) ("Footnote 47").⁴ For the reasons stated below, SFITV submits that this "settlement" is not compliant with the FCC's rules because it fails to take into account SFITV's previously-filed mutually-exclusive applications.⁵

referenced major amendment to FAU's August 14, 1992 application has not appeared on Public Notice.

³ PCTV has been succeeded by Alda Wireless Holdings, Inc. See MMDS Station WNI841, West Palm Beach, Florida, File No. 50734-CM-AL(5)-93.

⁴ See Joint Motion for Approval of Settlement and Request for Waiver of Cut-Off Rules, dated May 24, 1995 (hereinafter "Settlement Agreement").

⁵ SBPB's and FAU's applications were amended September 14 and 15, 1995 in order to protect SFITV's Protected Service Area. These amendments fail to account for the predicted interference caused by SFITV's proposed facilities to SBPB's and FAU's proposed Palm Beach facilities. As the Commission's rules define mutual exclusivity to include any interference between two or more proposals, the September 1995 amendments do not resolve SBPB's and FAU's mutual exclusivity with SFITV's modification application.

Lacking a genuine settlement, neither SBPB nor FAU are entitled to waiver of the cut-off rules pursuant to Footnote 47. Accordingly, SBPB's and FAU's applications cannot be granted without consideration alongside SFITV's June 16, 1993 major change application, as amended (File No. BMPLIF-930616DV). Thus, SFITV respectfully submits that the FCC's rules require processing of the three applications under the ITFS comparative analysis rules. See 47 C.F.R. §74.913.

BACKGROUND

SFITV has entered into an agreement with Friends of WLRN, Inc. ("FWI") whereby FWI subleases SFITV's excess airtime on a consolidated basis with excess airtime on other Miami ITFS channels. Pursuant to its agreement with SFITV, FWI has entered into an agreement to sublease SFITV's excess airtime to National Wireless Holdings, Inc. ("NWH"). In furtherance of the NWH sublease, SFITV, FWI and the School Board of Dade County, Florida ("Dade County") filed applications during the spring and summer of 1995 permitting collocation to NWH's transmission site and requesting Protected Service Areas ("PSAs") at that location. Wireless Broadcasting Systems of America, Inc. ("WBS"), a wireless cable operator holding excess airtime agreements in the West Palm Beach area, has filed numerous objections in response to these filings, which, as demonstrated herein, are mutually-exclusive with the May 24, 1995 filings of WBS's affiliates.⁶

⁶ On July 7, 1995, WBS filed "Comments and Objections" challenging SFITV's June 16, 1993 major change application, as

ARGUMENT

I. SBPB's and FAU's Applications Are Mutually Exclusive With SFITV's Modification Application

The chronology of filings and cut-off dates establishes that SFITV's modification application is mutually-exclusive with SBPB's and FAU's May 24, 1995 applications, such that the applications must be considered together.

On August 14, 1992, FAU filed an application for a new ITFS relay station operating at 15 watts on the D-Group at Boynton Beach, Florida at coordinates 26-31-22 N., 80-05-29 W. Although FAU failed to study SFITV's construction permit in its application, it is not believed that its application was mutually-exclusive with SFITV's previously-authorized facilities. FAU's application was placed on the "A" cut-off list released October 7, 1993, with a cut-off date of December 30, 1993.⁷

amended May 17, 1995. On July 14, 1995, WBS filed "Consolidated Comments and Objections" challenging the PSA requests of SFITV, Dade County, and FWI for Stations WHR-790, WHA-956, WHR-866, WHG-230 and KTB-84. On March 29, WBS again filed an objection to SFITV's PSA request, essentially repeating the arguments made in its July 14, 1995 consolidated objection. WBS' challenges to the Miami PSA requests assert that they were filed in order to inhibit development of WBS' planned wireless cable system in the Palm Beach area. However, as demonstrated by the "Consolidated Opposition to Consolidated Comments and Objections" ("Consolidated Opposition") filed on April 19, 1996 by SFITV, Dade County, FWI and NWH, interference between the Miami and Palm Beach systems exists regardless of the Miami PSA requests, and the requests are fully consistent with FCC rules and policies.

⁷ As indicated in both SFITV's May 17 and July 7 amendments, mutual exclusivity between FAU's initial proposal and SFITV's relocated transmission site may be resolved through upgrade of certain FAU receive sites pursuant to Section 74.903(a)(4) of the Commission's Rules.

On December 29, 1993, prior to the cut-off date for FAU's D-Group application, PCTV, the licensee of the West Palm Beach E-Group and WJB-TV Ft. Pierce Limited Partnership, WBS' predecessor as lessee of the West Palm Beach E-Group, filed a petition to displace KHU-90, the grandfathered full service E-Group station at Boynton Beach, Florida, licensed to SBPB. The petition and accompanying ITFS application proposed that KHU-90 migrate from the E-Group at Boynton Beach to the D-Group at West Palm Beach. Pursuant to Section 74.902(h) of the Commission's Rules, involuntary migration of grandfathered ITFS stations applies only where the ITFS station to be displaced is a point-to-point facility. 47 C.F.R. § 74.902(h). Accordingly, the KHU-90 displacement proposal was defective in that it proposed the migration of a full service ITFS station. Neither a "B" cut-off date nor a deadline for amendments as of right was ever established for either the SBPB displacement application or FAU's application for new facilities.

On May 24, 1995, SBPB filed a major amendment to the defective December 29, 1993 displacement application, proposing to increase the power of SBPB's proposed facilities from 15 to 50 watts, amending SBPB's proposal to request Channels D1 and D2 only, and requesting a 15 mile Protected Service Area.⁸ This amended proposal

⁸ As discussed in more detail at Section II, infra, because the December 29, 1993 application to displace SBPB's E-Group facilities failed to qualify for the Commission's involuntary migration procedures, and thus should have been dismissed, SBPB's

is predicted to receive harmful interference from SFITV's June 16, 1993 proposal and from the facilities SFITV proposed on May 17, 1995. See Engineering Exhibit of Darryl K. DeLawder, attached as Exhibit A.

On May 24, 1995, FAU filed a major amendment to its application seeking authorization to increase its proposed power from 15 to 50 watts, amending its proposal to request Channels D3 and D4 only, and requesting a 15 mile PSA. FAU's 1995 proposal is predicted to receive harmful interference from SFITV's June 16, 1993 proposal and from the facilities SFITV proposed on May 17, 1995. See Engineering Exhibit of Darryl K. DeLawder, attached as Exhibit B.⁹

On June 16, 1993, during the ITFS filing freeze, SFITV filed an STA request and attached a major change application seeking authority to increase power to 50 watts.¹⁰ FCC staff informally advised SFITV that the proposal attached to its STA request would be processed as a major change application. SFITV's application subsequently appeared on the "A" cut-off list released April 26,

May 24, 1995 application is more properly considered an application for new ITFS facilities ineligible for filing in May of 1995 and ineligible for consideration under the Footnote 47 settlement application procedures.

⁹ FAU's amendment appeared on Public Notice June 9, 1995 as a new ITFS application tendered for filing.

¹⁰ On June 28, 1989, SFITV filed a minor change application proposing to relocate its authorized 10 watt facilities to the Metro-Dade Center at coordinates 25-46-30 N., 80-11-49 W. This application was granted on January 24, 1990.

1995, with a cut-off date of July 7, 1995. Neither a "B" cut-off date nor a deadline for amendments as of right has been established for SFITV's application.

On May 17, 1995, in connection with the sublease of its excess airtime agreement, SFITV filed a minor amendment proposing to relocate its previously-proposed 50 watt facilities by 0.5 miles to NWH's collocated site at coordinates 25-46-20 N., 80-11-20 W. As this amendment proposed a minor change, it did not affect the cut-off status of SFITV's June 16, 1993 major change application.¹¹

Accordingly, the major modification applications filed on May 24, 1995 by SBPB and FAU, which are mutually-exclusive with SFITV's June 16, 1993 modification application, as amended May 17, 1995, and which do not qualify for waiver of the cut-off rules, were cut-off simultaneously with SFITV's application.

II. The May 24, 1995 "Settlement Agreement" Does Not Establish A Basis for Waiver of the Cut-Off Rules

SBPB and FAU have requested a waiver of the ITFS cut-off rules based on their claim that they have negotiated a settlement that allows them to invoke Footnote 47 of the Memorandum Opinion & Order

¹¹ On July 7, 1995, SFITV re-filed its May 17 proposal relocating its proposed facilities by 0.5 miles to NWH's transmission site. Although SFITV's July 7 amendment was inadvertently designated a "major change" on page one of Form 330, the only functional difference between SFITV's May 17 and July 7 amendments is the PSA request filed with the July 7 amendment. SFITV's July 7 amendment did not affect the status of SFITV's June 16, 1993 major change application, which was cut-off on July 7, 1995.

in MM Docket No. 83-523. However, their reliance on Footnote 47 is misplaced.

Footnote 47 provides that "[t]he cut-off rules pertaining to major change proposals may be waived in situations where the proposals are filed to accommodate settlement agreements between applicants that have achieved cut-off status and the settlement resolves mutually exclusive proposals." Thus, Footnote 47, by its very terms, only applies where a major amendment resolves mutually exclusive applications that have achieved cut-off status. Only one of the D-Group applications, FAU's 1992 application (FCC File No. BPLIF-920814DB), satisfies that criterion. As discussed above, the other of the so-called mutually exclusive applications for the D-Group is SBPB's defective displacement application. The Commission has refused to process that application. Under the Commission's rules, the involuntary migration of grandfathered ITFS stations only applies to ITFS stations on the E and F channels operating in a point-to-point mode. 47 C.F.R. § 74.902(h); see MMDS, Incorporated, 8 FCC Rcd 5440 (Com. Car. Bur. 1993). Since KHU-90 is not a point-to-point station, there is no basis in the Commission's Rules for PCTV or for WJB to have unilaterally applied on SBPB's behalf to migrate KHU-90 to the West Palm Beach D-Group.

Although it would be mutually exclusive with FAU's 1992 application, apparently because it is defective, the improperly-filed SBPB displacement application has never appeared on a Public

Notice as tendered for filing or on a cut-off list.¹² Under these circumstances, SBPB's May 24, 1995 "major change" application more properly should be considered an application for new facilities. Accordingly, the purported "settlement" between SBPB and FAU was artificially and improperly manufactured. If it were to accept the "settlement" and grant SBPB's and FAU's applications without considering SFITV's application, the Commission, in addition to permitting the major amendment of FAU's application in contravention of the cut-off rules, would permit an entirely new application to have been accepted for filing during the filing freeze on new ITFS applications. Such action would clearly violate SFITV's rights pursuant to Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1945) (comparative hearings must be held where applicants file mutually-exclusive applications).

In short, waiver of the cut-off rules would be both procedurally improper and would unfairly prejudice the efforts by SFITV and its partners to bring the benefits of wireless cable to the Miami area -- a result that would be patently inconsistent with the public interest.

¹² Contrary to WBS' assertions, PCTV's application has no comparative rights against SFITV's cut-off June 16, 1993 application. Even if PCTV's December 29, 1993 application were considered properly filed, it lost any rights it had as a result of its December 29, 1993 filing date by filing a major amendment to its application on May 24, 1995.

III. SFITV's PSA Request Complies With The Commission's Rules

SFITV is entitled to comparative consideration with the applications of SBPB and FAU despite the challenges of WBS to SFITV's PSA request.

WBS has argued that SFITV's PSA request -- along with those of NWH's other ITFS affiliates -- are invalid because NWH is not currently utilizing excess capacity on the Miami ITFS stations. That contention is absurd. While it is true that an ITFS licensee is entitled to PSA protection only during the hours when the facility is utilized for wireless cable service, the Commission has never denied PSA protection on an ITFS station on the grounds that the wireless cable lessee was not actually utilizing excess capacity when the PSA request was filed. Indeed, the Commission allows mere applicants, as well as current ITFS licensees, to seek protected service area protection.¹³ Clearly, if mere applicants may apply for PSAs, then there can be no requirement that wireless cable operators must be actually utilizing excess capacity at the time the PSA request is made. Significantly, WBS has failed to cite any case where the Commission has denied PSA protection to an ITFS station merely because the facility was not yet being used by

¹³ Amendment of Parts 21, 43, 74, 78, and 94 of the Commission's Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands Affecting: Private Operational-Fixed Microwave Service, Multipoint Distribution Service, Multichannel Multipoint Distribution Service, Instructional Television Fixed Service, and Cable Television Relay Service, 6 FCC Rcd 6767 (1991). See also 47 C.F.R. § 74.903(e).

the wireless cable lessee.¹⁴ To the contrary, the Commission has consistently afforded PSA protection to authorized or proposed facilities even before they are actually being used for the transmission of wireless cable service.¹⁵

WBS also contends that SFITV's PSA request should be denied because of certain routine contingencies in its excess airtime agreement. Should the Commission adopt the arguments advanced by WBS, then the PSA requests of SBPB, FAU and the other WBS affiliates likewise must be denied. Like SFITV, WBS is not actually using the excess capacity of its Palm Beach ITFS affiliates. Indeed, it appears that an essential condition precedent to the contracts has not been met, and there is no leasing relationship.

A cursory reading of the ITFS Excess Capacity Lease Agreement between FAU and WBS, moreover, reveals that WBS is under no current or future obligation to lease excess capacity from FAU. Paragraph XIII.n. of that agreement reads:

Notwithstanding any other provisions in this Agreement to the contrary, the parties agree that WBS shall have no obligation whatsoever to the University pursuant to this Agreement unless WBS executes a valid excess capacity lease agreement with [SBPB]. Such

¹⁴ In addition, it is disingenuous for WBS to suggest that PSA protection is not available to SFITV when WBS' own ITFS affiliates are seeking protected service area protection for proposed facilities in West Palm Beach that are not currently being utilized by WBS.

¹⁵ See, e.g. Letter from Clay C. Pendarvis, Acting Chief, Distribution Services Branch, to Monsignor Michael J. Dempsey, File No. BPLIF-931020DY (Oct. 6, 1995).

agreement must provide for the use of at least ten (10) ITFS channels for WBS, of which five (5) channels must be available to WBS on a full-time basis.¹⁶

No such agreement with the SBPB has been executed. By its terms SBPB's lease with WBS provides for full-time use of only three channels.¹⁷ Thus, WBS has no present right to use FAU's facilities.

SBPB's airtime lease with WBS also contains contingencies similar to those cited in WBS' attacks on SFITV. For example, Paragraphs XI.a. and XIII.m. provide for terminability of the lease if all of the FCC approvals contemplated in the agreement are not obtained within two years of the agreement (by January 4, 1997).¹⁸

Thus, in the event the Commission is persuaded to adopt WBS's theory of eligibility for a PSA, the Commission must consider the PSA requests of FAU and SBPB in a similar fashion.¹⁹ SFITV reiterates its contention that the its PSA request is valid and properly founded in the FCC's rules and policies. However, should

¹⁶ See ITFS Excess Capacity Lease Agreement, filed with the Commission on March 29, 1995, ITFS stations WHR-896 and WHR-901 (Boynton Beach, Florida), at 36 (emphasis added).

¹⁷ See ITFS Excess Capacity Lease Agreement Between the School Board of Palm Beach County and Wireless Broadcasting Systems of Palm Beach, Inc., filed with the Commission on April 17, 1995 ("SBPB lease"), at 18.

¹⁸ See SBPB Lease at 33, 42.

¹⁹ See Melody Music v. FCC, 345 F.2d 730 (D.C.Cir. 1965). Taken to its logical extreme, WBS' contention would require the Commission to review the airtime lease of every ITFS permittee or licensee which seeks a PSA.

the Commission adopt WBS' views with respect to PSA requests, then FAU's and PBSB's requests must be similarly denied.

Finally, WBS would have the Commission believe that SFITV and NWH's other ITFS affiliates have requested PSAs merely to hinder the development of wireless cable in West Palm Beach. However, it is the design of the West Palm Beach system, not the PSA requests, that is the source of WBS' problems. Simply put, the close proximity of the proposed wireless cable systems in the Miami and the West Palm Beach markets has created actual and potential interference. Indeed, the modifications proposed by SBPB and its affiliates receive interference not only from the facilities proposed by SFITV, but also from the existing Miami MDS and ITFS stations. See Engineering Exhibits of Darryl K. Delawder, attached as Exhibits A and B. Regardless of whether the Commission grants SFITV's PSA requests or its application, as amended, the West Palm Beach stations proposed by SBPB and its affiliates will suffer interference.

CONCLUSION

In conclusion, the Commission's September 30, 1996 Public Notice fails to reflect the mutual exclusivity between SBPB's and FAU's May 24, 1995 modification applications and SFITV's June 16, 1993 modification application. Neither SBPB's nor FAU's application may be properly granted without being considered together with SFITV's application pursuant to the Commission's ITFS comparative analysis procedures.

WHEREFORE, for the foregoing reasons, the May 24, 1995 application filed by The School Board of Palm Beach County, Florida (File No. BMPLIF-950524DN) and the May 24, 1995 major change application filed by the Florida Board of Regents, as represented by Florida Atlantic University (File No. BMPLIF-950524DE) should be given comparative consideration with the June 16, 1993 major change application, as amended May 17, 1995, filed by Southern Florida Instructional, TV, Inc. (File No. BMPLIF-930616DV).

Respectfully submitted,

SOUTHERN FLORIDA INSTRUCTIONAL TV, INC.

By:


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Its Attorneys

November 1, 1996
scfird\sfiv.2pt

EXHIBIT A

ENGINEERING REPORT

DELAWDER COMMUNICATIONS, INC.

(703) 658-5390

Miami, Florida D-Group ITFS

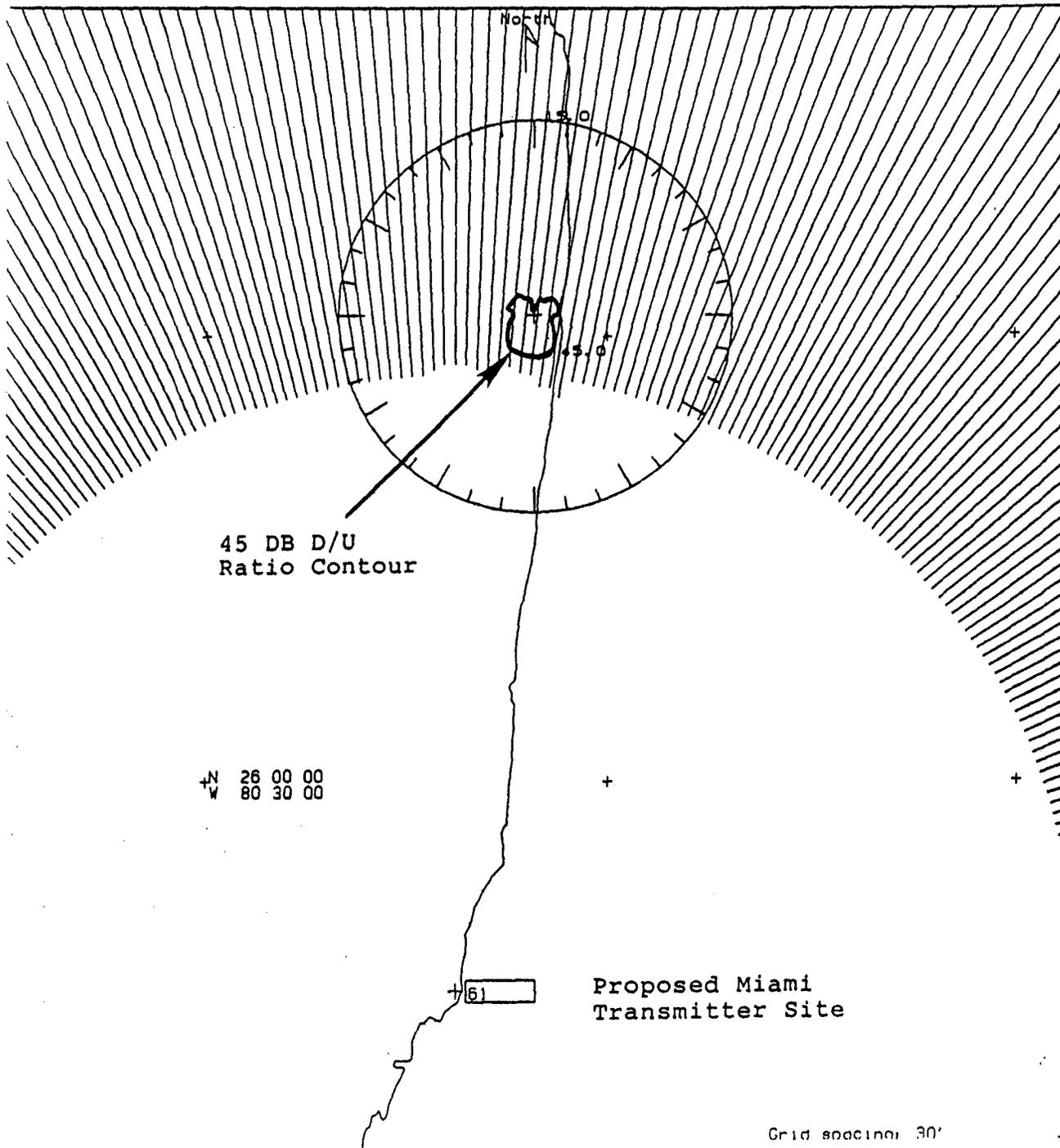
ENGINEERING STATEMENT

1. This engineering statement demonstrates the predicted cochannel interference caused to the 15-mile protected service area (PSA) of KHU-90, Boynton Beach, Florida (as proposed, FCC File Number BMPLIF-950524DN) from the licensed and proposed (FCC File Number BMPLIF-930616DV) transmit facilities of WHR-790, Miami, Florida. BMPLIF-950524DN proposes to operate on ITFS channels D-1 and D-2. The Miami proposed or authorized station specifies channels D-1, D-2, D-3 and D-4.

