

**EXHIBIT 5 - Letter from Tower Owner**

November 2, 2021

Theatre Organ Preservation of NE

109 West 10<sup>th</sup> Street

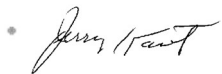
McCook, NE 69001

This letter is to state that I am the owner of the 180' tower FCC ASR # 1316688 constructed in the 1980s and currently unutilized at the location of 40.190603 North Latitude and 100.807689 West Longitude. I have from the FAA under Aeronautical study 2020-ACE-4916 a determination which was issued a finding of no hazard as the tower was already existing at 180'. If approved by the FCC, I will raise the tower to the 250' in height for use by the applicant. In the absence of any FCC approval for a taller tower, the tower stays as it is.

2021-ACE-9293-OE is the filing study for the Aeronautical study requesting clearance for the tower to be increased to 250' height above ground. The was FAA approved on 11-1-2021 and is included with this letter.

The Theatre Organ Preservation of NE has my permission to locate an FM broadcast antenna on this tower when a construction permit is granted.

Sincerely,

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Jerrell (Jerry) Kautz

8006 Roos Rd

Houston, TX 77036

713-498-3381 (Cell)



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2021-ACE-9293-OE  
Prior Study No.  
2020-ACE-4916-OE

Issued Date: 11/01/2021

Jerry Kautz  
Jerry Kautz  
8006 Roos Rd  
Houston, TX 77036

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower Tower Alteration Culbertson
Location:	Culbertson, NE
Latitude:	40-11-26.17N NAD 83
Longitude:	100-48-27.68W
Heights:	2820 feet site elevation (SE) 250 feet above ground level (AGL) 3070 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

As a condition to this Determination, the structure is to be marked/lighted in accordance with FAA Advisory circular 70/7460-1, Obstruction Marking and Lighting, a med-dual system-Chapters 4,8(M-Dual),&15.

Any failure or malfunction that lasts more than thirty (30) minutes and affects a top light or flashing obstruction light, regardless of its position, should be reported immediately to (877) 487-6867 so a Notice to Airmen (NOTAM) can be issued. As soon as the normal operation is restored, notify the same number.

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- ☐ At least 10 days prior to start of construction (7460-2, Part 1)  
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

This determination expires on 05/01/2023 unless:

- the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- extended, revised, or terminated by the issuing office.
- the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within

6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact Marla Brown, at (817) 222-5323, or [Marla.brown@faa.gov](mailto:Marla.brown@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2021-ACE-9293-OE.

**Signature Control No: 497202575-499426968**

( DNE )

Mike Helvey  
Manager, Obstruction Evaluation Group

Attachment(s)  
Frequency Data  
Map(s)