

## **SUPPLEMENT TO SECTION 73.7002(c) WAIVER REQUEST**

Per the request of FCC staff, EMF submits the following information as a supplement to its Section 73.7002(c) waiver request, filed with its October 23, 2008 amendment to WQAI minor modification application BMPED-20081007ALJ:

### **1) Move to Alternative Tower Site:**

On March 23, 2007, EMF acquired the construction permit for WQAI from American Family Association. EMF soon learned that the tower site authorized by the original construction permit, BPED-19980319MI, had not been built and that AFA had requested cancellation of its authority to construct the tower (See Attached). On July 16, 2007, EMF filed an application to move to a tower site owned by Lincoln County in the State of Georgia (the "County"). See BMPED-20070718ADO. The application was granted on December 17, 2007. At the time the application was filed, Crown Castle was the manager of the tower site on behalf of the County. EMF had received reasonable assurance and submitted the necessary collocation application to Crown Castle to initiate a structural analysis, as such an analysis was necessary given the lack of tower manufacturer drawings and the need for a determination of the tower's strength in order to design the WQAI directional antenna.

In May 2008, Crown Castle notified EMF that its management agreement had expired and Crown Castle would no longer manage the site on behalf of the County. Crown Castle then cancelled EMF's collocation application. EMF contacted the County directly, and was advised that the site had been poorly maintained and aside from three tenants believed to be on the tower, most of the other equipment had been abandoned on the tower. The County mentioned it was in the process of determining what equipment would continue to broadcast from that site and which equipment would be removed. The County stated that this process needed to be completed prior to allowing EMF to build its construction permit for WQAI. EMF believed that this process would be completed quickly yet, despite requests from EMF for an update on the progress, no final determination was forthcoming.

Given the October 31, 2008 construction permit deadline, EMF quickly researched alternative tower sites. EMF located an ATC tower site, executed a lease and subsequently filed a minor mod application to operate at the new location. See superseded application BMPED-20081007ALJ filed on October 7, 2008. EMF was subsequently notified by the Commission that the pending application did not comply with the 307(b) requirement and Section 73.7002(c). EMF then continued to research alternative tower sites that would satisfy the 307(b) requirement and determined that the County tower site was the only remaining option because it could cover the substantially all of the first service area as the original construction permit. EMF then approached the County and requested authority to construct and operate the Station at a lower elevation on the tower and at reduced facilities until the County had completed its evaluation of the tower. The County agreed and EMF filed an amendment to its pending modification application – i.e. the instant amendment being considered.

## **2) Towers Researched:**

See Declaration of Cris Baron – Exhibit 14-B.

## **3) Population Difference**

The first service population results submitted by AFA were 28,866 and EMF's first service population results for the same area are 29,330. EMF believes the lower population is attributed to differences in the V-Soft software defaults used by AFA and EMF, which could result in some difference in total population of an area. Additionally, while the software is fully capable of generating first and second service populations figures for a new proposal (as was done by AFA), it does not automatically generate first service population figures in a comparative coverage map (as prepared by EMF to show coverage of AFA's first service area vs. proposed area to be covered), therefore EMF has to manually create polygons over the area in question and generate population figures based on the polygon area. This difference in procedure for calculating the population of the coverage area may account for the different population numbers in the two applications.