

(REFERENCE COPY - Not for submission)  
Minor Modification of a Low Power FM Station Construction Permit  
Application

File Number: **BMPL-20150723ACE** | Submit Date: **07/23/2015** | Lead Call Sign: **WXOX-LP** | Facility ID: **194204** |

FRN: **0023109713**

Service: **Low Power FM** | Purpose: **Minor Modification** | Status: **Granted** | Status Date: **07/28/2015** | Filing Status: **Inactive**

General  
Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	
Section	Question	Response
Fees, Waivers, and Exemptions Waivers	Does this filing request a waiver of the Commission's rule (s)?	
	Total number of rule sections involved in this waiver request:	

Applicant  
Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
ART FM, INC.  Applicant  Doing Business As: ART FM, INC.	829 E. MARKET STREET			
	SUITE J	+1 (502) 640-6414	GM@ARTXFM.COM	OTH
	LOUISVILLE, KY 40206			
	United States			

Contact  
Representatives  
(2)

Contact Name	Address	Phone	Email	Contact Type
ALBERT DAVIS  CONSULTING ENGINEER	402 CANIFF RD.			
	FREEHOLD, NY 12431	+1 (518) 947-6407	AD291@FREEELECTRON.NET	Technical Representative
	United States			
SHARON SCOTT  ART FM, INC	United States	+1 (502) 640-6414	GM@ARTXFM.COM	Legal Representative

Legal  
Certifications

Section	Question	Response
Character Issues	Applicant certifies that neither the 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 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.	Yes
	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-	Yes
Adverse Findings		

	<p>related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.</p> <p>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).</p>	
<b>Operational Compliance</b>	<p>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.</p>	
<b>Support Compliance</b>	<p>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).</p>	
<b>Rebroadcast Certification</b>	<p>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.</p> <p>Applicants must certify that they are local to be eligible for LPFM authorizations. An applicant must select "yes" to at least one of the certifications below to be eligible for an LPFM license. The applicant certifies that:</p>	
<b>Community-Based Criteria</b>	<p>it is a nonprofit educational institution or organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application</p>	Yes
	<p>it is a nonprofit educational institution or organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application</p>	Yes
	<p>it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. See 47 C.F.R. Sections 73.853(c) and 73.7000.</p>	
<b>Financial</b>	<p>it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.</p>	No
	<p>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.</p>	
	<p>Applicant certifies that the proposed station will provide a first rural (reception) service.</p> <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</p>	

