



**Marsha J. MacBride**

Executive Vice President • Legal & Regulatory Affairs  
1771 N Street, NW • Washington, DC 20036-2800  
(202) 429-5430 • Fax: (202) 775-3526  
mmacbride@nab.org

## **Ex Parte Notification**

October 27, 2006

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street SW  
Washington, DC 20554

Re: RM - 11338

Dear Ms. Dortch:

On Thursday, October 26, 2006, George DeVault of Holston Valley Broadcasting Corporation in Kingsport, Tennessee, Bart Walker of WGNS(AM) in Murfreesboro, Tennessee, and Whit Adamson, president of the Tennessee Association of Broadcasters and of the National Alliance of State Broadcasters Associations, met for about twenty minutes with FCC Commissioner Debbie Tate in her office at The Portals. Also present were Ms. Tate's acting legal advisor, Chris Robbins, and Roy Stewart of the Commission's Media Bureau.

The purpose of the meeting was to discuss progress on the Commission's rulemaking looking toward allowing the programming of AM stations to be rebroadcast via FM translators and the disposition of requests for waivers of the Commission's rules to allow such practice in individual situations pending the ultimate outcome of the proceeding (including requests by Messrs. Walker and DeVault involving stations WGNS[AM] and WOPI[AM] respectively and co-owned FM translators).

Following discussions about tornado activity in the middle Tennessee area, the EAS, Amber alerts, and the general merits of the "AM on FM Translator" proposal, Mr. Stewart stated that he felt the likelihood of the waivers being granted was small since the granting of even a small number of such waivers would lead to many other similar requests. Not only could this unduly burden Commission staff, but there was the possibility of prejudicing the outcome of the rulemaking proceeding. He suggested that the best course to pursue was to issue a Notice of Proposed Rulemaking on the matter at the earliest possible date.

The discussion then turned to the Commission's public hearings on broadcast multiple ownership and the possibility of having such a hearing in Nashville, Tennessee. The matter of getting local musicians on local radio stations was also briefly discussed.

The Honorable Deborah Taylor Tate

October 27, 2006

Page 2

At the conclusion of the meeting Mr. Walker gave Ms. Tate a copy of his new formal request for the above-referenced waiver. Mr. DeVault gave her copies of his company's Comments and waiver request both of which had been previously filed with the Commission. Mr. Walker also presented Ms. Tate with a copy of a new book about her home town, Murfreesboro.

Please direct any questions regarding this notice to the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Marsha J. MacBride".

Marsha J. MacBride

cc: Commissioner Deborah Taylor Tate



WGNS Talk Radio  
Broadcast Plaza  
306 South Church St.  
Murfreesboro, TN 37130  
WGNS, Your Good Neighbor Station Since 1947

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October 26, 2006

Commissioners  
Federal Communications Commission  
Washington, DC

WGNS (AM) in Murfreesboro, Tennessee requests a waiver to use FM translators W263AI and W27OAF to fill-in service within our city of license. This waiver request is in accordance with engineering perimeters set forth in the National Association of Broadcaster's request (RM 11338).

Enclosed is a coverage map from V-Soft Communications showing that the 60 dBu contour of FM translators W263AI and W27OAF are both well within the 2mV/m daytime contour of WGNS (AM).

Murfreesboro's terrain and weather patterns make this area more prone to devastating tornados, severe storms and related natural catastrophes. WGNS (AM) realizes its responsibility to be the communications link between residents and government service groups. In fact, in approximately nine-weeks, WGNS will have served this area for 60-years.

For almost 60-years, when natural or manmade disasters occur, WGNS has stopped regular programming and devoted 100 per cent of its airtime to emergency coverage. The station connects the public to emergency responders, who let them know what to do to remain safe. In other words, WGNS "stays by the listener's side until the problem passes and they are safe." WGNS has received the Tennessee Emergency Management Agency's *Station of the Year* award two consecutive years for tornado and ice storm coverage. This is far beyond EAS coverage.

