

Supplemental Engineering Exhibit

BPH-20080716AGZ

February 2009

Correction of Transcription Error. In Section III-B, Question 4, to Application File No. BPH-20080716AGZ (the “Application”), the proposed allotment reference coordinates were incorrectly given. The correct allotment reference coordinates were set forth in the Technical Exhibit at Attachment 32 to the Application (the “COL Technical Exhibit”). This minor amendment corrects the allotment reference coordinates to specify 44° 20’ 40.0” North, 87° 51’ 04.0” West, consistent with the allotment reference coordinates set forth in the COL Technical Exhibit.

Height Above Average Terrain (HAAT). The applicant hereby re-affirms the height of the antenna radiation center above average terrain (“HAAT”) for the Application (Section III-B, Question 9) as being 100 meters (H & V). There are several factors which may influence the determination of a HAAT value. Use of different terrain databases, or a manual computation of heights using topographical maps, may produce different interpolated elevations for points along a given radial. Also, the number of evenly spaced points sampled along each 3 to 16 km radial segment also influences the average elevation AMSL determined for a given radial. To avoid wide variation between antennas located on a common tower, the applicant observed the HAAT values of co-located stations WPNE-FM, WBAY-TV, and WBAY-DT and made its determination of HAAT to match those existing licensed relationships. The facilities of WBAY-TV were modified in FCC application BPCT-20010409AAZ, wherein the engineering exhibit prepared by registered engineer S. K Khanna of the consulting firm Cohen, Dippell and Everist, P.C., states, at 4, “The average elevation data of the eight cardinal radials and additional radial through the city from 3.2 to 16.1 kilometers, has been obtained from the WBAY-TV license file.” The Commission has recognized that the use of topographic maps and manual data collections is the “standard” against which other methods would be judged. Thus, the applicant utilized the information as provided in this co-located WBAY-TV application, as well as that of the two other co-located facilities, to determine HAAT.

Coverage of the Principal Community from the Allocation Location. With the correction to allotment reference coordinates noted above, the principal community of Glenmore, Wisconsin, is 100% inside the station’s predicted principal community contour as specified in the Application. As noted above, the correct allotment reference coordinates were set forth in the COL Technical Exhibit. Likewise, the conclusion that 100% community coverage would be provided from the correct allotment reference coordinates was properly documented in the COL Technical Exhibit. *See Figure 5 to COL Technical Exhibit.*

Suitability of Allotment Reference Coordinates for Tower Construction. As can be confirmed by the attached Delorme and Google maps, the location at the corrected allotment reference coordinates (44° 20’ 40.0” North, 87° 51’ 04.0” West) is generally

suitable for construction of an antenna support structure. Reasonable site assurance is not required for the allotment reference location. *See Amendment of the Commission's Rules To Permit FM Channel and Class Modifications by Application*, 8 FCC Rcd 4735, 4737 at n.19 (1993) (“*One-Step Order*”).

Mutual-Exclusivity With Current Station Assignment. As set forth in the Application, the proposal to reassign WTRW to Glenmore, Wisconsin, on Channel 248A is mutually exclusive with WTRW’s current license on Channel 246A at Two Rivers, Wisconsin. *See Spacing Study at Allocation Site, Figure 1, COL Technical Exhibit.* A mutually exclusivity for a Form 301 minor modification may be shown by a short-spacing between the current facility (for a licensed station, that is the licensed facility) and either (1) the proposed allotment reference site, or (2) the minor modification site. *See One-Step Order*, 8 FCC Rcd at 4738 at n. 22 (“[one-step] applicants ... will be considered mutually exclusive with any earlier filed rule making petition or application *if the allotment reference or minor mod coordinates do not meet spacing requirements to the rule making petition or application*”) (emphasis added).

Request for Independent Permit Is Moot. The Application, as originally submitted, included a request for an Independent Permit, specifically, that the construction permit requested by the Application be issued independent of a permit that may be issued for WTRW pursuant to the application for modification of permit, File No. BMPH-20050317ABX, which was pending subject to a Class C trigger. *See Application at Exhibit 1.* The licensee of WTRW is submitting a request for the dismissal of File No. BMPH-20050317ABX, thereby rendering the request in the Application for independent permit moot.

