



**STATEMENT OF HERMAN E. HURST, JR.
IN SUPPORT OF AN ONE STEP APPLICATION
FOR CONSTRUCTION PERMIT
KFLW(FM) – St. ROBERT, MISSOURI
CHANNEL 255C3, 25.0 kW ERP, 95 m HAAT
FACILITY ID NUMBER: 53404**

Licensee: Ozark Media, Inc.

I am a Radio Engineer in the firm of Carl T. Jones Corporation with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Ozark Media, Inc., licensee of KFLW(FM), St. Robert, MO, to prepare this statement in support of an application to upgrade KFLW(FM) to a Class C3 facility. Radio station KFLW(FM) is currently licensed to operate on Channel 255A (FCC File No. BLH-940321KE) with an Effective Radiated Power (ERP) of 6 kW at an antenna Height Above Average Terrain (HAAT) of 95 meters. The applicant proposes herein to upgrade KFLW(FM) to a Class C3 facility by increasing the ERP to 25 kW. This application requests a five meter decrease in antenna height resulting from the proposed substitution of a 6-level antenna for the current 3-level antenna.

CLASS C0 RECLASSIFICATION

Radio station KFUO-FM is currently licensed to operate on channel 256C (first-adjacent to KFLW(FM)) with an ERP of 100 kW at an antenna HAAT of 313 meters (FCC File No. BLH-881115KB). Since KFUO-FM antenna HAAT is between 300 and 450 meters, KFUO-FM is subject to reclassification to a Class C0 facility pursuant to 47 C.F.R. § 73.3573, Note 4. A complete commercial channel FM allocation study revealed that no alternate channels are available for the proposed channel 255C3 at St. Robert, MO.

Presently, KFLW(FM) is separated from KFUO-FM by 167.14 km. The required distance between first-adjacent related Class C3 and a Class C stations is 176.0 km, which makes the Class C3 station at KFLW short spaced to a Class C station at KFUO-FM by a distance of 8.86 km. However, by reclassifying KFUO-FM to a Class C0, the minimum distance separation of Section 73.207 is reduced to 163.0 km. Therefore, the proposed KFLW(FM) Class C3 facility satisfies this spacing requirement considering KFUO-FM as a Class C0 Facility.

Accordingly, the applicant herein initiates the reclassification procedure with respect to KFLW(FM) through this application for construction permit, as set forth in 47 C.F.R. § 73.3573, Note 4.

ONE-STEP APPLICATION

This "one-step" application is filed pursuant to Section 73.203(b) of the FCC Rules. The "one-step" process authorizes licensees to request, by application, changes on an intermediate frequency, a first or second adjacent channel, or their present channel of operation. To accomplish the proposed upgrade to a full Class C3 facility, the applicant herein requests authority to increase ERP.

Because the present KFLW(FM) transmitter site satisfies Class C3 spacing to all pertinent applications, allotment and assignments (except to KFUO-FM as noted above), the one-step reference site specified herein is the same as the KFLW(FM) transmitter site: 37° 52' 41" N.L. and 92° 01' 05" W.L (NAD-27). From the KFLW(FM) transmitter site, the proposed Channel 255C3 would satisfy all the minimum distance spacing requirements contained in Section 73.207 and would provide the requisite city-grade service coverage to all of St. Robert, Missouri.

ALLOCATION CONSIDERATIONS

The KFLW(FM) Class C3 transmitter site is fully-spaced to all current allocations, licensed broadcast facilities, outstanding construction permits, and pending applications with the exception of the Class C authorization at KFUO-FM. With the proposed reclassification of KFUO-FM to a Class C0 facility, the KFLW facility satisfies the minimum distance spacing requirements of Section 73.207 with all pertinent allotments, assignments and applications.

PREFICTED COVERAGE CONTOURS

The predicted coverage contours were calculated in accordance with the method described in Section 73.313 of the Rules utilizing the appropriate F(50,50) propagation curves from the Rules (Section 73.333, Figure 1), effective radiated power, and antenna height above average terrain as determined for each profile radial. Average terrain data from the proposed site was obtained from a National Geophysical Data Center Thirty Second Point Topographic Database (TGP-0050). The 3.16 mV/m (70 dBu) city-grade contour completely encompasses the principal community to be served, as required by Section 73.315(a) of the Commission's Rules.