When WGNS (AM) rang-in the New Year of 1947, it was the first radio station in Murfreesboro. City officials started keeping geographic data in

1950. At that time, the city limits totaled approximately 5 square miles. Now, 56-years later, the Murfreesboro city limits encompass approximately 50 square miles.

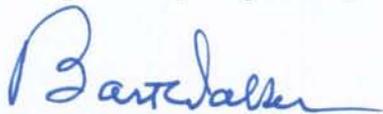
Murfreesboro is WGNS' *city of license*, and the station is not able to adequately cover this area. AM propagation is not the only reason for an inability to cover our *city of license*. Much of the interference occurs as close as a thousand feet from the tower where there is excellent signal strength. This devastating interference is from power-lines, low-frequency hum created by cable television leakage, underground sensors at traffic signals, and the new metal utility poles and power lines that null and distort AM signals. Approval of this waiver would enable WGNS to overcome many of the interference problems experienced with our AM signal.

Murfreesboro is unique! The US Census Bureau shows Murfreesboro is the twentieth (20<sup>th</sup>) fastest growing city in the United States. Over the past decade, the population was less dense in the Barfield, Walter Hill and Gum areas of Murfreesboro where tornadoes leveled homes. Murfreesboro's population has since exploded more than 112 per cent (from 40,000 to now 85,000 residents).

A study just released by the local Red Cross shows that Murfreesboro's increased population density now makes the city more vulnerable to injury and devastation if/when a tornado or catastrophic storm hits.

Murfreesboro is now in the season for severe storms, tornados and ice storms. A waiver to allow WGNS (AM) to use FM translators W263AI and W270AF in accordance with RM-11338 would enable us to overcome many of the problems created by interference to our AM signal. The Commission's approval of this waiver would definitely benefit the health and welfare of Murfreesboro residents.

