

**Background**

On August 3, 2001, Educational Media Foundation ("EMF") filed form 350, applying for a license for translator station W208AV, San Jose, Florida (FCC File Number BLFT-20010803AAV to cover Construction Permit File Number BPFT-19981021TE). EMF put W208AV on the air carrying the programming of KLRD-FM, Yucaipa, CA.

Unfortunately, EMF did not examine the above-referenced Construction Permit closely enough, and missed the third Special Operating Condition or Restriction which required EMF to coordinate its construction with station WIOJ(AM), 1010kHz, Jacksonville Beach, FL. Therefore W208AV was built without performing the required before and after partial proof of performances on WIOJ to make sure that EMF's operation would not cause distortion of the WIOJ coverage pattern.

Further, EMF did not build the facility on the registered tower specified in the Construction Permit. Rather it was constructed on an unregistered tower immediately adjacent to the registered tower. Since this adjacent tower is significantly shorter (182.9 meters), the COR of W208AV was also lowered from the CP specification of 291 meters AGL to 182.9 meters AGL (191.9 meters COR). Several of EMF's staff were under the (incorrect) assumption that the issue of building a facility more than four meters below the authorized COR could be disclosed to the Commission at the time of licensing if built on the same tower or a tower with matching coordinates. Unfortunately, this change in towers and COR was not properly reflected in the license application filed for W208AV.

EMF deeply regrets these errors, and procedures have been implemented to prevent similar occurrences in the future.

The purpose of this filing is three-fold:

1. Make sure the Commission is aware of the actual operational parameters of translator station.
2. Respond to the request of Ann Hardy regarding the Special Operating Condition or Restriction regarding WIOJ by requesting a waiver of the Special Operating Condition or Restriction.
3. Apologize for EMF's errors in this matter.

**Discussion**

Waiver Request

W208AV has been constructed on a tower located approximately 2.38 kilometers at 208° true from WIOJ. According to EMF's copy of the FCC database, WIOJ is licensed as a two-tower directional both day and night, operating with 10 kilowatts of power during the day and 143 watts at night. WIOJ's pattern is such that a near null is oriented toward W208AV:

	Power toward W208AV (208° true) mV/m	Percentage of full power going toward W208AV	WIOJ null (185° true) mV/m	WIOJ peak power (97° true) mV/m
Day	273.401	16.2%	221.540	1691.366
Night	34.159	16.9%	26.500	202.555

More importantly, W208AV is located on a heavily loaded tower located immediately adjacent to a larger tower.

Enclosed are several photos. Exhibit 1 shows the view from the WIOJ tower closest to W208AV. The WIOJ tower can be seen in the foreground. In the distance are four towers, three tall towers and the shorter tower upon with W208AV has been constructed. The three larger towers "shield" WIOJ from W208AV somewhat.

Exhibit 2 shows the tops of the W208AV tower and the center taller tower. The tower construction itself is very heavy, and is occupied by a number of other communications facilities. W208AV's antenna and coax make a very minor change to the overall resonance of the tower, as well as an extremely small "visibility" to WIOJ.

According to EMF's copy of the FCC Antenna Structure Registration database, the following towers are within 3 kilometers of WIOJ:

Distance	Bearing	Registration #	Height AGL	Latitude	Longitude	Owner
1.69 km	179.1°	1217152	323.0 m	30-16-47	81-33-10	Pinnacle
1.98 km	111.1°	1029359	61.5 m	30-17-19	81-32-02	Alltel
2.15 km	198.8°	1229494	60.6 m	30-16-36	81-33-37	TC Florida
2.25 km	205.2°	1025608	309.0 m	30-16-36	81-33-47	Media Gnl
2.26 km	225.9°	1031886	313.5 m	30-16-51	81-34-12	WJCT Inc
2.38 km	208.1°	1020783	325.8 m	30-16-34	81-33-53	Spectrasite
2.40 km	181.3°	1017604	303.7 m	30-16-24	81-33-13	1 <sup>st</sup> Coast
2.42 km	211.2°	1016457	305.3 m	30-16-35	81-33-58	RDS
2.49 km	74.9°	1047660	51.8 m	30-18-03	81-31-41	JEA
2.50 km	198.6°	1042301	129.5 m	30-16-25	81-33-41	Jacksonville
2.78 km	4.9°	1040489	45.7 m	30-19-12	81-33-02	Alltel
2.85 km	353.6°	1221541	42.7 m	30-19-14	81-33-23	AT&T
2.96 km	105.1°	1050945	60.3 m	30-17-17	81-31-24	Nextel
2.96 km	105.1°	1039335	60.4 m	30-17-17	81-34-24	ATI

Exhibit 3 is a panorama showing the area towers. From left to right: Channel 12 (tall tower), one WIOJ tower, Jax city tower, the Media General tower, the two Spectrasite towers (upon the shorter one of which EMF's antenna is mounted), the RDS tower, the other WIOJ tower (in the foreground), and finally the WJCT Inc tower. Among all this congestion, it is EMF's belief that its small SWR FM-EC/1 antenna and ½" coax will have an immeasurably small affect on the operation of WIOJ.