2. Map 1, attached, shows the prior 15-mile PSA boundary, and the 45 dB D/U ratio contour determined for the proposed BMPLIF-950524DN Boynton Beach facility (as desired) and the proposed Miami facility (as undesired). A shadow study from the proposed Miami transmit antenna is also shown on Map 1. Map 1 clearly demonstrates that cochannel interference is predicted to result to most of the southern portion of the Boynton Beach 15-mile PSA.

3. Map 2, attached, shows the prior 15-mile PSA boundary, and the 45 dB D/U ratio contour determined for the proposed BMPLIF-950524DN Boynton Beach facility (as desired) and the licensed Miami facility (as undesired). A shadow study from the licensed Miami transmit antenna is also shown on Map 2. Map 2 clearly demonstrates that cochannel interference is predicted to result to the Boynton Beach 15-mile PSA.

4. Tables 1 and 2, attached, include the predicted D/U ratio values throughout the Boynton Beach prior 15-mile PSA from the proposed and licensed Miami facilities, respectively. Each D/U ratio value (as well as the 45 dB D/U ratio contours of Maps 1 and 2) uses the pattern characteristics of the FCC reference receive antenna.



MSITE(tm) - EDX Engineering, Inc.

Propagation model: FCC-EDX
 Time: 50.00% Loc: 50.00% Margin: .0 dB
 Climate: Continental Temperate
 Gndcvr: None
 Atm. factor: None
 K Factor: 1.333
 RX Antenna - Type: OMNI
 Height: 30.0 feet AGL Gain: 20.0 dBd

Line-of-Sight/Shadowed Areas

Line-of-Sight Areas
 Shadowed Areas

Site	Ant Eiv AMSL (feet)	ERPd (dBV)	Ant. Type /Orient.	Coordinates
61	780.0	26.00	DA-H 295.0	N 25 46 20.0 W 80 11 20.0

N 26 00 00
W 80 30 00

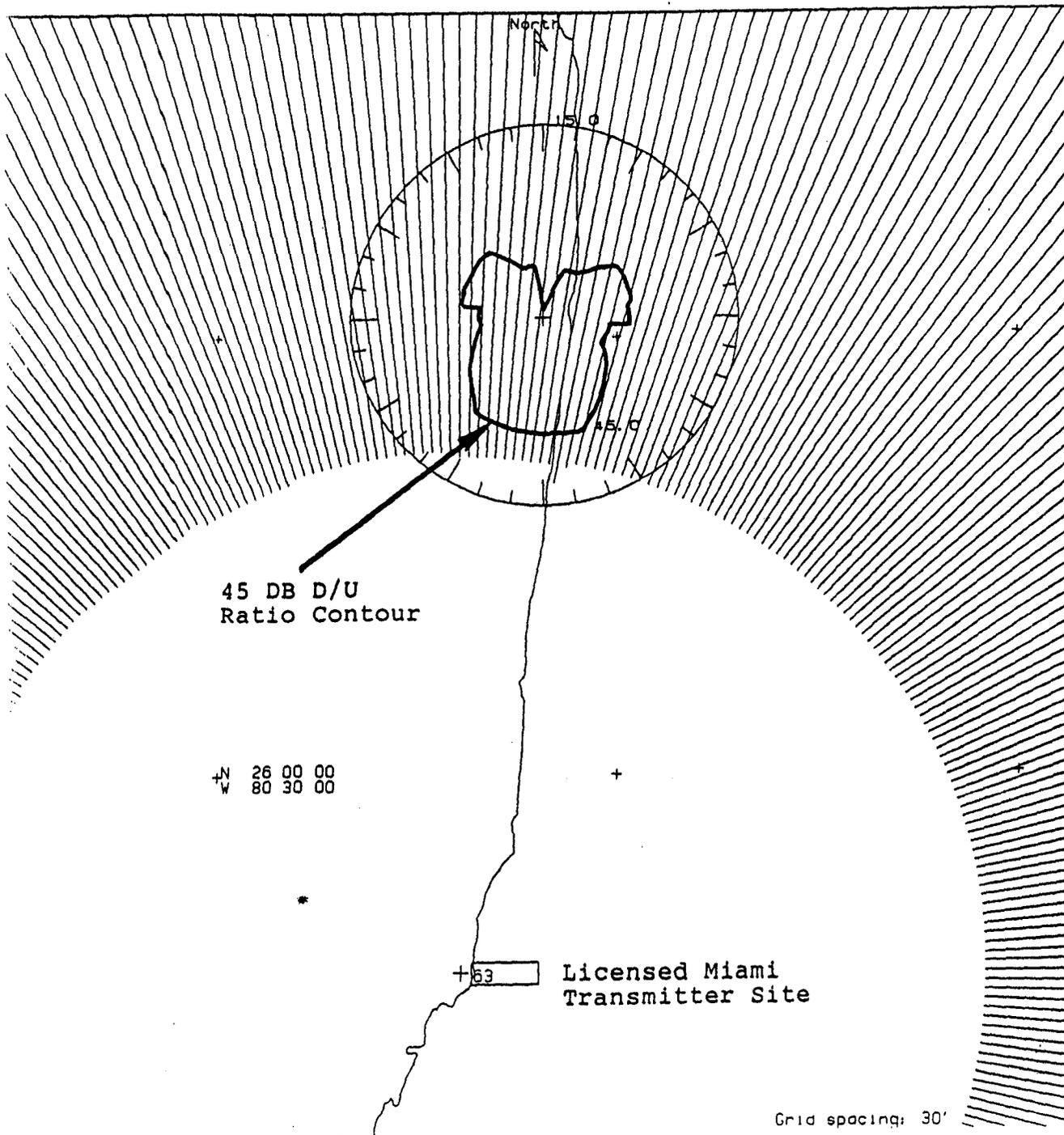
MILES

10 0 10 20

Miami-PROP Shadow Map
to Boynton Beach 15-Mile PSA

MAP 1

Grid spacing: 30'



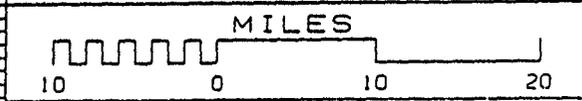
MSITE(tm) - EDX Engineering, Inc.

Propagation model: FCC-EDX
 Time: 50.00% Loc: 50.00% Margin: .0 dB
 Climate: Continental Temperate
 Gndcvr: None
 Atm. factor: None
 K Factor: 1.333
 RX Antenna - Type: OMNI
 Height: 30.0 feet AGL Gain: 20.0 dBA

Line-of-Sight/Shadowed Areas

- Line-of-Sight Areas
- Shadowed Areas

Site	Ant Eiv AMSL (feet)	ERPd (dBV)	Ant. Type /Orient.	Coordinates
63	535.0	45.92	DA-H	N 25 46 30.0 W 80 11 49.0



Miami-LIC Shadow Map
 to Boynton Beach 15-Mile PSA
 MAP 2

Grid spacing: 30'

TABLE 1 (PAGE 1 OF 3)

WANTED STATION:
 WJ-90, Boynton Beach, Fl. (Mod.)
 D1-D2

UNDESIREd STATION:
 WHR-790, Miami, Fl (Mod.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
 ANT. TYPE: Andrew HMD16HO (OMNI)
 RAD CENTER: 320.0' AMSL

TX SITE: N25-46-20.0; W 80-11-20.0
 ANT. TYPE: Andrew HMD16HW-W (@ 295.0T)
 RAD CENTER: 780.0' AMSL

POLARIZATION: HORIZONTAL

OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL

OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 16.30
 MAX EIRP (dBm): 61.29

D/U RATIO STUDIES

REC SITE	FROM DESIRED				FROM UNDESIREd				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
15mi- 0	15.0	0.0	57.6	128.4	67.1	5.1	61.2	141.4	5.1	-1.1	10.6	
15mi- 10	15.0	10.0	57.6	128.4	67.2	7.4	61.1	141.4	2.6	-0.0	9.6	
15mi- 20	15.0	20.0	57.6	128.4	66.9	9.6	61.0	141.4	10.4	-7.3	16.9	
15mi- 30	15.0	30.0	57.6	128.4	66.2	11.8	60.8	141.3	18.2	-16.0	25.7	
15mi- 40	15.0	40.0	57.6	128.4	65.2	13.9	60.7	141.2	26.1	-16.0	25.7	
15mi- 50	15.0	50.0	57.6	128.4	63.9	15.9	60.6	141.0	34.1	-17.9	27.5	
15mi- 60	15.0	60.0	57.6	128.4	62.3	17.8	60.4	140.8	42.2	-20.0	29.5	
15mi- 70	15.0	70.0	57.6	128.4	60.4	19.4	60.3	140.5	50.5	-20.0	29.4	
15mi- 80	15.0	80.0	57.6	128.4	58.3	20.9	60.2	140.2	59.1	-20.0	29.2	
15mi- 90	15.0	90.0	57.6	128.4	55.9	22.1	60.1	139.9	67.9	-20.0	28.9	
15mi-100	15.0	100.0	57.6	128.4	53.5	22.9	60.0	139.5	77.1	-20.0	28.6	
15mi-110	15.0	110.0	57.6	128.4	50.9	23.3	60.0	139.0	86.7	-18.0	26.2	
15mi-120	15.0	120.0	57.6	128.4	48.3	23.2	60.0	138.6	96.7	-18.0	25.7	
15mi-130	15.0	130.0	57.6	128.4	45.7	22.5	60.1	138.1	107.4	-19.1	26.3	
15mi-140	15.0	140.0	57.6	128.4	43.3	21.2	60.2	137.6	118.7	-20.7	27.3	
15mi-150	15.0	150.0	57.6	128.4	41.1	19.2	60.3	137.2	130.8	-22.5	28.5	
15mi-160	15.0	160.0	57.6	128.4	39.4	16.5	60.5	136.8	143.5	-24.3	29.8	
15mi-170	15.0	170.0	57.6	128.4	38.1	13.1	60.8	136.5	156.8	-25.0	29.9	
15mi-180	15.0	180.0	57.6	128.4	37.3	9.3	61.0	136.3	170.6	-25.0	29.5	
15mi-190	15.0	190.0	57.6	128.4	37.2	5.3	61.2	136.3	175.3	-25.0	29.3	
15mi-200	15.0	200.0	57.6	128.4	37.7	1.4	61.3	136.4	161.4	-25.0	29.4	
15mi-210	15.0	210.0	57.6	128.4	38.9	357.8	61.3	136.7	147.9	-25.0	29.6	
15mi-220	15.0	220.0	57.6	128.4	40.5	354.9	61.3	137.0	134.9	-23.1	28.0	
15mi-230	15.0	230.0	57.6	128.4	42.5	352.6	61.2	137.5	122.7	-21.3	26.7	
15mi-240	15.0	240.0	57.6	128.4	44.9	351.1	61.2	137.9	111.1	-19.6	25.6	
15mi-250	15.0	250.0	57.6	128.4	47.4	350.2	61.1	138.4	100.2	-18.0	24.5	
15mi-260	15.0	260.0	57.6	128.4	50.0	349.9	61.1	138.9	90.0	-18.0	24.9	
15mi-270	15.0	270.0	57.6	128.4	52.6	350.2	61.1	139.3	80.2	-20.0	27.4	
15mi-280	15.0	280.0	57.6	128.4	55.1	350.9	61.2	139.7	70.9	-20.0	27.7	
15mi-290	15.0	290.0	57.6	128.4	57.5	351.9	61.2	140.1	62.0	-20.0	28.1	
15mi-300	15.0	300.0	57.6	128.4	59.7	353.3	61.2	140.4	53.3	-20.0	28.4	
15mi-310	15.0	310.0	57.6	128.4	61.7	354.9	61.3	140.7	45.0	-20.0	28.6	
15mi-320	15.0	320.0	57.6	128.4	63.4	356.7	61.3	140.9	36.8	-18.6	27.4	
15mi-330	15.0	330.0	57.6	128.4	64.8	358.7	61.3	141.1	28.7	-16.5	25.5	
15mi-340	15.0	340.0	57.6	128.4	65.9	0.8	61.3	141.3	20.8	-16.0	25.2	
15mi-350	15.0	350.0	57.6	128.4	66.7	2.9	61.2	141.4	13.0	-11.9	21.3	

DESIRE D STATION:
 KNJ-90, Boynton Beach, Fl. (Mod.)
 D1-D2

UNDESIRE D STATION:
 WHR-790, Miami, Fl (Mod.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
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 RAD CENTER: 320.0' AMSL

TX SITE: N25-46-20.0; W 80-11-20.0
 ANT. TYPE: Andrew HMD16HW-W (@ 295.0T)
 RAD CENTER: 780.0' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 16.30
 MAX EIRP (dBm): 61.29

D/U RATIO STUDIES

REC SITE	FROM DESIRED				FROM UNDESIRED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
10mi- 0	10.0	0.1	57.6	124.9	62.1	5.6	61.1	140.8	5.5	-1.4	13.7	
10mi- 10	10.0	10.0	57.6	124.9	62.2	7.2	61.1	140.8	2.8	-0.1	12.5	
10mi- 20	10.0	20.0	57.6	124.9	62.0	8.8	61.0	140.7	11.2	-8.6	21.1	
10mi- 30	10.0	30.0	57.6	124.9	61.5	10.3	60.9	140.7	19.6	-16.0	28.4	
10mi- 40	10.0	40.0	57.6	124.9	60.8	11.8	60.8	140.6	28.1	-16.3	28.7	
10mi- 50	10.0	50.0	57.6	124.9	59.9	13.2	60.7	140.4	36.7	-18.6	31.0	
10mi- 60	10.0	60.0	57.6	124.9	58.7	14.5	60.7	140.3	45.5	-20.0	32.3	
10mi- 70	10.0	70.0	57.6	124.9	57.4	15.6	60.6	140.1	54.4	-20.0	32.2	
10mi- 80	10.0	80.0	57.6	124.9	55.9	16.5	60.5	139.8	63.5	-20.0	32.0	
10mi- 90	10.0	90.0	57.6	124.9	54.3	17.2	60.5	139.6	72.8	-20.0	31.8	
10mi-100	10.0	100.0	57.6	124.9	52.6	17.6	60.4	139.3	82.4	-18.0	29.6	
10mi-110	10.0	110.0	57.6	124.9	50.8	17.7	60.4	139.0	92.3	-18.0	29.3	
10mi-120	10.0	120.0	57.6	124.9	49.1	17.4	60.5	138.7	102.5	-18.4	29.3	
10mi-130	10.0	130.0	57.6	124.9	47.4	16.8	60.5	138.4	113.2	-19.9	30.5	
10mi-140	10.0	140.0	57.6	124.9	45.9	15.7	60.6	138.1	124.2	-21.5	31.8	
10mi-150	10.0	150.0	57.6	124.9	44.6	14.3	60.7	137.9	135.6	-23.2	33.1	
10mi-160	10.0	160.0	57.6	124.9	43.5	12.6	60.8	137.7	147.4	-24.9	34.5	
10mi-170	10.0	170.0	57.6	124.9	42.7	10.5	60.9	137.5	159.5	-25.0	34.3	
10mi-180	10.0	179.9	57.6	124.9	42.3	8.2	61.0	137.4	171.7	-25.0	34.1	
10mi-190	10.0	190.0	57.6	124.9	42.2	5.8	61.1	137.4	175.9	-25.0	34.0	
10mi-200	10.0	200.0	57.6	124.9	42.5	3.5	61.2	137.5	163.6	-25.0	34.0	
10mi-210	10.0	210.0	57.6	124.9	43.2	1.4	61.3	137.6	151.4	-25.0	34.0	
10mi-220	10.0	220.0	57.6	124.9	44.2	359.5	61.3	137.8	139.5	-23.8	33.0	
10mi-230	10.0	230.0	57.6	124.9	45.4	357.9	61.3	138.0	128.0	-22.1	31.5	
10mi-240	10.0	240.0	57.6	124.9	46.9	356.8	61.3	138.3	116.8	-20.5	30.2	
10mi-250	10.0	250.0	57.6	124.9	48.5	356.0	61.3	138.6	106.1	-18.9	28.9	
10mi-260	10.0	260.0	57.6	124.9	50.2	355.6	61.3	138.9	95.7	-18.0	28.3	
10mi-270	10.0	270.0	57.6	124.9	52.0	355.6	61.3	139.2	85.7	-18.0	28.6	
10mi-280	10.0	280.0	57.6	124.9	53.7	355.9	61.3	139.5	76.0	-20.0	30.9	
10mi-290	10.0	290.0	57.6	124.9	55.4	356.5	61.3	139.8	66.5	-20.0	31.2	
10mi-300	10.0	300.0	57.6	124.9	56.9	357.3	61.3	140.0	57.4	-20.0	31.4	
10mi-310	10.0	310.0	57.6	124.9	58.3	358.4	61.3	140.2	48.4	-20.0	31.6	
10mi-320	10.0	320.0	57.6	124.9	59.5	359.6	61.3	140.4	39.6	-19.4	31.2	
10mi-330	10.0	330.0	57.6	124.9	60.5	1.0	61.3	140.5	31.0	-17.1	29.0	
10mi-340	10.0	340.0	57.6	124.9	61.3	2.4	61.2	140.6	22.5	-16.0	28.1	
10mi-350	10.0	350.0	57.6	124.9	61.8	4.0	61.2	140.7	14.0	-14.0	26.2	

TABLE 1 (PAGE 3 OF 3)

DESIRED STATION:
 WJR-90, Boynton Beach, Fl. (Mod.)
 D1-D2

UNDESIRED STATION:
 WHR-790, Miami, Fl (Mod.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
 ANT. TYPE: Andrew HMD16HO (OMNI)
 RAD CENTER: 320.0' AMSL

TX SITE: N25-46-20.0; W 80-11-20.0
 ANT. TYPE: Andrew HMD16HW-W (@ 295.0T)
 RAD CENTER: 780.0' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 16.30
 MAX EIRP (dBm): 61.29