	<b>Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b)</b>	(s); (c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and (d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license  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.  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.  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.																														
	<b>Auction Authorization</b>	Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window?																														
	<b>Tribal Priority – Threshold Qualifications</b>	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.																														
	<b>Petition for Rulemaking /Counterproposal to Add New FM Channel to FM Table of Allotments</b>																															
	<b>Channel and Facility Information</b>	<table><tr><th>Section</th><th>Question</th><th>Response</th></tr><tr><td rowspan="4"><b>Proposed Community of License</b></td><td>State</td><td>Kentucky</td></tr><tr><td>City</td><td>LOUISVILLE</td></tr><tr><td>Channel</td><td>246</td></tr><tr><td>Frequency</td><td>97.1</td></tr></table>	Section	Question	Response	<b>Proposed Community of License</b>	State	Kentucky	City	LOUISVILLE	Channel	246	Frequency	97.1																		
Section	Question	Response																														
<b>Proposed Community of License</b>	State	Kentucky																														
	City	LOUISVILLE																														
	Channel	246																														
	Frequency	97.1																														
<b>Antenna Location Data</b>	<table><tr><th>Section</th><th>Question</th><th>Response</th></tr><tr><td rowspan="4"><b>Antenna Structure Registration</b></td><td>Do you have an FCC Antenna Structure Registration (ASR) Number?</td><td>No</td></tr><tr><td>ASR Number</td><td></td></tr><tr><td>Latitude</td><td>38° 14' 57.2" N+</td></tr><tr><td>Longitude</td><td>085° 43' 56.8" W-</td></tr><tr><td rowspan="4"><b>Coordinates (NAD83)</b></td><td>Structure Type</td><td></td></tr><tr><td>Overall Structure Height</td><td>48 meters</td></tr><tr><td>Support Structure Height</td><td></td></tr><tr><td>Ground Elevation (AMSL)</td><td>138 meters</td></tr><tr><td rowspan="4"><b>Antenna Data</b></td><td>Height of Radiation Center Above Ground Level</td><td>Horizontal:43 meters Vertical:</td></tr><tr><td>Height of Radiation Center Above Mean Sea Level</td><td>Horizontal:181 meters Vertical:0 meters</td></tr><tr><td>Minimum Effective Radiated Power</td><td>Horizontal: 42.321999999999996 W Vertical: 42.321999999999996 W</td></tr><tr><td>Maximum Effective Radiated Power</td><td>Horizontal: 83.12899999999999 W Vertical: 83.12899999999999 W</td></tr></table>	Section	Question	Response	<b>Antenna Structure Registration</b>	Do you have an FCC Antenna Structure Registration (ASR) Number?	No	ASR Number		Latitude	38° 14' 57.2" N+	Longitude	085° 43' 56.8" W-	<b>Coordinates (NAD83)</b>	Structure Type		Overall Structure Height	48 meters	Support Structure Height		Ground Elevation (AMSL)	138 meters	<b>Antenna Data</b>	Height of Radiation Center Above Ground Level	Horizontal:43 meters Vertical:	Height of Radiation Center Above Mean Sea Level	Horizontal:181 meters Vertical:0 meters	Minimum Effective Radiated Power	Horizontal: 42.321999999999996 W Vertical: 42.321999999999996 W	Maximum Effective Radiated Power	Horizontal: 83.12899999999999 W Vertical: 83.12899999999999 W	
Section	Question	Response																														
<b>Antenna Structure Registration</b>	Do you have an FCC Antenna Structure Registration (ASR) Number?	No																														
	ASR Number																															
	Latitude	38° 14' 57.2" N+																														
	Longitude	085° 43' 56.8" W-																														
<b>Coordinates (NAD83)</b>	Structure Type																															
	Overall Structure Height	48 meters																														
	Support Structure Height																															
	Ground Elevation (AMSL)	138 meters																														
<b>Antenna Data</b>	Height of Radiation Center Above Ground Level	Horizontal:43 meters Vertical:																														
	Height of Radiation Center Above Mean Sea Level	Horizontal:181 meters Vertical:0 meters																														
	Minimum Effective Radiated Power	Horizontal: 42.321999999999996 W Vertical: 42.321999999999996 W																														
	Maximum Effective Radiated Power	Horizontal: 83.12899999999999 W Vertical: 83.12899999999999 W																														
<b>Antenna Technical Data</b>	<table><tr><th>Section</th><th>Question</th><th>Response</th></tr><tr><td><b>Antenna Type</b></td><td>Antenna Type</td><td>Non-Directional</td></tr></table>	Section	Question	Response	<b>Antenna Type</b>	Antenna Type	Non-Directional																									
Section	Question	Response																														
<b>Antenna Type</b>	Antenna Type	Non-Directional																														

Directional Antenna Relative Field Value

Degree	Value	Degree	Value	Degree	Value	Degree	Value
--------	-------	--------	-------	--------	-------	--------	-------

Additional Azimuths

Degree	Value
--------	-------

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) Applicant certifies that it has reasonable assurance in good faith that the site or proposed structure at the location of its transmitting antenna will be available to the applicant for the applicant’s intended purpose. If reasonable assurance is not based on applicant’s ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure. Name of the person contacted Phone number of the person contacted Person contacted is	Yes
Reasonable Site Assurance		

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	<b>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</b>  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.	SHARON M. SCOTT

--	--	--	--	--

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<a href="#">1683758_19612327.pdf</a>	Applicant	All Purpose	waiver request	Done with Virus Scan and/or Conversion
<a href="#">1683758_19612348.pdf</a>	Applicant	All Purpose	shively antenna data	Done with Virus Scan and/or Conversion
<a href="#">1683758_19612363.pdf</a>	Applicant	All Purpose	channel report	Done with Virus Scan and/or Conversion
<a href="#">1683758_19612391.pdf</a>	Applicant	All Purpose	towair	Done with Virus Scan and/or Conversion