

Section 1.1307 of the FCC Rules

Pursuant to OET Bulletin No. 65 dated August 1997, non-broadcast stations are all exempt from RFF evaluations.

The RFF contribution of the proposed KUKL-TV operation will be calculated using the following formula:

$$S = \frac{33.4(F^2) \text{ Total ERP}}{R^2}$$

where:

S = power density in $\mu\text{W}/\text{cm}^2$

F = relative field factor

Total ERP = ERP Horizontal Polarization + ERP Vertical Polarization

R = RCAGL - 2 meters

ERP = RMS ERP in watts for DTV Stations

There are no AM stations within 3.22 km of the existing tower site. There are two FM stations, KLKM(FM) and KALS(FM) operating on the tower. In addition digital television facilities, KCFW-TV and KAJJ-CD are operating from this tower. According to CDBS, there are no other broadcast stations operating within 100 meters of the site.

No adverse technical effect is anticipated by the substituted DTV operation to any other FCC licensed facility. If required, the licensee will install filters or take other measures as necessary to resolve the problem.

The radio frequency field ("RFF") contribution of the proposed operation operates is as follows.

Based on the elevation pattern from the manufacturer's antenna data, a maximum downward field of 0.220 in the range of 20° to 90° would create a maximum field level of 9.7 $\mu\text{W}/\text{cm}^2$ in the vicinity of the base of the tower.

The limit for an uncontrolled environment is $319 \mu\text{W}/\text{cm}^2$ and for a controlled environment is $1597 \mu\text{W}/\text{cm}^2$ for the UHF Channel 15.

The proposed operation contributes less than three percent RFF level for an uncontrolled environment two meters above the ground at the proposed site or approximately one percent RFF level for a controlled environment two meters above ground at the existing site.

The licensee indicates that access to the site is approximately 10 miles on an unimproved road from a main highway. The unimproved road is not regularly traveled. A gate prevents vehicle access. Therefore, it is believed this site qualifies under Situation B of OET Bulletin 65 as discussed below:

From Pages 77 and 78, guidance for such a situation is provided from the FCC publication entitled, "*Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, OET Bulletin 65, Edition 97-01, August 1997*", "*Appendix B, Summary of 1986 Mass Media Bureau, Public Notice on RF Compliance*".

A portion is abstracted as follows:

Situations

(B) High RF levels are produced at ground level in a remote area not likely to be visited by the public.

- If the area of concern is marked by appropriate warning signs, an applicant may assume that there is no significant effect on the human environment with regard to exposure of the general public. It is recommended that fences also be used where feasible.

Therefore, members of the public and personnel working around the existing tower site would not be exposed to RFF levels exceeding the FCC standards. With respect to work performed on the tower, the licensee will establish procedure to ensure for the proposed facility

that workers are not exposed to RFF levels above those prescribed by FCC, by reducing or turning off the power, as appropriate.

Although the proposed RFF contribution will be far less than 5% for controlled environment, if the application is granted and prior to construction, MUS represents that it will attempt to create a comprehensive RF safety plan, if necessary, with the buyer of this site for the site's compliance with the Commission's RF safety rules.

The tower site is located inside a chain link fence with a locked gate to prevent unauthorized access to the tower.

Environmental Assessment

An environmental assessment ("EA") is categorically excluded under Section 1.1306 of the FCC Rules and Regulations as the tower was constructed prior to the requirements specified in WT Docket No. 03-128 and the licensee indicates that:

- (a)(1) The existing tower is not located in an officially designated wilderness area.
- (a)(2) The existing tower is not located in an officially designated wildlife preserve.
- (a)(3) The proposed facilities will not affect any listed threatened or endangered species or habitats.
- (a)(3)(ii) The proposed facilities will not jeopardize the continued existence of any proposed endangered or threatened species or likely to result in the destruction or adverse modification of proposed critical habitats.
- (a)(4) The proposed facilities located on a tower which was built prior to the adoption of WT Docket No. 03-128 and is grandfathered and has not affected any known districts, sites, buildings, structures, or objects significant in American history, architecture, archaeology, engineering, or culture.

- (a)(5) The existing tower is not located near any known Indian religious sites.
- (a)(6) The existing tower is not located in a flood plain.
- (a)(7) The addition of a new side-mounted DTV antenna on an existing guyed tower will not involve a significant change in surface features of the ground in the vicinity of the tower.
- (a)(8) It is not proposed to equip the tower with high intensity white lights unless required by the FAA.
- (b) Workers and the general public on the ground will not be subjected to RFF levels in excess of the current FCC guidelines contained in OET Bulletin No. 65, Edition 97-01, dated August 1997 and Supplement A.