

Supporting Statement & Request for Waiver of DA 09-1487 (75 mile restriction zone)

to be filed with request for minor change to move transmitter site.

A Construction permit was issued by the FCC on May 29, 2012 for W33DP-D, and on April 16, 2013 a Construction permit was issued by the FCC for W42EI- D.

Both stations were approved to operate with the same parameters and have the same center of radiation on the same tower. The tower is known as the “Lewes tower” in Lewes, Delaware. The tower is owned by the State of Delaware.

The “Consent to Assignment” for both facilities W33DP and W42EI, was issued by the FCC on December 1, 2015. However, the requirement to close on the assignment is contractually contingent on grant of a minor change application to modify the transmitter site.

Please be advised that Mr. Engle, principal of the applicant, previously contacted the Operator of the Lewes tower, the Division of Communications, State of Delaware. He wanted to make arrangements to locate the two stations on the tower. There were several conversations over weeks, regarding equipment, shelter, access and other issues relating to the tower.

On December 4, 2015, Mr. Engle was notified by Mr. Thomas Kadunce, of the Division of Communications- State of Delaware, that the spot on the tower designated on the construction permit was not currently available. He was told that the upper half of the tower was currently reserved for state related antennas. An alternative spot on the tower was offered at a much lower level. The alternative was unacceptable. There were also sub issues with the site's management that conflict with FCC requirements. They informed Mr. Engle that they would have limited access to the site. The applicant could only have access when someone was available from the state as an escort between certain limited hours during the day.

The applicant also would have no access on holidays and weekends. As a result the antenna location specified in the CP is not currently available and alternative locations on the tower are unsuitable for the proposed broadcast use in that currently available space on the tower is too low and necessary access to maintain the facility is not available.

Mr. Engle started investigating alternative tower sites. He started his search for towers within 10 miles from the original Lewes site. He found what he thought was a possibly suitable tower in a nearby community of Rehoboth Beach, Delaware. The tower was owned by Meekins antenna rentals, Mr. Tinsley Meekins informed him that his tower in Rehoboth Beach, was 100% occupied and could not handle any more.

He broadened the search to include towers within 20 miles of Lewes. He found another tower that looked suitable in Seaford, Delaware. That tower was also owned by Mr. Meekins. After investigating further, the tower was close to 21 miles from Lewes but more important, the tower was well within the restricted 75 mile zone of Baltimore, Maryland. We ruled out this tower as unacceptable.

The applicant then found two more towers to investigate. They were both managed by Kevin Andrede. Mr. Engle spoke with Mr. Andrede about his tower in Bethany Beach, Delaware. It was very similar in height and facility to the Lewes tower and it was only 12 miles away from Lewes. Mr. Andrede told Mr. Engle that they were taking that tower down. He then asked Mr Andrede about a 275 foot tower in

Georgetown, Delaware about 21 miles away from Lewes. Kevin Andrede said this tower is also in disrepair and they are taking that tower down also. He added he was looking into building another tower 20 miles away, but would not be built for several months to a year.

We found several more towers under 200 feet that were unacceptable for these stations. We also found towers that were not available for leasing and a few towers that were acceptable but were full with no room or had other problems.

We found a tower that was 18 miles from the Lewes tower in Cape May. The owner said we could put our antenna at the top of this 250 foot tower.

We will have 24/7 access to this location and it has adequate shelter space for our transmission equipment.

The tower is located 5 miles inside the 75 mile restricted zone of Philadelphia, P.A. FCC- DA 09-1487. The tower registration number is 1064183. The coordinates of the site are 38.9587- 74.9218. The tower is owned by InSite Wireless Group, LLC. Contact is Vikki Amrine.

The requested tower site is 18 miles from the Lewis tower and is 31.6 miles from the original tower site (but not the currently authorized site) for W42EI We also respectfully request a waiver of the 30 miles site relocation limit for W42EI to the extent required.

We respectfully request a waiver of FCC Rule- DA 09-1487 to locate stations W33DP-D and W42EI-D on this tower at coordinates 38.9587- 74.9218 with registration number 1064183 as being the only tower site that is both available and technically suitable for the proposed broadcast use.

Respectfully submitted
Paul V Engle

ENGLE BROADCASTING, LLC.