===== D/U RATIO STUDIES =====

REC SITE	FROM DESIRED				FROM UNDESIRED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
5mi- 0	5.0	0.1	57.6	118.9	57.2	6.0	61.1	140.0	5.9	-1.8	19.4	
5mi- 10	5.0	10.0	57.6	118.9	57.2	6.9	61.1	140.0	3.0	-0.1	17.8	
5mi- 20	5.0	20.0	57.6	118.9	57.1	7.8	61.1	140.0	12.2	-10.3	28.0	
5mi- 30	5.0	30.0	57.6	118.9	56.8	8.6	61.0	140.0	21.3	-16.0	33.7	
5mi- 40	5.0	40.0	57.6	118.9	56.4	9.4	61.0	139.9	30.5	-16.9	34.6	
5mi- 50	5.0	50.0	57.6	118.9	55.9	10.1	60.9	139.9	39.8	-19.4	37.0	
5mi- 60	5.0	60.0	57.6	118.9	55.3	10.8	60.9	139.8	49.2	-20.0	37.6	
5mi- 70	5.0	70.0	57.6	118.9	54.6	11.3	60.9	139.6	58.6	-20.0	37.5	
5mi- 80	5.0	80.0	57.6	118.9	53.8	11.7	60.8	139.5	68.2	-20.0	37.4	
5mi- 90	5.0	90.0	57.6	118.9	53.0	12.0	60.8	139.4	78.0	-20.0	37.3	
5mi-100	5.0	100.0	57.6	118.9	52.1	12.1	60.8	139.2	87.8	-18.0	35.1	
5mi-110	5.0	110.0	57.6	118.9	51.3	12.1	60.8	139.1	97.9	-18.0	35.0	
5mi-120	5.0	120.0	57.6	118.9	50.4	11.9	60.8	139.0	108.1	-19.2	36.0	
5mi-130	5.0	130.0	57.6	118.9	49.6	11.5	60.9	138.8	118.5	-20.7	37.4	
5mi-140	5.0	140.0	57.6	118.9	48.9	10.9	60.9	138.7	129.1	-22.2	38.7	
5mi-150	5.0	150.0	57.6	118.9	48.3	10.2	60.9	138.6	139.8	-23.8	40.2	
5mi-160	5.0	160.0	57.6	118.9	47.8	9.3	61.0	138.5	150.6	-25.0	41.2	
5mi-170	5.0	170.0	57.6	118.9	47.4	8.4	61.0	138.4	161.6	-25.0	41.1	
5mi-180	5.0	179.9	57.6	118.9	47.2	7.3	61.1	138.4	172.5	-25.0	41.0	
5mi-190	5.0	190.0	57.6	118.9	47.2	6.3	61.1	138.4	176.3	-25.0	41.0	
5mi-200	5.0	200.0	57.6	118.9	47.3	5.2	61.2	138.4	165.3	-25.0	41.0	
5mi-210	5.0	210.0	57.6	118.9	47.6	4.2	61.2	138.5	154.3	-25.0	41.0	
5mi-220	5.0	220.0	57.6	118.9	48.1	3.4	61.2	138.5	143.4	-24.3	40.4	
5mi-230	5.0	230.0	57.6	118.9	48.7	2.6	61.2	138.6	132.6	-22.8	38.9	
5mi-240	5.0	240.0	57.6	118.9	49.4	2.0	61.2	138.8	122.0	-21.2	37.4	
5mi-250	5.0	250.0	57.6	118.9	50.1	1.5	61.3	138.9	111.6	-19.7	36.0	
5mi-260	5.0	260.0	57.6	118.9	51.0	1.2	61.3	139.0	101.3	-18.2	34.7	
5mi-270	5.0	270.0	57.6	118.9	51.8	1.1	61.3	139.2	91.2	-18.0	34.6	
5mi-280	5.0	280.0	57.6	118.9	52.7	1.2	61.3	139.3	81.2	-20.0	36.8	
5mi-290	5.0	290.0	57.6	118.9	53.6	1.4	61.3	139.5	71.5	-20.0	36.9	
5mi-300	5.0	300.0	57.6	118.9	54.4	1.8	61.2	139.6	61.8	-20.0	37.1	
5mi-310	5.0	310.0	57.6	118.9	55.1	2.3	61.2	139.7	52.3	-20.0	37.2	
5mi-320	5.0	320.0	57.6	118.9	55.7	2.9	61.2	139.8	42.9	-20.0	37.3	
5mi-330	5.0	330.0	57.6	118.9	56.3	3.6	61.2	139.9	33.6	-17.8	35.2	
5mi-340	5.0	340.0	57.6	118.9	56.7	4.4	61.2	140.0	24.4	-16.0	33.5	
5mi-350	5.0	350.0	57.6	118.9	57.0	5.2	61.2	140.0	15.2	-16.0	33.6	

TABLE 2 (PAGE 1 OF 3)

DESIRED STATION:
 WJR-90, Boynton Beach, Fl. (Mod.)
 D1-D2

UNDESIRED STATION:
 WHR-790, Miami, Fl (Auth.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
 ANT. TYPE: Andrew HMD16HO (OMNI)
 RAD CENTER: 320' AMSL

TX SITE: N25-46-30.0; W 80-11-49.0
 ANT. TYPE: Bogner B8SA (@ 290.0T)
 RAD CENTER: 535' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 40.00
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 13.00
 MAX EIRP (dBm): 51.00

===== D/U RATIO STUDIES =====

REC SITE	FROM DESIRED				FROM UNDESIRED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
15mi- 0	15.0	0.0	57.6	128.4	67.0	5.6	50.9	141.4	5.6	-1.5	21.1	
15mi- 10	15.0	10.0	57.6	128.4	67.0	7.8	50.9	141.4	2.2	0.0	19.7	
15mi- 20	15.0	20.0	57.6	128.4	66.8	10.1	50.8	141.4	9.9	-6.6	26.4	
15mi- 30	15.0	30.0	57.6	128.4	66.1	12.2	50.8	141.3	17.8	-16.0	35.7	
15mi- 40	15.0	40.0	57.6	128.4	65.2	14.4	50.7	141.2	25.6	-16.0	35.6	
15mi- 50	15.0	50.0	57.6	128.4	63.9	16.4	50.7	141.0	33.6	-17.8	37.3	
15mi- 60	15.0	60.0	57.6	128.4	62.3	18.3	50.6	140.8	41.7	-19.9	39.3	
15mi- 70	15.0	70.0	57.6	128.4	60.4	20.0	50.6	140.5	50.0	-20.0	39.1	
15mi- 80	15.0	80.0	57.6	128.4	58.3	21.4	50.5	140.2	58.6	-20.0	38.9	
15mi- 90	15.0	90.0	57.6	128.4	56.0	22.6	50.4	139.9	67.4	-20.0	38.7	
15mi-100	15.0	100.0	57.6	128.4	53.5	23.5	50.3	139.5	76.5	-20.0	38.3	
15mi-110	15.0	110.0	57.6	128.4	50.9	23.9	50.3	139.0	86.1	-18.0	35.9	
15mi-120	15.0	120.0	57.6	128.4	48.3	23.8	50.3	138.6	96.2	-18.0	35.5	
15mi-130	15.0	130.0	57.6	128.4	45.7	23.2	50.3	138.1	106.8	-19.0	35.9	
15n 140	15.0	140.0	57.6	128.4	43.3	21.9	50.4	137.6	118.1	-20.6	37.0	
15mi-150	15.0	150.0	57.6	128.4	41.1	19.9	50.6	137.2	130.1	-22.4	38.2	
15mi-160	15.0	160.0	57.6	128.4	39.3	17.2	50.6	136.8	142.8	-24.2	39.6	
15mi-170	15.0	170.0	57.6	128.4	38.0	13.9	50.7	136.5	156.1	-25.0	39.9	
15mi-180	15.0	180.1	57.6	128.4	37.2	10.1	50.8	136.3	169.9	-25.0	39.7	
15mi-190	15.0	190.1	57.6	128.4	37.1	6.1	50.9	136.3	176.0	-25.0	39.6	
15mi-200	15.0	200.1	57.6	128.4	37.6	2.1	51.0	136.4	162.1	-25.0	39.6	
15mi-210	15.0	210.1	57.6	128.4	38.7	358.5	51.0	136.6	148.5	-25.0	39.8	
15mi-220	15.0	220.1	57.6	128.4	40.3	355.6	50.9	137.0	135.5	-23.2	38.4	
15mi-230	15.0	230.1	57.6	128.4	42.3	353.3	50.9	137.4	123.2	-21.4	37.1	
15mi-240	15.0	240.1	57.6	128.4	44.6	351.7	50.8	137.9	111.6	-19.7	35.9	
15mi-250	15.0	250.1	57.6	128.4	47.1	350.8	50.8	138.4	100.7	-18.1	34.8	
15mi-260	15.0	260.1	57.6	128.4	49.7	350.5	50.8	138.8	90.4	-18.0	35.2	
15mi-270	15.0	270.1	57.6	128.4	52.3	350.7	50.8	139.3	80.7	-20.0	37.6	
15mi-280	15.0	280.1	57.6	128.4	54.9	351.4	50.8	139.7	71.3	-20.0	38.0	
15mi-290	15.0	290.1	57.6	128.4	57.3	352.4	50.8	140.1	62.4	-20.0	38.4	
15mi-300	15.0	300.1	57.6	128.4	59.5	353.8	50.9	140.4	53.7	-20.0	38.7	
15mi- 310	15.0	310.1	57.6	128.4	61.5	355.4	50.9	140.7	45.4	-20.0	38.9	
15mi-320	15.0	320.1	57.6	128.4	63.2	357.2	50.9	140.9	37.2	-18.7	37.9	
15mi-330	15.0	330.1	57.6	128.4	64.6	359.1	51.0	141.1	29.1	-16.6	35.9	
15mi-340	15.0	340.1	57.6	128.4	65.8	1.2	51.0	141.3	21.2	-16.0	35.4	
15mi-350	15.0	350.1	57.6	128.4	66.5	3.4	50.9	141.4	13.4	-12.7	32.3	

OF RED STATION:
 KH-90, Boynton Beach, Fl. (Mod.)
 D1-D2

UNDESIREd STATION:
 WHR-790, Miami, Fl (Auth.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
 ANT. TYPE: Andrew HMD16HO (OMNI)
 RAD CENTER: 320' AMSL

TX SITE: N25-46-30.0; W 80-11-49.0
 ANT. TYPE: Bogner B8SA (@ 290.07)
 RAD CENTER: 535' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 40.00
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 13.00
 MAX EIRP (dBm): 51.00

D/U RATIO STUDIES

REC SITE	FROM DESIRED				FROM UNDESIREd				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
Omi- 0	10.0	0.1	57.6	124.9	62.0	6.0	50.9	140.7	6.0	-1.8	24.3	
Omi- 10	10.0	10.1	57.6	124.9	62.0	7.7	50.9	140.8	2.4	0.0	22.6	
Omi- 20	10.0	20.1	57.6	124.9	61.8	9.3	50.8	140.7	10.8	-7.9	30.5	
Omi- 30	10.0	30.1	57.6	124.9	61.4	10.8	50.8	140.7	19.2	-16.0	38.5	
Omi- 40	10.0	40.1	57.6	124.9	60.7	12.3	50.8	140.6	27.7	-16.2	38.7	
Omi- 50	10.0	50.1	57.6	124.9	59.8	13.7	50.7	140.4	36.3	-18.5	40.9	
Omi- 60	10.0	60.1	57.6	124.9	58.6	15.0	50.7	140.3	45.0	-20.0	42.3	
Omi- 70	10.0	70.1	57.6	124.9	57.3	16.1	50.7	140.1	53.9	-20.0	42.1	
Omi- 80	10.0	80.1	57.6	124.9	55.8	17.1	50.6	139.8	63.0	-20.0	41.9	
Omi- 90	10.0	90.1	57.6	124.9	54.2	17.7	50.6	139.6	72.3	-20.0	41.7	
Omi-100	10.0	100.1	57.6	124.9	52.5	18.2	50.6	139.3	81.9	-20.0	41.4	
Omi-110	10.0	110.1	57.6	124.9	50.8	18.3	50.6	139.0	91.8	-18.0	39.1	
Omi-120	10.0	120.1	57.6	124.9	49.1	18.0	50.6	138.7	102.0	-18.3	39.1	
Omi-130	10.0	130.1	57.6	124.9	47.4	17.4	50.6	138.4	112.6	-19.8	40.3	
Omi- 40	10.0	140.1	57.6	124.9	45.8	16.4	50.7	138.1	123.6	-21.4	41.6	
Omi-150	10.0	150.1	57.6	124.9	44.5	15.0	50.7	137.9	135.0	-23.1	43.0	
Omi-160	10.0	160.1	57.6	124.9	43.4	13.2	50.7	137.6	146.8	-24.8	44.4	
Omi-170	10.0	170.1	57.6	124.9	42.6	11.2	50.8	137.5	158.9	-25.0	44.4	
Omi-180	10.0	180.1	57.6	124.9	42.2	8.9	50.8	137.4	171.2	-25.0	44.2	
Omi-190	10.0	190.1	57.6	124.9	42.1	6.5	50.9	137.4	176.5	-25.0	44.2	
Omi-200	10.0	200.1	57.6	124.9	42.4	4.2	50.9	137.4	164.1	-25.0	44.2	
Omi-210	10.0	210.1	57.6	124.9	43.0	2.0	51.0	137.6	152.0	-25.0	44.3	
Omi-220	10.0	220.1	57.6	124.9	44.0	0.1	51.0	137.8	140.1	-23.8	43.3	
Omi-230	10.0	230.1	57.6	124.9	45.2	358.6	51.0	138.0	128.5	-22.2	41.9	
Omi-240	10.0	240.1	57.6	124.9	46.7	357.4	50.9	138.3	117.3	-20.5	40.6	
Omi-250	10.0	250.1	57.6	124.9	48.3	356.6	50.9	138.6	106.5	-19.0	39.3	
Omi-260	10.0	260.1	57.6	124.9	50.0	356.2	50.9	138.9	96.1	-18.0	38.7	
Omi-270	10.0	270.1	57.6	124.9	51.8	356.1	50.9	139.2	86.1	-18.0	39.0	
Omi-280	10.0	280.1	57.6	124.9	53.5	356.4	50.9	139.5	76.4	-20.0	41.2	
Omi-290	10.0	290.1	57.6	124.9	55.2	357.0	50.9	139.7	67.0	-20.0	41.5	
Omi-300	10.0	300.1	57.6	124.9	56.7	357.8	51.0	140.0	57.8	-20.0	41.7	
Omi- 310	10.0	310.1	57.6	124.9	58.1	358.9	51.0	140.2	48.8	-20.0	41.9	
Omi-320	10.0	320.1	57.6	124.9	59.3	0.1	51.0	140.4	40.0	-19.5	41.5	
Omi-330	10.0	330.1	57.6	124.9	60.3	1.5	51.0	140.5	31.4	-17.2	39.4	
Omi-340	10.0	340.1	57.6	124.9	61.1	2.9	50.9	140.6	22.9	-16.0	38.4	
Omi-350	10.0	350.1	57.6	124.9	61.7	4.5	50.9	140.7	14.4	-14.8	37.3	

WIRELESS STATION:
 KJJ-90, Boynton Beach, Fl. (Mod.)
 D1-D2

UNDESIRED STATION:
 WHR-790, Miami, Fl (Auth.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
 ANT. TYPE: Andrew HMD16HO (OMNI)
 RAD CENTER: 320' AMSL

TX SITE: N25-46-30.0; W 80-11-49.0
 ANT. TYPE: Bogner B8SA (@ 290.0T)
 RAD CENTER: 535' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 40.00
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 13.00
 MAX EIRP (dBm): 51.00

D/U RATIO STUDIES

REC SITE	FROM DESIRED				FROM UNDESIRED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
5mi- 0	5.0	0.2	57.6	118.9	57.0	6.6	50.9	140.0	6.5	-2.2	30.0	
5mi- 10	5.0	10.2	57.6	118.9	57.1	7.5	50.9	140.0	2.7	-0.0	27.9	
5mi- 20	5.0	20.2	57.6	118.9	56.9	8.3	50.9	140.0	11.8	-9.6	37.5	
5mi- 30	5.0	30.2	57.6	118.9	56.7	9.2	50.8	140.0	20.9	-16.0	43.8	
5mi- 40	5.0	40.2	57.6	118.9	56.3	10.0	50.8	139.9	30.1	-16.8	44.6	
5mi- 50	5.0	50.2	57.6	118.9	55.8	10.7	50.8	139.8	39.4	-19.3	47.0	
5mi- 60	5.0	60.2	57.6	118.9	55.2	11.3	50.8	139.7	48.8	-20.0	47.7	
5mi- 70	5.0	70.2	57.6	118.9	54.5	11.9	50.8	139.6	58.2	-20.0	47.6	
5mi- 80	5.0	80.2	57.6	118.9	53.7	12.3	50.8	139.5	67.8	-20.0	47.5	
5mi- 90	5.0	90.2	57.6	118.9	52.9	12.6	50.8	139.4	77.5	-20.0	47.3	
5mi-100	5.0	100.2	57.6	118.9	52.0	12.7	50.8	139.2	87.4	-18.0	45.2	
5mi-110	5.0	110.2	57.6	118.9	51.2	12.7	50.8	139.1	97.4	-18.0	45.0	
5mi-120	5.0	120.2	57.6	118.9	50.3	12.5	50.8	138.9	107.7	-19.1	46.0	
5mi-130	5.0	130.2	57.6	118.9	49.5	12.1	50.8	138.8	118.0	-20.6	47.4	
5mi-140	5.0	140.2	57.6	118.9	48.8	11.5	50.8	138.7	128.6	-22.2	48.8	
5mi-150	5.0	150.2	57.6	118.9	48.2	10.8	50.8	138.6	139.3	-23.7	50.2	
5mi-160	5.0	160.2	57.6	118.9	47.7	9.9	50.8	138.5	150.2	-25.0	51.3	
5mi-170	5.0	170.2	57.6	118.9	47.3	9.0	50.8	138.4	161.1	-25.0	51.3	
5mi-180	5.0	180.2	57.6	118.9	47.1	7.9	50.9	138.4	172.2	-25.0	51.2	
5mi-190	5.0	190.2	57.6	118.9	47.1	6.9	50.9	138.4	176.7	-25.0	51.2	
5mi-200	5.0	200.2	57.6	118.9	47.2	5.8	50.9	138.4	165.7	-25.0	51.2	
5mi-210	5.0	210.2	57.6	118.9	47.5	4.8	50.9	138.4	154.7	-25.0	51.2	
5mi-220	5.0	220.2	57.6	118.9	47.9	3.9	50.9	138.5	143.8	-24.4	50.7	
5mi-230	5.0	230.2	57.6	118.9	48.5	3.2	50.9	138.6	133.0	-22.8	49.2	
5mi-240	5.0	240.2	57.6	118.9	49.2	2.5	51.0	138.7	122.4	-21.3	47.8	
5mi-250	5.0	250.2	57.6	118.9	50.0	2.1	51.0	138.9	111.9	-19.7	46.4	
5mi-260	5.0	260.2	57.6	118.9	50.8	1.8	51.0	139.0	101.6	-18.2	45.0	
5mi-270	5.0	270.2	57.6	118.9	51.7	1.7	51.0	139.2	91.5	-18.0	44.9	
5mi-280	5.0	280.2	57.6	118.9	52.6	1.7	51.0	139.3	81.6	-20.0	47.1	
5mi-290	5.0	290.2	57.6	118.9	53.4	2.0	51.0	139.5	71.8	-20.0	47.2	
5mi-300	5.0	300.2	57.6	118.9	54.2	2.3	51.0	139.6	62.2	-20.0	47.3	
5mi-310	5.0	310.2	57.6	118.9	54.9	2.8	51.0	139.7	52.7	-20.0	47.5	
5mi-320	5.0	320.2	57.6	118.9	55.6	3.4	50.9	139.8	43.3	-20.0	47.6	
5mi-330	5.0	330.2	57.6	118.9	56.1	4.1	50.9	139.9	34.0	-17.9	45.5	
5mi-340	5.0	340.2	57.6	118.9	56.6	4.9	50.9	139.9	24.7	-16.0	43.7	
5mi-350	5.0	350.2	57.6	118.9	56.9	5.7	50.9	140.0	15.6	-16.0	43.8	

ENGINEERING REPORT

DELAWDER COMMUNICATIONS, INC.

