

Engineering Statement
KFLW(FM) Ch. 255C3 St. Roberts, MO Fac. ID: 53404
RADIO MULTIPLE OWNERSHIP STUDY
prepared for
Benne Broadcasting of the Ozarks, LLC

Introduction

Benne Broadcasting of the Ozarks, LLC (“*Benne Broadcasting*”) is proposing to acquire attributable ownership interest in KFLW(FM), Ch. 255C3, St. Roberts Missouri. *Benne Broadcasting* has attributable ownership interests in a number of other stations in the general area. The instant Engineering Statement has been prepared using information provided by *Benne Broadcasting* and their representatives to demonstrate compliance with the Rules of the Federal Communications Commission as they govern common ownership of multiple radio stations serving the same markets.

Stations with existing or proposed ownership interest attributable to *Benne Broadcasting*:

KDRO(AM) Fac. ID: 40662 Sedalia, MO	KPOW-FM Fac. ID: 78321 La Monte, MO
KYOO(AM) Fac. ID: 36016 Bolivar, MO	KQUL(FM) Fac. ID: 55671 Lake Ozark, MO
K267CO Fac. ID: 200316 Sedalia, MO	KTKS(FM) Fac. ID: 68605 Versailles, MO
K275CD Fac. ID: 140394 Bolivar, MO	KYOO-FM Fac. ID: 36015 Half Way, MO
KLOZ(FM) Fac. ID: 8676 Eldon, MO	KFLW(FM) Fac. ID: 53404 St. Robert, MO

The Commission issued a Report and Order and Notice of Proposed Rulemaking (“R&O”)¹ for various multiple ownership issues. The R&O establishes a means of evaluating radio station multiple ownership issues utilizing existing Nielsen Audio^{®2} and BIA[®] MEDIA Access Pro^{™3} market data for analysis of markets with established geographic boundaries.⁴ There is a separate

¹ Report and Order in MB Docket No. 02-277 and MM Docket Nos. 01-235, 01-317, and 00-244, and Notice of Proposed Rulemaking for MB Docket 03-130 FCC-03-127, (adopted June 2, 2003)(released July 2, 2003).

² Nielsen Audio is a registered mark of Nielsen Holdings, N.V.

³ MEDIA Access Pro is a trademark of BIA[®] Financial Network Inc.

⁴ As an initial matter, the geographical boundaries of a market are established by reference to the boundaries of the markets established by Nielsen Audio. Within that market, the FCC requires that the BIA count of stations operating in the market be employed.

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“interim” means for evaluating radio station multiple ownership issues beyond established Nielsen Audio radio markets. In cases where a station is not geographically within a Nielsen Audio boundary but is declared “home” to a Nielsen Audio market, ownership concentration must be studied using both the interim and the BIA methods. Pursuant to information provided by BIA, KFLW(FM) does not lie in any defined geographic radio market.

Pursuant to §73.3555 of the Commission’s Rules, the number of stations that a licensee may own is based on the total number of stations in that particular market, regardless of the study methodology employed. There is also a limit on how many stations each licensee may own in any one service (AM or FM).

- Markets with 45 or more stations are limited to 8 total stations and 5 in any one service.
- Markets with 30-44 stations are limited to 7 total stations and 4 in any one service.
- Markets with 15-29 stations are limited to 6 total stations and 4 in any one service.
- Markets with 14 or fewer stations are limited to 5 total stations and 3 in any one service, but not more than 50% of the market stations.

Interim Method - Introduction

Under the current Rules, any station with a principal community beyond the geographic boundary of a defined geographic radio market shall be studied under the Commission’s “interim,” contour overlap methodology. A “market” is defined as the area encompassed by the principal community contours of radio stations for which common ownership is proposed⁵ and which have a mutual area of principal community contour overlap.

Interim Method – Markets

The principal community contour of the proposed acquisition, KFLW(FM), does not overlap the principal community contour of any other listed full-service station in which *Benne*

⁵ Order in Implementation of Sections 202(a) and 202(b)(1) of the Telecommunications Act of 1996 (Broadcast Radio Ownership) FCC 96-90, released March 8, 1996 and Memorandum Opinion and Order in Revision of Radio Rules and Policies 7 FCC Rcd 6387, 6395 para. 39 (1992).

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Broadcasting holds attributable ownership interest. The principal community contours of the full-service stations listed, including KFLW(FM) are shown on **Map Figure 1**. The 70 dB μ principal community contour of KFLW(FM) does not overlap the principal community contour of any other full-service station in which *Benne Broadcasting* holds attributable ownership interest. No new radio multiple ownership evaluation is triggered by the proposed addition of KFLW(FM).

Summary

In preparing the attached maps and tables, pertinent station data were extracted from the Commission's engineering databases. For AM stations, these included the operating power, radiation efficiency, directional antenna data (where appropriate), and geographic coordinates. The distances to the 5 mV/m contours were then determined using the digitized version of the *Atlas of Ground Conductivity* published in 1981 by the International Telecommunication Union along with a computer program which simulates the FCC's AM groundwave propagation curves. For the FM stations, pertinent data for determining the distances to the contour included the antenna elevation above mean sea level, geographic coordinates, effective radiated power, and, where appropriate, directional antenna patterns. The requisite 3.16 mV/m (70 dB μ) contours were determined using digitized 3 arc-second U.S.G.S. terrain data along radials spaced every degree from the transmitter site and an implementation of the Commission's TVFMFS computer program which simulates the FM propagation curves. The detailed distances to the principal community contours were then used with a GIS mapping program to generate the attached maps.

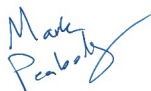
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Conclusion

As shown herein, *Benne Broadcasting's* proposed acquisition of KFLW(FM) does not create any radio market in which any common ownership of another full-service radio station exists. The addition of KFLW(FM) complies with §73.3555 of the Commission's Rules regarding the multiple ownership of radio stations. This conclusion is based on the interim, contour-overlap method.

Certification

Under the penalty of perjury, the undersigned hereby certifies that the foregoing statement was prepared by him or under his direction on behalf of *Benne Broadcasting* and that it is true and correct to the best of his knowledge and belief. Mark Peabody is a senior consultant in the firm of *Cavell, Mertz & Associates, Inc.* and has submitted numerous engineering exhibits to the Federal Communications Commission. His qualifications are a matter of record with the Commission.


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