Respectfully requested,



Bart Walker  
WGNS (AM)  
Chief Operator

# Coverage Map - WGNS, W263AI and W270AF

## WGNS

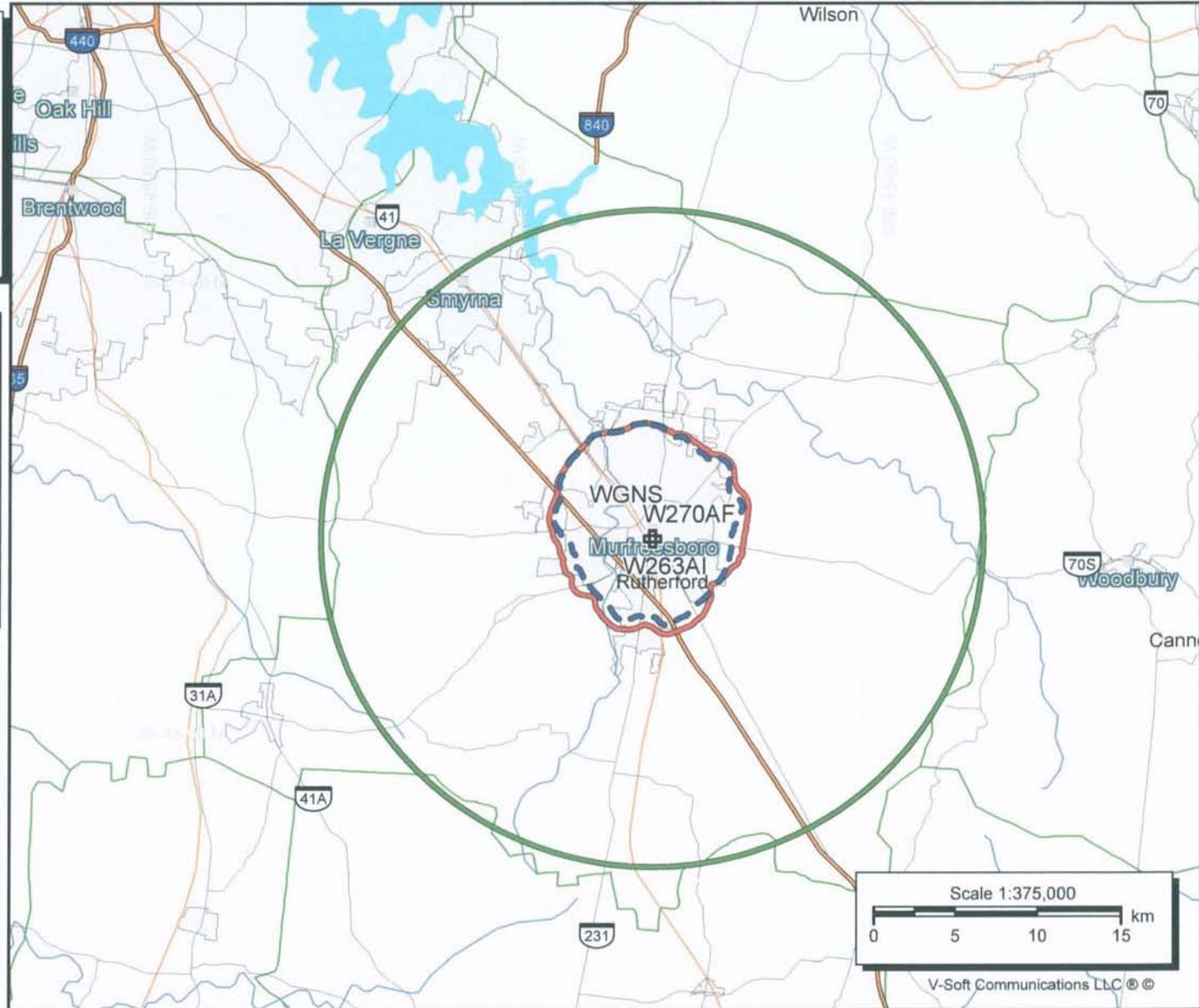
2 mV/m Contour  
Freq: 1450 kHz  
Class: C  
Latitude: 35-50-26  
Longitude: 086-23-27  
Power: 1.0 kW  
RMS: 374.98 mV/m @ 1km  
# Towers: 1  
# Augs: 0

## W263AI

60 dBu Contour  
Latitude: 35-50-26 N  
Longitude: 086-23-27 W  
ERP: 0.027 kW  
Channel: 263  
Frequency: 100.5 MHz  
AMSL Height: 257.0 m  
Elevation: 177.0 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: None

## W270AF

60 dBu Contour  
Latitude: 35-50-26 N  
Longitude: 086-23-27 W  
ERP: 0.055 kW  
Channel: 270  
Frequency: 101.9 MHz  
AMSL Height: 230.0 m  
Elevation: 177.0 m  
Horiz. Pattern: Omni  
Vert. Pattern: No  
Prop Model: None





WGNS Talk Radio  
Broadcast Plaza  
306 South Church St.  
Murfreesboro, TN 37130  
WGNS, Your Good Neighbor Station Since 1947

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## Exhibit Letters

WGNS (AM) in Murfreesboro, Tennessee has been working to correct our growing interference problems for many years. The following pages include letters from federal and local government leaders as well as emergency response groups in Murfreesboro, Tennessee. These comments from community leaders will serve to prove the need for this request for a waiver to allow WGNS (AM) to use FM translators W263AI and W270AF to fill-in service within our city of license.

BART GORDON  
6th District, Tennessee

COMMITTEES  
ENERGY AND COMMERCE  
SCIENCE

SENIOR MEMBER  
SUBCOMMITTEE  
SPACE AND AERONAUTICS



Congress of the United States  
House of Representatives  
September 23, 2003

200 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-4206  
(202) 225-4211  
FAX: (202) 724-4817

100 SOUTH MAPLE STREET  
P.O. BOX 1006  
MURFREESBORO, TN 37133  
(615) 896-1006  
FAX: (615) 896-4212

10 SOUTH JEFFERSON STREET  
P.O. BOX 1146  
COCKEVILLE, TN 38501  
(615) 528-2907

101 6TH AVENUE WEST  
SUITE D  
SPRINGFIELD, TN 37172  
(615) 382-8717

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12th Street SW  
Washington, D.C. 20544-0001

Dear Mr. Chairman,

I am writing to request that the Federal Communications Commission consider giving WGNS (AM) in Murfreesboro, Tennessee a waiver to the regulation that prohibits an AM radio station from using an FM translator.

