

Statesville, North Carolina
Application for Minor Modification of FM Translator W264CU
On Channel 264
by
Conner Media Corporation

Exhibit 13
Interference Analysis

August 2014

© 2014 Conner Media Corporation

Timothy L. Warner, Inc.
Post Office Box 8045
Asheville, North Carolina 28814-8045
(828) 258-1238
twarner@tlwinc.net

Table of Contents

Description	Page
Declaration	2
Narrative.....	3
Request for Waiver of Section 74.1233(a)(1)	4
Allocations	6
AM Station Protection	6
Television Channel 6 Protection.....	7
Table 1: Allocations	8
Source of Data.....	9
Licensed and Proposed Contours.....	Figure 1

Declaration

I declare, under penalty of perjury, that I am a technical consultant to broadcasting and other communications systems, that I have over twenty-five years of experience in the engineering of broadcast and other communications systems, that I am familiar with the Federal Communications Commission's Rules found in the Code of Federal Regulations Title 47, that I am a Professional Engineer registered in North Carolina, that I have prepared or supervised the preparation of the attached Exhibit 13, Interference Analysis, for Conner Media Corporation, and that all of the facts therein, except for facts of which the Federal Communications Commission may take official notice, are true to the best of my knowledge and belief.



Timothy L. Warner, P.E.
Post Office Box 8045
Asheville, North Carolina 28801
(828) 258-1238
twarner@tlwinc.net
7 August 2014

Narrative

This Exhibit supports an amendment to a minor modification application for FM translator W264CU, to Channel 264 in Statesville, North Carolina. W264CU has licensed facilities, file number BLFT-20140407ABB, with a pending application BPFT-20130813AAH. Allocation details are provided in this exhibit. This proposal complies fully with the requirements of 74 C.F.R. §74.1204(a). The proposed modified facilities create no mutual exclusivities with any licensed facilities, construction permits, or applications as shown in the allocation table in this exhibit.

This application proposes a move to Iredell County, North Carolina, from Catawba County, North Carolina. The proposed site and the licensed site are both outside the any urbanized area as defined by the U.S. Census, and outside any Arbitron metro area.

Figure 1 shows the licensed 60 dBu F(50,50) coverage area, and the proposed 60 dBu F(50,50) coverage area. Figure 1 shows the present and proposed contours, and fill-in status confirmation.

This application proposes a change of primary station to WSIC (AM), Statesville, North Carolina. The modifications consist of a new site, increased height, change to an omnidirectional antenna, and new primary station.

While this application does not qualify as a minor change under Section 74.1233(a)(1), which requires that the 60 dBu contours of W264CU's existing and proposed facilities overlap, Conner respectfully requests waiver of Section 74.1233(a)(1) in accordance with the factors recently set forth by the Media Bureau in connection with an identical waiver granted to The

Cromwell Group, Inc. with respect to W263AQ, Mattoon, IL, in FCC File No. BPFT-20101025ABR. (the “Cromwell Waiver”)¹

Request for Waiver of Section 74.1233(a)(1)

In accordance with Section 1.3 of the Commission’s Rules, “[a] waiver is appropriate when special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.” *Northwest Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). As with the recently granted Cromwell Waiver, Conner submits that such special circumstances are similarly present here.

The Media Bureau found that the Cromwell Waiver was in the public interest because (1) the license did not have a history of filing serial minor modification application; (2) the proposed site was mutually exclusive to the licensed facility; (3) the proposed moved did not implicate the concerns raised by the Commission in the low-power FM proceeding; and (4) W263AQ would be rebroadcasting an AM station.

First, as with the Cromwell Waiver and as supported by the Commission’s CDBS Media Bureau records, Conner does not have a history of filing multiple or “serial” modification applications and is not attempting to relocate W264CU to Statesville via “hops.” Rather, the direct result of the move proposed herein will be to provide service to Statesville and no further moves are contemplated.

Second, the instant application proposes facilities that are mutually exclusive with W264CU’s licensed facilities. That is, W264CU’s licensed 60 dBu F(50,50) primary service area overlaps the proposed 40 dBu F(50,10) interference area. See Table 1: Allocations, and

¹ See letter to John F. Garziglia, Esq., *In re: W263AQ, Mattoon, IL.*, DA 11-1495, September 2, 2011.