However, because it wishes to comply fully with the Commission's rules, if requested, EMF will remove its equipment from its current location and perform a partial proof-of-performance on WIOJ as necessary to demonstrate no measurable affect on WIOJ.

#### Facility Location

W208AV is mounted with a COR AGL of 182.9 meters on an unregistered 182.9 meter tower located immediately adjacent to the tower specified in the W208AV CP. According

to the tower owner, the tower is unregistered because the registered tower next to it effectively shields it.

Since the COR of the facility was lowered, but the operational parameters, including ERP and antenna type, were not modified from that specified in EMF's original application, the coverage of the facility is therefore reduced, and as such is operating within the originally specified parameters. However, EMF wishes the Commission to be aware of the actual tower location and height of the facility.

Again, EMF will, if the Commission prefers, remove the equipment from its current location on the tower. Then, if a modified lease can be obtained from the tower owner, EMF will relocate the facility to the originally specified location.

### **Conclusion**

EMF made a number of errors in the construction and licensing of translator station W208AV. This document is intended to show EMF's desire to cooperate fully with the FCC on these matters, and correct its errors where possible.

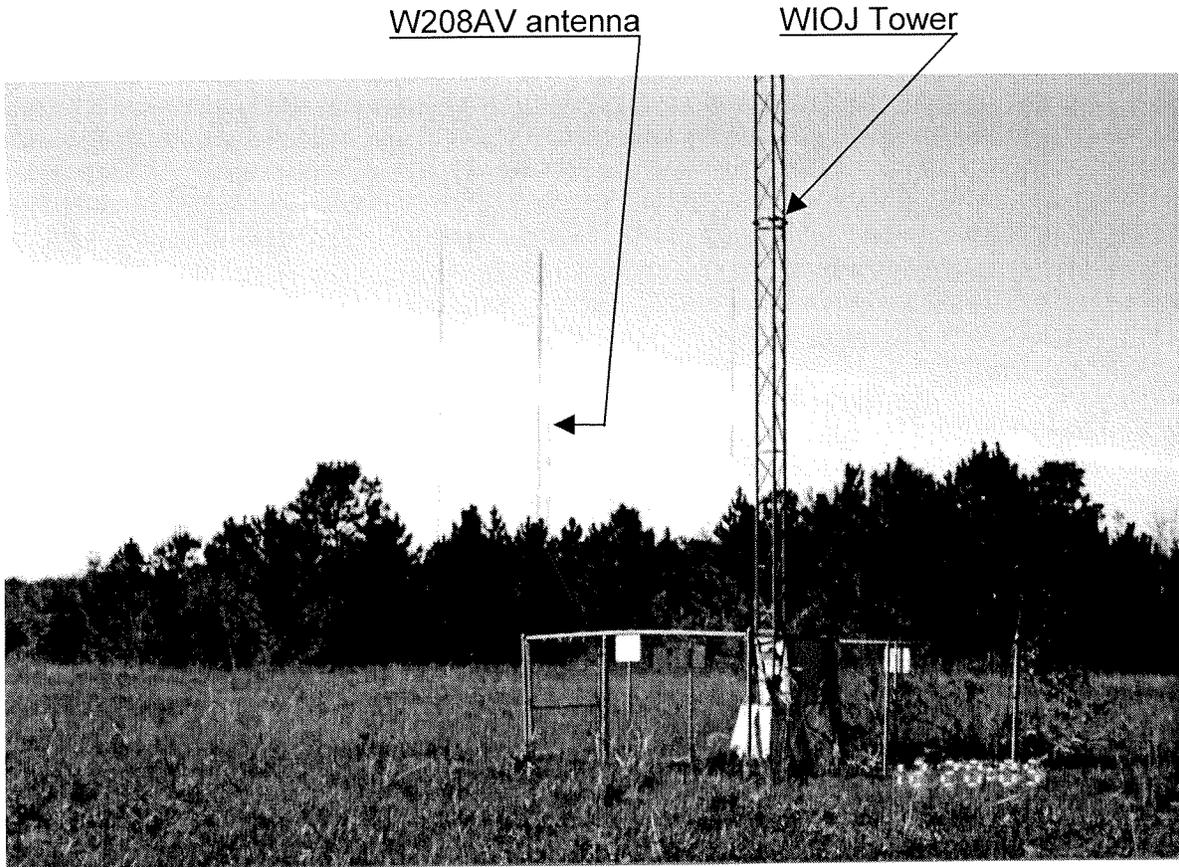
EMF believes that the facility, as constructed, is not causing a measurable effect on the operation of station WIOJ-AM. Further, EMF believes that because the facility has been built with a COR lower than specified in the Construction Permit, that it is not causing harmful interference to any other facility. EMF has modified Forms 349 and 350 with this filing.

