Approved by OMB (Office of Management and Budget) 3060-0027
September 2014

Federal Communications Commission

(REFERENCE COPY - Not for submission)

Modification of a DTS Station Construction Permit Application

File Number: **BMPCDT-20090310ADE** | Submit Date: **03/10/2009** | Call Sign: **WHKY-TV** | Facility ID: **65919** | FRN: **0001712819** | State: **North Carolina** | City: **HICKORY**

Service: **DTS** | Purpose: **Minor Modification BPCDT-20080619AAH** | Status: **Superceded** | Status Date: **04/10/2009**

Filing Status: **InActive**

General Information

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

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)?	
	Total number of rule sections involved in this waiver request:	
	Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
LONG COMMUNICATIONS, L.L.C. **Applicant** Doing Business As: LONG COMMUNICATIONS, L.L.C.	PO BOX 1059 HICKORY, NC 28603 United States	+1 (828) 322-1290	JLONG@WHKY.COM	Other

Authorization Holder Name

☐ Check box if the Authorization Holder name is being updated because of the sale (or transfer of control) of the Authorization(s) to another party and for which proper Commission approval has not been received or proper notification provided.

Contact Representatives (2)

Contact Name	Address	Phone	Email	Contact Type
JOSEPH C. CHAUTIN, III HARDY, CAREY, CHAUTIN & BALKIN, L.L.P.	1080 WEST CAUSEWAY APPROACH MANDEVILLE, LA 70471 United States	+1 (985) 629-0777	JCHAUTIN@HARDYCAREY.COM	Legal Representative
LOUIS R DUTREIL JR *CONSULTING ENGINEER*	DUTREIL LUNDIN & RACKLEY INC 201 FLETCHER AVE SARASOTA, FL 34237-6019 United States	+1 (941) 329-6004	BOBJR@DLR.COM	Technical Representative

Alien Ownership

Question	Response
1) Is the applicant a foreign government or the representative of any foreign government as specified in Section 310(a) of the Communications Act?	
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	
4) Is the applicant an entity of which more than one-fifth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any entity organized under the laws of a foreign country? (Section 310(b)(3))	
5) Is the applicant directly or indirectly controlled by any other entity of which more than one-fourth of the capital stock, or other equity or voting interest, is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any entity organized under the laws of a foreign country? (Section 310(b)(4))	
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	
7) In connection with this application, is the applicant filing a foreign ownership Petition for Declaratory Ruling pursuant to Section 310(b)(4) of the Communications Act?	

Basic Qualifying Questions

Section	Question	Response
Revoked Application	Has the Applicant or any party to this application had any FCC station Authorization revoked or had any application for an initial, modification or renewal of FCC station Authorization denied by the Commission?	
State or Federal Convictions	Has the Applicant or any party to this application, or any party directly or indirectly controlling the Applicant, ever been convicted of a felony by any state or federal court?	

Channel and Facility Information

Section	Question	Response
Facility ID	65919	
State	North Carolina	
City	HICKORY	
DTS Channel	40	
Facility Type	Facility Type	Commercial
	Station Type	Main
Zone	Zone	2

DTS Reference Point

Section	Question	Response
Construction Permit File Number and Facility ID	File Number for Current Authorized Service Area:	
	Facility ID	65919
Coordinates (NAD83)	Latitude	35° 43' 59.4" N+
	Longitude	081° 19' 50.3" W-

Site 1: 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	35° 39' 28.4" N+
	Longitude	081° 24' 23.3" W-
	Structure Type	
	Overall Structure Height	58 meters
	Support Structure Height	
	Ground Elevation (AMSL)	531 meters
Antenna Data	Height of Radiation Center Above Ground Level	50 meters
	Height of Radiation Center Above Average Terrain	251 meters
	Height of Radiation Center Above Mean Sea Level	581 meters
	Effective Radiated Power	950 kW

Site 1: Antenna Technical Data

Section	Question	Response
Antenna Type	Antenna Type	Directional Custom
	Do you have an Antenna ID?	Yes
	Antenna ID	92101
Antenna Manufacturer and Model	Manufacturer:	ERI
	Model	ATW25HS3-HSWC-40H
	Electrical Beam Tilt	0.75
	Mechanical Beam Tilt	Not Applicable
	toward azimuth	
	Polarization	Horizontal
DTV and DTS: Elevation Pattern	Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt?	Yes
	Rotation	0 degrees
	Uploaded file for elevation antenna (or radiation) pattern data	

