

NEW FM APPLICATION
WEST WAVES, INC.
NEW FM STATION
CH 279C1 - 103.7 MHZ - 51.0 KW
QUESTA, NEW MEXICO
December 2004

TECHNICAL STATEMENT

This Technical Statement and attached exhibits were prepared on behalf of West Waves, Inc. ("WWI"), the successful bidder in FCC Auction #37 for FM221 (Channel 279C1) at Questa, New Mexico. Pursuant to the Commission's December 1, 2004 Public Notice, WWI must submit its application for construction permit for the Questa facility no later than January 3, 2005. This instant application seeks a permit to build a new FM station on Channel 279C1 at Questa, New Mexico.

WWI proposes to locate its new FM antenna system on an existing tower. As such, the Federal Aviation Administration ("FAA") was not apprised of this proposal. The tower is less than 200 feet above ground and, therefore, has not been registered with the FCC.¹ The proposed site for the new Questa FM station is based on protecting KYVA-FM, Channel 279C, Grants, New Mexico, as a Class C0. In the Second Report and Order in MM Docket #98-93, a new Class of FM stations was created, Class C0. Pursuant to Note #4, §73.3573, *"A Class C station operating with a height above average terrain ("HAAT") of less than 451 meters is subject to re-classification as a Class C0 station upon the filing of a triggering application for a construction permit that is short-spaced to such Class C station under Section 73.207 but would be fully*

1) Based on the Commission's Tow-air program, no registration was needed.

spaced to such a station as a Class C0 assignment..." This instant application for Questa proposes a site based on KYVA-FM being considered a Class C0, rather than Class C station. No other Class C1 channels are available for use at the proposed Questa site. Therefore, this proposal complies with Note #4 in §73.3573 of the rules. It is further noted that there are two entries in the Commission's CDBS database for the vacant allotment of Channel 279C1 at Ridgway, Colorado. Station KBNG is operating on Channel 279C2 at Ridgway, Colorado. The vacant C1 channel was for a KBNG upgrade. In MM Docket #02-118, the coordinates for the allotment of Channel 279C1 to Ridgway, Colorado were North Latitude 38° 15' 26" and West Longitude 107° 46' 54". However, neither of the listed sites in the database have these coordinates. The coordinates protected by this instant application for Questa are those identified in MM Docket #02-118.² See Exhibit A for spacing details.

Based on the proposed power of the Questa facility, and the low tower height, the use of the Commission's radio frequency radiation worksheets for determining compliance with the Commission exposure limits was not possible. Therefore, attached as Exhibit B is a Radio Frequency Radiation study which shows this proposal is in compliance with the RFR limits.³ All remaining exhibits prepared to certify the technical portion of the application have been forwarded to the applicant and are available for submission to the Commission upon request.

2) Engineering Counsel for WWI was also counsel for the petitioner in MM Docket 02-118.

3) The power of the proposed Questa, New Mexico facility is 51.0 kilowatts. Since the power is in excess of 50.0 kilowatts, its considered a Class C1 facility pursuant to §73.211 of the rules.