

# **Discussion of Amendment**

This firm was retained to prepare this Amendment for pending application BNPFT-20030806AAK to correct two discrepancies. This amendment is being made at the request of FCC Media Bureau personnel.

It has been brought to the attention of the applicant and its representatives that the proposed application is defective on two points, (1) Failure to Receive Off-Air Signal Via Intermediate Translator and (2) Effective Radiated Power (ERP) Violation.

- (1) Failure to Receive Off-Air Signal Via Intermediate Translator. The applicant was unaware of nor could locate any signal strength reception guidelines in the Rules at the time of filing. Never-the-less, as a result of this dismissal, it has been determined the FCC staff provided guideline of 20.0 dBu signal strength or greater may be met by employing parent station KBHW(FM), International Falls, MN, CH258C1 in place of the intermediate translator. Amended exhibits to this effect have been provided.
- (2) Effective Radiate Power (ERP) Violation. Inspection of mapping shows the proposed translator site Latitude to be north of the origin of the Mississippi River. In addition, portions of the Mississippi River fall both east and west of the proposed translator site Longitude as the river winds south. Due to these unique characteristics and the inconclusive wording of the Rules to account for such areas, a sampling of local translators licenses showed both east coast "W" and west coast "K" designations as well as east and west coast power levels scattered throughout the area. Therefore it was believed a precedent had been set for allowing use of west coast rules for the general vicinity. As a result of this dismissal, it has been determined ERP must be reduced to 38 watts to comply with east coast rules for the proposed height. Amended exhibits to this effect have been provided.

It is requested to amend FCC Form 349 on the following entries:

Sect III-A Engineering

Question 3 - Delivery Method: Off Air (direct from KBHW-International Falls, MN CH258.)

Question 9 - Effective Radiate Power: 0.038 kW (H) 0.038 kW (V)

Various Exhibits in Exhibit 12 have been modified to reflect these changes as well.

No other amendments are being proposed.