



February 14, 2023

Womble Bond Dickinson (US) LLP

Via email (James.Bradshaw@fcc.gov)

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**Audio Division, Media Bureau
Federal Communications Commission
45 L Street, NE
Washington, DC 20554
Attn: Mr. James D. Bradshaw, Senior Deputy Chief**

F. Reid Avett
Partner
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**Re: HOP Broadcasting, Inc.
W230DH (Facility ID 202114, Hopkinsville, Kentucky)
License to Cover Application (FCC File No. 000185461)**

Dear Deputy Chief Bradshaw:

There is now pending at the Audio Division of the Federal Communications Commission (hereafter "FCC" or "Commission") a License to Cover Application for FM translator station W230DH (Facility ID 202114, Hopkinsville, Kentucky) ("W230DH") (File No. 000185461) (the "W230DH License Application").

Also pending with respect to the W230DH License Application is an interference complaint submitted on August 10, 2022 by Sound Broadcasters, Inc. ("Sound"), the licensee of WKTG(FM), which primarily alleges impermissible interference from W230DH to WKTG's listeners (the "Interference Complaint").

On January 27, 2023, the Audio Division issued a letter to HOP Broadcasting, Inc. and Sound requiring HOP Broadcasting, Inc. to submit a plan to resolve the Interference Complaint on or before February 26, 2023 (the "Audio Division Letter").

The purpose of this letter is to respond to the Audio Division Letter by proposing a plan to resolve the Interference Complaint within the required timeline set forth in the Audio Division Letter. The plan, detailed below, is mutually acceptable to each of HOP Broadcasting, Inc. and Sound and will resolve the Interference Complaint. Such a resolution will have the public interest benefit of avoiding the Commission expending additional resources in resolving the various issues presented by the Interference Complaint.

HOP Broadcasting, Inc. and Sound jointly propose (1) HOP Broadcasting, Inc. change the W230DH channel pursuant to Section 74.1233(a)(1) of the Commission's rules due to the allegations of actual interference to WKTG listeners and (2) Sound withdraw the Interference Complaint, conditioned upon the channel change being fully and finally implemented as evidenced by submission of an application for license to cover the construction permit for the new

channel. As detailed below, however, this proposal can only be implemented with the full cooperation of the Audio Division.


The cooperation of the Audio Division is requested so that the pending W230DH License Application may be granted contingent upon HOP Broadcasting, Inc. being granted a modification application supported by the engineering statement attached to this letter as Exhibit 1 (the "W230DH Modification Application"), HOP Broadcasting, Inc. immediately building out the facility proposed in the W230DH Modification Application and HOP Broadcasting, Inc. filing a license to cover application within thirty (30) days of the grant of the W230DH Modification Application.¹ HOP Broadcasting, Inc. requests that the contingencies above be made specific conditions to the grant of the W230DH License Application. Should HOP Broadcasting, Inc. fail to fulfill the conditions, then the W230DH License Application will revert to pending status if a) the W230DH Modification Application is not filed with the Commission within two (2) business days of the grant of the W230H License Application or b) on the 31st day following grant of the W230DH Modification Application if a covering license application has not been filed.

A grant of the W230DH License Application as proposed to be conditioned above, and the actions of HOP Broadcasting Inc. based upon those conditions, will resolve the Interference Complaint.

Without the grant of the W230DH License Application as conditioned above, each of HOP Broadcasting, Inc. and Sound believe that the ultimate resolution of the Interference Complaint will take additional time and resources from the Commission as well as each of the parties. Each of HOP Broadcasting, Inc. and Sound hope for a favorable response from the Audio Division to the proposal contained in this letter to the end that the W230DH License Application may be granted with conditions, as proposed above.

Best regards,

Womble Bond Dickinson (US) LLP



F. Reid Avett
Partner
Counsel to Hop Broadcasting, Inc.

Sciarrino & Schubert, PLLC

/s/ Dawn M. Sciarrino
Dawn M. Sciarrino, Esq.
Managing Member
Counsel to Sound Broadcasters, Inc.