BLANKETING AND INTERMODULATION INTERFERENCE

There are no full service radio stations that are located within 10 kilometers of the KFLW(FM) antenna location. In the event that blanketing interference occurs as a result of this proposal to any full service facility which has not been identified, the applicant will take appropriate steps to minimize the interference within the blanketing contour.

In accordance with the Commission's January 2, 1991 decision (FCC 91-3, released January 14, 1991) regarding the application of WKLX, Inc., the applicant will exclude both mobile and battery-powered receivers from Receiver Induced Third Order Intermodulation and Blanketing Interference Resolution Requirements. In the event any type of intermodulation interference (including receiver induced) occurs with any other facilities

which have not been identified, the applicant will take appropriate steps (i.e., install and maintain traps or filters) to minimize the interference in fixed receivers. The applicant will respond to complaints of blanketing interference for a period of one year in compliance with Section 73.318(b) of the Commission's Rules.

FAA NOTIFICATION AND FCC TOWER REGISTRATION

No change in tower height or location is proposed herein. The existing tower's FCC registration number is 1003696.

ENVIRONMENTAL CONSIDERATIONS

- RADIOFREQUENCY IMPACT-

Effective October 15, 1997, the FCC adopted its current guidelines and procedures for evaluating environmental effects of radiofrequency emissions. The current guidelines are generally based on recommendations by the National Council on Radiation Protection and Measurements (NCRP) in NCRP Report No. 86 (1986), and by the American National Standards Institute and the Institute of Electrical and Electronic Engineers, Inc. (IEEE) in ANSI/IEEE C95.1-1992 (IEEE C95.1-1991). The FCC guidelines provide a maximum permissible exposure (MPE) level for occupational or "controlled" situations, as well as "uncontrolled" situations that apply in cases that affect the general public. The FCC's Office

of Engineering and Technology (OET) Commission issued a technical bulletin (OET Bulletin No. 65) entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" (Edition 97-01, August 1997), to aid in the determination of whether FCC-regulated transmitting facilities, operations or devices comply with limits for human exposure to radiofrequency electromagnetic fields as adopted by the Commission in 1996. The Bulletin contains updated and additional technical information for evaluating compliance with the current FCC policies and guidelines.

The current FCC MPE level for "uncontrolled" environments is 0.2 milliwatt per centimeter squared (mW/cm^2) or $200 \mu\text{W}/\text{cm}^2$ for FM facilities. The MPE level for FM facilities in a "controlled" environment is $1.0 \text{ mW}/\text{cm}^2$.

The KFLW(FM) Class C3 facility will operate with a circularly polarized, six-level, full-wavelength spaced antenna with an ERP of 25.0 kW at a centerline height of 48 meters AGL.

Based on the FCC's FM Model program, which considers a specific antenna type (in this instance a Shively 6800 series antenna was chosen) and computes the predicted power density, the proposed KFLW(FM) facility is predicted to produce a maximum power density of $40.2 \mu\text{W}/\text{cm}^2$, at two meters above ground level. This predicted power density represents only 20.1% of the FCC guideline value for "uncontrolled" environments.

- OCCUPATIONAL SAFETY -

Based on the calculations discussed above, KFLW(FM) is predicted to produce a power density which is 4.02% of the FCC guideline value for “controlled” environments. The applicant will insure the protection of station personnel or tower contractors working in the vicinity of the proposed transmitting antenna. The applicant will reduce power and/or cease operation during times of service or maintenance of the transmission systems as necessary to avoid potentially harmful exposure to personnel.

In light of the above, the proposed facility should be categorically excluded from RF environmental processing under Section 1.1307(b) of the Commission's Rules.

SUMMARY

This statement was prepared by me or under my direct supervision and is believed to be true and correct.

DATED: August 22nd, 2002