Directional Antenna Relative Field Values (Pre-rotated Pattern)

Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	0.537	**90**	0.888	**180**	0.905	**270**	0.998
10	0.502	**100**	0.943	**190**	0.896	**280**	0.998
20	0.49	**110**	0.98	**200**	0.893	**290**	0.98
30	0.502	**120**	0.998	**210**	0.896	**300**	0.943
40	0.537	**130**	0.998	**220**	0.905	**310**	0.888
50	0.593	**140**	0.985	**230**	0.92	**320**	0.818
60	0.663	**150**	0.964	**240**	0.941	**330**	0.741
70	0.741	**160**	0.941	**250**	0.964	**340**	0.663
80	0.818	**170**	0.92	**260**	0.985	**350**	0.593

Additional Azimuths

Degree	V_A
275	1
125	1

Site 2: Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1005065
Coordinates (NAD83)	Latitude	35° 17' 15.0" N+
	Longitude	080° 41' 44.0" W-
	Structure Type	
	Overall Structure Height	380 meters
	Support Structure Height	
	Ground Elevation (AMSL)	218 meters
Antenna Data	Height of Radiation Center Above Ground Level	152 meters
	Height of Radiation Center Above Average Terrain	167 meters
	Height of Radiation Center Above Mean Sea Level	370 meters
	Effective Radiated Power	18 kW

Site 2: Antenna Technical Data

Section	Question	Response
Antenna Type	Antenna Type	Directional Custom
	Do you have an Antenna ID?	Yes
	Antenna ID	92102
Antenna Manufacturer and Model	Manufacturer:	ERI
	Model	ALP12L4-CSBR-40
	Electrical Beam Tilt	1
	Mechanical Beam Tilt	Not Applicable
	toward azimuth	
	Polarization	Circular
DTV and DTS: Elevation Pattern	Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt?	Yes
	Rotation	0 degrees
	Uploaded file for elevation antenna (or radiation) pattern data	

Directional Antenna Relative Field Values (Pre-rotated Pattern)

Degree	Value	Degree	Value	Degree	Value	Degree	Value
0	0.923	**90**	0.211	**180**	0.282	**270**	0.765
10	0.992	**100**	0.177	**190**	0.386	**280**	0.549
20	0.994	**110**	0.161	**200**	0.513	**290**	0.364
30	0.936	**120**	0.146	**210**	0.664	**300**	0.269
40	0.818	**130**	0.137	**220**	0.818	**310**	0.246
50	0.664	**140**	0.146	**230**	0.936	**320**	0.269
60	0.513	**150**	0.161	**240**	0.994	**330**	0.364
70	0.386	**160**	0.177	**250**	0.992	**340**	0.549
80	0.282	**170**	0.211	**260**	0.923	**350**	0.765

Additional Azimuths

Degree	V_A
245	1
15	1

Parties to the Application (0)

Information not provided.

Attributable Interest

Section	Question	Response
Equity and Financial Interests	Applicant certifies that equity and financial interests not set forth by the applicant parties are non-attributable.	
Other Authorizations	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	
Multiple Ownership	Is the applicant or any party to the application the holder of an attributable radio or television joint sales agreement or an attributable radio or television 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 and cross-ownership rules.	Yes
	Applicant certifies that the proposed facility: (a) does not present an issue under the Commission's policies relating to media interests of immediate family members; (b) complies with the Commission's polices relating to future ownership interests; (c) complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors	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: (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 (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 (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)?	