Figure 1. As noted in the Cromwell Waiver, the translator modification rule is more restrictive than the general full-power minor change rule such that the instant proposal would be a minor modification if the facilities were full service FM facilities processed under Part 73 of the Commission's Rules. In addition, the proposed change will not foreclose competing applicants no deprive potential applicants of opportunities for comparative consideration, since they are already precluded by mutual exclusivity with the existing licensed facilities of W264CU. Accordingly, as a practical matter, such mutual exclusivity alleviates any *Ashbacker* concerns.

Third, the instant application proposes a site in an area where the Commission has identified adequate frequencies available for Low Power FM stations. The proposed transmitter site is not within any Arbitron Metro area, and the Commission did not identify any rural area in North Carolina as spectrum-limited. Moreover, the proposed transmitter site is not in any urbanized area. Accordingly, as with the Cromwell Waiver, the proposed move for W264CU to Statesville would not foreclose further licensing opportunities in the Low Power FM service. There are no LPFM facilities or applications which require study for this application. There are currently two (2) LPFM construction permits in Statesville, North Carolina, as a result of the 2013 LPFM Filing Window.

Fourth, the instant application proposes to change W264CU to be a fill-in for station WSIC (AM), Statesville, North Carolina. As recognized by the Media Bureau, the Commission's recent deregulatory measure to permit the use of certain FM translators to rebroadcast the signal of local AM stations has been an "unqualified success." The proposed use with WSIC (AM) is permissible and consistent with the Commission's efforts to revitalize the AM service and make the most efficient use of limited spectrum.

For the foregoing reasons, Conner respectfully submits that the instant request satisfies the Commission's waiver standard and is consistent with the factors in the Cromwell Waiver. Based on the four Cromwell Waiver factors, the instant application presents special circumstances that warrant deviation from 74.1233(a)(1), and such deviation will serve the public interest by permitting W264CU to provide improved service to the public. Since the circumstances presented herein are comparable to those upon which relief was granted in the Cromwell case, the Commission is bound to extend comparable relief here. *Melody Music, Inc. v. FCC*, 345 F. 2d 730, 733 (DC Cir 1965). Accordingly, Conner respectfully requests that the Commission waive Section 74.1233(a)(1) and permit the instant application to be processed as a minor change application.

Allocations

This application proposes service to Statesville, North Carolina, on channel 264. An updated Table 1: Allocations is included in this exhibit with a list of the stations, construction permits, allocations, and applications studied. All are protected by this application. The allocations table was prepared using the NED 03 arcsecond terrain database which is described below.

AM Station Protection

The proposed facility is on the tower of WSIC (AM), the proposed primary station for this modification. There is no anticipated impact on the WSIC (AM) coverage area or pattern.

Television Channel 6 Protection

There are no television channel 6 stations requiring protection. This application proposes a channel which is not subject to television channel 6 separation requirements.

Table 1: Allocations

Allocation Study
Conner Media Corporation

REFERENCE CH# 264D - 100.7 MHz, Pwr= 0.25 kw DA, HAAT= 22.0 M, COR= 286.1 M DISPLAY DATES
35 48 15.0 N. Average Protected F(50-50)= 7.1 km DATA 08-07-14
80 53 30.0 W. Non Directional SEARCH 08-07-14