The FM translator is necessary for WGNS (AM) to reach all of its market area which has grown exponentially since the radio station began broadcasting in 1947. U.S. Census figures show that Murfreesboro's population was 13,052 in 1950. Census data from 2003 shows 75,083 persons now live within the city limits. The city limits themselves have increased 1,003 percent over the past fifty-three years.

As a result of this expansion, many areas within Murfreesboro have difficulty receiving the WGNS (AM) signal during both daytime and nighttime periods. Especially during tornado season, reliable radio reception is a critical public service. WGNS is the only radio signal the public can depend on within the city for local weather bulletins, school closings, emergency management bulletins and other urgent information.

The Commission has previously acted in the public's interest to grant waivers to specific AM radio stations to put their programming on FM translators. Bart Walker, president of WGNS (AM), owns an FM translator (W263AI) in Murfreesboro, Tennessee. This FM translator has been licensed and in operation for over five years at 100.5 MHz and has caused no interference. Allowing WGNS (AM) to use this existing translator to translate its programming would enable the station to better serve the people of Murfreesboro, Tennessee.

Thank you for the Commission's consideration of this request.

Sincerely,

BART GORDON

Member of Congress

Internet: <http://www.house.gov/gordon/>



# Rutherford County Sheriff's Department

TRUMAN JONES, JR.  
SHERIFF

August 20, 2003

Reference: WGNS FM translator

This letter is to respectfully request the support of WGNS Radio's application for an FM translator to assist in reaching an expanded audience.

Bart Walker and the staff at WGNS have made great strides in providing for the citizens of Murfreesboro and Rutherford County a service that keeps the public informed. Not only for local news, but even more importantly, emergencies and citizen response to emergencies, such as severe thunderstorms, tornados and rising water. They have also greatly assisted in providing information on homeland security issues, and have provided an example of calm during incidents of national disasters. They are instrumental in assisting with our local AMBER alert system, and have provided advice and support for the AMBER alert to all Law Enforcement agencies of Rutherford County.

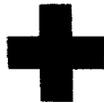
I strongly recommend your help and assistance in obtaining for WGNS Talk Radio this asset to better reach all the citizens of Rutherford County.

Please call me at 615/898-7720 should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Truman Jones, Jr.".

Truman L. Jones, Jr.  
Sheriff



**American  
Red Cross**

February 18, 2004

Heart of Tennessee Chapter  
836 Commercial Court  
Murfreesboro, TN 37129-4951  
615-893-4272 Fax: 615-895-8218  
<http://hot.redcross.org>

The Honorable Michael K. Powell, Chairman  
Commissioner Kathleen Q Abernathy  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin  
Commissioner Jonathan S. Adelstein

I am certain that we are all in agreement that this has been a trying winter. But as the Executive Director for the Heart of Tennessee Chapter of the American Red Cross for Rutherford and Bedford Counties for the past 17 years, the months ahead bring me the most concern!

We are at the beginning of several months of potentially deadly weather. That is why I am pleading with the Federal Communications Commission to please issue a waiver that would allow WGNS (AM) to include their broadcasts on FM translator W263AI. This action by the Commission could actually save lives.

As an emergency provider, I am very aware of the importance of getting information to the victims. Over the past 57 years, WGNS (AM) has earned the community's trust as the source for local information. Severe storms often have lightning and this makes it difficult to hear the station's signal in many parts of our community. Another reason many storm victims have difficulty in hearing WGNS is because Murfreesboro's city limits have exploded from around five square miles to more than 50 square miles over the past 50 years. In fact, census data now shows Rutherford County, Tennessee as the fourth fastest growing area in the United States.

