

**MODIFY BMPH-20070306AAX**  
**GLOBAL NEWS CONSULTANTS, LLC**  
**KYTS RADIO STATION**  
**CH 289C3 - 105.7 MHZ - 11.0 KW**  
**MANDERSON, WYOMING**  
**September 2009**

**TECHNICAL STATEMENT**

This Technical Statement and attached exhibits were prepared on behalf of Global News Consultants, LLC (“GNC”), permittee of station KYTS, Channel 271C2, Ten Sleep, Wyoming.<sup>1</sup> GNC herein proposes to modify the outstanding permit for KYTS by downgrading to a Class C3 facility with the re-allotment of Channel 289C3 to Manderson, Wyoming as that community’s first local service. The proposed KYTS facility will be located at a previously authorized site. The re-allotment of the channel to Manderson, Wyoming will not deprive Ten Sleep, Wyoming of its only potential service, since Channel 267A has been allotted to Ten Sleep, Wyoming.<sup>2</sup>

In order to allot the channel to Manderson, Wyoming, it is necessary for station KWWY, Channel 292C1, Shoshoni, Wyoming to be moved to Channel 293C1. This change can be implemented at the present KWWY site. GNC pledges to reimburse the licensee of KWWY for reasonable expenses required to implement the proposed change in channel. It is requested that this instant proposal be considered separately (independent) of the request made in BMPH-20080916ABE, which is explained further below.

- 
- 1) KYTS is an unbuilt construction permit.
  - 2) The Class A channel was allotted to Ten Sleep, Wyoming in MB Docket #08-242.

## **BACKGROUND**

KYTS was originally authorized on Channel 286C3 at Ten Sleep, Wyoming. The former permittee of the station, Legend Communications of Wyoming, LLC (“Legend”), sought an upgrade to Channel 286C2 at Ten Sleep, Wyoming. A permit was issued for Channel 286C2 in BMPH-20060712AGA. While in the process of a further modification of the KYTS permit, the permittee of station KLOQ, Channel 284C3, Clearmont, Wyoming submitted an application seeking to change KLOQ to Channel 285C0 at Clearmont, Wyoming. This proposed change was in conflict with the outstanding permit for KYTS on Channel 286C2. Therefore, the permittee of KLOQ requested that An Order to Show Cause be directed to Legend as to why its channel should not be changed to 271C2 at Ten Sleep, Wyoming. Ultimately, Legend decided that the Commission would issue an order to change channels and, in order to accommodate the permittee of KLOQ, Legend consented to the involuntary change, and submitted an application specifying Channel 271C2 in lieu of Channel 286C2 at Ten Sleep, Wyoming (BMPH-20070306AAX), which was granted by the Commission.

In the process of finalizing the use of the site specified in BMPH-20070306AAX, Legend determined that due to environmental issues and the distance to the nearest location of commercial power, the site could not be used for tower construction. Legend began a review of alternate sites at which KYTS could be constructed, away from any potentially sensitive environmental areas and closer to commercially available power, that would still provide a line

of sight signal into Ten Sleep, Wyoming. Much of the area to the east of Ten Sleep consists of National Forest property. The area west slopes down into a valley in which the community of Manderson, Wyoming is located, a drop of nearly 800 feet over a distance of 24 miles. The farther west a site is located, the higher the tower would need to be in order to provide the required unobstructed line of sight into the community.

After many trips to the area around Ten Sleep, Legend determined that construction of a new tower in the area to the west of Ten Sleep would be problematic. Other options were then considered. It was determined that the station should be constructed at an authorized tower site, which had already been examined for environmental clearances.<sup>3</sup> However, from this tower location, while Channel 271 could be implemented as a Class C3 station, it was too far from the community of Ten Sleep, Wyoming, to provide a city grade contour over the community nor was line of sight into Ten Sleep possible. It was then determined a change of community of license was needed in order to locate KYTS at the desired existing tower location. A change to Manderson, Wyoming was then prepared and submitted to the Commission for its consideration.<sup>4</sup>

Once processing of the application was underway at the Commission, following the allotment of Channel 267A to Ten Sleep, Wyoming as a replacement channel, Legend received a deficiency letter regarding the proposed use of Channel 271C3 at Manderson, Wyoming. In the July 31, 2009 letter, the staff indicated the following, which is paraphrased “although KYTS was

---

3) This tower is the licensed site for KKLX, Channel 241C2, Worland, Wyoming.

4) A request to allot Channel 267A to Ten Sleep, Wyoming was submitted by Legend, as a replacement for the potential KYTS service.

granted a permit to change from Channel 286C3 (KYTS at the time had a permit for Channel 286C2 at Ten Sleep) to Channel 271C2, a modification of a permit for an unlicensed station can not propose facilities that could not be authorized as an initial grant. Further, that a proposed change must be mutually exclusive with the original allotment of Channel 286C3 at Ten Sleep, Wyoming.”<sup>5</sup>

While GNC is submitting a response to the Commission’s July letter<sup>6</sup>, it is also simultaneously submitting this instant independent modification application in which it proposes the use of Channel 289C3 at Manderson, Wyoming, in lieu of Channel 271C3. As will be shown, Channel 289C3 at Manderson, Wyoming is mutually exclusive with the original Channel 286C3 allotment at Ten Sleep, Wyoming, which was the requirement outlined in the Commission’s July letter. Therefore, GNC requests herein that Channel 289C3 at Manderson, Wyoming be substituted for Channel 286C3 at Ten Sleep, Wyoming, and that KYTS be authorized to Manderson.

Attached as Exhibit A is a demonstration that the proposed Channel 289C3 allotment at Manderson, Wyoming complies with the allocation criteria and §73.207 of the Commission’s rules, provided station KWWY at Shoshoni, Wyoming is changed from Channel 292C1 to Channel 293C1. The removal of Channel 286C3 at Ten Sleep, Wyoming would not remove the only theoretical service, since Channel 267A has been allotted to the community of Ten Sleep.

---

5) The original allocation coordinates for Channel 286C3 at Ten Sleep, Wyoming are North Latitude 44° 02' 06" and West Longitude 107° 27' 00".

6) A copy of the response to the letter is attached to this instant application.

GNC is proposing to implement this downgrade and change of community of license at an existing tower site. The FAA has already issued a Determination of No Hazard. Further, the tower has been registered with the Commission and assigned Antenna Structure Registration Number 1265149. Due to the location of the KYTS antenna on a relatively short tower with another high power FM station, the worksheets associated with FCC Form 301 could not be used to show compliance with the Commission's radio frequency radiation exposure limits. Therefore, attached as Exhibit B is a study showing that this proposal is in compliance with the RF limits.

As indicated in Exhibit C, the proposed change of community of license from Ten Sleep to Manderson, Wyoming complies with the Commission's technical rules for a city of license change.

GNC is also the permittee of KHRW, Channel 224C2, Rancester, Wyoming. As there is no contour overlap between the proposed KYTS and KHRW, GNC is in compliance with the Commission's multiple ownership rules. All other necessary documentation used to certify the technical portion of FCC Form 301 has been forwarded to GNC and is available to the Commission upon request.<sup>7</sup>

---

7) The undersigned has evaluated only the radio frequency radiation exposure portion of the environmental review. It is noted that the authorized KKLX site was reviewed for environmental issues, and none were found. However, as the proposed KKLX site is now to have a taller tower, these reviews are being updated.