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*
264D Hickory	W264CU	LIC DC	NC	248.5 68.3	25.91 BLFT20140407ABB	35 43 07.0 81 09 30.0	0.250	25.2 304	6.7 Conner Media Corporation	-4.6	-6.4
Facility being modified											
265A Elkin	WIFM-FM	LIC NCX	NC	6.4 186.4	43.89 BLH20020619AAF	36 11 50.0 80 50 13.0	0.470 216	33.5 540	22.3 Yadkin Valley Broadcasting	3.4	11.4
264A Banner Elk	WZJS	LIC CX	NC	295.7 115.1	98.59 BLH20080422AAN	36 11 03.0 81 52 48.0	0.150 593	81.5 1661	26.7 High Country Adventures, L	10.0	47.5
210C1 Davidson	WDAV	LIC DCX	NC	173.2 353.2	39.75 BLED20130603AUH	35 26 54.0 80 50 23.0	100.000 246	33.7 474	105.0 The Trustees Of Davidson C	22.0R	17.8M
261D Huntersville	W261BZ	CP C	NC	164.1 344.1	31.35 BNPFT20130325APS	35 31 57.0 80 47 47.0	0.170 119	0.9 356	11.1 Radio Training Network, In	22.8	19.2
263D Hickory	W263CP	LIC DC	NC	276.0 95.6	50.20 BLFT20140401ASY	35 50 59.0 81 26 40.0	0.250 79	20.7 453	13.7 Conner Media Corporation	22.5	26.3
262C High Point	WMKS	LIC CN	NC	78.9 259.5	98.06 BLH19880805LB	35 58 09.0 79 49 29.0	100.000 316	10.4 554	73.6 Capstar Tx Llc	79.3	23.1
261D Wilkesboro	W261CG	CP C	NC	324.8 144.7	36.99 BNPFT20130830APH	36 04 34.0 81 07 44.0	0.010 292	0.2 705	9.7 Cumberland Communities Com	29.7	25.9
265D Hickory	W265CT	CP C	NC	260.9 80.6	43.07 BNPFT20130827AEM	35 44 32.0 81 21 43.0	0.055 31	6.9 352	4.8 Radio Training Network, In	29.1	27.5
265A Indian Trail	WQNC	LIC CX	NC	168.7 348.7	76.88 BLH20080611ABB	35 07 29.0 80 43 30.0	5.200 107	40.2 305	26.4 Radio One Of North Carolin	29.2	40.3
267D Salisbury	W267AG	LIC CN	NC	111.7 291.9	41.02 BLFT19951102TX	35 40 03.0 80 28 13.0	0.038 58	0.4 279	6.1 Triad Family Network, Inco	31.7	33.7
Translator for WBFJ(FM), Winston-Salem, NC											
265L1 Lincolnton	DWWGT-LP	LIC	NC	222.6 42.3	51.27 BLL20040416AAI	35 27 50.0 81 16 29.0	0.100 1	266	36.0 Light Of The world		35.3
264C Wake Forest	WRDU	LIC CX	NC	88.5 270.1	248.04 BLH20100106AEL	35 49 53.0 78 08 50.0	100.000 600	196.7 664	91.2 Capstar Tx Llc	42.7	131.3
267D Winston-salem	W267AM	LIC DC	NC	54.0 234.3	59.36 BLFT20140114AAZ	36 06 59.0 80 21 26.0	0.250 119	1.1 366	15.0 Eastern Airwaves, Llc	50.0	43.1
263C0 Gray Court	WSSL-FM	LIC NCX	SC	219.3 38.6	176.22 BLH20050923AFT	34 34 18.0 82 06 44.0	100.000 381	116.4 587	78.6 Capstar Tx Llc	52.5	87.4
262D Charlotte	W262BM	LIC DC	NC	167.3 347.3	61.04 BLFT20081030ABQ	35 16 03.0 80 44 35.0	0.010 173	0.0 378	1.3 Eastern Airwaves, Llc	53.4	57.1

