

(REFERENCE COPY - Not for submission)

Minor Modification of a Licensed Facility for FM Application

File Number: 0000145184

Submit Date: 05/12/2021

Lead Call Sign: WKFC

Facility ID: 164241

FRN: 0011340478

Service: Full Power FM

Purpose: Minor Modification

Status: Superceded

Status Date: 01/05/2023

Filing Status: Inactive

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	No
	Indicate reason for fee exemption:	
	Is the applicant exempt from FCC regulatory Fees?	No
Waivers	Does this filing request a waiver of the Commission's rule (s)?	No
	Total number of rule sections involved in this waiver request:	

Application Type	Call Sign	Facility ID	Fee Code	Fee Amount
Minor Modification			MPR	\$1,110.00
			Total	

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
RADIOACTIVE, LLC Doing Business As: RADIOACTIVE, LLC	1717 DIXIE HIGHWAY SUITE 650 FT. WRIGHT, KY 41011 United States	+1 (859) 444-6244	marissa@repplawfirm.com	LLC

Contact Representatives (3)

Contact Name	Address	Phone	Email	Contact Type
Scott Fybush <i>Technical Consultant</i> Fybush Media	Scott Fybush 92 Bonnie Brae Ave Rochester, NY 14618 United States	+1 (585) 442-5411	scott@fybush.com	Technical Representative
Benjamin L Homel <i>Member and President</i> Radioactive, LLC	1717 DIXIE HIGHWAY SUITE 650 FT. WRIGHT, KY 41011 United States	+1 (859) 444-6244	marissa@repplawfirm.com	Technical Representative

Marissa G Repp , Esq . Attorney Repp Law Firm	Marissa G. Repp 1629 K Street, NW Suite 300 Washington, DC 20006 United States	+1 (202) 656- 1619	marissa@repplawfirm. com	Legal Representative
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Attributable Interest

Section	Question	Response
Equity and Financial Interests	Applicant certifies that equity and financial interests not listed in the Parties to the Application section are non-attributable pursuant to the notes to 47 C.F.R. Section 73.3555.	
Other Authorizations	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	
Broadcast Incubator Program	Is the proposed facility the subject of an incubation proposal or a ‘reward’ waiver request under the Commission’s Broadcast Incubator Program?	
Multiple Ownership	Is the applicant or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio time brokerage agreement in the same market as the station subject to this application?	No
	Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules.	No
	Applicant certifies that the proposed facility: <div> <div>(a) does not present an issue under the Commission's policies relating to media interests of immediate family members;</div> <div>(b) complies with the Commission's policies relating to future ownership interests; and</div> <div>(c) complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.</div> </div>	Yes
	Does the Applicant claim status as an "eligible entity," that is, an entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping (as set forth in 13 C.F.R. § 121.201), and holds: <div> <div>(a) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or</div> <div>(b) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or</div> <div>(c) more than 50 percent of the voting power of the corporation that will own the media outlet (if such corporation is a publicly traded company)?</div> </div>	No

Legal Certifications

Section	Question	Response
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Character Issues	<p>Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with:</p> <p>(a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or</p> <p>(b) any pending broadcast application in which character issues have been raised.</p>	No
Adverse Findings	Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
Program Service Certification	Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	
Local Public Notice	Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	Yes
Operational Compliance	Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary station being rebroadcast? See 47 C.F.R. Section 74.1232(d).	
	Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.	
Support Compliance	The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee /permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).	
Rebroadcast Certification	For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.	
Financial	The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.	
Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b)	Applicant certifies that the proposed station will provide a first rural (reception) service.	