(703) 658-5390

Miami, Florida D-Group ITFS

I, Darryl K. DeLawder, declare and state as follows:

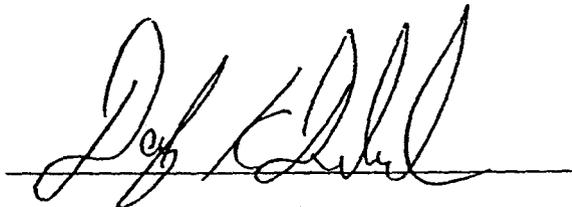
That I have received a Bachelor of Science degree in electrical engineering from Villanova University;

That I have either prepared or directly supervised the preparation of all technical information contained in this Engineering Exhibit;

That the facts stated in this Engineering Statement are true of my own knowledge, except as to such statements as are herein stated to be on information and belief, and as to such statements I believe them to be true.

10-31-86

Date



Darryl K. DeLawder

EXHIBIT B

ENGINEERING REPORT

ELAWDER COMMUNICATIONS, INC.

(703) 658-5390

Miami, Florida D-Group ITFS

ENGINEERING STATEMENT

1. This engineering statement demonstrates the predicted cochannel interference caused to the 15-mile protected service area (PSA) of the major amendment (FCC File Number BMPLIF-950524DE) to the proposed ITFS station at Boynton Beach, Florida (FCC File Number BMPLIF-920814DA) from the licensed and proposed (FCC File Number BMPLIF-930616DV) transmit facilities of WHR-790, Miami, Florida. BMPLIF-950524DE proposes to operate on ITFS channels D-3 and D-4. The Miami proposed or authorized station specifies channels D-1, D-2, D-3 and D-4.

2. The applicant of the Boynton Beach ITFS station, Florida Board of Regents/Florida Atlantic University ("FAU"), is also the licensee of ITFS stations WHR-897 (C-Group at Fort Lauderdale) and WHR-895 (A-Group at Boca Raton). This engineering statement also demonstrates that the registered receive sites of WHR-897 and WHR-895 can be adequately served by the proposed transmit facilities of BMPLIF-950524DE.

INTERFERENCE STUDIES

3. Map 1, attached, shows the prior 15-mile PSA boundary, and the 45 dB D/U ratio contour determined for the proposed BMPLIF-950524DE Boynton Beach facility (as desired) and the proposed Miami facility (as undesired). A shadow study from the proposed Miami transmit antenna is also shown on Map 1. Map 1 clearly demonstrates that cochannel interference is predicted to result to most of the southern portion of the Boynton Beach 15-mile PSA.

4. Map 2, attached, shows the prior 15-mile PSA boundary, and the 45 dB D/U ratio contour determined for the proposed BMPLIF-950524DE Boynton Beach facility (as desired) and the licensed Miami facility (as undesired). A shadow study from the licensed Miami transmit antenna is also shown on Map 2. Map 2 clearly demonstrates that cochannel interference is predicted to result to the Boynton Beach 15-mile PSA.

ENGINEERING REPORT

DELAWDER COMMUNICATIONS, INC.

(703) 658-5390

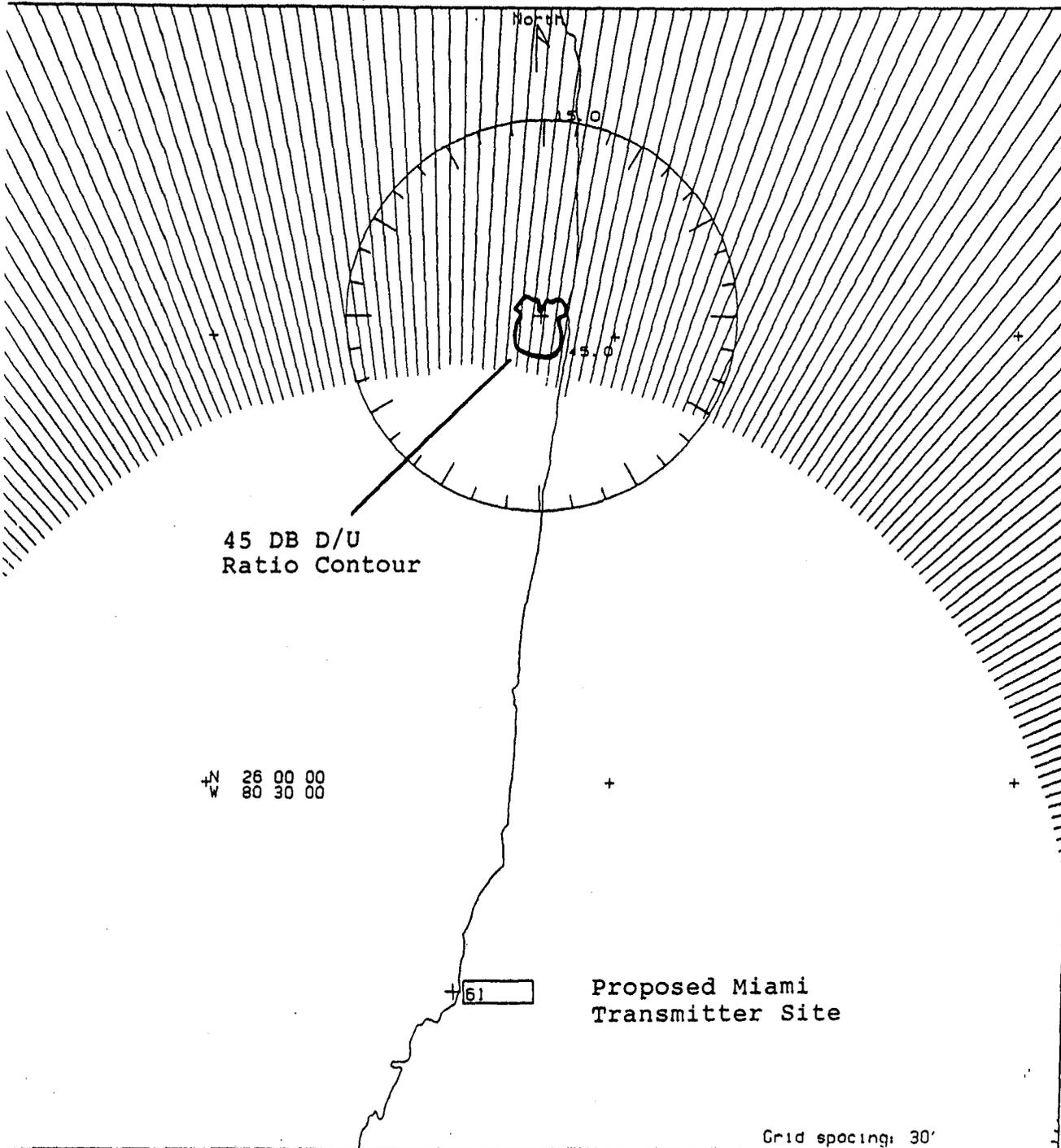
Miami, Florida D-Group ITFS

5. Tables 1 and 2, attached, include the predicted D/U ratio values throughout the Boynton Beach prior 15-mile PSA from the proposed and licensed Miami facilities, respectively. Each D/U ratio value (as well as the 45 dB D/U ratio contours of Maps 1 and 2) uses the pattern characteristics of the FCC reference receive antenna.

SERVICE TO WHR-897 and WHR-895 RECEIVE SITES

6. Table 3, attached, includes D/U ratio values to the seven registered receive sites of WHR-897 and one registered receive site of WHR-895, as determined for the proposed BMPLIF-950524DE Boynton Beach transmit facility (as desired) and the proposed Miami transmit facility (as undesired). Using a USGS 3 arc-second terrain database at 30-foot receive antenna heights, an unobstructed electrical path is predicted to exist from the proposed Boynton Beach transmit antenna (radiation centerline height of 320' AMSL) to each WHR-897 and WHR-895 receive site.

7. Table 3.UPGRADE, attached, demonstrates that each WHR-897 and WHR-895 registered receive site can have its receive antenna upgraded to meet the required 45 dB D/U cochannel protection ratio from the proposed Miami station.



MSITE(tm) - EDX Engineering, Inc.

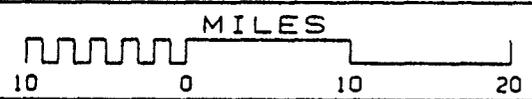
Propagation model: FCC-EDX
 Time: 50.00% Loc: 50.00% Margin: .0 dB
 Climate: Continental Temperate
 Gndcvr: None
 Atm. factor: None
 K Factor: 1.333
 RX Antenna - Type: OMNI
 Height: 30.0 feet AGL Gain: 20.0 dBA

Line-of-Sight/Shadowed Areas

- Line-of-Sight Areas
- Shadowed Areas

Site	Ant. Elv		Ant. Type /Orient.	Coordinates
	AMSL (feet)	ERPd (dBW)		
61	780.0	26.00	DA-H 295.0	N 25 46 20.0 W 80 11 20.0

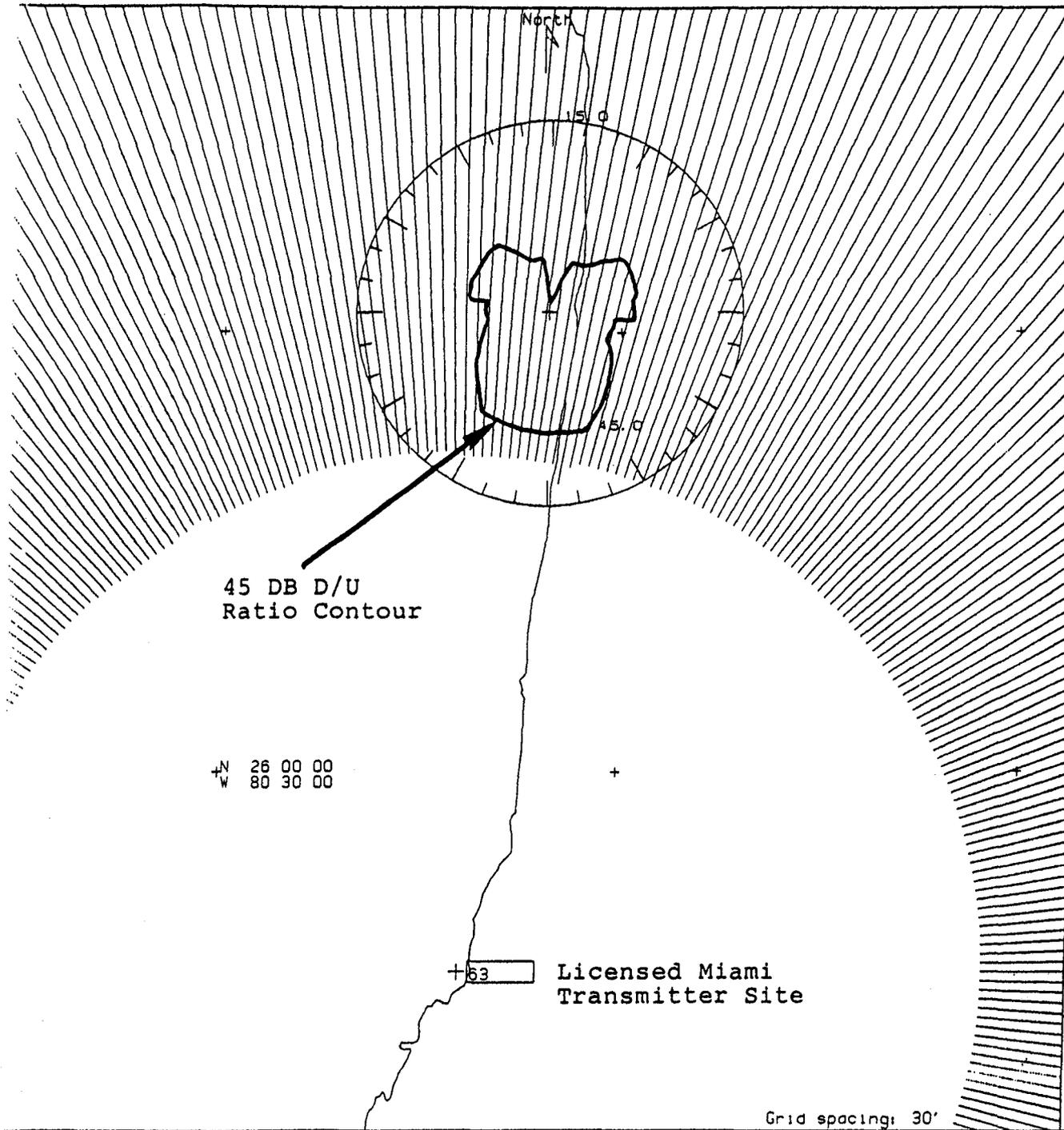
N 26 00 00
W 80 30 00



Miami-PROP Shadow Map
 to Boynton Beach 15-Mile PSA

MAP 1

Grid spacing: 30'

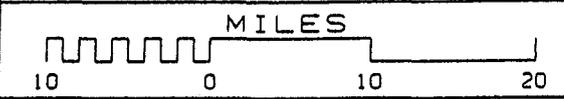


MSITE(tm) - EDX Engineering, Inc.
 Propagation model: FCC-EDX
 Time: 50.00% Loc: 50.00% Margin: .0 dB
 Climate: Continental Temperate
 Gndcvr: None
 Atm. factor: None
 K Factor: 1.333
 RX Antenna - Type: OMNI
 Height: 30.0 feet AGL Gain: 20.0 dBd

Line-of-Sight/Shadowed Areas

- Line-of-Sight Areas
- Shadowed Areas

Site	Ant Elv AMSL (feet)	ERPd (dBW)	Ant. Type /Orient.	Coordinates
63	535.0	45.92	DA-H	N 25 45 30.0 W 80 11 49.0
	2600.0000 MHz		290.0	



Miami-LIC Shadow Map
 to Boynton Beach 15-Mile PSA
 MAP 2

Grid spacing: 30'

TABLE 1 (PAGE 1 OF 3)

DESIRED STATION:
 New, Boynton Beach, Fl. (950524DE)
 D3-D4

UNDESIREC STATION:
 WHR-790, Miami, Fl (Mod.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
 ANT. TYPE: Andrew HMD16HO (OMNI)
 RAD CENTER: 320.0' AMSL

TX SITE: N25-46-20.0; W 80-11-20.0
 ANT. TYPE: Andrew HMD16HW-W (@ 295.0T)
 RAD CENTER: 780.0' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 16.30
 MAX EIRP (dBm): 61.29

===== D/U RATIO STUDIES =====

REC SITE	FROM DESIRED				FROM UNDESIREC				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
15mi- 0	15.0	0.0	57.6	128.4	67.1	5.1	61.2	141.4	5.1	-1.1	10.6	
15mi- 10	15.0	10.0	57.6	128.4	67.2	7.4	61.1	141.4	2.6	-0.0	9.6	
15mi- 20	15.0	20.0	57.6	128.4	66.9	9.6	61.0	141.4	10.4	-7.3	16.9	
15mi- 30	15.0	30.0	57.6	128.4	66.2	11.8	60.8	141.3	18.2	-16.0	25.7	
15mi- 40	15.0	40.0	57.6	128.4	65.2	13.9	60.7	141.2	26.1	-16.0	25.7	
15mi- 50	15.0	50.0	57.6	128.4	63.9	15.9	60.6	141.0	34.1	-17.9	27.5	
15mi- 60	15.0	60.0	57.6	128.4	62.3	17.8	60.4	140.8	42.2	-20.0	29.5	
15mi- 70	15.0	70.0	57.6	128.4	60.4	19.4	60.3	140.5	50.5	-20.0	29.4	
15mi- 80	15.0	80.0	57.6	128.4	58.3	20.9	60.2	140.2	59.1	-20.0	29.2	
15mi- 90	15.0	90.0	57.6	128.4	55.9	22.1	60.1	139.9	67.9	-20.0	28.9	
15mi-100	15.0	100.0	57.6	128.4	53.5	22.9	60.0	139.5	77.1	-20.0	28.6	
15mi-110	15.0	110.0	57.6	128.4	50.9	23.3	60.0	139.0	86.7	-18.0	26.2	
15mi-120	15.0	120.0	57.6	128.4	48.3	23.2	60.0	138.6	96.7	-18.0	25.7	
15mi-130	15.0	130.0	57.6	128.4	45.7	22.5	60.1	138.1	107.4	-19.1	26.3	
15mi-140	15.0	140.0	57.6	128.4	43.3	21.2	60.2	137.6	118.7	-20.7	27.3	
15mi-150	15.0	150.0	57.6	128.4	41.1	19.2	60.3	137.2	130.8	-22.5	28.5	
15mi-160	15.0	160.0	57.6	128.4	39.4	16.5	60.5	136.8	143.5	-24.3	29.8	
15mi-170	15.0	170.0	57.6	128.4	38.1	13.1	60.8	136.5	156.8	-25.0	29.9	
15mi-180	15.0	180.0	57.6	128.4	37.3	9.3	61.0	136.3	170.6	-25.0	29.5	
15mi-190	15.0	190.0	57.6	128.4	37.2	5.3	61.2	136.3	175.3	-25.0	29.3	
15mi-200	15.0	200.0	57.6	128.4	37.7	1.4	61.3	136.4	161.4	-25.0	29.4	
15mi-210	15.0	210.0	57.6	128.4	38.9	357.8	61.3	136.7	147.9	-25.0	29.6	
15mi-220	15.0	220.0	57.6	128.4	40.5	354.9	61.3	137.0	134.9	-23.1	28.0	
15mi-230	15.0	230.0	57.6	128.4	42.5	352.6	61.2	137.5	122.7	-21.3	26.7	
15mi-240	15.0	240.0	57.6	128.4	44.9	351.1	61.2	137.9	111.1	-19.6	25.6	
15mi-250	15.0	250.0	57.6	128.4	47.4	350.2	61.1	138.4	100.2	-18.0	24.5	
15mi-260	15.0	260.0	57.6	128.4	50.0	349.9	61.1	138.9	90.0	-18.0	24.9	
15mi-270	15.0	270.0	57.6	128.4	52.6	350.2	61.1	139.3	80.2	-20.0	27.4	
15mi-280	15.0	280.0	57.6	128.4	55.1	350.9	61.2	139.7	70.9	-20.0	27.7	
15mi-290	15.0	290.0	57.6	128.4	57.5	351.9	61.2	140.1	62.0	-20.0	28.1	
15mi-300	15.0	300.0	57.6	128.4	59.7	353.3	61.2	140.4	53.3	-20.0	28.4	
15mi-310	15.0	310.0	57.6	128.4	61.7	354.9	61.3	140.7	45.0	-20.0	28.6	
15mi-320	15.0	320.0	57.6	128.4	63.4	356.7	61.3	140.9	36.8	-18.6	27.4	
15mi-330	15.0	330.0	57.6	128.4	64.8	358.7	61.3	141.1	28.7	-16.5	25.5	
15mi-340	15.0	340.0	57.6	128.4	65.9	0.8	61.3	141.3	20.8	-16.0	25.2	
15mi-350	15.0	350.0	57.6	128.4	66.7	2.9	61.2	141.4	13.0	-11.9	21.3	

TABLE 1 (PAGE 2 OF 3)

DESIRED STATION:
 New, Boynton Beach, Fl. (950524DE)
 D3-D4

UNDESIRIED STATION:
 WHR-790, Miami, Fl (Mod.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
 ANT. TYPE: Andrew HMD16HO (OMNI)
 RAD CENTER: 320.0' AMSL

TX SITE: N25-46-20.0; W 80-11-20.0
 ANT. TYPE: Andrew HMD16HW-W (@ 295.0T)
 RAD CENTER: 780.0' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 16.30
 MAX EIRP (dBm): 61.29