When WGNS began in 1947, its signal did cover all of Murfreesboro. Now the station's signal at 1450 on the dial does not cover our entire community. However, I can easily hear FM translator W263AI clearly at 100.5 on my car radio any where in the Murfreesboro area. Both transmitters are licensed and on the air and do not create interference to any other station. In addition, both facilities are owned totally by Bart Walker. I mention this because the Commission has given waivers to other AM stations to place their programs on FM translators when the public's health and welfare is served. Since both of these facilities are owned totally by the same person, and granting of the requested waiver would indeed serve the public's welfare, approval should be "clean and easy."

I cannot document the ways WGNS (AM) broadcast emergency information from when the station began in January, 1947, however, I can easily document the numerous times this radio station has been the only source of emergency information over the past decade. I can assure you that WGNS enabled emergency agencies to get life saving information to victims, gave them a feeling of calm and in some cases let victim's family members know that their loved ones were safe. I also know that if WGNS (AM) had also been on the FM translator, that many more people would have been able to clearly hear this much needed information. In many cases, the FM translator would have made the difference in hearing the radio signal and not hearing it. Here are just a few of the natural hazards over the past decade in which WGNS has helped the Red Cross in times of disaster.

1. February 11, 1994, and ice storm hit our community. For several days electricity was out in many Areas, icy roads limited transportation and many senior citizens and homebound residents were Running low on food and medications. The electric department's phone system was overloaded and The public was not able to get through, so residents started phoning 911. True emergency calls were

***Together, we can save a life***

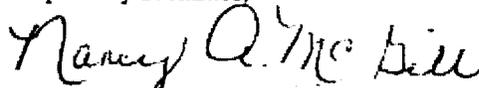
not getting through to police. WGNS stopped regular programming and asked the public not to call 911 to report that they did not have electricity. The radio station realized that fax lines would be open, so we encouraged listeners to call the radio station and report power outages. A barrage of calls began immediately, and within a half-hour the police 911 lines were again usable. WGNS broadcasted all of the phone calls, and public officials and concerned citizens who lived near the radio station came to assist in answering the phones and writing down the addresses where the electricity was out. That information was written on a sheet of paper. When the page was full, it was faxed to the Electric Department. As listeners called they were asked if they needed food, medications or wood, kerosene and other sources of heat.

2. January 24, 1997, an F4 tornado leveled several hundred homes in Murfreesboro's Barfield sub-Division. This tornado hit as people were driving home. Lights went out in this congested area of town. Power lines were downed. Traffic was at a gridlock and emergency responders were not able to maneuver. WGNS (AM) stopped regular programming and opened the telephone lines to listeners. Victims used their cell phones to call and relay news that everyone in their family was safe. At one point the police dispatcher was telling officers to turn the radios in their squad cars to WGNS for a feeling of how immense the damage was. Initially, Rutherford Emergency Management and law enforcement agencies were able to get information to victims only through WGNS (AM). *WGNS (AM) has consistently provided much needed emergency service over the years. The health and welfare of the citizens of Rutherford County, Tennessee would be greatly served, if this station was given a waiver to place its programming on translator W263AI.* As a footnote, the Tennessee Emergency Management Agency awarded WGNS the "Station of the Year" in 1994 and 1997 for these two periods of emergency service.

