

## **EXHIBIT 28**

WXMJEXH28.DOC

Technical Statement in Support of  
Application for Construction Permit FCC Form 301  
WXMJ (FM), 258A, Mount Union, Pennsylvania  
BLH-19900328KB  
Megahertz Licenses, LLC

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### **INTRODUCTION**

This technical statement, attached data, and exhibits supply the necessary information for filing an FCC Form 301, application for construction permit for station WXMJ (FM), channel 258A at Mount Union, Pennsylvania. The herein proposed facility antenna will be mounted on an existing structure immediately adjacent to the currently licensed main facility of WXMJ (FM). No new construction is proposed. The author of this report, technical exhibits, and FCC Form 301 application is a Member and Technical Director of the Applicant.

### **SITE SPECIFICATIONS**

The proposed facility of WXMJ (FM) is to operate on channel 258A with 0.3 kilowatts at 444 meters above average terrain. This is equivalent to 6 kilowatts at 100 meters above average terrain, maximum class A operation. WXMJ (FM) is currently licensed under 47 C.F.R. Section 73.215 of the Commission's Rules for this same power at this same site.

### **PROPOSED 47 C.F.R. SECTION 73.215 OPERATION**

WXMJ meets channel separations under 47 C.F.R. Section 73.207 of the Commission's Rules to all stations with the exception of co-channel station W I H T (FM), channel 258B, Washington, DC. The herein proposed operation of WXMJ (FM) is short-spaced to W I H T (FM) by 3 kilometers. This application is being filed under Section 73.215 in respect to station W I H T (FM).

Exhibit 1 as it follows this statement, shows the protection and interference contours for of stations WXMJ (FM) and W I H T (FM) in accordance with the Commission's Rules. WXMJ (FM) is operating with 0.3 kilowatts @ 444 meters above average terrain. W I H T (FM) is operating at its maximum class B facility with 50

kilowatts @ 150 meters above average terrain at its licensed site, FCC file number BLH-19931215KE. The 50/50 curve protected contours in accordance with Section 73.215 (a) (1) of stations WXMJ (FM) and W I H T (FM) are 60 dbu and 54 dbu respectively. The 50/10 curve interference contours in accordance with Section 73.215 (a) (2) of co-channel stations WXMJ (FM) and W I H T (FM) are 34 dbu and 40 dbu respectively. It can be seen in Exhibit 1 that the protected and interference contours do not overlap between stations WXMJ (FM) and W I H T (FM). Therefore, the herein proposed operation of station WXMJ (FM) meets the Commission's Rules as specified in 47 C.F.R. Section 73.215 and the applicant seeks authorization to construct same. The contours in this exhibit are predicted in accordance with the Commission's Rules and were performed using RadioSoft computer software.

### INTERFERENCE CONSIDERATIONS

There are no FM or TV stations located within 10 kilometers of the proposed site. The applicant will employ such measures as necessary to assure operation in accordance with 47 C.F.R. Section 73.317 and also agrees to rectify complaints of interference in accordance with 47 C.F.R. Section 73.318 of the Commission's Rules.

### FAA AND ENVIRONMENTAL CONSIDERATIONS

A grant of this application would not cause any significant environmental impact because the proposed facilities will be installed on existing structure ASR# 1237308 and no new construction is proposed. Therefore, no effect will be caused on any officially designated wilderness area, wildlife preserve, or floodplain. The facilities proposed herein would not affect any buildings, sites, structures, or districts concerning American history, architecture, archeology or culture as listed in the National Register of Historic Places.

### TERRAIN DATA AND PREDICTED COVERAGE CONTOURS

The terrain data used in preparation of the FCC Form 301 was supplied by RadioSoft computer services. The proposed site, radials used for terrain analysis, and all contours are calculated in accordance with 47 C.F.R Section 73.313 of the Commission's Rules.

### RADIOFREQUENCY RADIATION COMPLIANCE

To evaluate the radiofrequency radiation energy at this site OET Bulletin No. 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" was used. This document and its updates were employed to calculate the ground level radiofrequency density at this site.

WXMJ (FM) proposes operation with 0.6 kilowatts (H+V) effective radiated power at 27 meters above ground. Using the formulas of OET Bulletin No. 65, it can be calculated that 16% of maximum allowable exposure for uncontrolled environments will

be present at two meters above ground level. Therefore the site is in full compliance with ANSI level exposures for uncontrolled environments as described in OET Bulletin No. 65.

Suitable procedures such as power reduction or termination of station operation will be employed when workers are to service any area on the tower where radiofrequency levels exceed those as recommended in the OET Bulletin.

AFFIDAVIT

This statement has been prepared by Lynn A. Deppen, Member and Technical Director for the Applicant and holder of General Radiotelephone License PG-3-9140. All facts and figures contained herein are true and presented to the best of my knowledge.

\_\_\_\_\_ June 25, 2003 \_\_\_\_\_  
Date

\_\_\_\_\_ Lynn A. Deppen \_\_\_\_\_  
Lynn A. Deppen

This map displays the Washington, D.C. metropolitan area and surrounding regions, including parts of Maryland, Virginia, and the District of Columbia. It illustrates the proposed and existing radio frequency contours for two stations: WXMJ and WIHT.

**WXMJ Station:**

- Proposed:** WXMJ-proposed (indicated by a blue star at approximately 39°N, 77°W).
- 50/50 Protected:** WXMJ 50/50 Protected 60 dbu Contour (indicated by a green line).
- 50/10 Interference:** WXMJ 50/10 Interference 34 dbu Contour (indicated by a magenta line).

**WIHT Station:**

- 50/50 Protected:** WIHT 50/50 Protected 54 dbu Contour (indicated by a green line).
- 50/10 Interference:** WIHT 50/10 Interference 40 dbu Contour (indicated by a cyan line).

The map shows various counties and cities, including Blair, Huntingdon, Cumberland, Adams, York, Carroll, Frederick, Montgomery, and others. Major roads and geographical features are also depicted. The map includes a scale bar (0 to 80 km) and a coordinate grid (Latitude 30 to 80, Longitude 75-30 to 78-00).

39-31-28.6 N 76-52-56.6 W 47.40 km 108.0° Elev: 160 m Cropland