===== D/U RATIO STUDIES =====

REC SITE	FROM DESIRED				FROM UNDESIRIED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
10mi- 0	10.0	0.1	57.6	124.9	62.1	5.6	61.1	140.8	5.5	-1.4	13.7	
10mi- 10	10.0	10.0	57.6	124.9	62.2	7.2	61.1	140.8	2.8	-0.1	12.5	
10mi- 20	10.0	20.0	57.6	124.9	62.0	8.8	61.0	140.7	11.2	-8.6	21.1	
10mi- 30	10.0	30.0	57.6	124.9	61.5	10.3	60.9	140.7	19.6	-16.0	28.4	
10mi- 40	10.0	40.0	57.6	124.9	60.8	11.8	60.8	140.6	28.1	-16.3	28.7	
10mi- 50	10.0	50.0	57.6	124.9	59.9	13.2	60.7	140.4	36.7	-18.6	31.0	
10mi- 60	10.0	60.0	57.6	124.9	58.7	14.5	60.7	140.3	45.5	-20.0	32.3	
10mi- 70	10.0	70.0	57.6	124.9	57.4	15.6	60.6	140.1	54.4	-20.0	32.2	
10mi- 80	10.0	80.0	57.6	124.9	55.9	16.5	60.5	139.8	63.5	-20.0	32.0	
10mi- 90	10.0	90.0	57.6	124.9	54.3	17.2	60.5	139.6	72.8	-20.0	31.8	
10mi-100	10.0	100.0	57.6	124.9	52.6	17.6	60.4	139.3	82.4	-18.0	29.6	
10mi-110	10.0	110.0	57.6	124.9	50.8	17.7	60.4	139.0	92.3	-18.0	29.3	
10mi-120	10.0	120.0	57.6	124.9	49.1	17.4	60.5	138.7	102.5	-18.4	29.3	
10mi-130	10.0	130.0	57.6	124.9	47.4	16.8	60.5	138.4	113.2	-19.9	30.5	
10mi-140	10.0	140.0	57.6	124.9	45.9	15.7	60.6	138.1	124.2	-21.5	31.8	
10mi-150	10.0	150.0	57.6	124.9	44.6	14.3	60.7	137.9	135.6	-23.2	33.1	
10mi-160	10.0	160.0	57.6	124.9	43.5	12.6	60.8	137.7	147.4	-24.9	34.5	
10mi-170	10.0	170.0	57.6	124.9	42.7	10.5	60.9	137.5	159.5	-25.0	34.3	
10mi-180	10.0	179.9	57.6	124.9	42.3	8.2	61.0	137.4	171.7	-25.0	34.1	
10mi-190	10.0	190.0	57.6	124.9	42.2	5.8	61.1	137.4	175.9	-25.0	34.0	
10mi-200	10.0	200.0	57.6	124.9	42.5	3.5	61.2	137.5	163.6	-25.0	34.0	
10mi-210	10.0	210.0	57.6	124.9	43.2	1.4	61.3	137.6	151.4	-25.0	34.0	
10mi-220	10.0	220.0	57.6	124.9	44.2	359.5	61.3	137.8	139.5	-23.8	33.0	
10mi-230	10.0	230.0	57.6	124.9	45.4	357.9	61.3	138.0	128.0	-22.1	31.5	
10mi-240	10.0	240.0	57.6	124.9	46.9	356.8	61.3	138.3	116.8	-20.5	30.2	
10mi-250	10.0	250.0	57.6	124.9	48.5	356.0	61.3	138.6	106.1	-18.9	28.9	
10mi-260	10.0	260.0	57.6	124.9	50.2	355.6	61.3	138.9	95.7	-18.0	28.3	
10mi-270	10.0	270.0	57.6	124.9	52.0	355.6	61.3	139.2	85.7	-18.0	28.6	
10mi-280	10.0	280.0	57.6	124.9	53.7	355.9	61.3	139.5	76.0	-20.0	30.9	
10mi-290	10.0	290.0	57.6	124.9	55.4	356.5	61.3	139.8	66.5	-20.0	31.2	
10mi-300	10.0	300.0	57.6	124.9	56.9	357.3	61.3	140.0	57.4	-20.0	31.4	
10mi-310	10.0	310.0	57.6	124.9	58.3	358.4	61.3	140.2	48.4	-20.0	31.6	
10mi-320	10.0	320.0	57.6	124.9	59.5	359.6	61.3	140.4	39.6	-19.4	31.2	
10mi-330	10.0	330.0	57.6	124.9	60.5	1.0	61.3	140.5	31.0	-17.1	29.0	
10mi-340	10.0	340.0	57.6	124.9	61.3	2.4	61.2	140.6	22.5	-16.0	28.1	
10mi-350	10.0	350.0	57.6	124.9	61.8	4.0	61.2	140.7	14.0	-14.0	26.2	

TABLE 1 (PAGE 3 OF 3)

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 D3-D4

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 RAD CENTER: 320.0' AMSL

 TX SITE: N25-46-20.0; W 80-11-20.0
 ANT. TYPE: Andrew HMD16HW-W (@ 295.0T)
 RAD CENTER: 780.0' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 16.30
 MAX EIRP (dBm): 61.29

===== D/U RATIO STUDIES =====

REC SITE	FROM DESIRED				FROM UNDESIRED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
5mi- 0	5.0	0.1	57.6	118.9	57.2	6.0	61.1	140.0	5.9	-1.8	19.4	
5mi- 10	5.0	10.0	57.6	118.9	57.2	6.9	61.1	140.0	3.0	-0.1	17.8	
5mi- 20	5.0	20.0	57.6	118.9	57.1	7.8	61.1	140.0	12.2	-10.3	28.0	
5mi- 30	5.0	30.0	57.6	118.9	56.8	8.6	61.0	140.0	21.3	-16.0	33.7	
5mi- 40	5.0	40.0	57.6	118.9	56.4	9.4	61.0	139.9	30.5	-16.9	34.6	
5mi- 50	5.0	50.0	57.6	118.9	55.9	10.1	60.9	139.9	39.8	-19.4	37.0	
5mi- 60	5.0	60.0	57.6	118.9	55.3	10.8	60.9	139.8	49.2	-20.0	37.6	
5mi- 70	5.0	70.0	57.6	118.9	54.6	11.3	60.9	139.6	58.6	-20.0	37.5	
5mi- 80	5.0	80.0	57.6	118.9	53.8	11.7	60.8	139.5	68.2	-20.0	37.4	
5mi- 90	5.0	90.0	57.6	118.9	53.0	12.0	60.8	139.4	78.0	-20.0	37.3	
5mi-100	5.0	100.0	57.6	118.9	52.1	12.1	60.8	139.2	87.8	-18.0	35.1	
5mi-110	5.0	110.0	57.6	118.9	51.3	12.1	60.8	139.1	97.9	-18.0	35.0	
5mi-120	5.0	120.0	57.6	118.9	50.4	11.9	60.8	139.0	108.1	-19.2	36.0	
5mi-130	5.0	130.0	57.6	118.9	49.6	11.5	60.9	138.8	118.5	-20.7	37.4	
5mi-140	5.0	140.0	57.6	118.9	48.9	10.9	60.9	138.7	129.1	-22.2	38.7	
5mi-150	5.0	150.0	57.6	118.9	48.3	10.2	60.9	138.6	139.8	-23.8	40.2	
5mi-160	5.0	160.0	57.6	118.9	47.8	9.3	61.0	138.5	150.6	-25.0	41.2	
5mi-170	5.0	170.0	57.6	118.9	47.4	8.4	61.0	138.4	161.6	-25.0	41.1	
5mi-180	5.0	179.9	57.6	118.9	47.2	7.3	61.1	138.4	172.5	-25.0	41.0	
5mi-190	5.0	190.0	57.6	118.9	47.2	6.3	61.1	138.4	176.3	-25.0	41.0	
5mi-200	5.0	200.0	57.6	118.9	47.3	5.2	61.2	138.4	165.3	-25.0	41.0	
5mi-210	5.0	210.0	57.6	118.9	47.6	4.2	61.2	138.5	154.3	-25.0	41.0	
5mi-220	5.0	220.0	57.6	118.9	48.1	3.4	61.2	138.5	143.4	-24.3	40.4	
5mi-230	5.0	230.0	57.6	118.9	48.7	2.6	61.2	138.6	132.6	-22.8	38.9	
5mi-240	5.0	240.0	57.6	118.9	49.4	2.0	61.2	138.8	122.0	-21.2	37.4	
5mi-250	5.0	250.0	57.6	118.9	50.1	1.5	61.3	138.9	111.6	-19.7	36.0	
5mi-260	5.0	260.0	57.6	118.9	51.0	1.2	61.3	139.0	101.3	-18.2	34.7	
5mi-270	5.0	270.0	57.6	118.9	51.8	1.1	61.3	139.2	91.2	-18.0	34.6	
5mi-280	5.0	280.0	57.6	118.9	52.7	1.2	61.3	139.3	81.2	-20.0	36.8	
5mi-290	5.0	290.0	57.6	118.9	53.6	1.4	61.3	139.5	71.5	-20.0	36.9	
5mi-300	5.0	300.0	57.6	118.9	54.4	1.8	61.2	139.6	61.8	-20.0	37.1	
5mi-310	5.0	310.0	57.6	118.9	55.1	2.3	61.2	139.7	52.3	-20.0	37.2	
5mi-320	5.0	320.0	57.6	118.9	55.7	2.9	61.2	139.8	42.9	-20.0	37.3	
5mi-330	5.0	330.0	57.6	118.9	56.3	3.6	61.2	139.9	33.6	-17.8	35.2	
5mi-340	5.0	340.0	57.6	118.9	56.7	4.4	61.2	140.0	24.4	-16.0	33.5	
5mi-350	5.0	350.0	57.6	118.9	57.0	5.2	61.2	140.0	15.2	-16.0	33.6	

TABLE 2 (PAGE 1 OF 3)

DESIRED STATION:
New, Boynton Beach, Fl. (950524DE)
D3-D4

UNDESIREd STATION:
WHR-790, Miami, Fl (Auth.)
D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
ANT. TYPE: Andrew HMD16HO (OMNI)
RAD CENTER: 320' AMSL

TX SITE: N25-46-30.0; W 80-11-49.0
ANT. TYPE: Bogner B8SA (@ 290.0T)
RAD CENTER: 535' AMSL

POLARIZATION: HORIZONTAL
OUTPUT POWER (dBm) : 46.99
SYSTEM LOSSES (dB) : 3.40
MAX ANT. GAIN(dBi) : 14.00
MAX EIRP (dBm) : 57.59

POLARIZATION: HORIZONTAL
OUTPUT POWER (dBm) : 40.00
SYSTEM LOSSES (dB) : 2.00
MAX ANT. GAIN(dBi) : 13.00
MAX EIRP (dBm) : 51.00

===== D/U RATIO STUDIES =====

REC SITE	FROM DESIRED				FROM UNDESIREd				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
15mi- 0	15.0	0.0	57.6	128.4	67.0	5.6	50.9	141.4	5.6	-1.5	21.1	
15mi- 10	15.0	10.0	57.6	128.4	67.0	7.8	50.9	141.4	2.2	0.0	19.7	
15mi- 20	15.0	20.0	57.6	128.4	66.8	10.1	50.8	141.4	9.9	-6.6	26.4	
15mi- 30	15.0	30.0	57.6	128.4	66.1	12.2	50.8	141.3	17.8	-16.0	35.7	
15mi- 40	15.0	40.0	57.6	128.4	65.2	14.4	50.7	141.2	25.6	-16.0	35.6	
15mi- 50	15.0	50.0	57.6	128.4	63.9	16.4	50.7	141.0	33.6	-17.8	37.3	
15mi- 60	15.0	60.0	57.6	128.4	62.3	18.3	50.6	140.8	41.7	-19.9	39.3	
15mi- 70	15.0	70.0	57.6	128.4	60.4	20.0	50.6	140.5	50.0	-20.0	39.1	
15mi- 80	15.0	80.0	57.6	128.4	58.3	21.4	50.5	140.2	58.6	-20.0	38.9	
15mi- 90	15.0	90.0	57.6	128.4	56.0	22.6	50.4	139.9	67.4	-20.0	38.7	
15mi-100	15.0	100.0	57.6	128.4	53.5	23.5	50.3	139.5	76.5	-20.0	38.3	
15mi-110	15.0	110.0	57.6	128.4	50.9	23.9	50.3	139.0	86.1	-18.0	35.9	
15mi-120	15.0	120.0	57.6	128.4	48.3	23.8	50.3	138.6	96.2	-18.0	35.5	
15mi-130	15.0	130.0	57.6	128.4	45.7	23.2	50.3	138.1	106.8	-19.0	35.9	
15mi-140	15.0	140.0	57.6	128.4	43.3	21.9	50.4	137.6	118.1	-20.6	37.0	
15mi-150	15.0	150.0	57.6	128.4	41.1	19.9	50.6	137.2	130.1	-22.4	38.2	
15mi-160	15.0	160.0	57.6	128.4	39.3	17.2	50.6	136.8	142.8	-24.2	39.6	
15mi-170	15.0	170.0	57.6	128.4	38.0	13.9	50.7	136.5	156.1	-25.0	39.9	
15mi-180	15.0	180.1	57.6	128.4	37.2	10.1	50.8	136.3	169.9	-25.0	39.7	
15mi-190	15.0	190.1	57.6	128.4	37.1	6.1	50.9	136.3	176.0	-25.0	39.6	
15mi-200	15.0	200.1	57.6	128.4	37.6	2.1	51.0	136.4	162.1	-25.0	39.6	
15mi-210	15.0	210.1	57.6	128.4	38.7	358.5	51.0	136.6	148.5	-25.0	39.8	
15mi-220	15.0	220.1	57.6	128.4	40.3	355.6	50.9	137.0	135.5	-23.2	38.4	
15mi-230	15.0	230.1	57.6	128.4	42.3	353.3	50.9	137.4	123.2	-21.4	37.1	
15mi-240	15.0	240.1	57.6	128.4	44.6	351.7	50.8	137.9	111.6	-19.7	35.9	
15mi-250	15.0	250.1	57.6	128.4	47.1	350.8	50.8	138.4	100.7	-18.1	34.8	
15mi-260	15.0	260.1	57.6	128.4	49.7	350.5	50.8	138.8	90.4	-18.0	35.2	
15mi-270	15.0	270.1	57.6	128.4	52.3	350.7	50.8	139.3	80.7	-20.0	37.6	
15mi-280	15.0	280.1	57.6	128.4	54.9	351.4	50.8	139.7	71.3	-20.0	38.0	
15mi-290	15.0	290.1	57.6	128.4	57.3	352.4	50.8	140.1	62.4	-20.0	38.4	
15mi-300	15.0	300.1	57.6	128.4	59.5	353.8	50.9	140.4	53.7	-20.0	38.7	
15mi-310	15.0	310.1	57.6	128.4	61.5	355.4	50.9	140.7	45.4	-20.0	38.9	
15mi-320	15.0	320.1	57.6	128.4	63.2	357.2	50.9	140.9	37.2	-18.7	37.9	
15mi-330	15.0	330.1	57.6	128.4	64.6	359.1	51.0	141.1	29.1	-16.6	35.9	
15mi-340	15.0	340.1	57.6	128.4	65.8	1.2	51.0	141.3	21.2	-16.0	35.4	
15mi-350	15.0	350.1	57.6	128.4	66.5	3.4	50.9	141.4	13.4	-12.7	32.3	

TABLE 2 (PAGE 2 OF 3)

DESIRED STATION:
 New, Boynton Beach, Fl. (950524DE)
 D3-D4

UNDESIRED STATION:
 WHR-790, Miami, Fl (Auth.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
 ANT. TYPE: Andrew HMD16HO (OMNI)
 RAD CENTER: 320' AMSL

TX SITE: N25-46-30.0; W 80-11-49.0
 ANT. TYPE: Bogner B8SA (@ 290.0T)
 RAD CENTER: 535' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 40.00
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 13.00
 MAX EIRP (dBm): 51.00

===== D/U RATIO STUDIES =====

REC SITE	FROM DESIRED				FROM UNDESIRED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
10mi- 0	10.0	0.1	57.6	124.9	62.0	6.0	50.9	140.7	6.0	-1.8	24.3	
10mi- 10	10.0	10.1	57.6	124.9	62.0	7.7	50.9	140.8	2.4	0.0	22.6	
10mi- 20	10.0	20.1	57.6	124.9	61.8	9.3	50.8	140.7	10.8	-7.9	30.5	
10mi- 30	10.0	30.1	57.6	124.9	61.4	10.8	50.8	140.7	19.2	-16.0	38.5	
10mi- 40	10.0	40.1	57.6	124.9	60.7	12.3	50.8	140.6	27.7	-16.2	38.7	
10mi- 50	10.0	50.1	57.6	124.9	59.8	13.7	50.7	140.4	36.3	-18.5	40.9	
10mi- 60	10.0	60.1	57.6	124.9	58.6	15.0	50.7	140.3	45.0	-20.0	42.3	
10mi- 70	10.0	70.1	57.6	124.9	57.3	16.1	50.7	140.1	53.9	-20.0	42.1	
10mi- 80	10.0	80.1	57.6	124.9	55.8	17.1	50.6	139.8	63.0	-20.0	41.9	
10mi- 90	10.0	90.1	57.6	124.9	54.2	17.7	50.6	139.6	72.3	-20.0	41.7	
10mi-100	10.0	100.1	57.6	124.9	52.5	18.2	50.6	139.3	81.9	-20.0	41.4	
10mi-110	10.0	110.1	57.6	124.9	50.8	18.3	50.6	139.0	91.8	-18.0	39.1	
10mi-120	10.0	120.1	57.6	124.9	49.1	18.0	50.6	138.7	102.0	-18.3	39.1	
10mi-130	10.0	130.1	57.6	124.9	47.4	17.4	50.6	138.4	112.6	-19.8	40.3	
10mi-140	10.0	140.1	57.6	124.9	45.8	16.4	50.7	138.1	123.6	-21.4	41.6	
10mi-150	10.0	150.1	57.6	124.9	44.5	15.0	50.7	137.9	135.0	-23.1	43.0	
10mi-160	10.0	160.1	57.6	124.9	43.4	13.2	50.7	137.6	146.8	-24.8	44.4	
10mi-170	10.0	170.1	57.6	124.9	42.6	11.2	50.8	137.5	158.9	-25.0	44.4	
10mi-180	10.0	180.1	57.6	124.9	42.2	8.9	50.8	137.4	171.2	-25.0	44.2	
10mi-190	10.0	190.1	57.6	124.9	42.1	6.5	50.9	137.4	176.5	-25.0	44.2	
10mi-200	10.0	200.1	57.6	124.9	42.4	4.2	50.9	137.4	164.1	-25.0	44.2	
10mi-210	10.0	210.1	57.6	124.9	43.0	2.0	51.0	137.6	152.0	-25.0	44.3	
10mi-220	10.0	220.1	57.6	124.9	44.0	0.1	51.0	137.8	140.1	-23.8	43.3	
10mi-230	10.0	230.1	57.6	124.9	45.2	358.6	51.0	138.0	128.5	-22.2	41.9	
10mi-240	10.0	240.1	57.6	124.9	46.7	357.4	50.9	138.3	117.3	-20.5	40.6	
10mi-250	10.0	250.1	57.6	124.9	48.3	356.6	50.9	138.6	106.5	-19.0	39.3	
10mi-260	10.0	260.1	57.6	124.9	50.0	356.2	50.9	138.9	96.1	-18.0	38.7	
10mi-270	10.0	270.1	57.6	124.9	51.8	356.1	50.9	139.2	86.1	-18.0	39.0	
10mi-280	10.0	280.1	57.6	124.9	53.5	356.4	50.9	139.5	76.4	-20.0	41.2	
10mi-290	10.0	290.1	57.6	124.9	55.2	357.0	50.9	139.7	67.0	-20.0	41.5	
10mi-300	10.0	300.1	57.6	124.9	56.7	357.8	51.0	140.0	57.8	-20.0	41.7	
10mi-310	10.0	310.1	57.6	124.9	58.1	358.9	51.0	140.2	48.8	-20.0	41.9	
10mi-320	10.0	320.1	57.6	124.9	59.3	0.1	51.0	140.4	40.0	-19.5	41.5	
10mi-330	10.0	330.1	57.6	124.9	60.3	1.5	51.0	140.5	31.4	-17.2	39.4	
10mi-340	10.0	340.1	57.6	124.9	61.1	2.9	50.9	140.6	22.9	-16.0	38.4	
10mi-350	10.0	350.1	57.6	124.9	61.7	4.5	50.9	140.7	14.4	-14.8	37.3	

