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

Federal Communications Commission

# (REFERENCE COPY - Not for submission)
# New FM Full Power Construction Permit Application

File Number: **BNPH-20060310AFW** | Submit Date: **03/10/2006** | Lead Call Sign: **KUEZ** | Facility ID: **165338**

FRN: **0027121771**

Service: **Full Power FM** | Purpose: **Construction Permit** | Status: **Superceded** | Status Date: **10/31/2006** | Filing Status: **Inactive**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? | |
| **Waivers** | Does this filing request a waiver of the Commission's rule (s)? | |
| | Total number of rule sections involved in this waiver request: | |

| Application Type | Call Sign | Facility ID | Fee Code | Fee Amount |
|---|---|---|---|---|
| Construction Permit | NEW | | MTR | $2,980.00 |
| | | | Total | |

## Applicant Information

### Applicant Name, Type, and Contact Information

| Applicant | Address | Phone | Email | Applicant Type |
|---|---|---|---|---|
| **SHAMROCK COMMUNICATIONS, INC.**<br>**Applicant**<br>Doing Business As: SHAMROCK COMMUNICATIONS, INC. | 149 PENN AVENUE<br>SCRANTON, PA 18503<br>United States | +1 (570) 348-9103 | KFITZ@SHAMROCKNEPA.COM | OTH |

## Contact Representatives (2)

| Contact Name | Address | Phone | Email | Contact Type |
|---|---|---|---|---|
| **KEVIN M. FITZGERALD**<br>*DIRECTOR OF ENGINEERING* | P.O. BOX 20155<br>SCRANTON, PA 18502<br>United States | +1 (570) 207-8558 | KFITZ@EPIX.NET | Technical Representative |
| **KENNETH E. SATTEN**<br>WILKINSON BARKER KNAUER, LLP | United States | +1 (202) 783-4141 | KSATTEN@WBKLAW.COM | Legal Representative |

## Parties to the

| Party Name | Address | Phone | Email | Positional Interest |
|---|---|---|---|---|

## Application (5)

| | | | | |
|---|---|---|---|---|
| WILLIAM R. LYNETT, 999 OAKMONT RAOD, CLARKS SUMMIT, PA | 149 PENN AVENUE SCRANTON, PA 18503 United States | +1 (570) 348-9103 | KFITZ@SHAMROCKNEPA.COM | **Positional Interest:** PRESIDENT / DIRECTOR **Citizenship:** United States **Percentage of Votes:** 25% **Percentage of Total Assets:** 2.5% |
| JAMES J. HAGGERTY, 1524 ADAMS AVENUE, DUNMORE, PA | 149 PENN AVENUE SCRANTON, PA 18503 United States | +1 (570) 348-9103 | KFITZ@SHAMROCKNEPA.COM | **Positional Interest:** CHAIRMAN OF THE BOARD / DIRECTOR **Citizenship:** United States **Percentage of Votes:** 12.5% **Percentage of Total Assets:** 1.25% |
| GEORGE V. LYNETT, 1750 N. WASHINGTON AVENUE, SCRANTON, PA | 149 PENN AVENUE SCRANTON, PA 18503 United States | +1 (570) 348-9103 | KFITZ@SHAMROCKNEPA.COM | **Positional Interest:** SECRETARY / TREASURER / DIRECTOR **Citizenship:** United States **Percentage of Votes:** 25% **Percentage of Total Assets:** 2.5% |
| EDWARD J. LYNETT, JR., 26 OAKFORD GLEN, CLARKS SUMMIT, PA | 149 PENN AVENUE SCRANTON, PA 18503 United States | +1 (570) 348-9103 | KFITZ@SHAMROCKNEPA.COM | **Positional Interest:** VICE PRESIDENT / DIRECTOR **Citizenship:** United States **Percentage of Votes:** 25% **Percentage of Total Assets:** 2.5% |
| CECELIA L. HAGGERTY, 1524 ADAMS AVENUE, DUNMORE, PA | 149 PENN AVENUE SCRANTON, PA 18503 United States | +1 (570) 348-9103 | KFITZ@SHAMROCKNEPA.COM | **Positional Interest:** NONE **Citizenship:** United States **Percentage of Votes:** 12.5% **Percentage of Total Assets:** 1.25% |

## 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. | Yes |
| **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. | Yes |
| | Applicant certifies that the proposed facility:<br>(a) does not present an issue under the Commission's policies relating to media interests of immediate family members;<br>(b) complies with the Commission's policies relating to future ownership interests; and<br>(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:<br>(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<br>(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<br>(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)? | |

## 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? | |
| **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? | |
| **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? | |

## 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:<br>(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<br>(b) any pending broadcast application in which character issues have been raised. | Yes |
| **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. | Yes |
| **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 |
| **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. | |
| **Auction Authorization** | 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. | |

## Channel and Facility Information

| Section | Question | Response |
|---|---|---|
| **Proposed Community of License** | State | Nevada |

| | | |
|---|---|---|
| | City | FALLON |
| | Channel | 281 |
| | Frequency | 104.1 |
| **Facility Type** | Facility Type | Commercial |
| **Station Class** | Station Class | C |

## 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 | 40° 01' 23.6" N+ |
| | Longitude | 118° 43' 57.5" W- |
| | Structure Type | |
| | Overall Structure Height | 275 meters |
| | Support Structure Height | |
| | Ground Elevation (AMSL) | |
| **Antenna Data** | Height of Radiation Center Above Ground Level | Horizontal:259 meters Vertical: |
| | Height of Radiation Center Above Average Terrain | Horizontal:500 meters Vertical: |
| | Height of Radiation Center Above Mean Sea Level | Horizontal:1879 meters Vertical: |
| | Effective Radiated Power | Horizontal:100 kW Vertical: |
| | **Proposed Allotment or Assignment - Coordinates (NAD83)** | Latitude - - |
| Longitude | | - - |

## 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 |
|---|---|---|---|---|---|---|---|

### 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) | Yes |

| | | |
|---|---|---|
| **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? | |
| **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)) | |
| **Reasonable Site Assurance** | 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 | |

## 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**<br>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.<br>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. | **WILLIAM R. LYNETT** |

## Attachments

| File Name | Uploaded By | Attachment Type | Description | Upload Status |
|---|---|---|---|---|
| 1118514_2274042.pdf | Applicant | All Purpose | Fallon Ragged Top 70 dBu Coverage | Done with Virus Scan and /or Conversion |
| 1118514_2274048.pdf | Applicant | All Purpose | Fallon Ragged Top Spacing Study | Done with Virus Scan and /or Conversion |
| 1118514_387868.txt | Applicant | All Purpose | OTHER BROADCAST STATIONS | Done with Virus Scan and /or Conversion |
| 1118514_387869.txt | Applicant | All Purpose | LOCAL RADIO OWNERSHIP | Done with Virus Scan and /or Conversion |
| 1118514_387870.txt | Applicant | All Purpose | ADDITIONAL AUCTION AUTHORIZATION EXHIBITS | Done with Virus Scan and /or Conversion |
| 1118514_387871.txt | Applicant | All Purpose | COMMUNITY OF LICENSE COVERAGE | Done with Virus Scan and /or Conversion |
| 1118514_387872.txt | Applicant | All Purpose | FALLON RAGGED TOP SPACING STUDY | Done with Virus Scan and /or Conversion |