Construction Permit Certifications

Section	Question	Response
Post-Incentive Auction Expedited Processing	It will operate on the DTV channel for this station as established in the post-incentive auction channel reassignment public notice.	
	It will operate post-incentive auction facilities that do not expand the noise-limited service contour in any direction beyond that established by the post-incentive auction channel reassignment public notice.	
	It will operate post-incentive auction facilities that match or reduce by no more than five percent with respect to predicted population from those defined in the post-incentive auction channel reassignment public notice.	
	The antenna structure to be used by this facility has been registered by the Commission and will not require re-registration to support the proposed antenna, OR the FAA has previously determined that the proposed structure will not adversely affect safety in air navigation and this structure qualifies for later registration under the Commission's phased registration plan, OR the proposed installation on this structure does not require notification to the FAA pursuant to 47 C.F.R. Section 17.7.	
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)	
Broadcast Facility	The proposed facility complies with all of the following applicable rule sections. 47 C.F.R. Sections 74.709, 74.793 (e), 74.793(f), 74.793(g), 74.793(h)	Yes
Interference Protection Provisions	The proposed TV station satisfies the interference protection provisions of 47 C.F.R. Section 73.626.	Yes
DTS Facility Requirements	The combined coverage from all of the DTS transmitters in the proposed DTS facility covers all of the station's authorized service area, as required in 47 C.F.R. Section 73.626(f)(1).	Yes
	* Each DTS transmitter's coverage is contained within either the TV station's Table of Distances area (47 C.F.R. Section 73.626 (c)) or its authorized service area, except where such coverage is of a minimal amount and necessary to meet the requirements of 47 C.F.R. Section 73.626(f)(1).	Yes, coverage entirely contained within these areas.
	Each DTS transmitter's coverage is contiguous with at least one other DTS transmitter's coverage, as required in 47 C.F. R. Section 73.626(e)(3).	Yes
	The coverage from one or more DTS transmitter(s) in the DTS facility provide(s) principal community coverage, as required in 47 C.F.R. Section 73.626(e)(4).	
	The combined field strength of all of the DTS transmitters in the proposed DTS facility do not cause interference to another station in excess of the criteria specified in 47 C.F. R. Section 73.616, as required in 47 C.F.R. Section 73.626 (e)(5). Note: The combined field strength level shall be determined by a "root-sum-square" calculation, where the combined field strength level at a given location is equal to the square root of the sum of the squared field strengths from each transmitter in the DTS network at that location.	Yes

	Each DTS transmitter in the proposed DTS facility is located within either the TV station's Table of Distances area or its authorized service area.	Yes

Legal Certifications

Section	Question	Response
Character Issues	Applicant certifies that neither applicant nor any party to the application has or had any interest in, or connection with: (a) any broadcast application in any proceeding where character issues were left in unresolved or were resolved adversely against the applicant or party to the application; or (b) any pending broadcast application in which character issues have been raised.	
Adverse Findings	Has the Applicant or any party to this application had an adverse finding or an adverse final action taken by any court or administrative body in a civil or criminal proceeding brought under any law related to the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?	
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.	
Auction Authorization	Is the applicant submitting an application to obtain a construction permit as a result of winning an auction?	
Equal Employment Opportunity (EEO)	If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report.	

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 certify that this application includes all required and relevant attachments.	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	**JEFFREY B. LONG** 03/10/2009

Attachments

File Name	Uploaded By	Attachment Type	Description
1299015_5390358.pdf	Applicant	All Purpose	DTS1 ANTENNA INFORMATION
1299015_5390368.pdf	Applicant	All Purpose	DTS2 ANTENNA INFORMATION
1299015_5390410.pdf	Applicant	All Purpose	TABLE OF DISTANCES CALCULATION MAP
1299015_5390441.pdf	Applicant	All Purpose	DTS SYSTEM INTERFERENCE ANALYSIS
1299015_5390449.pdf	Applicant	All Purpose	DTS1 RF HAZARD STATEMENT
1299015_5390460.pdf	Applicant	All Purpose	DTS2 RF HAZARD STATEMENT
1299015_5390959.pdf	Applicant	All Purpose	DTS SYSTEM COVERAGE MAP
1299015_734936.txt	Applicant	All Purpose	TABLE OF DISTANCES RADIUS CALCULATION
1299015_734937.txt	Applicant	All Purpose	NOTES CONCERNING INTERFERENCE ANALYSIS
1299015_734945.txt	Applicant	All Purpose	DTS1 ELEVATION PATTERN DATA
1299015_734946.txt	Applicant	All Purpose	DTS2 ELEVATION PATTERN DATA