DESIRED STATION:
New, Boynton Beach, Fl. (950524DE)
D3-D4

UNDESIRED STATION:
WHR-790, Miami, Fl (Auth.)
D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
ANT. TYPE: Andrew HMD16HO (OMNI)
RAD CENTER: 320' AMSL

TX SITE: N25-46-30.0; W 80-11-49.0
ANT. TYPE: Bogner B8SA (@ 290.0T)
RAD CENTER: 535' AMSL

POLARIZATION: HORIZONTAL
OUTPUT POWER (dBm) : 46.99
SYSTEM LOSSES (dB) : 3.40
MAX ANT. GAIN(dBi) : 14.00
MAX EIRP (dBm) : 57.59

POLARIZATION: HORIZONTAL
OUTPUT POWER (dBm) : 40.00
SYSTEM LOSSES (dB) : 2.00
MAX ANT. GAIN(dBi) : 13.00
MAX EIRP (dBm) : 51.00

===== D/U RATIO STUDIES =====

REC SITE	FROM DESIRED				FROM UNDESIRED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
5mi- 0	5.0	0.2	57.6	118.9	57.0	6.6	50.9	140.0	6.5	-2.2	30.0	
5mi- 10	5.0	10.2	57.6	118.9	57.1	7.5	50.9	140.0	2.7	-0.0	27.9	
5mi- 20	5.0	20.2	57.6	118.9	56.9	8.3	50.9	140.0	11.8	-9.6	37.5	
5mi- 30	5.0	30.2	57.6	118.9	56.7	9.2	50.8	140.0	20.9	-16.0	43.8	
5mi- 40	5.0	40.2	57.6	118.9	56.3	10.0	50.8	139.9	30.1	-16.8	44.6	
5mi- 50	5.0	50.2	57.6	118.9	55.8	10.7	50.8	139.8	39.4	-19.3	47.0	
5mi- 60	5.0	60.2	57.6	118.9	55.2	11.3	50.8	139.7	48.8	-20.0	47.7	
5mi- 70	5.0	70.2	57.6	118.9	54.5	11.9	50.8	139.6	58.2	-20.0	47.6	
5mi- 80	5.0	80.2	57.6	118.9	53.7	12.3	50.8	139.5	67.8	-20.0	47.5	
5mi- 90	5.0	90.2	57.6	118.9	52.9	12.6	50.8	139.4	77.5	-20.0	47.3	
5mi-100	5.0	100.2	57.6	118.9	52.0	12.7	50.8	139.2	87.4	-18.0	45.2	
5mi-110	5.0	110.2	57.6	118.9	51.2	12.7	50.8	139.1	97.4	-18.0	45.0	
5mi-120	5.0	120.2	57.6	118.9	50.3	12.5	50.8	138.9	107.7	-19.1	46.0	
5mi-130	5.0	130.2	57.6	118.9	49.5	12.1	50.8	138.8	118.0	-20.6	47.4	
5mi-140	5.0	140.2	57.6	118.9	48.8	11.5	50.8	138.7	128.6	-22.2	48.8	
5mi-150	5.0	150.2	57.6	118.9	48.2	10.8	50.8	138.6	139.3	-23.7	50.2	
5mi-160	5.0	160.2	57.6	118.9	47.7	9.9	50.8	138.5	150.2	-25.0	51.3	
5mi-170	5.0	170.2	57.6	118.9	47.3	9.0	50.8	138.4	161.1	-25.0	51.3	
5mi-180	5.0	180.2	57.6	118.9	47.1	7.9	50.9	138.4	172.2	-25.0	51.2	
5mi-190	5.0	190.2	57.6	118.9	47.1	6.9	50.9	138.4	176.7	-25.0	51.2	
5mi-200	5.0	200.2	57.6	118.9	47.2	5.8	50.9	138.4	165.7	-25.0	51.2	
5mi-210	5.0	210.2	57.6	118.9	47.5	4.8	50.9	138.4	154.7	-25.0	51.2	
5mi-220	5.0	220.2	57.6	118.9	47.9	3.9	50.9	138.5	143.8	-24.4	50.7	
5mi-230	5.0	230.2	57.6	118.9	48.5	3.2	50.9	138.6	133.0	-22.8	49.2	
5mi-240	5.0	240.2	57.6	118.9	49.2	2.5	51.0	138.7	122.4	-21.3	47.8	
5mi-250	5.0	250.2	57.6	118.9	50.0	2.1	51.0	138.9	111.9	-19.7	46.4	
5mi-260	5.0	260.2	57.6	118.9	50.8	1.8	51.0	139.0	101.6	-18.2	45.0	
5mi-270	5.0	270.2	57.6	118.9	51.7	1.7	51.0	139.2	91.5	-18.0	44.9	
5mi-280	5.0	280.2	57.6	118.9	52.6	1.7	51.0	139.3	81.6	-20.0	47.1	
5mi-290	5.0	290.2	57.6	118.9	53.4	2.0	51.0	139.5	71.8	-20.0	47.2	
5mi-300	5.0	300.2	57.6	118.9	54.2	2.3	51.0	139.6	62.2	-20.0	47.3	
5mi-310	5.0	310.2	57.6	118.9	54.9	2.8	51.0	139.7	52.7	-20.0	47.5	
5mi-320	5.0	320.2	57.6	118.9	55.6	3.4	50.9	139.8	43.3	-20.0	47.6	
5mi-330	5.0	330.2	57.6	118.9	56.1	4.1	50.9	139.9	34.0	-17.9	45.5	
5mi-340	5.0	340.2	57.6	118.9	56.6	4.9	50.9	139.9	24.7	-16.0	43.7	
5mi-350	5.0	350.2	57.6	118.9	56.9	5.7	50.9	140.0	15.6	-16.0	43.8	

TABLE 3 (PAGE 1 OF 1)

DESIRED STATION:
New, Boynton Beach, Fl. (950524DE)
D3-D4

UNDESIRED STATION:
WHR-790, Miami, Fl (Mod.)
D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
ANT. TYPE: Andrew HMD16HO (OMNI)
RAD CENTER: 320' AMSL

TX SITE: N25-46-20.0; W 80-11-20.0
ANT. TYPE: Andrew HMD16HW-W (@ 295.0T)
RAD CENTER: 780' AMSL

POLARIZATION: HORIZONTAL
OUTPUT POWER (dBm): 46.99
SYSTEM LOSSES (dB): 3.40
MAX ANT. GAIN(dBi): 14.00
MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
OUTPUT POWER (dBm): 46.99
SYSTEM LOSSES (dB): 2.00
MAX ANT. GAIN(dBi): 16.30
MAX EIRP (dBm): 61.29

REC SITE IDENTIFICATION	N LATITUDE	W LONGITUDE	REC ANTENNA TYPE	AMSL-FT
R1 Broward Com Coll (WHR897)	26- 4-45.0	80-14- 9.0	REF	none
R2 Motorola, Inc. (WHR897)	26- 8-45.0	80-15-14.0	REF	none
R3 Raycal Milgo (WHR897)	26- 8-38.0	80-17-24.0	REF	none
R4 Bendix Corp. (WHR897)	26-12- 8.0	80-10-11.0	REF	none
R5 FAU Commrcl Campus (WHR897)	26-11-21.0	80- 9-58.0	REF	none
R6 FAU Main Campus (WHR897)	26-22-17.0	80- 6-14.0	REF	none
R7 University Tower (WHR897)	26- 7-12.0	80- 8-28.0	REF	none
RT1 110 Bldng (WHR895)	26- 6-54.0	80- 8-30.0	REF	none

D/U RATIO STUDIES

REC SITE	FROM DESIRED				FROM UNDESIRED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
R1 Browa	31.9	196.3	57.6	135.0	21.4	352.2	61.2	131.5	155.9	-25.0	17.9	
R2 Motor	27.9	201.2	57.6	133.8	26.1	351.1	61.2	133.2	150.0	-25.0	20.8	
R3 /ca	28.9	205.2	57.6	134.1	26.4	346.3	61.0	133.3	141.1	-24.0	19.8	
R4 Bendi	22.7	192.4	57.6	132.0	29.7	2.3	61.2	134.4	170.0	-25.0	23.7	
R5 FAU C	23.5	191.4	57.6	132.3	28.8	2.8	61.2	134.1	171.5	-25.0	23.1	
R6 FAU M	10.5	184.2	57.6	125.3	41.7	7.2	61.1	137.3	176.9	-25.0	33.5	
R7 Unive	28.0	186.3	57.6	133.8	24.2	7.0	61.1	132.6	179.3	-25.0	20.2	
RT1 110	28.3	186.3	57.6	133.9	23.9	7.1	61.1	132.5	179.2	-25.0	20.0	

DESIRED STATION:
 N Boynton Beach, Fl. (950524DE)
 D1-D4

UNDESIRED STATION:
 WHR-790, Miami, Fl (Mod.)
 D1-D4

TX SITE: N26-31-22.0; W 80- 5-29.0
 ANT. TYPE: Andrew HMD16HO (OMNI)
 RAD CENTER: 320' AMSL

TX SITE: N25-46-20.0; W 80-11-20.0
 ANT. TYPE: Andrew HMD16HW-W (@ 295.0T)
 RAD CENTER: 780' AMSL

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 3.40
 MAX ANT. GAIN(dBi): 14.00
 MAX EIRP (dBm): 57.59

POLARIZATION: HORIZONTAL
 OUTPUT POWER (dBm): 46.99
 SYSTEM LOSSES (dB): 2.00
 MAX ANT. GAIN(dBi): 16.30
 MAX EIRP (dBm): 61.29

REC SITE IDENTIFICATION	N LATITUDE	W LONGITUDE	REC ANTENNA TYPE	AMSL-FT
R1 Broward Com Coll (WHR897)	26- 4-45.0	80-14- 9.0	MARK HP25A96	none
R2 torola, Inc. (WHR897)	26- 8-45.0	80-15-14.0	MARK HP25A72	none
R3 kaycal Milgo (WHR897)	26- 8-38.0	80-17-24.0	MARK HP25A72	none
R4 Bendix Corp. (WHR897)	26-12- 8.0	80-10-11.0	MARK HP25A72	none
R5 FAU Commrc1 Campus (WHR897)	26-11-21.0	80- 9-58.0	MARK HP25A72	none
R6 FAU Main Campus (WHR897)	26-22-17.0	80- 6-14.0	MARK P25A48	none
R7 University Tower (WHR897)	26- 7-12.0	80- 8-28.0	MARK HP25A72	none
RT1 110 Bldng (WHR895)	26- 6-54.0	80- 8-30.0	MARK HP25A72	none

D/U RATIO STUDIES

REC SITE	FROM DESIRED				FROM UNDESIRED				RECEIVER		D/U RATIO	C* O D E
	Dist mi	Azim deg T	EIRP dBmW	FSL dB	Dist mi	Azim deg T	EIRP dBmW	FSL dB	ANGLE deg	DISCR dB		
R1 Browa	31.9	196.3	57.6	135.0	21.4	352.2	61.2	131.5	155.9	-56.0	48.9	G
R2 Motor	27.9	201.2	57.6	133.8	26.1	351.1	61.2	133.2	150.0	-50.0	45.8	G
R3 Rayca	28.9	205.2	57.6	134.1	26.4	346.3	61.0	133.3	141.1	-50.0	45.8	G
R4 ndi	22.7	192.4	57.6	132.0	29.7	2.3	61.2	134.4	170.0	-50.0	48.7	G
R5 FAU C	23.5	191.4	57.6	132.3	28.8	2.8	61.2	134.1	171.5	-50.0	48.1	G
R6 FAU M	10.5	184.2	57.6	125.3	41.7	7.2	61.1	137.3	176.9	-38.0	46.5	G
R7 Unive	28.0	186.3	57.6	133.8	24.2	7.0	61.1	132.6	179.3	-50.0	45.2	G
RT1 110	28.3	186.3	57.6	133.9	23.9	7.1	61.1	132.5	179.2	-50.0	45.0	G

* - G: UPGRADED RECEIVE ANTENNA

ENGINEERING REPORT

DELAWDER COMMUNICATIONS, INC.

(703) 658-5390

Miami, Florida D-Group ITFS

I, Darryl K. DeLawder, declare and state as follows:

That I have received a Bachelor of Science degree in electrical engineering from Villanova University;

That I have either prepared or directly supervised the preparation of all technical information contained in this Engineering Exhibit;

That the facts stated in this Engineering Statement are true of my own knowledge, except as to such statements as are herein stated to be on information and belief, and as to such statements I believe them to be true.

10-31-86

Date



Darryl K. DeLawder

CERTIFICATE OF SERVICE

I, LaJuan A. Simmons, a Legal Secretary with the law firm of Rini, Coran & Lancellotta, P.C., hereby certify that on this 1st day of November, 1996, copies of the foregoing "Petition to Deny" have been served upon the following:

Via Hand Delivery

Clay Pendarvis, Acting Chief
Distribution Services Branch
Video Services Division
Federal Communications Commission
1919 M Street, N.W., Room 702
Washington, DC 20554

Via U.S. Mail

Peter D. Shields, Esq.
Roberts & Eckard, P.C.
Suite 1100
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

Robert F. Corazzini, Esq.
Pepper & Corazzini, L.L.P.
Suite 200
1776 K Street, N.W.
Washington, DC 20006

William D. Wallace, Esq.
Crowell & Moring
1001 Pennsylvania Ave., N.W.
Washington, DC 20004


LaJuan A. Simmons

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

COPY
RECEIVED
FEB 21 1997

In re Applications of)
) FEDERAL COMMUNICATIONS COMMISSION
) OFFICE OF SECRETARY
SCHOOL DISTRICT OF PALM) File No. BMPLIF-950524DN
BEACH COUNTY, FLORIDA)
)
For Modification of)
ITFS Station KHU-90 (D1 & D2),)
Boynton Beach, Florida)
)
FLORIDA BOARD OF REGENTS) File No. BMPLIF-950524DE
(FLORIDA ATLANTIC UNIVERSITY)) File No. BMPLIF-920814DA
)
For New ITFS Station (D3 & D4),)
Palm Beach, Florida)

To: Chief, Video Services Division
Mass Media Bureau

OPPOSITION

Pursuant to Section 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(d) and Section 74.912 of the Commission's Rules, 47 C.F.R. § 74.912, Wireless Broadcasting Systems of America, Inc. ("WBSA"), by its attorneys, hereby files its Opposition to the "Petition to Deny" (the "Petition") filed by Southern Florida Instructional TV, Inc. ("SFIT") against the above-referenced applications of the School District of Palm Beach County, Florida (the "Palm Beach District") and the Florida Board of Regents (Florida Atlantic University) (the "University") for the D Group channels in the West Palm Beach market¹ In support hereof,

¹ SFIT has not alleged that it has standing to file the Petition. SFIT must demonstrate how it has standing since, as the Commission explained in its Public Notice accepting the BMPLIF-950524DN application for filing, the application "is not mutually exclusive with any other applications." See Report No. 23836A, released September 30, 1996 (the "September 30 Notice"). To the
(continued...)

the following is shown:

By way of background, WBSA is the wireless cable operator developing the West Palm Beach, Florida system. WBSA was the high bidder for ten markets in the Commission's recent MDS Auctions, committing a total of nearly \$3.5 million in winning bids. The most costly market won by WBSA was the West Palm Beach - Boca Raton, FL BTA (BTA No. 469), where WBSA's winning bid was \$1,331,000. WBSA has been working to develop a competitive multichannel video service in the West Palm Beach area for almost five years, devoting approximately \$2 million in 1996 alone to developing a system to serve this market. As WBSA will discuss herein, the Commission should summarily dismiss the Petition and grant the underlying application.

B. The Miami License Should be Conditioned On Analog Operation and Subject to the PSA Protection of The West Palm Beach Applications

Any license granted to SFIT to operate Station WHR-790 should authorize the station's operation in only an analog mode and further, should be conditioned on the requirement that the station must accept interference from the Palm Beach District's Station KHU-90 and the University's application.

The University and the Palm Beach District did not agree and will

¹(...continued)

extent that SFIT has standing, WBSA is authorized to file the instant opposition since WBSA has entered into agreements with the Palm Beach District and the University to lease excess channel capacity on their respective ITFS stations in connection with a wireless cable system that WBSA is developing in the West Palm Beach, Florida market. Furthermore, this Opposition is timely-filed since it is being filed pursuant to a series of consensual extension motions (which remain pending), the latest of which requested an extension of the filing date through February 21, 1997.

not agree to accept the additional interference that the Miami station would cause if it were to operate in a digital mode. As discussed in the attached Declaration of David R. Hollowell, the Miami station's digital request:

"will increase the amount of objectionable interference visible in analog transmissions from the facilities proposed by . . . [the West Palm Beach applicants.]"²

Furthermore, Mr. Hollowell explains that the Commission's recent "Declaratory Ruling and Order"³ concerning digital operations by wireless cable systems requires:

"a minimum D/U ratio of 45 dB . . . to avoid objectionable interference at the receive sites of other ITFS facilities, including the Boynton Beach facility, and it does not appear that the proposed Miami facilities, as presently configured, can attain this required level of protection."⁴

Because the University and the Palm Beach District have not agreed to accept the additional interference from Station WHR-790 that would result from the station's digital operation, the Commission should permit Station WHR-790 to operate only in an analog mode.

Moreover, if the Commission conditions the West Palm Beach D Group licenses on the acceptance of interference from Station WHR-790, then the Commission should place a similar condition on the WHR-790 license that it must accept interference from the West Palm Beach D Group stations. Since, as discussed herein, Station WHR-790 is not entitled to PSA protection, that station's authorization should specify that it must accept any interference created by the West Palm

² See Declaration of David R. Hollowell attached hereto, at 1.

³ "Declaratory Ruling on the Use of Digital Modulation by Multipoint Distribution Service and Instructional Fixed Service Stations," 3 Comm. Reg. 830 (1996).

⁴ See Declaration of David R. Hollowell at 3.

Beach D Group facilities.

B. The Applications of The University and the Palm Beach District Have Priority Over Any SFIT Application.

The chronology provided by SFIT presents an inaccurate and misleading picture of the relative priorities of the University's and the Palm Beach District's applications that are the subject of the Petition and SFIT's June 16, 1993 filing.

As an initial matter, SFIT's characterization of its June 16, 1993 filing as one deserving priority, let alone one worthy of being processed, borders on the absurd. That application was filed and processed as a Request for Special Temporary Authority ("STA Request"), not as a modification application having even a pretense of deserving interference protection. As WBSA discussed in the pending proceeding directly challenging that submission,⁵ SFIT is essentially arguing that the Commission should treat an STA Request as though it were an application for modification of license where:

- The STA Request was filed during a period in which the Commission expressly prohibited the filing of modification applications due to the ITFS filing freeze;
- The STA Request expressly said that it was not to be treated as a modification application; and
- Treating the STA Request as a modification application filed during the filing freeze would prejudice the rights of parties who filed applications pursuant to the Rules.

SFIT's claim that its application has priority in this proceeding hinges on its assertion that the Commission considers the STA Request to be an application for license modification (notwithstanding the fact that any such application could not have been filed under the

⁵ See WBSA's "Reply" filed May 24, 1996 in File Nos. BMPLIF-930616DV and BMPLIF-950707FA and related filings.

