

From: Mania Baghdadi
Sent: Tuesday, February 03, 2015 2:20 PM
To: 'Victor Vickers'
Cc: 'Jason Miller'; Aaron Goldschmidt; John Adams; David Ward; Michael Wagner
Subject: RE: ASR App. No. A0933805 (Fitzgerald, GA)

I apologize for inadvertently sending the wrong e-mail.

The request for waiver of environmental notice is denied. Because the facts as described in your waiver request do not qualify as an emergency under our waiver criteria, the application is required to go on local and national notice. Please withdraw the application and refile an application that states a national notice date that is on or after your local notice date. If the application is not withdrawn within 60 days, it will be dismissed.

As I stated before, we would be happy to have a phone conference with you on this matter if you feel it would be helpful. Please let us know if you'd like such a conference, and I can try to set it up.

Mania Baghdadi
Attorney/Advisor
FCC/WTB/SCPD

From: Mania Baghdadi
Sent: Tuesday, February 03, 2015 2:16 PM
To: 'Victor Vickers'
Cc: Jason Miller; Aaron Goldschmidt; John Adams; David Ward; Michael Wagner
Subject: RE: ASR App. No. A0933805 (Fitzgerald, GA)

The waiver request for the above-referenced ASR application is denied, and the application is being returned. It does not qualify for a waiver of environmental notice under our criteria because it was built in 2013. It must go on local and national notice. Please withdraw the application and refile an application that states a national notice date that is on or after your local notice date. If the application is not withdrawn within 60 days, it will be dismissed.

We would be happy to have a phone conference with you on this matter if you feel it would be helpful. Please let us know if you'd like such a conference and I can try to set it up.

Mania Baghdadi
Attorney/Advisor
FCC/WTB/SCPD

From: Victor Vickers [<mailto:victorv2112@gmail.com>]
Sent: Monday, February 02, 2015 9:17 AM
To: Mania Baghdadi
Cc: Jason Miller; Aaron Goldschmidt
Subject: Re: ASR App. No. A0933805 (Fitzgerald, GA)

Victor Vickers
RF Structures LLC
Douglas, Ga. 31533
912-381-9395
victorv2112@gmail.com

January 31, 2015

Mania Baghdadi
Attorney/Advisor
FCC/WTB/SCPD
202-418-2133
mania.baghdadi@fcc.gov

Dear Mania Baghdadi,

I am Victor Vickers a 54yo Broadcast Engineer and President of RF Structures (*the applicant in this Tower Application*) has much experience in Broadcast Communications and Broadcast licensing but not a FCC Consultant in respect with New Tower Applications. I share friendship as well as a professional Pro-bono relationship with Mr. Jason Miller EMA Director of Bell Hill County Georgia. I have done work around Towers and Radio Stations for 30+ years.

We are asking for Environmental Waiver due to the Ben Hill County Sheriff Department primarily needs their Radio Communications restored as soon as possible obviously with public safety in mind. The Ben Hill County hired Communications Consultant: Todd Mechler and promptly needs our tower registration to apply the appropriate systems and licensing to the planned Tower and apply to the new Ben Hill County 2015 Budget.

This Tower project was a joint venture pooling resources of both private and public. Ben Hill County had the Land and I Victor Vickers as (RF Structures LLC) had the physical tower and Communications experience. Mr. Miller expected me to be advisor in the joint shared Tower project that Jason Miller and I had created with our many meetings during the summer of 2014 trying to provide a resource shared cost saving to both myself and Ben Hill County Georgia. Mr. Miller with the stewardship of Ben Hill County's capital resources in mind and to solve the described Emergency with the Sheriff and EMA radios that have lost their ability to communicate in the outermost edges of the County. Mr. Jason Miller ask me Victor Vickers to help solve the communications problems created by aging infrastructure declining county resources. I agreed to help. My company RF Structures LLC was newly created company for this project specifically and thru my attorney to create a contract between the County of Ben Hill Georgia. and

RF Structures LLC. Note: This Tower is not just serving Ben Hill County Government but also my future broadcast interests as well. RF Structures LLC is not getting paid in this joint venture but hopes that this Tower will serve myself Victor Vickers in providing a location for a Broadcast Translator that I hope to purchase along with a full Power Class A FM broadcast Station WSIZ-FM that will be the feed for a FM Translator that can be placed to this tower hopefully with a HD upgrade.