¹ Alternatively, in the Commission's discretion, the W230DH Modification Application could be granted, leaving the W230DH License Application in pending status and being dismissed upon filing a covering license application for the W230DH Modification Application construction permit.

Exhibit 1

Engineering Statement to Support Channel Change

[see attached]

**W230DH
#202114
HOPKINSVILLE, KY**

**Non-adjacent channel change from Channel 230 (93.9 MHz)
to Channel 257 (99.3 MHz) to resolve interference complaint.**

The licensee of WKTG(FM) on co-channel 230C2 (93.9) in Madisonville, KY has filed an interference complaint (Pleading No. 0000197322) against the operation of W230DH as constructed and for which a license to cover is pending (File No. 0000185461). This application seeks a non-adjacent channel change which will resolve the WKTG(FM) interference complaint as invited in footnote 35 of the Commission's January 27, 2023 letter to the parties ("In the *Translator Interference Order*, the Commission declared that acceptable plans include the following: **1) relocating to an available same-band FM channel**; 2) working with willing listener complainants; or 3) working with the complaining station." *(emphasis added)*).

Non-Adjacent Channel Change and Interference Showing:

A non-adjacent channel change to 257D (99.3 MHz) is requested in accordance with CFR §74.1233(a)(1) as modified in *FCC 19-40, May 9, 2019*. In the MB Docket No. 18-119 Report and Order the Commission explained that:

For these reasons, we modify section 74.1233(a)(1) of the Commission's rules (Rules) to define an FM translator's change to any available same-band FM channel as a minor change, upon a showing of actual or predicted interference to or from any other broadcast station.

The WKTG licensee's formal complaint filed with the Commission constitutes sufficient showing to justify the non-adjacent channel change.

MB Docket No. 18-119 at paragraph 8. Required showing. We agree with NAB that "a simple engineering statement of mitigation of interference at the requested frequency" is sufficient as a threshold standard to permit the translator applicant to request a channel change as a minor modification. (emphasis added).

Allocation Analysis:

An overlap study in Exhibit E-1 shows the proposed facility complies with §74.1204 with the exception of collocated third adjacent channel WHOP-FM 254C1 at Hopkinsville, KY. The +40 F(50-10) dBu interference contour within the third adjacent and co-located WHOP-FM 254C1 protected contour is less than 1 meter which does not reach any populated area or major highway from a mounting height of 115.8 meters above ground. Therefore, a waiver of Section 74.1204 is requested in accordance with *Living Way Ministries, Inc.* (FCC 08-242).

The proposed W230DH 60 F(50-50) dBu contour overlaps the currently operating facility for which a license to cover has been filed since it is located at the same site and is contained within the primary WHOP(AM) 2.0 mV/m daytime contour (Exhibit E-2).

Antenna System:

The W230DH modification to 257D is located on the existing 152.1 meter tower, ASR #1241598, at coordinates:

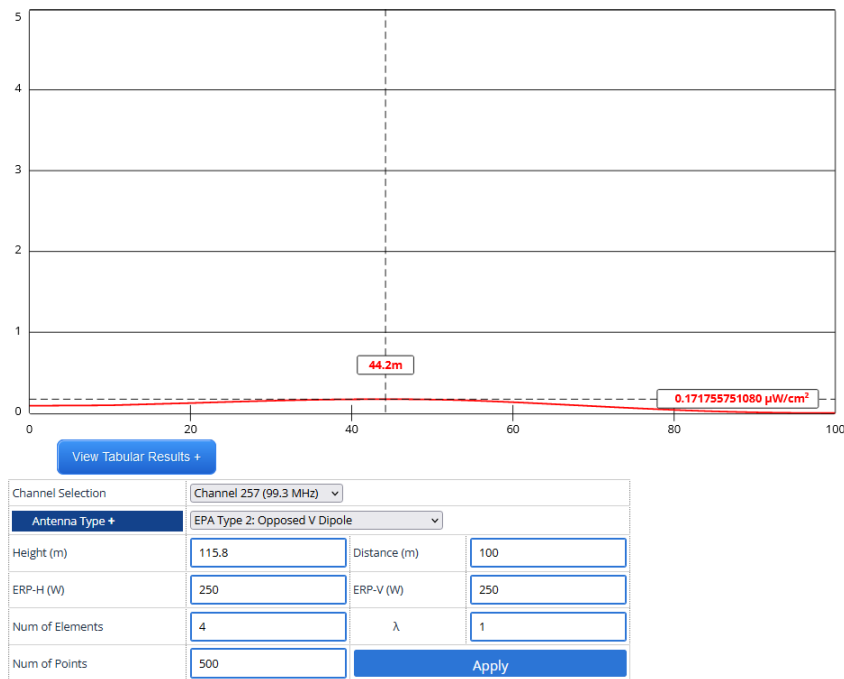
36 55 41.1N 087 32 50.0W NAD 83

A Bext TFC2K four bay, 1.0 wavelength-spaced, non-directional antenna is mounted at a COR AGL of 115.8 meters, 344.4 meters AMSL, 167 meter HAAT (exhibit E-3) and operate at 0.250 kW ERP. The 99.3 MHz facility will be combined into the same antenna as WHOP-FM's auxiliary (0000205089) at the same site.

RF Exposure Calculation:

The RF contribution was calculated using FMModel (below). The RF is calculated to be 0.17 $\mu\text{W}/\text{cm}^2$ at a distance of 44.2 meters from the base of the tower,

which is below 5% of the $200 \mu\text{W}/\text{cm}^2$ maximum permissible for general population exposure, allowing exclusion from consideration.



Conclusion:

It is concluded that the W230DH modification to 257D (99.3 mHz) complies with all Commission rules and policies.

January 31, 2023

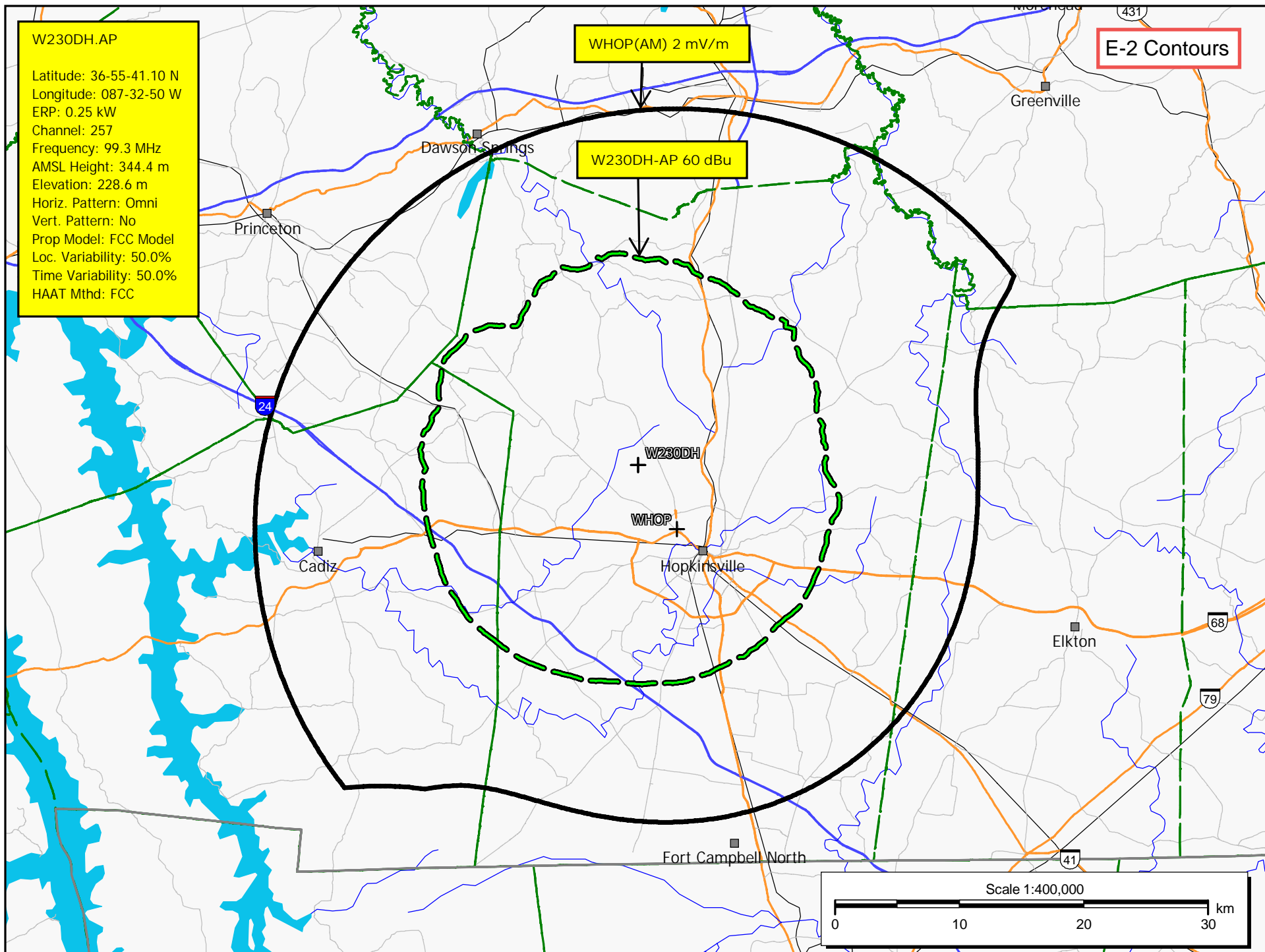
Charles M. Anderson
5900 Lake Cyrus Drive
Hoover, AL 35244
270-535-4432