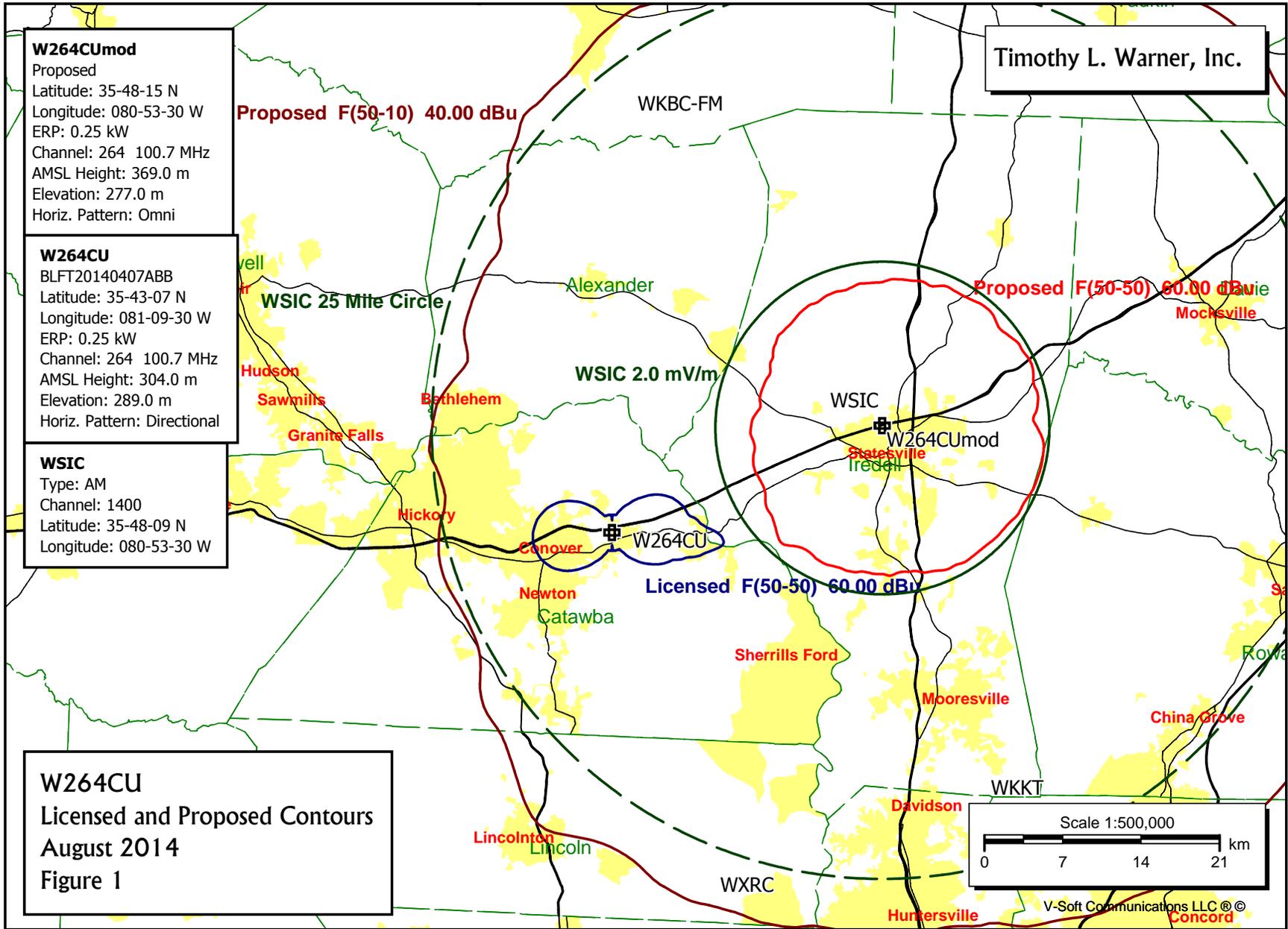
Terrain database is FCC NGDC 30 Sec.
R= 73.215 qualifying spacings or FCC minimum spacings in KM, M= Margin in KM
In & Out distances between contours are shown at closest points. Reference Zone= East Zone, Co to 3rd adj.
Ant Column: (D= DA Standard, Z= DA 73.215, N= Not DA 73.215, _= Omni), Polarization (C,H,V,E), Beamtilt(Y,N,X)
"*"affixed to 'IN' or 'OUT' values = site inside protected contour.
< = Station meets FCC minimum distance spacing for its class.
Reference station has protected zone issue: AM Station WSIC

Source of Data

Transmitter location, effective radiated power, directional antenna pattern, and elevation data are extracted from the Commission's CDBS. All contours for existing and proposed facilities are calculated using height above average terrain calculated at one degree horizontal increments.

The contours were evaluated using terrain extracted from the V-Soft Communications 30 arcsecond NGDC terrain database, edited to match the database used by the FCC.

All population data is from 2010 U.S. Census PL data files. Population is counted by considering the location of the centroid of each census block. The data for each block is counted if it falls within the area being counted.



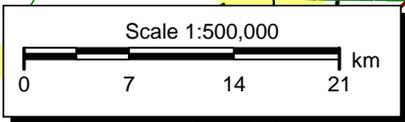
W264CUmod
 Proposed
 Latitude: 35-48-15 N
 Longitude: 080-53-30 W
 ERP: 0.25 kW
 Channel: 264 100.7 MHz
 AMSL Height: 369.0 m
 Elevation: 277.0 m
 Horiz. Pattern: Omni

W264CU
 BLFT20140407ABB
 Latitude: 35-43-07 N
 Longitude: 081-09-30 W
 ERP: 0.25 kW
 Channel: 264 100.7 MHz
 AMSL Height: 304.0 m
 Elevation: 289.0 m
 Horiz. Pattern: Directional

WSIC
 Type: AM
 Channel: 1400
 Latitude: 35-48-09 N
 Longitude: 080-53-30 W

W264CU
 Licensed and Proposed Contours
 August 2014
 Figure 1

Timothy L. Warner, Inc.



V-Soft Communications LLC ©