EMF hopes that the Commission will agree that the facility, as constructed, is not causing harm to any other facility, and will allow it to continue broadcasting in service to the public. However, as a show of good faith, EMF will upon Commission request remove the transmission equipment of W208AV and, if a revised lease can be arranged, rebuild the facility in full compliance with the Construction Permit (including before and after partial proofs of WIOJ).

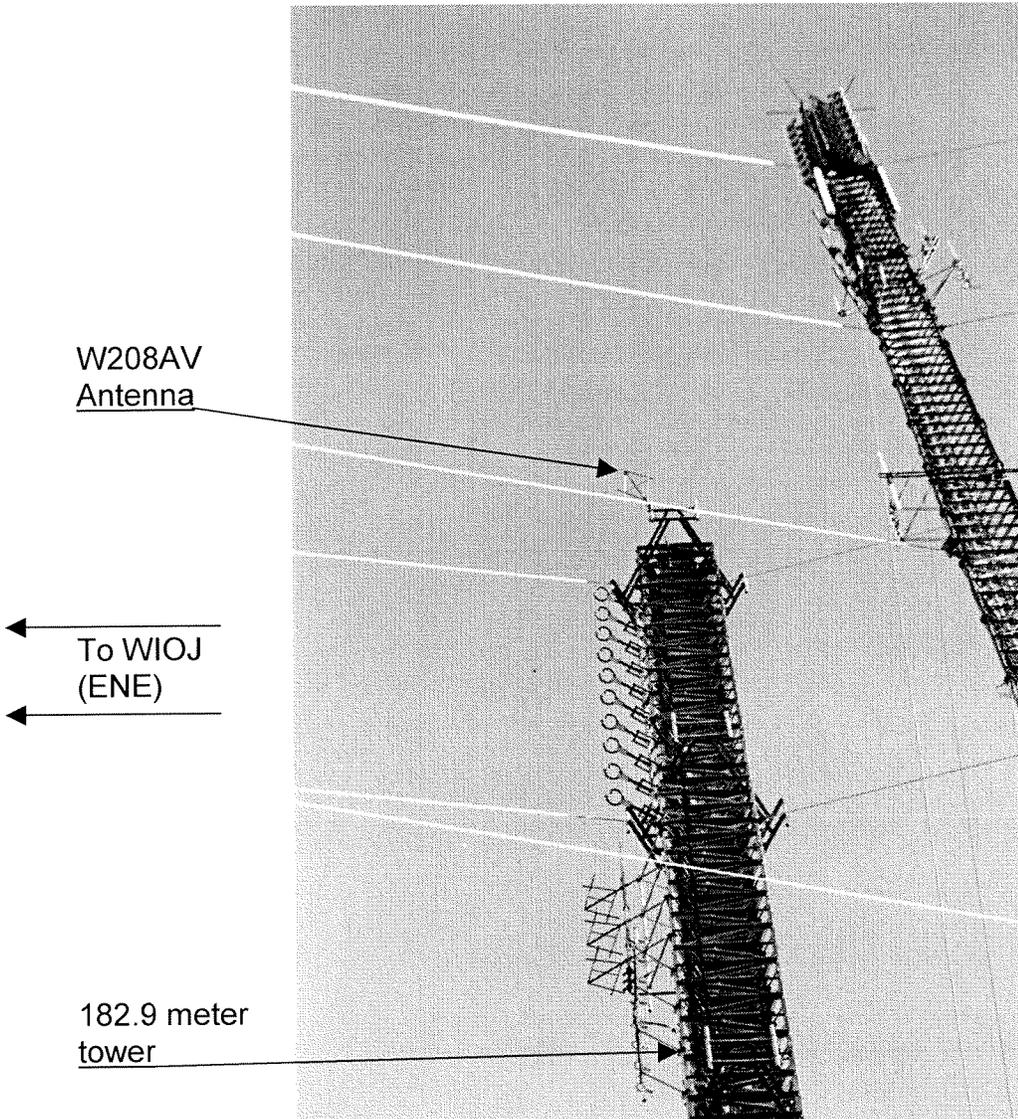
Respectfully submitted,

Sam Wallington  
Director of Technical Services  
Educational Media Foundation  
January 23, 2002

**EXHIBIT 1**  
**View from WIOJ North Tower to W208AV**



**EXHIBIT 2  
W208AV Location**



**EXHIBIT 3**  
**Towers in the Area**  
**of WIOJ and W208AV**

