



(REFERENCE COPY - Not for submission)  
New Low Power FM Station Construction Permit Application

File Number: **0000232785** | Submit Date: **12/13/2023** | Lead Call Sign: **NEW** | Facility ID: **788415**

FRN: **0034587394**

Service: **Low Power FM** | Purpose: **Construction Permit** | Status: **Superseded** | Status Date: **02/05/2024** | Filing Status: **Inactive**

### General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	No

### Fees, Waivers, and Exemptions

Section	Question	Response
Waivers	Does this filing request a waiver of the Commission's rule (s)?	No
	Total number of rule sections involved in this waiver request:	

### Applicant Information

#### Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
Austin Airwaves, Inc.	James R. Ellinger PO Box 300384 Austin, TX 78703 United States	+1 (512) 796-4332	publicsafety@texasairwaves.net	NFP

### Contact Information (1)

Contact Name	Address	Phone	Email	Contact Type
James Robertson Ellinger Agent Austin Airwaves, Inc.	James R. Ellinger, Agent PO Box 300384 Austin, TX 78703 United States	+1 (512) 796-4332	PublicSafety@texasairwaves.net	Legal Representative

### Parties to the Application (7)

Party Name	Address	Phone	Email	Positional Interest
John G. Russell Director Austin Airwaves	5944 Steiner Kyle, TX 78640 United States	+1 (512) 796-4332	hossyboy1@gmail.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 25.0% <b>Percentage of Total Assets:</b> 0.0%

<b>Robert Rizo</b> <i>Director</i> Austin Airwaves	606A Old Stagecoach Rd. Kyle, TX 78640 United States	+1 (512) 659-6744	rizrobert@gmail.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 25.0% <b>Percentage of Total Assets:</b> 0.0%
<b>David C Claxton</b> <i>Director</i> Austin Airwaves	4507 Avenue B Austin, TX 78751 United States	+1 (512) 796-4332	dclaxton@sbcglobal.net	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 5% <b>Percentage of Total Assets:</b> 0.0%
<b>Robert J Nagy</b> <i>Director</i> Austin Airwaves	103 Georgian Street Hot Springs, AR 71901 United States	+1 (512) 796-4332	rjnagy@gmail.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 5.0% <b>Percentage of Total Assets:</b> 0.0%
<b>Michael J August</b> <i>Director</i> Austin Airwaves	1943 The Low Road San Marcos, TX 78666 United States	+1 (512) 796-4332	mikeaugust@mac.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 5% <b>Percentage of Total Assets:</b> 0%
<b>Lauralee Harris</b> <i>Dr.</i>	169 Greene Kyle, TX 78640 United States	+1 (512) 796-4332	laural@lauralharris.com	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 25.0% <b>Percentage of Total Assets:</b> 0.0%
<b>Karen Elizabeth Horan</b> <i>Director</i> Austin Airwaves	PO Box 300384 Austin, TX 78703 United States	+1 (512) 296-7143	khoran@grandecom.net	<b>Positional Interest:</b> Director <b>Citizenship:</b> United States <b>Percentage of Votes:</b> 10.0% <b>Percentage of Total Assets:</b> 0.0%

## Attributable Interest

Section	Question	Response
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<b>Equity and Financial Interests</b>	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.	N/A
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## 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?	No
2) Is the applicant an alien or the representative of an alien? (Section 310(b)(1))	No
3) Is the applicant a corporation, or non-corporate entity, that is organized under the laws of any foreign government? (Section 310(b)(2))	No
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))	No
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))	No
6) Has the applicant received a declaratory ruling(s) under Section 310(b)(4) of the Communications Act?	No
6a) Enter the citation of the applicable declaratory ruling by DA/FCC number or the FCC Record citation, release date, or any other identifying information.	
7) Has there been any change in the applicant's foreign ownership since issuance of the declaratory ruling(s) cited in response to Question 6?	
7a) Enter the File or Docket Number of the Petition for Declaratory Ruling that the applicant has filed for its foreign ownership in connection with this application pursuant to Section 310(b)(4) of the Communications Act.	
8) Does the applicant certify that it is in compliance with the terms and conditions of the foreign ownership declaratory ruling(s) cited in response to Question 6?	
9) 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?	No

## Legal Certifications

Section	Question	Response
<b>Eligibility Certifications</b>	The applicant certifies that it is a:	State or local government or non-government entity that proposes a noncommercial public safety radio service to protect the safety of life, health or property.
	If the answer is "Yes" and the applicant is submitting multiple applications, is this application the "priority" application? See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80, paras. 79-80 (2000).	Yes
<b>Community-Based Criteria</b>	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:	