E-1 Overlap Study

REFERENCE 36 55 41.10 N. 87 32 50.00 W.		CH# 255D - 98.9 MHz, Pwr= 0.25 kW, HAAT= 164.9 M, COR= 344.4 M Average Protected F(50-50)= 16.82 km Omni-directional							DISPLAY DATES DATA 01-26-23 SEARCH 01-26-23		
CH CITY	CALL	TYPE ANT STATE	AZI ---	DIST FILE #	LAT LNG	PWR(kW) HAAT(M)	INT(km) COR(M)	PRO(km) LICENSEE	*IN* (Overlap in km)	*OUT*	
254C1 Hopkinsville	WHOP-FM	LIC NCN KY	0.0 180.0	0.00 BLH20041018ACH	36 55 41.20 87 32 50.00	100.000 189	94.7 366	63.9 -111.3*	-88.7*	(1)	
256C3 Grand Rivers	WCBL-FM	LIC NCN KY	286.2 105.7	74.97 BLH20100217AAC	37 06 47.20 88 21 34.10	16.000 127	58.2 243	38.2 -0.4	11.3	Freeland Broadcasting Co.,	
256D Clarksville	W256CI	LIC DCN TN	155.2 335.4	47.25 BLFT20140318ADD	36 32 31.20 87 19 32.00	0.250 247	18.9 247	12.7 10.9	8.5	Saga Communications Of Tuc	
252C1 Metropolis	WJLI	LIC _CN IL	257.3 76.7	86.95 BLH20030609ADV	36 45 09.20 88 29 58.20	100.000 213	8.4 358	64.4 61.0	21.4	Sun Media, Inc.	
258D Clarksville	W258AD	LIC _CN TN	166.4 346.4	45.18 BLFT20181023AAS	36 31 59.10 87 25 41.00	0.027 223	0.4 223	5.8 27.0	38.2	Community Broadcasting, In	
255D Dickson	W255AP	LIC _CN TN	169.0 349.1	92.10 BLFT20040120ABI	36 06 53.20 87 21 05.00	0.023 50	18.0 273	5.4 56.3	30.5	Pennyriple Christian Commun	
258C0 Henderson	WKDQ	LIC _CN KY	0.3 180.3	106.11 BLH19881025KC	37 52 57.20 87 32 28.00	100.000 300	10.0 416	71.6 79.2	33.4	Townsquare Media Of Evansv	
255A Lebanon	WANT	LIC NCN TN	124.7 305.4	139.62 BLH19931206KA	36 12 24.20 86 16 02.00	5.000 97	88.5 287	30.4 33.9	55.1	Bay-Pointe Broadcasting, I	
256A Morgantown	WWKN	LIC NCN KY	65.9 246.4	82.31 BLH20100629ANS	37 13 38.10 86 41 53.90	0.650 69	20.1 219	13.4 46.5	44.4	Red Sky, LLC	
255A Galatia	WISH-FM	LIC NCN IL	318.4 137.8	149.83 BLH20010403AAQ	37 55 52.20 88 40 50.20	4.100 122	83.8 262	28.0 49.2	70.4	Wish Radio, LLC	