ITFS filing freeze then in effect⁶) and moreover, that the STA Request should be given priority status as though it were an application properly filed on June 16, 1993. Not only is SFIT's argument ludicrous, but it is belied by SFIT's own statements in the STA Request and its conduct since obtaining the STA grant. The fact the Commission erroneously listed the STA Request in its April 26, 1995 Public Notice as accepted for filing⁷ does not alter the fact that the Request was not intended to be, nor could it have been, an application for modification of license at the time it was filed.⁸

As the Commission recognized in issuing its September 30 Notice accepting the Palm Beach District's May 24, 1995 application to modify Station KHU-90 to operate on Channels D1 and D2, that public notice did not need to address the University's pending application for Channels D3 and D4 (BPLIF-920814DA) because those channels were long since cut-off pursuant to a 1993 cut-off notice. See Report No. A-31, issued October 7, 1993. The fact that the University amended its application on May 24, 1995 to reduce the number of channels proposed did not alter the fact that Channels D3 and D4 were cut-off as of December 30, 1993.

⁶ See Amendment of Part 74 of the Commission's Rules with Regard to the Instructional Television Fixed Service, 8 FCC Rcd 1275 (1993).

⁷ Report No. A-35, p. 1 (the "April 26 Notice").

⁸ As WBSA has previously urged, the Commission should issue an appropriate Erratum to that Notice. Although SFIT's STA Request is deserving of neither priority nor consideration in this analysis, the Commission could choose to consider SFIT's July 7, 1995 filing as though it were a new application to modify Station WHR-790. This submission, which was never included on any cut-off list, was initially correctly characterized by SFIT as a "major" change, since it complies with the definition of such a change in the Commission's Rules.

Finally, SFIT's allegations concerning the petition to displace ITFS Station KHU-90 are unavailing. That filing was consistent with the Rules in that it furthered the Commission's desire to migrate grandfathered ITFS stations off of the E and F channel groups. Moreover, regardless of the filing's original posture, the issue became moot when the Palm Beach District voluntarily adopted the migration request by entering into the Settlement Agreement and filing its modification application on May 24, 1995. That displacement proposal was and continues to be acceptable for filing.

Accordingly, both the University's August 14, 1992 application, as modified on May 24 1995, and the Palm Beach District's application filed May 24, 1995, take priority over SFIT's filing, which is merely an STA Request, as modified on July 7, 1995. The Commission's September 30 Notice was correct in accepting the Palm Beach District's application for Channels D1 and D2 for filing as not mutually exclusive with any other application and in treating the University's application for channels D3 and D4 as having been already cut-off.

C. Unlike Station WHR-866 Which Is Not Entitled to PSA Protection, Station WHR-896's Request Is Valid

SFIT is also misguided in its attempt to use the same logic that WBSA used in its challenge to SFIT's PSA Request -- i.e., that SFIT's agreement with NWH is not a valid excess capacity lease with a wireless cable operator that would qualify Station WHR-866 for PSA protection -- to argue that the Palm Beach District and the University also are not entitled to PSA protection. As WBSA has already explained,⁹ the agreement filed in support of SFIT's PSA Request,

⁹ See WBSA's "Reply" filed on May 17, 1996 and "Consolidated (continued...)"

rather than leasing SFIT's excess capacity for wireless cable purposes, contains only a contingent commitment for NWH to lease excess capacity for wireless cable purposes. The leasing of excess capacity on this station may become a reality in the future only upon the successful completion of a two-year, three-tiered "Testing Phase," which is intended "to continue the development and thereafter test the practical implementation of digital compression technology."¹⁰ The prospect for any actual leasing of excess ITFS capacity therefore rests on the conduct and satisfaction of precise and extensive testing requirements. If any of those requirements are not met, the agreement presumably terminates, with NWH never having used any excess capacity for wireless cable purposes. The contingencies attached to WLRN's possible lease of excess capacity to NWH are unique, including provisions whereby both WLRN and NWH have the ability during each of three test phases to decide that the digital compression technology will not provide adequate service, and which give both WLRN and NWH the ability to terminate their arrangement, without cause or reason, prior to any lease of excess capacity for wireless cable purposes.¹¹

By contrast, the conditions SFIT points to in the lease agreements with WBSA are standard business conditions that do not render the lease of excess capacity on the institutions' facilities

⁹(...continued)

Comments and Objections" filed July 14, 1995 in File Nos. BMPLIF-950515DL, BMPLIF-950515DM, BMPLIF-950407DG, BMPLIF-950515DA, BMPLIF-930616DV, and BMPLIF-950707FA.

¹⁰ See, Agreement between Friends of WLRN, Inc., South Florida Television, Inc. and National Wireless Holdings Inc. at Section IV, A.

¹¹ See, Agreement, Sections IV.A.1.b, IV.A.2.b and c, IV.A.3.b and c, and IV.A.7.

either conditional or speculative, such as is the case with the WLRN-NWH arrangement. While the condition precedent in the University's lease agreement -- that WBSA must enter into an agreement with the Palm Beach District for a sufficient number of channels to make the system viable -- might have allowed WBSA to avoid its obligations under the agreement if the condition is not met, and WBSA elected not to proceed, the condition does not restrict WBSA's ability to use the University's excess capacity nor does it allow the University to opt out of the agreement. As long as WBSA is developing its West Palm Beach wireless cable system, WBSA has "an absolute right to lease the excess capacity on the University's facilities without condition and without qualification."¹² Similarly, WBSA and the Palm Beach District continue to move forward to implement the terms of their agreement, which the parties have indicated they interpret so as to extend the time periods to accommodate contingencies that are out of the parties' control.

SFIT's argument that the failure of conditions in the Palm Beach District's and the University's lease agreements somehow voids their agreements with WBSA or otherwise negates WBSA's right to use the excess capacity on these facilities is erroneous. While the conditions might relieve WBSA of its obligations under the agreements if it so chooses, the conditions do not allow the excess capacity lessor to void the contract under these circumstances nor do they restrict WBSA's ability to lease the facilities. The fact is that WBSA and the lessors continue to move forward to implement the terms of their agreements.

¹² Declaration of Jennifer L. Richter, Esq., p. 1.

The contingent aspects of SFIT's PSA request amount to nothing more than a request to warehouse the PSA.¹³ If the Commission were to grant SFIT's PSA Request, it would be protecting SFIT's ITFS station until such time as NWH and SFIT decided whether their experiment into digital compression technology had succeeded or failed, and whether they wanted to continue to proceed with the excess capacity lease.¹⁴ On the other hand, the University's lease agreement with WBSA contains no such contingency and the parties are moving forward in their efforts to complete development of a wireless cable service to serve the West Palm Beach market. There is no merit to SFIT's argument that the University's PSA request contains the same or similar infirmities. Accordingly, the University is entitled to PSA protection without regard to the invalidity of SFIT's PSA Request.

D. The West Palm Beach Marketwide Settlement Agreement Qualifies for Waiver of the Cut-Off Rules.

SFIT is incorrect in again arguing that the West Palm Beach marketwide settlement agreement filed with the Commission on May 24, 1995 fails to qualify for a waiver of the Commission's cut-off rules. WBSA's request for waiver of the cut-off rules complies with the requirements the Commission established in footnote 47 of Amendment of Part 74 in Regard to the Instructional Television Fixed Service,

¹³ Compare In the Matter of Amendment of Parts 21, 43, 74, 78, and 94 of the Commission's Rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands, 6 FCC Rcd 6764, 6765 (1991) ("On reconsideration some petitioners were quite candid in acknowledging that their purpose in requesting an enlargement of the protected service area was to foreclose competition from a newcomer station") (footnote omitted).

¹⁴ This reservation would be for at least two years, which is the minimum period for completing the tests contemplated in the WLRN-NWH arrangement.

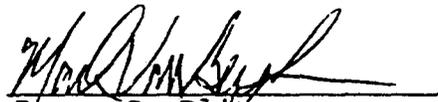
59 RR 2d 1355, 1381 n. 47 (1986). WBSA has fully explained in response to the challenge to the Settlement Agreement filed by National Wireless Holdings, Inc. ("NWH"), that the Settlement Agreement qualifies for waiver of the cut-off rules and that such a waiver would serve the public interest. That discussion is incorporated herein by reference.¹⁵

For the reasons stated herein, the Commission should DISMISS the "Petition to Deny" filed by Southern Florida Instructional TV, Inc. and GRANT the applications of the School District of Palm Beach County, Florida to modify ITFS Station KHU-90 and the applications of Florida Atlantic University for a new ITFS station on channels D3 and D4 in Palm Beach, Florida.

Respectfully submitted,

WIRELESS BROADCASTING SYSTEMS
OF AMERICA, INC.

By:


James S. Blizz
Mark Van Bergh

Roberts & Eckard, P.C.
1150 Connecticut Ave., N.W.
Suite 1100
Washington, D.C. 20036
202-296-0533

Its Counsel

February 21, 1997

¹⁵ See WBSA's letter dated May 17, 1996 to Clay C. Pendarvis, Esq., Acting Chief, Distribution Services Branch, Re: ITFS Joint Motion for Approval of Settlement Agreement, West Palm Beach, Florida.

Declaration of David R. Hollowell

DECLARATION OF
DAVID R. HOLLOWELL
IN SUPPORT THE OPPOSITION FILED BY

WIRELESS BROADCASTING SYSTEMS OF AMERICA, INC.

TO THE PETITION TO DENY OF

WHR-790,
SOUTHERN FLORIDA INSTRUCTIONAL TELEVISION, INC.

I, David R. Hollowell, have been retained on behalf of Wireless Broadcasting Systems of America, Inc. ("WBS"), the lessee of excess air time of ITFS stations to be operated on channels D1 - D2 and on channels D3 - D4, located at West Palm Beach, FL, to prepare this declaration in support of the opposition to the Petition to Dismiss filed by Southern Florida Instructional Television, Inc., an applicant for modification of an ITFS station at Miami, FL ("Miami Applicant").

I, David R. Hollowell, hereby affirm that: I have over nineteen years of experience in the engineering of broadcast, microwave and other communications systems; I am familiar with the Commission's Rules found in Title 47, Parts 21, 73 and 74 of the Code of Federal Regulations; and my qualifications and experience are a matter of record with the Commission.

I have reviewed the application and subsequent amendments filed by the Miami Applicant and have found that its proposed use of digital transmission will increase the amount of objectionable interference visible in analog video transmissions from the facilities proposed by Florida Board of Regents/Florida Atlantic University ("FAU") and by The School Board of Palm Beach County, Florida (the "Board").

The Board and FAU are authorized for service to the West Palm Beach area on ITFS channels D1 - D2 and channels D3 - D4, respectively, with a transmitting facility located at Boynton Beach, FL. The Board and FAU have on file with the Commission, modification applications BMPLIF-950524DN and BPLIF-920814DA, which propose to collocate the transmitting site with other ITFS facilities at Boynton Beach, FL. The proposed collocated facility will utilize a horizontally polarized, omnidirectional transmitting antenna with an EIRP of 27.6 dBW. The parameters of the proposed Boynton Beach facility were used for the interference studies addressed herein.

In BMPLIF-930616DV, as amended, the Miami Applicant has proposed co-channel operation from a facility at Miami, Florida, 83.7 km (52 miles) south of the facilities proposed at Boynton Beach. The proposed Miami facility will incorporate a directional, horizontally polarized transmitting facility with an EIRP of 31.29 dBW. In September 1995, the Miami Applicant amended its pending modification application to request authority to operate utilizing either digital or analog modulation.

As specified in the modification applications for both the Miami and Boynton Beach applicants, each system was designed to incorporate the use of frequency offset operation to reduce the visible effects of interference in analog transmissions caused by other co-channel ITFS facilities.

It is common in wireless cable and ITFS system designs to utilize frequency offset operation to allow close spacing of facilities to serve areas otherwise precluded from service due to objectionable co-channel interference in analog transmissions. With the coordinated use of frequency offset operation, objectionable interference from an undesired signal source does not become visible in analog television transmissions until the D/U ratio approaches 28 dB. Some system designs use a more conservative D/U ratio of 35 dB as the minimum acceptable level of interference using frequency offset operation.

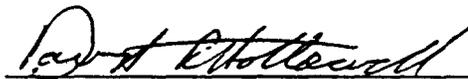
As specified in its modification applications, the use of frequency offset operation would allow the Boynton Beach facility to serve a larger area with less visible co-channel interference from the Miami facility. Attached as Exhibit 1, is a Radio Shadow Map of the Miami facility with the Boynton Beach facility and its 710 square mile circular protected service area boundary plotted. To demonstrate the effect of the proposed Miami facility on the receive sites and wireless cable protected service area of the Board and FAU, D/U ratio contours have been prepared based on interference levels of 45 dB, 35 dB and 28 dB. The contours were produced by calculating the distance from the West Palm Beach

facility towards the Miami facility at which the desired to undesired signal ratio equals the 45 dB level standard for co-channel protection, the 35 dB level for conservative frequency offset operation and the 28 dB level standard for frequency offset operation. Similar distances were calculated on incremental bearings around the desired site until the three complete contours were produced. The area on the Boynton Beach side of the contours has protection greater than the respective D/U ratio; the area away from Boynton Beach experiences a D/U ratio less than the respective 45 dB, 35 dB or 28 dB. The contours are plotted and labeled on the Radio Shadow Map provided in Exhibit 1 and may be identified as butterfly shaped boundaries around the Boynton Beach site.

As shown, only a small area of the Boynton Beach protected service area, which has an unobstructed electrical path to the proposed Miami facility, will experience a D/U ratio less than the minimum 28 dB desired for frequency offset operation between analog systems.

With the change from analog operation to digital operation, the Miami applicant has precluded the advantage of frequency offset operation for interference reduction at all ITFS and wireless cable receiving locations affected by its signal, including its own receive sites and the receive sites of the Boynton Beach facility. As outlined in the Commission's Declaratory Ruling and Order¹, with digital operation, a minimum D/U ratio of 45 dB will be required to avoid objectionable interference at the receive sites of other ITFS facilities, including the Boynton Beach facility, and it does not appear that the proposed Miami facility, as presently configured, can obtain this required level of protection.

The undersigned hereby declares under penalty of perjury that the foregoing statements are true and correct to the best of his knowledge and belief. Executed 12 December 1996.



David R. Hollowell
Consulting Engineer

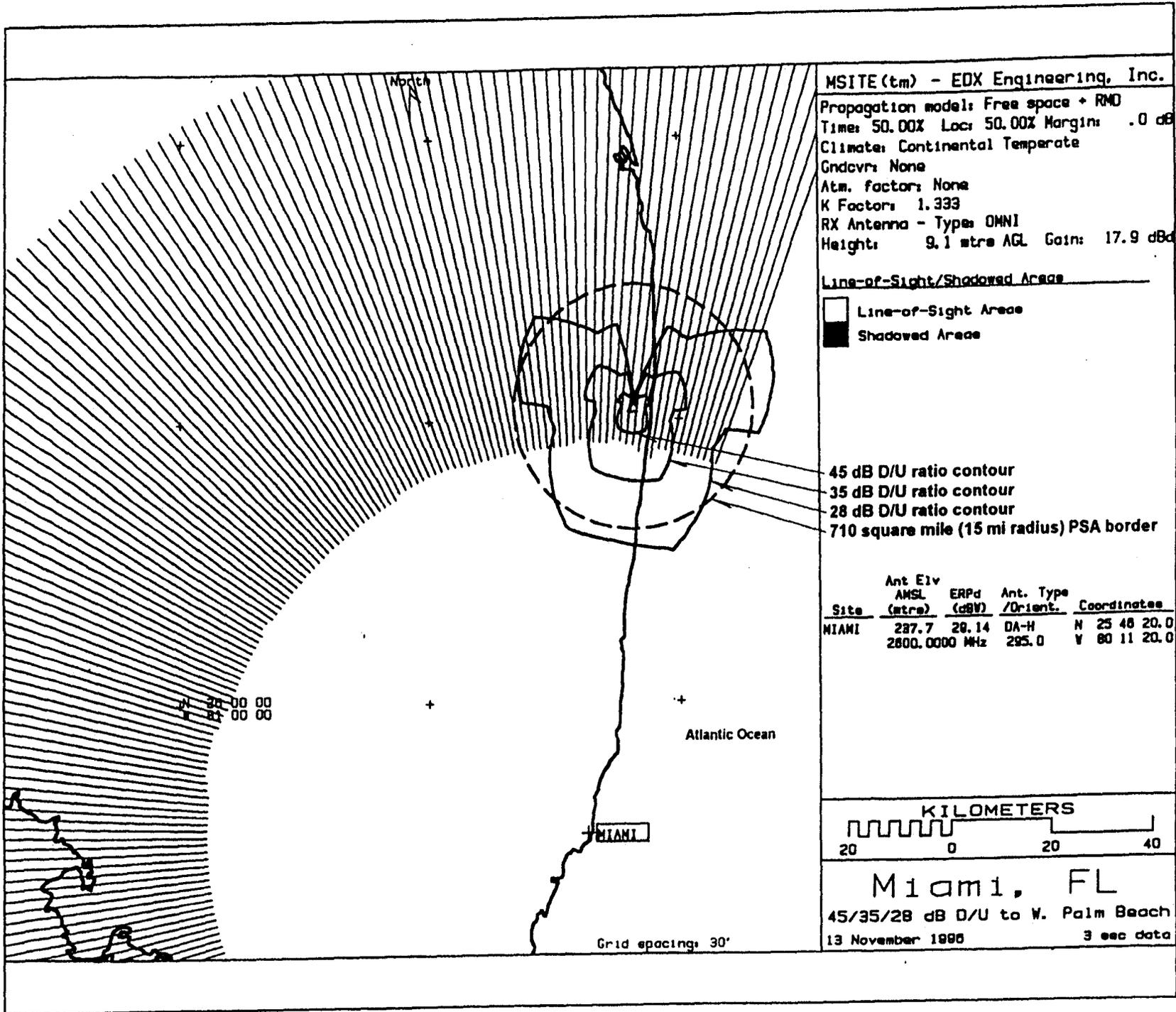
¹DA 95-184, released July 10, 1996.

RADIO SHADOW MAP

To support the conclusions of interference studies presented herein, a Radio Shadow Map with the Miami transmitter site indicated near the center is provided. The Radio Shadow Map depicts individual path profiles taken radially in one degree increments, from the location of the proposed Miami transmitting antenna at the elevation of its center of radiation, to the perimeter of a circle. The radius of this circle is indicated on the Map. Any terrain feature which would result in an obstructed electrical path to a hypothetical receiving antenna at some predetermined height above ground results in a dark trace along the radial path on the Radio Shadow Map. The position and length of the trace along any radial path on the map indicate that portion of the radial path in which a hypothetical receiving antenna at 9.1 meters (30 feet) would be electrically "shadowed" from the proposed transmitting antenna signal, due to a terrain feature along that radial path. The height above ground of hypothetical receive antennas is indicated in the upper right hand section of the Radio Shadow Map, and established pursuant to §21.902(d)(3).

The net effect of cumulative traces along all 360 radials is one or more "shaded" or "shadow" area(s) inside the circle within which signals from the proposed transmitting antenna lack unobstructed electrical paths to hypothetical receiving antennas. Hypothetical receive antennas in any area within the circle which is not shaded have unobstructed electrical paths from the proposed transmitting antenna.

The source of terrain data for the Radio Shadow Map is the 1972 World Geographic System datum (WGS-72) 3 arc second data base.



Interference Analysis
 Co-Channel Facility Study: Radio Shadow Map

Declaration of Jennifer L. Richter, Esq.

Original included with Opposition to Petition to Deny filed against
File No. BMPLIF-950524DL, ITFS Station KZB-28, Belle Glade, Florida

Declaration Under Penalty of Perjury

I, Jennifer L. Richter, Esq., am Vice President and General Counsel of Wireless Broadcasting Systems of America, Inc. ("WBS") and hereby declare under penalty of perjury as follows:

1. A subsidiary of WBS, Wireless Broadcasting Systems of West Palm, Inc., entered into an ITFS Excess Capacity Airtime Lease Agreement with the Board of Regents, a public corporation of the State of Florida, on behalf of Florida Atlantic University ("FAU") on July 13th, 1994. The same WBS subsidiary entered into an ITFS Excess Capacity Airtime Lease Agreement with the School District of Palm Beach County ("School District") on January 4, 1995. Together, FAU and the School District hold all of the ITFS licenses in the West Palm Beach market.