Jason Miller, Ben Hill County EMA Director and I Victor Vickers, RF Structures LLC had many conversations pertaining to this project. Our goals were solving these problems with the following ideas, primarily saving money thru Co-location thru technology allowing for VHF transmit combining and receiver sharing as example, A environment friendly construction using unsightly property a previous land fill 1960s and current Ben Hill County Georgia waste collection facility property. Completing this Tower Radio system, it will provide a Transmission Facility for many co-located users including Ben Hill County Fire, Sheriff, EMA, EMS, Amateur Radio and a prospected Fill-in FM Translator W251AU per FCC approval minor mod application.

(1) *Are the communications facilities for Ben Hill County's emergency services currently operational?* Yes. They are operational. But the current Radio system do not cover the county boundaries that create a liability for health and safety of our Law Enforcement, Fire, EMS and public.

(2) *You state that waiver of environmental notice is required because of the need for the tower to be built quickly. We note, however, that your request came over five months after the Federal Aviation Administration issued its No Hazard Determination (August 26, 2014). If an emergency exists, why did you not file your request as soon as you received the No Hazard Determination?*

a). I had asked a FCC Broadcast Licensing consultant Gene Wisniewski of Twin Falls, Idaho to help file the ASR New Tower application. Mr. Wisniewski is regarded highly in Broadcast License applications although he did not have as much experience in New Tower ASR Applications. He filed the first New Tower ASR Application with obvious omissions for this project around two months ago required by W251AU Minor Modification BPFT-20141224ABT moving to this same new Tower location. Friday Jan 27, 2014 I recently received a letter (*attached as Larry.pdf*) from Larry Hannif-Ali FCC stating that the Minor Mod Application for W251AU could not be processed. After receiving Larry's Letter I went in to the link that Larry posted and started reading about New Tower ASR applications. The previous new Tower Application was started in early December by Gene Wisniewski same person applying for the Minor Modification of W251CI to this same tower was in the ASR system submitted but lacked declarations or exhibits in the application. Yesterday, irreversibly **I deleted Gene Wisniewski's previous Tower application and started over, losing almost 2 months.** I did this because Gene Wisniewski was listed as consultant and I was not getting any of the notices, lack of any declarations. In hindsight I should have modified or amended but the application had no provision to list a co-preparer. The newest do over application just filed yesterday on the 29th of

Jan. attached and displayed is a Copy of Letter pertaining to W251CI minor mod application in the Media Bureau and the FCC statement by Larry Hannif-Ali at the FCC.

b). I am familiar with the FAA determination and did file and prepare the same FAA determination indicated here. I have been advising Jason Miller EMA director that once we had the FAA Determination the FCC ASR application would be a straightforward step. The FAA Determination was filed by me long before the Legal Contract (attached) could be created agreed upon by the parties of Ben Hill County and RF Structures jointly. Jason Miller EMA director and I agreed to file a FAA Determination well before the Joint Contract and the Radio System upgrade Consulting and County Planning had formally began. Mr. Miller and I expected a quicker legal process for the Contracts (recently completed) and county planning. **The best description why the delay occurred: 1. Now fearing I made a mistake purposefully deletion/dismissing of the Consultant Gene Wisniewski's first early December ASR New Tower Application had errors and myself filing a new application. The Delay between the early filing of the FAA Tower determination and the legal preparation of the joint use contracts and county planning meeting to approve the idea and the contracts signing to move forward have caused delay**

c). We understand now that we have made errors in the timing preparing for a new tower. We had to Find and purchase a used Rohn 55G Tower, We had to prepare legal contracts for the partners RF Structures (myself) and Ben Hill County, prepare the landfill site, and including had an open County planning session with articles in local papers describing the partnership for the joint use private and public allowing for public comment. We have been using our time acquiring surplus items and waiting on the 2015 new Ben Hill County, GA. Budget to move forward. All along thinking we are on track post FAA determination.

(3) Alternatively, the time between the No Hazard Determination and the waiver request could have been used for completing environmental review and environmental notice. Please describe what environmental and historic preservation review has been conducted thus far for the proposed site. In addition, you state that the proposed site is a landfill that has been excavated at least 24 inches below grade – do you have any further information about the previous excavation (if so, please indicate the source of your information)?

a) Alternatively, the time between the No Hazard Determination and the waiver request could have been used for completing environmental review and environmental notice. Yes, it could have been. Due to the lack of information I have provided Mr. Jason Miller Ben Hill County EMA director, He is now in the position of inheriting the new time schedule to get his services restored. He also risks missing the 2015 Budget window and possibly moving the project out another year also incurring the cost of

the Communications Equipment consultant. Jason Miller and I are looking for a solution and are asking your advice and obvious help.