Terrain database is FCC 30 meter , R= 73.215 qualifying spacings or FCC minimum Spacings in KM, M= Margin in KM
In & Out distances between contours are shown at closest points. Reference zone= East Zone, Co to 3rd adjacent.
All separation margins (if shown) include rounding.
Ant Column: (D= DA Standard, Z= DA 73.215, N= Not DA 73.215, _= Omni), Polarization (C,H,V,E), Beamtilt(Y,N,X)
"*"affixed to 'IN' or 'OUT' values = site inside restricted contour.

Collocated with 100 kW 3rd adjacent channel WHOP-FM. Translator interference contour is < 1 meter. Clearly no interference from 115.8 m center of radiation.



Antenna Height Above Average Terrain Calculations -- Results

Input Data

Latitude **36° 55' 41.1"** North

Longitude **87° 32' 50"** West (NAD 83)

Height of antenna radiation center above mean sea level: **344.4** meters AMSL

Number of Evenly Spaced Radials = **12** 0° is referenced to True North

Results

Calculated HAAT = **167 meters**

Antenna Height Above Average Terrain calculated
using 1 km [GLOBE terrain data](#)

Individual "Radial HAAT" Values, in meters

0°	162.8 m
30°	155.1 m
60°	148.9 m
90°	137.0 m
120°	161.9 m
150°	176.8 m
180°	178.3 m
210°	191.8 m
240°	185.6 m
270°	175.0 m
300°	178.4 m
330°	155.7 m

ASR Registration 1241598

Registration Detail

Reg Number	1241598	Status	Constructed
File Number	A0398509	Constructed	09/22/2004
EMI	No	Dismantled	
NEPA	No		

Antenna Structure

Structure Type TOWER - Free standing or Guyed Structure used for Commu

Location (in NAD83 Coordinates)

Lat/Long	36-55-41.1 N 087-32-50.0 W	Address	West of Witty Lane on State Route 109
City, State	Hopkinsville , KY		
Zip	42240	County	CHRISTIAN
Center of AM Array		Position of Tower in Array	

Heights (meters)

Elevation of Site Above Mean Sea Level	Overall Height Above Ground (AGL)
228.6	152.1
Overall Height Above Mean Sea Level	Overall Height Above Ground w/o Appurtenances
380.7	151.2

Painting and Lighting Specifications

FAA Chapters 3, 4, 5, 12

Paint and Light in Accordance with FAA Circular Number 70/7460-1K

FAA Notification

FAA Study	2003-ASO-5785-OE	FAA Issue Date	12/09/2003
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Owner & Contact Information

FRN	0005058284	Owner Entity Type
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Owner

Hop Broadcasting, Inc.
P.O. Box 1227
Corbin , KY 40702

P: (606)528-8787
F:
E:

Contact

Matheny , Marilyn
P.O. Box 24466
St. Simons Island , GA 31522

P: (912)638-8028
F:
E: marilyn@grahambrock.com

Last Action Status

Status	Constructed	Received	09/29/2004
Purpose	Notification	Entered	09/29/2004
Mode	Interactive		

Related Applications

09/29/2004	A0398509 - Notification (NT)
12/23/2003	A0358832 - New (NE)