2. TERMS OF FAU AGREEMENT:

WBS's agreement with FAU includes a condition precedent to our obligations which states that we have the option of being released from our obligations under the contract with FAU if we fail to enter into a lease agreement with the School District that provides us with the full-time use of five (5) channels. When we entered into the agreement with FAU, it was anticipated that our agreement with the School District would include the full-time use of five channels.

However, through the course of our negotiations with the School District it was determined that fewer channels were available on a full-time basis, and many more channels were available on a nearly full-time or a part-time basis. WBS determined that it was in our best interest to enter into the contract with the School District on these terms and that contract was executed in January of 1995.

WBS's development of the West Palm Beach wireless cable system has proceeded in accordance with the agreements with FAU and the School District. After executing the agreement with the School District we went forward with the lengthy and expensive process of negotiating a marketwide settlement with the School District and FAU, and preparing the necessary applications for filing with the FCC. We continue to expend our resources in prosecuting and defending these applications and we are doing everything in our power to launch the wireless cable system in the West Palm Beach market. Not only have we lived up to these obligations under our contract with FAU, but we have also demonstrated our ongoing commitment to FAU by providing them with equipment and construction assistance and engineering advice on other matters that are of concern to them. Obviously, WBS has fulfilled and moved forward with its obligations to FAU, and the agreement is in full force and effect. So long as WBS is developing a wireless cable system in West Palm Beach, we have an absolute right to lease the excess capacity on FAU's facilities without condition and without qualification. The condition precedent to which Petitioner refers does not affect, in any way, the ability of WBS to use FAU's facilities.

3. TERMS OF SCHOOL DISTRICT AGREEMENT:

Our agreement with the School District states that the lease may be terminable if all FCC approvals contemplated in the agreement are not obtained within two (2) years of the date the agreement was executed -- January 4, 1995.

What Petitioner neglects to mention is that the contract also contains a Force Majeure provision which states: "[N]either party shall be liable to the other for failure to perform any obligation under this Agreement . . . if prevented from doing so by reason of . . . contingencies beyond the reasonable control of the parties, and all requirements as to . . . performance required hereunder within a specified period shall be automatically extended to accommodate the period of dependency of any such contingency which shall interfere with such performance."

I have personally had several conversations with the School District, including one two weeks ago that was wholly unrelated to the present pleading, during which the School District expressed their understanding that the circumstances surrounding our dispute with those involved in developing the Miami wireless cable system have been beyond all of our control and that the time periods under the contract are automatically extended to accommodate this contingency.

I declare under penalty of perjury that the forgoing is true and correct to the best of my personal knowledge and belief.



Jennifer L. Richter, Esq.
Vice President & General Counsel
Wireless Broadcasting Systems of America, Inc.

Date: November 12, 1996

CERTIFICATE OF SERVICE

I, Elizabeth Queen, an employee of the law firm of Roberts & Eckard, P.C., hereby certify that the foregoing Opposition was served this 21st day of February, 1997 by first-class United States mail, postage prepaid, to the following:

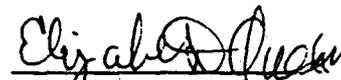
* Clay Pendarvis, Esq., Chief
Distribution Services Branch
Video Services Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W., Room 702
Washington, DC 20554

Robert J. Rini
Sarah H. Efrid
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1350 Connecticut Avenue, N.W.
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William D. Wallace
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Douglas Trabert, Director
Instructional Services/Learning Resources
Florida Atlantic University
P.O. Box 3091
IS Building, Room 250
Boca Raton, FL 33431

*By hand


Elizabeth Queen

**COPY
RECEIVED**

Before the
Federal Communications Commission
Washington, D.C. 20554

MAR - 5 1997

In re Applications of)	FEDERAL COMMUNICATIONS COMMISSION
)	OFFICE OF SECRETARY
The School Board of Palm Beach County, Florida)	File No. BMPLIF-950524DN
To Modify Facilities of ITFS Station KHU-90 (Channels D1 & D2) at Boynton Beach, Florida)	
Florida Board of Regents (Florida Atlantic University))	File No. BMPLIF-950524DE BPLIF-920814DA
For New ITFS To Facilities Utilizing Channels D3 & D4 at Palm Beach, Florida)	

To: Chief, Distribution Services Branch
Video Services Division, Mass Media Bureau

REPLY

Southern Florida Instructional TV, Inc. ("SFITV"), permittee of ITFS Station WHR-790 (D-Group) in Miami, Florida, by its attorneys and pursuant to Section 74.912 of the Commission's Rules, hereby replies to the Oppositions filed by Wireless Broadcasting Systems of America, Inc. ("WBSA") and The School Board of Palm Beach County, Florida ("SBPB") ("WBSA Opposition" and "SBPB Opposition", respectively) in connection with SFITV's Petition to Deny ("Petition") the above-referenced applications filed by SBPB and the Florida Board of Regents, as represented by Florida Atlantic University ("FAU"), for facilities utilizing Channels D1 and D2, and D3 and D4, respectively, in the vicinity of Palm Beach, Florida.

In their Oppositions, WBSA and SBPB merely regurgitate arguments they have previously presented to the Commission and to which SFITV has previously responded.

First, as SFITV and its wireless cable operator National Wireless Holdings, Inc. ("NWH") have repeatedly noted, SBPB's and FAU's applications are mutually-exclusive with SFITV's application to increase power at the Metro-Dade Center. As demonstrated in the Engineering Exhibit of Darryl K. DeLawder, appended as Exhibit B to SFITV's Petition ("DeLawder Statement"), regardless of whether the proposed Miami D-Group facilities operate with digital emissions, grant of SFITV's application would create harmful interference effectively precluding grant of SBPB's and FAU's applications. Such conditions clearly satisfy the Commission's definition of mutual exclusivity.¹ Accordingly, WBSA's contention that the Commission should require SFITV to operate in analog mode because SBPB and FAU "will not agree to accept the additional interference that the Miami station would cause it it were to operate in a digital mode" is beside the point.² Opposition at 2-3. Regardless of the mode of operation, authorization of SFITV's facilities would preclude grant of SBPB's and FAU's proposals while authorization of

¹ Further elaboration on this point is contained in the June 14, 1996 letter from Paul J. Sinderbrand, Esq., counsel to NWH, to Clay C. Pendarvis, Esq. ("NWH Letter") responding to a May 17, 1996 letter from counsel to WBSA to Mr. Pendarvis; the discussion of the mutual exclusivity of the proposed Miami and West Palm Beach facilities contained in the NWH Letter is incorporated by reference herein.

² To the extent WBSA is requesting that the Commission condition SFITV's modified authorization on analog operation, SFITV notes that this is an untimely new issue which should have been raised in a petition to deny SFITV's application.

SBPB's and FAU's proposals would preclude operation of SFITV's facilities.

As demonstrated in the DeLawder Statement, grant of SBPB's application without consideration of SFITV's application would require SFITV to protect SBPB's proposed facilities, effectively crippling SFITV's proposed operations. Thus, there is no merit to SBPB's contention that SFITV would not be directly injured through grant of SBPB's application and hence lacks standing to challenge it.³ SBPB Opposition at 3 & Footnote 2. In light of the direct harm that grant of SBPB's and FAU's applications would inflict upon SFITV and NWH, SBPB's emphasis on the Commission's policy of encouraging marketwide collocation of MDS and ITFS facilities also is misguided. SBPB Opposition at 6-7. Grant of SBPB's and WBSA's proposed West Palm Beach stations would effectively preclude collocated operation of SFITV's and NWH's proposed Miami facilities. NWH and SBPB have provided no basis for affording the proposed collocated West Palm Beach wireless cable system priority over the proposed collocated Miami system.

Second, SFITV's proposed facilities and the proposed facilities of SBPB and FAU were simultaneously cut-off on July 7,

³ Contrary to SBPB's assertions, Lipper-LaRue, 60 RR 2d 1482 (CCB 1986) does not apply to this case. SBPB Opposition at Footnote 3. In Lipper-LaRue, the Common Carrier Bureau held that a petition to deny was not the proper forum for an allegation that the applicant's antenna configuration underutilized the MDS spectrum. Here, SFITV has demonstrated that, as presently-configured, simultaneous operation of SBPB's proposed facilities and SFITV's proposed facilities is impossible.

1995. As discussed in greater detail in both the Petition and SFITV's April 26, 1996 Opposition to WBSA's "Comments and Objections" ("Comments") concerning SFITV's proposed facilities, on June 16, 1993, SFITV filed an STA request and attached major_change application seeking authority to increase power to 50 watts. At that time, FCC staff informally advised SFITV that the proposal attached to its STA request would be processed as a major change application once the ITFS filing freeze was lifted. Accordingly, SFITV's modification application appeared on the "A" cut-off list released April 26, 1995, with a cut-off date of July 7, 1995.

On May 24, 1995, during the ITFS filing freeze, WBSA and its ITFS affiliates filed a number of major modification applications, along with a request for waiver of the cut-off rules pursuant to Footnote 47 of the Memorandum Opinion and Order in MM Docket No. 83-523, 59 RR 2d 1355, 1381 (1986) ("Footnote 47"). WBSA and its ITFS affiliates asserted that a "settlement" had been reached among the West Palm Beach ITFS applicants. However, as has been repeatedly explained by NWH and its affiliates, the applications of WBSA's affiliates could not effectuate a "settlement" pursuant to Footnote 47 because only the D-Group involved mutually-exclusive applications and only one of the D-Group applicants, FAU, had filed an application which was properly before the Commission prior to May 24, 1995 and thus could be modified pursuant to Footnote 47. WBSA and SBPB claim that SBPB's application was filed as a displacement application on December 29, 1993 and modified on May 24, 1995. WBSA Opposition at 9; SBPB Opposition at 2. However, as

NWH and SFITV have repeatedly demonstrated, the purported displacement application did not meet the requirements of the ITFS displacement rule and, consequently, has never been accepted for filing or appeared on a cut-off list.⁴

Because WBSA's request for waiver of the ITFS filing freeze is fatally defective, SFITV's application is mutually-exclusive with SBPB's and FAU's applications such that all three of the applications were simultaneously cut-off on July 7, 1995.⁵ Accordingly, contrary to SBPB's assertions, SFITV's application must be afforded comparative consideration with the West Palm Beach applications pursuant to Ashbacker Radio Corp. v. FCC, 326 U.S. 327 (1945). SBPB Opposition at 7.

The Commission's failure to note the mutual exclusivity between SBPB's and FAU's May 24, 1995 modification applications and SFITV's June 16, 1993 modification application when it issued the September 30, 1996 Public Notice obviously was a ministerial error. It appears that there was no analysis of the D/U ratio using the proposed Palm Beach parameters as the desired signal and the proposed Miami parameters as the undesired signal. This oversight

⁴ The defects in WBSA's waiver request are further explained in the NWH Letter; that explanation is incorporated by reference herein.

⁵ WBSA asserts that FAU's application was cut-off on December 30, 1993. WBSA Opposition at 5. However, as discussed herein, FAU filed a major amendment to its application on May 24, 1995. Because the May 24, 1995 major amendment was not filed pursuant to an actual "settlement", FAU's proposal effectively became a new application such that FAU lost its previous cut-off status.

is clearly demonstrated by the interference studies appended to SFITV's Petition.

It is ironic that WBSA claims that SFITV's chronology is misleading when WBSA's own Opposition contains a number of disingenuous statements. In Footnote 8 to its Opposition, for example, WBSA states that SFITV's July 7, 1995 minor change application qualifies as a major change application. WBSA Opposition at 5. As explained in SFITV's April 26, 1996 Opposition, SFITV's July 7 application merely added a Protected Service Area ("PSA") request to SFITV's May 17, 1995 minor amendment. SBPB's Opposition also contains the preposterous contention that SFITV has failed to comply with Section 74.903(c) of the Rules. SBPB Opposition at 4. As the Commission is well aware, NWH since at least July of 1995 has attempted to negotiate with WBSA in an effort to reach a mutually acceptable coordination plan for the Miami-West Palm Beach market.

Finally, contrary to WBSA's assertions, SFITV's PSA request is valid and properly founded in the FCC's rules and policies. As SFITV and NWH previously have noted, there is no support in the Commission's rules or precedent for WBSA's claim that SFITV is not entitled to PSA protection because of certain contingencies in its excess airtime agreement.

If the Commission were to adopt the severely restrictive PSA policy contemplated by WBSA, WBSA and SBPB have provided no evidence demonstrating why SBPB's PSA request would be immune. WBSA, for example, does not dispute a key contingency in its excess

capacity lease with SBPB, the provision permitting termination of the lease by SBPB if all of the FCC approvals contemplated by the agreement were not obtained within two years of execution of the agreement, i.e., by January 4, 1997. WBSA submits a Declaration (dated November 12, 1996) stating that, in their view, WBSA's failure to obtain the modified West Palm Beach authorizations prior to January 4, 1997 falls within the "Force Majeure" clause of the contract, permitting continued operation of the lease. WBSA Opposition at 8 & Footnote 12. However, neither WBSA's nor SBPB's Oppositions contains a statement executed by SBPB reflecting an equally sanguine opinion of the lease's continued viability.

CONCLUSION

In short, WBSA and SBPB attempt to cloud the record as to the technical relationship of the proposed Miami and West Palm Beach facilities and the chronology of FCC filings concerning the Miami-West Palm Beach D-Group. Neither SBPB's nor FAU's application may be properly granted without being considered together with SFITV's application pursuant to the Commission's ITFS comparative analysis procedures. WBSA's claims betray a selective application of the the Commission's rules and a misleading interpretation of the facts. There is no doubt that SFITV's proposal is mutually-exclusive with SBPB's and FAU's proposals or that SFITV would be harmed if SBPB's and FAU's proposals were granted. It also is clear that WBSA's May 24, 1995 request for waiver of the cut-off rules did not comply with the strictures of Footnote 47. Because the May 24, 1995 waiver request was defective, SFITV's, SBPB's and

FAU's applications were all cut-off simultaneously, on July 7, 1995. Accordingly, SBPB's and FAU's applications cannot be granted without consideration alongside SFITV's June 16, 1993 major change application, as amended (File No. BMPLIF-930616DV). Thus, SFITV respectfully submits that the FCC's rules require processing of the three applications under the ITFS comparative analysis rules. See 47 C.F.R. §74.913.

WHEREFORE, for the foregoing reasons, the May 24, 1995 application filed by The School Board of Palm Beach County, Florida (File No. BMPLIF-950524DN) and the May 24, 1995 major change application filed by the Florida Board of Regents, as represented by Florida Atlantic University (File No. BMPLIF-950524DE) should be given comparative consideration with the June 16, 1993 major change application, as amended May 17, 1995, filed by Southern Florida Instructional, TV, Inc. (File No. BMPLIF-930616DV).

Respectfully submitted,

SOUTHERN FLORIDA INSTRUCTIONAL TV, INC.

By:


Robert J. Rini
Sarah H. Efird

Rini, Coran & Lancellotta, P.C.
1350 Connecticut Avenue, N.W.,
Suite 900
Washington, D.C. 20036
(202) 296-2007

Its Attorneys

March 5, 1997
sefird\sfiv.rep

CERTIFICATE OF SERVICE

I, LaJuan A. Simmons, a Legal Secretary with the law firm of Rini, Coran & Lancellotta, P.C., hereby certify that on this 5th day of March, 1997, copies of the foregoing "Reply" have been served upon the following:

Via Hand Delivery

Clay Pendarvis, Acting Chief
Distribution Services Branch
Video Services Division
Federal Communications Commission
1919 M Street, N.W., Room 702
Washington, DC 20554

Via U.S. Mail

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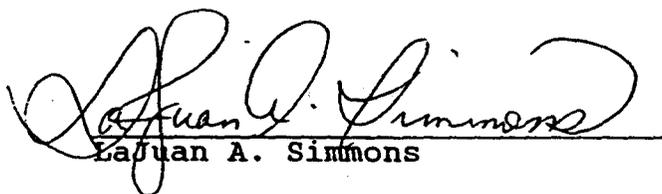

LaJuan A. Simmons

EXHIBIT B

The School Board of Palm Beach County, Florida and Florida Board of Regents/Florida Atlantic University December 17, 2002 Filing Pursuant to FCC Public Notice Released October 18, 2002, DA -02-2752, "Wireless Telecommunications Bureau Seeks to Verify ITFS, MDS MMDS Pending Matters

(attachments to letter filing omitted)

MORRISON & FOERSTER LLP

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TOKYO

December 17, 2002

Office of the Secretary
Attention: MDS/ITFS Legal Matters
Federal Communications Commission
445 12th Street SW, TW-325
Washington, DC 20554

Re: *School Board of Palm Beach County, Florida*
ITFS Station KHU-90
File No. BMPLIF-950524DN
FRN: 0005954839

Florida Board of Regents/Florida Atlantic University
Application for New D3 and D4 ITFS Station
File Nos. BMPLIF-920814DA and BMPLIF-950524DE
FRN: 0007984974
West Palm Beach, Florida

*Petition to Deny filed by Southern Florida Instructional TV, Inc. Not
Listed in Appendix*

Dear Sir or Madam:

The School Board of Palm Beach County, Florida and Florida Board of Regents/Florida Atlantic University ("Respondents"), by their attorneys and pursuant to the *Public Notice* released by the Wireless Telecommunications Bureau on October 18, 2002, DA 02-2752 (the "*Public Notice*") hereby request that, if Southern Florida Instructional TV, Inc. ("Petitioner") timely requests continued processing of its November 1, 1996 Petition to Deny the grant of the above-referenced applications of Respondents, a pleading that was not listed in the Appendix to the *Public Notice*, the Bureau consider Respondents' February 21, 1997 Oppositions. To that end, enclosed herein are two date-stamped copies of the Opposition and of the following additional pleading: December 16, 1996 Consent Request for Extension of Time. All responsive pleadings by Respondents have been filed.

Respondents also request that, consistent with the terms of the *Public Notice*, if, by December 17, 2002, Petitioner fails to file in response to the *Public Notice* requesting

MORRISON & FOERSTER LLP

Office of the Secretary
December 17, 2002
Page Two

continued processing of the Petition, the Bureau dismiss the Petition, this letter and FAU's Opposition.

Should you have any questions regarding this request or any otherwise pertaining to this matter, please do not hesitate to contact the undersigned.

Respectfully submitted,

SCHOOL BOARD OF PALM
BEACH COUNTY, FLORIDA
AND FLORIDA BOARD OF
REGENTS/FLORIDA ATLANTIC
UNIVERSITY

By:



William D. Freedman
Nadja S. Sodos-Wallace
Its Attorneys

Enclosure

cc (w/encl.): Thomas J. Dougherty, Jr., Gardner, Carton & Douglas
Robert J. Rini, Manatt, Phelps & Phillips

CERTIFICATE OF SERVICE

I, Cynthia M. Johnson of Kilpatrick Stockton, LLP, hereby certify that I have, on this 24th day of June of 2005, had copies of the foregoing "Petition for Reconsideration" delivered to the following via electronic mail, overnight delivery or by United States first class mail, postage prepaid, as indicated:

**Catherine W. Seidel, Acting Bureau Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554
Via Electronic Mail: Cathy.Seidel@fcc.gov**

**Joel Taubenblatt, Division Chief
Broadband Division
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**Nancy Zaczek
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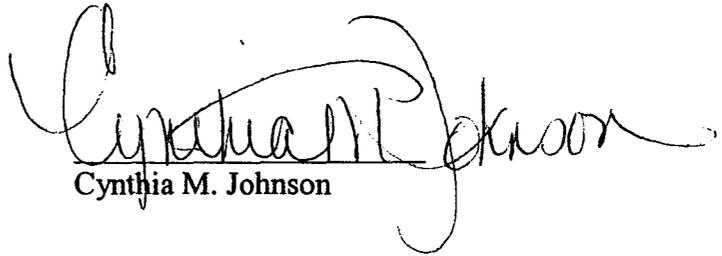
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Cynthia M. Johnson