



Figure 1

W221EF(CP) Sutton, WV - Minor Modification of a Construction Permit - BNPFT-20180319AAJ

SUMMIT MEDIA BROADCASTING, L.L.C.

Exhibit in support of request for processing under a "Mattoon Waiver."

Proposed service contour is shown contained inside 25 mile radius of primary station WSGB-AM.

Mutually exclusive contour overlap of proposed facility with existing authorization to justify "Mattoon Waiver".

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Technical Statement and Waiver Justification **SUMMIT MEDIA BROADCASTING, LLC**

Mattoon Waiver Request and Justification

SUMMIT MEDIA BROADCASTING, LLC hereby respectfully requests a so-called “*Mattoon*” waiver of 74.1233(a)(1) of the Rules. The rule requires that, in order to be considered as a “minor” change in facilities, the 60 dBu contours of both the proposed and licensed facilities intersect on a translator seeking minor change consideration.¹ This requested waiver meets the waiver standards set forth in *Cromwell Group, Inc. of Illinois*.² Specifically, in *Mattoon*, Commission staff granted a waiver of the Rules based upon the mutual exclusivity of the licensed and the proposed 40 dBu contours with respect to the 60 dBu contours of the licensed and proposed facilities. As proposed, the 40 dBu and 60 dBu contours of W221EF present a mutually exclusive proposal and represent a minor change request under the Rules which is in the public interest (See: Figure 1).

The Commission has previously granted Section 74.1223(a) “*Mattoon*” waivers where an applicant has demonstrated that: (1) it does not have a history of filing “serial” minor modification applications; (2) the parameters of the proposed facility are mutually exclusive with the parameters of its licensed facility; (3) the proposed move does not implicate the concerns raised by the Commission in the recent orders in the low power FM (“LPFM”) docket,³ and, (4) while not alone dispositive, the translator will rebroadcast the programming of an on-air AM broadcast station.⁴

¹ The Commission's rules may be waived for good cause shown. An applicant seeking a rule waiver has the burden to plead with particularity the facts and circumstances that warrant such action. The Commission must give waiver requests “a hard look,” and an applicant for must support its waiver request with a compelling showing. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

² *The Cromwell Group, Inc. of Illinois*, Letter, 26 FCC Rcd 12685 (MB 2011) (“*Mattoon*”).

³ *Creation of a Low Power Radio Service*, Third Further Notice of Proposed Rulemaking, 26 FCC Rcd 9986 (2011) (“*Third Further Notice*”); Fourth Report and Order and Third Order on Reconsideration, FCC 12-29, 2012 WL 940640 (rel. Mar. 19, 2012) (“*Fourth Report and Order*”).

⁴ *Mattoon*, 26 FCC Rcd at 12686.

The instant application complies with these criteria in that:

(1) SUMMIT MEDIA BROADCASTING, LLC has no history of serial, or any other minor change applications (so-called ‘hops’) in order to move translator licenses from their originally licensed community of license into a larger market (or otherwise);

(2) The proposed move of W221EF to Sutton, WV is mutually exclusive with its currently licensed operation also designated at Sutton, WV. Thus, grant of the instant application would not preclude any competitive application from being considered by the Commission;

(4) It is also noted (See: Figure 1) that the 60 dBu contour of the proposed W221EF facility falls completely within the required 25-mile radius of the proposed primary station WSGB-AM. The proposed move is a distance of 33.15 km (20.6 miles).

Based upon the foregoing, SUMMIT MEDIA BROADCASTING, LLC submits that the circumstances are such that the application meets all of the criteria for a waiver of Section 74.1233(a)(1) of the Rules and the instant waiver request should therefore be granted.

Table 1 W221EF Minor Modification of a Construction Permit December 20, 2019

Channel Study

Chan	Class	Call Letters	Type	Status	City	State	Country	Owner	Bearing TO (deg)	Distance (km)	Req. Dist. (km)	Clearance (km)	Field Strength (dBu)	
219	B	WVBY	FM	C-MOD	BECKLEY	WV	US	WEST VIRGINIA EDUCATIONAL	195.7	87.4	62.1	25.3		
219	B	WVBY	FM	L-L2C	BECKLEY	WV	US	WEST VIRGINIA EDUCATIONAL	195.7	87.4	59.4	28.0		
220	A	WVMR-FM	FM	L-AMD	HILLSBORO	WV	US	POCAHONTAS COMMUNICATI	138.2	68.7	18.9	49.8		
220	A	WBHZ	FM	L-L2C	ELKINS	WV	US	AMERICAN FAMILY ASSOCIATI	70.3	72.8	39.4	33.4		
221	D	W221EF	FX	C-CP	SUTTON	WV	US	SUMMIT MEDIA BROADCASTIN	169.1	33.1	46.3	-13.2		(applicant)
221	D	W221CO	FX	C-AMD	SUMMERSVILLE	WV	US	ZACK MEDIA, LLC	197.6	43.3	27.6	15.7		
221	D	WVWC	FM	L-L2C	BUCKHANNON	WV	US	WEST VIRGINIA WESLEYAN C	49.0	57.3	49.0	8.3		
221	D	W221CO	FX	L-L2C	WINONA	WV	US	ZACK MEDIA, LLC	195.2	83.5	50.4	33.1		
221	L1	WSVQ-LP	FL	L-L2C	CHARLESTON WEST S	WV	US	PARTNERSHIP OF AFRICAN A	249.0	88.0	55.3	32.7		
221	A	WYVK	FM	L-MOD	MIDDLEPORT	OH	US	POSITIVE RADIO GROUP, INC.	291.9	123.0	73.1	49.9		
222	L1	WYRC-LP	FL	L-L2C	SPENCER	WV	US	ROANE COUNTY BOARD OF EI	287.8	58.9	27.4	31.6		
223	D	W223DF	FX	C-CP	RICHWOOD	WV	US	SUMMIT MEDIA, INC.	169.1	33.1	21.5	11.6		

NOTE:

Applicant seeks processing of this proposal under the terms of a "Mattoon Waiver" in that the proposed translator will rebroadcast the originally proposed AM primary station (WSGB) and the proposed translator facility is mutually exclusive (contour overlap) with the existing authorization (SEE FIGURE 1).

Radiofrequency Electromagnetic Exposure Analysis

Source	Height AGL(m)	Antenna type	Bays	Horizontal ERP (kw)	Vertical ERP (kw)	Power Density $\mu\text{W}/\text{cm}^2$ at 2 meters AGL				
						within 10 meters distance	% controlled environment limit (1000 $\mu\text{W}/\text{cm}^2$)	Max. PD beyond 10 m	% uncontrolled environment limit (200 $\mu\text{W}/\text{cm}^2$)	Distance to maximum PD (m)
W243CA *	54	NICOM BKG-88-3	3	0.250	0.250	3.7	0.37%	3.7	1.9%	10.8
W221EF (proposed)	54	NICOM BKG-88-3	3	0.250	0.250	3.7	0.37%	3.7	1.9%	10.8
W295AR	48	NICOM BKG-88-1	1	0.110	0.110	2.1	0.21%	2.1	1.1%	12.4
						3.7	0.95%	3.7	4.8%	12.4

The proposed facility is excluded from environmental processing under 47. C.F.R. Section 1.1306 (i.e., The facility will not have a significant environmental impact and complies with the maximum permissible radiofrequency electromagnetic exposure limits for controlled and uncontrolled environments).

Calculations made using FCC FMModel

In the absence of specific antenna data, the EPA-dipole, single bay model is used.

* W243CA proposes to move from site.