

AMEND BPH-20060613ABU
WRIGHT BROADCASTING SYSTEMS, INC.
KWEY-FM RADIO STATION
CH 238C2 - 95.5 MHZ - 18.3 KW
CLINTON, OKLAHOMA
November 2006

TECHNICAL STATEMENT

This Technical Statement and attached exhibits were prepared on behalf of Wright Broadcasting Systems, Inc. ("WBS"), licensee of station KWEY-FM, Channel 238C2, Clinton, Oklahoma. WBS also has an application pending to make minor changes in the facilities of KWEY-FM (BPH-20060613ABU).¹ It was recently discovered that the actual tower coordinates were at variance with both the tower registration and the pending application. This instant amendment corrects the geographic coordinates and the site elevation.

WBS is proposing to locate the antenna system for KWEY-FM on an existing tower at its existing/actual site. As noted above, the actual coordinates and site elevation of the existing tower are at variance. Therefore, the FAA has been apprised of this proposal and Antenna Structure Registration Number 1219130 has been modified.

At the corrected site for the KWEY-FM facility, Channel 238C2 does not meet the Commission's minimum distance separation requirements to one other existing station, KMGZ, Lawton, Oklahoma. KWEY-FM, at its proposed location, as well as at its licensed location, is shortspaced to KMGZ. The shortage was caused by KMGZ, as KMGZ is a contour protected station pursuant to §73.215 of the rules, protecting KWEY-FM as a maximum Class C2 facility. As presently authorized, KWEY-FM is located 107.11 kilometers from KMGZ (Exhibit A1).

1) It was proposed to raise the height of the KWEY-FM antenna at the existing site.

Based on the correction of coordinates, KWEY-FM will be located 107.07 kilometers from KMGZ (Exhibit A2), decreasing the distance to KMGZ by 0.04 kilometer (131 feet). As such, the correction results in a de minimus shift of the tower coordinates. Therefore, WBS requests that this correction not be required to use §73.215 and that the KWEY-FM be considered as a §73.207 station.

In an application submitted to the Commission by Iowa Great Lakes Broadcasting Co., Inc., for station KICD-FM (BPH-19970825IC), the applicant sought a waiver of §73.207 to correct its license in order to bring it into accord with the tower registration. It proposed a decrease in the spacing between KICD-FM and another station which was authorized pursuant to §73.215 of the rules. In a letter opinion, dated September 10, 1996², the Commission waived §73.207 spacing requirements for the applicant toward the shortspaced station noting that it was a correction of less than 0.1 kilometer; that the application sought to correct the coordinates of the facility; and the spacing between the licensed and proposed facilities was de minimus.

As denoted above, the KWEY-FM situation is similar to KICD-FM. The distance between KWEY-FM and KMGZ is changed by only 0.04 kilometer (131 feet), it involves a correction of tower coordinates only and the distance between the authorized KWEY-FM and proposed KWEY-FM is de minimus. Therefore, it is respectfully requested that the Commission waive §73.207 spacing requirements as they apply to KMGZ and allow KWEY-FM to be considered a fully spaced FM facility.

2) Letter to Leonard S. Joyce, Esq., counsel for Iowa Great Lakes Broadcasting Co., Inc., licensee of KICD-FM.

All other necessary documentation used to certify the technical portion of FCC Form 301 has been forwarded to WBS and is available to the Commission upon request.³

3) It is noted that WBS is also the licensee of KCDL, Cordell, Oklahoma. An amendment to correct the coordinates and site elevation of the pending KCDL application (BPH-20060613ABT) is also being submitted. As such, all radio frequency radiation issues assume the proposed KCDL facility in lieu of the licensed facility.