

## ***Engineering Statement***

This consultant has been retained by S & S Broadcasting, Inc. for the purpose of preparing the necessary technical portion of Form 301 in application for the reinstatement of its one step, Class C1, upgrade Construction Permit (BPH-19980922 IF) for WUPY in Ontonagon, MI.

This application seeks to reinstate the change the class of WUPY from Class C2 to Class C1, correct the antenna height above ground and average terrain, and increase ERP from 30 kW H&V to 100 kW H&V. The site specified in this application is fully spaced to all co-channel and adjacent channel operations.

### **Allocation Considerations**

WUPY can upgrade from Class C2 to Class C1 in full compliance with 47 CFR 73.207 and 47 CFR 73.315. The transmitter site proposed in this application is the existing transmitter site and it is fully spaced<sup>1</sup> to all other co-channel and adjacent channel stations. The allocation considerations, including Canadian Concurrence, were fully addressed in the grant of the previous, now expired, permit (BPH-19980922 IF).

As the existing transmitter site is in fact fully spaced as a Class C1 radio station that site continues to be equally suitable as an allocation reference site. The proposed operation is fully compliant with the provisions of 47 CFR 73.315 as the entire corporate boundaries of Ontonagon, MI are encompassed by a predicted signal in excess of 70 dBu. Inasmuch as the application and allocation site is the existing WUPY transmitter site it is inherently suitable for use as a FM transmitter location.

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<sup>1</sup> The proposed WUPY operation does short space the co-channel license of WHSM-FM in Hayward, WI by 0.40 km however WUPY becomes fully spaced when the distance is rounded in accordance with 47 CFR 73.208(c)(8).

### **Proposed Operation**

The proposed tower site is ideal for FM broadcasting. As set forth in 47 CFR 73.315 (a), the proposed facility provides the entire corporate boundaries of Ontonagon, MI with a signal in excess of the prescribed 70 dBu while the site itself is located in a sparsely populated rural area so as to minimize the effects of blanketing interference. There is no change in the height of the supporting structure proposed in this action and, as such, no FAA notification was deemed necessary and Form 7460-1 was not filed. The tower is registered and carries the registration number of 1000737.

The proposed construction is excluded from environmental processing under 47 CFR 1.1306 of the Rules and an analysis of Non Ionizing RF Radiation Levels has been conducted and is included as Exhibits 2 & 3 of this report.

### **Certification**

All information contained in this report is true and accurate to the best of my belief. Having had numerous matter before the Commission, my qualifications are a matter of record.

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12/20/2002

Date

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R. Lee Wheeler

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