	<p>Applicant certifies that:</p> <p>(a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000;</p> <p>(b) the facilities proposed in this Application will provide Tribal Coverage, as defined in 47 C.F.R. Section 73.7000, of Tribal Lands occupied by the applicant Tribe(s);</p> <p>(c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and</p> <p>(d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license</p>	
	<p>Applicant certifies that the proposed station will provide a first noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1mV/m) service contour and (b) to a minimum of 2,000 people.</p>	
	<p>Applicant certifies that the proposed station will provide a second noncommercial educational aural service, or an aggregated first and second noncommercial educational aural service, to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour and (b) to a minimum of 2,000 people.</p>	
Auction Authorization	<p>If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.</p>	
Tribal Priority – Threshold Qualifications	<p>Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window?</p>	
Petition for Rulemaking /Counterproposal to Add New FM Channel to FM Table of Allotments	<p>This application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. Section 73.202) to add a new FM channel allotment. The petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter- proponent will apply to participate in the auction of the channel allotment requested and specified in this application.</p>	

Channel and Facility Information

Section	Question	Response
Proposed Community of License	State	Kentucky
	City	CRAB ORCHARD
	Channel	270
	Frequency	101.9
Facility Type	Facility Type	Commercial
Station Class	Station Class	A

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	No
	ASR Number	
Coordinates (NAD83)	Latitude	37° 25' 39.5" N+

	Longitude	084° 39' 20.9" W-	
	Structure Type	TANK-Any type of tank, water, gas, etc.	
	Overall Structure Height	33 meters	
	Support Structure Height	33 meters	
	Ground Elevation (AMSL)	410 meters	
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:31 meters Vertical:31 meters	
	Height of Radiation Center Above Average Terrain	Horizontal:110 meters Vertical: 110 meters	
	Height of Radiation Center Above Mean Sea Level	Horizontal:441.0 meters Vertical: 441.0 meters	
	Effective Radiated Power	Horizontal:2.2 kW Vertical: 2.2 kW	
	Proposed Allotment or Assignment - Coordinates (NAD83)	Latitude	37° 28' 08.8" N+
		Longitude	084° 28' 04.7" W-

Antenna Technical Data

Section	Question	Response
Antenna Type	Antenna Type	Non-Directional

Directional Antenna Relative Field Value

Degree	Value	Degree	Value	Degree	Value	Degree	Value
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Additional Azimuths

Degree	Value
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Technical Certifications

Section	Question	Response
Environmental Effect	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	No
Broadcast Facility	Does the proposed facility comply with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.203, 73.207, 73.213, 73.315, 73.509, 73.515, 73.525, and 73.1125?	No
Contour Protection	Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215?	Yes

Community of License Change - Section 307(b)	Is the application being submitted to change the facility's community of license? If 'Yes', an exhibit is required containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b))	Yes
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Certification

Section	Question	Response
General Certification Statements	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	
	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1. 2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002(c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	
Authorized Party to Sign	FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application. WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND /OR FORFEITURE (U.S. Code, Title 47, §503).	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	Benajmin L Homel <i>Member and President</i> 05/12/2021

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<u>Comprehensive Section 307_b Exhibit_Final.pdf</u>	Applicant	Technical Certifications	Comprehensive Section 307(b) Exhibit	Done with Virus Scan and /or Conversion
<u>Contingent Applications Exhibit with Contingent Applications Agreement.pdf</u>	Applicant	Technical Certifications	Contingent Applications Pursuant to Section 47 C. F.R. §73.3517(e)	Done with Virus Scan and /or Conversion

<u>Radioactive Licensee Exhibit Character Issue.pdf</u>	Applicant	Legal Certifications	Character Issue	Done with Virus Scan and /or Conversion
<u>Section 73.215.pdf</u>	Applicant	Technical Certifications	Section 73.215	Done with Virus Scan and /or Conversion
<u>WKFC Modification Technical Exhibit Final.pdf</u>	Applicant	Technical Certifications	Comprehensive Technical Exhibit	Done with Virus Scan and /or Conversion
<u>WPBK WKFC Multiple Ownership Study Final.pdf</u>	Applicant	Attributable Interest	Compliance with Section 73.3555(a)	Done with Virus Scan and /or Conversion