	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	Yes
	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	Yes
	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.	No
	It proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.	Yes
<b>Ownership</b>	The applicant certifies that:	
	no party to this application has an attributable interest in any low power FM broadcast station	Yes
	No party to this application has an attributable interest in any non-LPFM broadcast station, including any full power AM or FM station, FM translator station, full or low power television station, or any other media subject to the Commission's broadcast ownership restrictions	Yes
	No party to this application has pending an application for a low power FM, full power AM or FM station, FM translator station, or full or low power television station;	Yes
	The applicant is in compliance with the Commission's policies relating to media interests of immediate family members; and	Yes
	The applicant is in compliance with the Commission's policies relating to investor insulation and the non-participation of non-party investors and creditors.	Yes
<b>Character Issues</b>	Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with: <ul style="list-style-type: none"> <li>(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</li> <li>(b) any pending broadcast application in which character issues have been raised.</li> </ul>	Yes
<b>Adverse Findings</b>	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

<b>Unlicensed Operation</b>	The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.	Yes
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## Point System Factors

New station and major change LPFM applicants must complete the following questions. Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modifications of authorized LPFM stations. Mutually exclusive applicants will be awarded one point for each of the following:

Section	Question	Response
<b>Established Community Presence</b>	The applicant certifies that it is a:	Public Safety Radio Service. The applicant certifies that, for a period of at least two years prior to the date of this application, it has had jurisdiction within the service area of the proposed public safety radio service LPFM station.
<b>Local Program Origination</b>	The applicant pledges to originate locally at least eight hours of programming per day.	Yes
<b>Main Studio</b>	The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.	Yes
	An applicant claiming a point under the main studio criterion must provide the proposed address and telephone number for the main studio.	169 Greene
	Address Line 1:	
	Address Line 1:	
	City:	Kyle
	State:	TX
	Zip Code:	78640
	Phone:	8177057101
<b>Local Program Origination and Main Studio</b>	The applicant certifies that it qualifies for a point under both the local program origination and the main studio criteria.	Yes
<b>Diversity of Ownership</b>	The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.	Yes
<b>Tribes or Tribal Organizations</b>	The applicant certifies it is a Tribe proposing to locate its transmitting antenna site on its Tribal Lands, or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.	No

## Involuntary Time-Share Information

New station and major change applicants must complete the following questions.

This information will be used only for selection among mutually exclusive applications for the new LPFM stations and major modification of authorized LPFM stations and only in the event that two or more applications are tied after the point system analysis. See 47 C.F.R. Section 73.872

Section	Question	Response
<b>Established Community Presence</b>	Provide the date on which the applicant qualified as local. See 47 C.F.R. Section 73.853(b).	10/18/2007
	Applicant certifies that it has remained local at all times since this date.	Yes

**Channel and Facility Information**

Section	Question	Response
<b>Proposed Community of License</b>	State	Texas
	City	Kyle
	Channel	232
	Frequency	94.3

**Antenna Location Data**

Section	Question	Response
<b>Antenna Structure Registration</b>	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1209821
<b>Coordinates (NAD83)</b>	Latitude	30° 01' 12.4" N+
	Longitude	097° 50' 41.3" W-
	Structure Type	GTOWER-Guyed Structure Used for Communication Purposes
	Overall Structure Height	93.3 meters
	Support Structure Height	91.4 meters
	Ground Elevation (AMSL)	222.2 meters
<b>Antenna Data</b>	Height of Radiation Center Above Ground Level	Horizontal:42 meters Vertical:0 meters
	Height of Radiation Center Above Mean Sea Level	Horizontal:264.2 meters Vertical:0 meters
	Minimum Effective Radiated Power	Horizontal: 19.0 W Vertical: 0.0 W
	Maximum Effective Radiated Power	Horizontal: 39.0 W Vertical: 0.0 W

**Antenna Technical Data**

Section	Question	Response
<b>Antenna Type</b>	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
<b>Environmental Effect</b>	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
<b>Interference</b>	Does the applicant certify that the proposed facility complies with the engineering requirements of 47 CFR Section 73.807 (a) through (g), and 73.825?	Yes
<b>Reasonable Site Assurance</b>	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.	Yes
	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.	Yes
	Name of the person contacted	Ben Gleason
	Phone number of the person contacted	7814287346
	Person contacted is	Authorized Representative

## Certification

Section	Question	Response
<b>General Certification Statements</b>	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.	
<b>Authorized Party to Sign</b>	<p><b>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</b></p> <p>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.</p>	

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.

**Karen E. A. Horan**  
*Director*

12/13/2023

## Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<u>AA_BoD_TX_Corp_Documents.pdf</u>	Applicant	Point System Factor/Tie Breakers	AA Corporate Documents	Done with Virus Scan and/or Conversion
<u>Engineering Exhibit-+Second Adjacent Waiver Request--Kyle-TX.pdf</u>	Applicant	Technical Certifications	Second Adjacent Channel Exhibit & Waiver Request	Done with Virus Scan and/or Conversion
<u>Public Safety Programming Statement - AA-TA.pdf</u>	Applicant	Legal Certifications	Public Safety Programming Service Statement	Done with Virus Scan and/or Conversion