b) Please describe what environmental and historic preservation review has been conducted thus far for the proposed site. Jason Miller and I have just started the process of getting determinations from the (State) Georgia SHPO, Verbal statements from local City and County Historical societies have expressed that there is no Historical implications.

c) In addition, you state that the proposed site is a landfill that has been excavated at least 24 inches below grade – do you have any further information about the previous excavation (if so, please indicate the source of your information)? Jason Miller and I have applied a letter/ declaration from the Ben Hill Georgia County Manager that was attached to the FAA determination that states the same. The site was a previous fill dirt borrow pit for Ben Hill County for decades (closed in the 1970s. there is a layer of fill covering the the old site nearly 2 foot deep at minimum some areas 8 foot deep as soil was brought in and moved around to level the site back in. The County operates a trash collection impound on the site to this present day clearly visible from Joshlyn Rd.

(4) Please indicate whether a temporary tower could be used while a permanent tower is built. If you believe a temporary tower would be insufficient, please provide an explanation. There is a serious issue in that the Ben Hill County Sheriff Radios will not communicate to the entire County in its present temporary location. Further delay of this would cause this missing the 2015 County budget. As we move into summer months the propagation in temporary installation is interfered by Tropospheric Ducting (http://en.wikipedia.org/wiki/Tropospheric_propagation) interference that is very strong in the southern part of Georgia during summer months and will likely render the VHF 150 MHz Emergency frequencies near minimally useable almost every morning till noon. Jason Miller the Ben Hill County EMA Director will need the new Tower to improve the strength of the signals to compete against distant interfering ducting signals from co channel transmitters sometimes hundreds of miles away. We understand now that we have made errors in the timing preparing for a new tower. We had to find and purchase a used Rohn 55G Tower, We had to prepare legal contracts for the partners RF Structures (myself) and Ben Hill County, prepare the landfill site, and including had an open County planning session with articles in local papers describing the partnership for the joint use private and public allowing for public comment. We have been using our time acquiring surplus items and waiting on the 2015 new Ben Hill County, GA. Budget to move forward. All along thinking we are still on track post FAA determination.

Sincerely,

Signed: Victor Vickers applicant for RF Structures LLC

letter from Larry Hannif-Ali

Victor,

Pursuant to 47 C.F.R. § 17.7, notification to the Federal Aviation Administration ("FAA") is required concerning the proposed antenna structure. In addition, 47 C.F.R. § 17.4(a) states that any proposed or existing antenna structure that is required to notify the FAA must register with the Commission prior to the proposed construction or alteration. Our records indicate that the proposed antenna structure has not been registered with the Commission. FCC antenna structure registration may be accomplished electronically via the Internet at <http://www.fcc.gov/wtb/antenna/>. Please note that FAA approval is necessary in order to obtain FCC antenna structure registration. Following FCC registration of the antenna structure, a curative amendment to the application, which includes the antenna structure registration number, must be submitted to the Commission so that processing of your application may be completed.

Thanks,
Larry Hannif-Ali
Electronics Engineer
[202-418-2143](tel:202-418-2143)

On Jan 30, 2015 4:09 PM, "Mania Baghdadi" <Mania.Baghdadi@fcc.gov> wrote:
In order for the Commission to process your request to waive environmental notice for the above-referenced application, please supply the following information:

- (1) Are the communications facilities for Ben Hill County's emergency services currently operational?
- (2) You state that waiver of environmental notice is required because of the need for the tower to be built quickly. We note, however, that your request came over five months after the Federal Aviation Administration issued its No Hazard Determination (August 26, 2014). If an emergency exists, why did you not file your request as soon as you received the No Hazard Determination?
- (3) Alternatively, the time between the No Hazard Determination and the waiver request could have been used for completing environmental review and environmental notice. Please describe what environmental and historic preservation review has been conducted thus far for the proposed site. In addition, you state that the proposed site is a landfill that has been excavated at least 24 inches below grade – do you have any further information about the previous excavation (if so, please indicate the source of your information)?
- (4) Please indicate whether a temporary tower could be used while a permanent tower is built. If you believe a temporary tower would be insufficient, please provide an explanation.

Applicant is reminded that there may be licensing requirements (for example, frequency coordination) related to the change in site. If you need help here, we can put you into contact with the appropriate licensing staff. For further information, please contact Don Johnson at [202-418-7444](tel:202-418-7444) or donald.johnson@fcc.gov <<mailto:donald.johnson@fcc.gov>>.

Mania Baghdadi
Attorney/Advisor
FCC/WTB/SCPD
[202-418-2133](tel:202-418-2133)