The station came to the rescue again on April 16, 1998, as tornadoes again hit the area. Tornadoes struck the Gumm community in 2002, and on May 11, 2003, and F3 (200 mile per hour) tornado hit Murfreesboro's Walter Hill community. Homes were demolished and a gas leak created a potentially explosive situation. At 3:30 that Sunday morning, WGNS again stopped all programming and began emergency broadcasting. In one situation a woman was pinned under her collapsed roof. The smell of natural gas was so strong that sheriff's deputies and other responders were almost overcome. A front-end loader was spotted at a nearby schoolhouse, but no one knew how to operate it. WGNS started explaining the situation with the trapped woman and that someone who knew how to operate this piece of equipment was needed quickly. Within minutes a person walked onto the scene. The loader lifted the roof enough for the woman to be pulled to safety. At the same time, police were trying to contact the gas company. However, a Texas firm had recently purchased the local natural gas supplier. All of the local phone calls were being routed to Texas and quick help was not being found. WGNS began requesting that gas company employees were needed in Walter Hill to turn off the leaking gas lines. This also was accomplished in minutes. A total of six tornadoes touched down that day over several morning hours.

As the Executive Director for the local chapter of the American Red Cross, I respectfully request the Commission grant a waiver to WGNS (AM) and allow the station to place its programs also on FM translator W263AI. I am convinced that the additional signal with no static would enable more victims to hear the emergency information when our next disaster occurs. Please consider quick approval of this waiver, because we are working against an unknown and are already in a season with a deadly record of severe weather.

Respectfully Submitted,



Nancy A. McGill  
Executive, Heart of TN Chapter

STEVE SMITH  
DIRECTOR



RUTHERFORD COUNTY  
EMERGENCY MANAGEMENT  
AGENCY

September 24, 2003

To Whom It May Concern:

I am the Director of Rutherford County Emergency Management Agency (REMA). It is my responsibility to coordinate the actions of the many emergency response groups to specific incidences. Of the thousands of events that occur in our jurisdiction each year, some affect the immediate health and welfare of citizens in Murfreesboro/Rutherford County, Tennessee.

Over the years, WGNS has been the line of communications between emergency service groups and the public. When the radio station came on the air 57 years ago, the city's geographic was around 4 square miles. The Murfreesboro city limit is approaching 50 square miles at this time.

This is a request for the Federal Communication Commission to consider granting WGNS (AM) a waiver to allow it to use an FM translator to fill-in the area not served by its current signal. This would allow REMA to better communicate with citizens in our community during severe thunderstorms, tornados, ice storms, floods, accidents, involving hazardous materials and other emergency events.

It seems that if the Commission grants this request, no interference would be created to existing services that are under the FCC's regulations. This is because only radio services that are licensed and on-the-air would be utilized. However, by allowing WGNS (1450 AM) to place it's programming on FM translator W263A1 (100.5 MHz) the public's health and welfare would be dramatically better served.

Our community has a history of devastating tornados, floods, severe storms, ice storms, and other natural disasters. In addition, the railroad track that reportedly carries much of our nation's hazardous products goes directly through Murfreesboro/Rutherford County, Tennessee. Rutherford Emergency Management Agency respectfully requests that the Federal Communications Commission Grant this waiver.

Thank you.

A handwritten signature in cursive script that reads "Steve Smith".

Steve Smith  
Director

1220 W. College Street • Murfreesboro, Tennessee 37129 • Phone: 615/898-7764 • Fax: 615/898-7840

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## Murfreesboro City Schools

Administrative Offices

*Marilyn Mathis, Director of Schools*

2552 South Church Street, Suite 100

Murfreesboro, TN 37127-6542

615-893-2313 Fax 615-893-2352

September 18, 2003

TO WHOM IT MAY CONCERN:

SUBJECT: Request for WGNS to Use an FM Translator

The Murfreesboro City School System looks to WGNS to get the word out to parents of its 6,000 students and to some 1,200 employees when schools close due to weather problems and other emergency situations.

Since our city has grown from approximately four square miles to approximately 42 square miles since 1950, the WGNS signal does not adequately cover the Murfreesboro city limits.

Furthermore, some of our emergency situations are during severe thunderstorms. Whether it is in the nighttime or through the days, the static in many areas overrides WGNS -- 1450 during these severe storms.

By allowing WGNS -- 1450 to place its news broadcasts on its FM translator at 100.5 MHz., the health and welfare of the citizens of our community would be better served.

Respectfully,

Marilyn M. Mathis  
Director of Schools