



FCC
Federal
Communications
Commission

(REFERENCE COPY - Not for submission)
New Non-Reserved band FM Translator Construction Permit
Application

File Number: **BNPFT-20030829AVF** | Submit Date: **08/29/2003** | Lead Call Sign: **W235DC** | Facility ID: **157890** |

FRN: **0004335436**

Service: **FM Translator** | Purpose: **Construction Permit** | Status: **Granted** | Status Date: **09/27/2004** | 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?	Yes
	Indicate reason for fee exemption:	NON-PROFIT REBROADCAST
	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:	

Applicant
Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
SMITH AND FITZGERALD, PARTNERSHIP Applicant Doing Business As: SMITH AND FITZGERALD, PARTNERSHIP	P.O. BOX 20155 SCRANTON, PA 18502 United States	+1 (570) 207-8558	KFITZWPHD@YAHOO.COM	OTH

Contact
Representatives
(2)

Contact Name	Address	Phone	Email	Contact Type
KEVIN M. FITZGERALD CHIEF ENGINEER/GENERAL PARTNER	P.O. BOX 20155 SCRANTON, PA 18502 United States	+1 (570) 840-6833	KFITZ@EPIX.NET	Technical Representative
KEVIN FITZGERALD KEVIN FITZGERALD	P.O. BOX 20155 SCRANTON, PA 18502 United States	+1 (570) 207-8558	KFITZWPHD@YAHOO.COM	Legal Representative

Alien Ownership

Question	Response
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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?	
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?	

Legal

Certifications

Section	Question	Response
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>	Yes
Adverse Findings	<p>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.</p>	Yes
Program Service Certification	<p>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.</p>	Yes
Local Public Notice	<p>Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.</p>	Yes
Operational Compliance	<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>	No

	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.	No
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).	No
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.	Yes
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	Pennsylvania
	City	WYALUSING
	Channel	278
	Frequency	103.5
Facility Type	Facility Type	Commercial

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	41° 37' 47.2" N+
	Longitude	076° 13' 02.7" W-
	Structure Type	
	Overall Structure Height	30 meters
	Support Structure Height	
	Ground Elevation (AMSL)	384 meters
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:22 meters Vertical:22 meters
	Height of Radiation Center Above Mean Sea Level	Horizontal:406 meters Vertical:406 meters

Antenna Technical Data

Effective Radiated Power	Horizontal:0.01 kW Vertical: 0.01 kW
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Section	Question	Response
Antenna Type	Antenna Type	Non-Directional
Primary Station	Call Sign	WPGP
	Facility ID	41202
	Frequency	88.3
	Channel	202
	Service Code	FM
	City	TAFTON
	State	PA
Delivery Method	Delivery Method	Direct-off-air
	If Other, Please specify:	
Transmitting Antenna	Manufacturer:	
	Model	

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)	Yes
Proposal Compliance	Does the applicant certify that the proposal is for a fill-in translator or booster?	
	Does the applicant certify that the proposal complies with Sections 74.1204, 74.1205, 74.1232, 74.1234 and 74.1235?	
Interference	Does the applicant certify that the proposed facility complies with the engineering requirements of 47 CFR Section 73.807 (a) through (g), 73.825 and 73.827(a)?	

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.).	

	<p>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.</p>	
Authorized Party to Sign	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</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> <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).</p>	
	<p>I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.</p>	KEVIN M. FITZGERALD

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
676699_158926.txt	Applicant	All Purpose	LONG FORM APPLICATION OF BNPFT-20030317LXX	Done with Virus Scan and/or Conversion
676699_158927.txt	Applicant	All Purpose	SMFITZ-WPGP 103.5 WYALUSING, PA INTERFERENCE STUDY NARRATIVE	Done with Virus Scan and/or Conversion
676699_158928.txt	Applicant	All Purpose	SMFITZ-WPGP 103.5 WYALUSING, PA SPACING AND CONTOUR STUDIES	Done with Virus Scan and/or Conversion
676699_158929.txt	Applicant	All Purpose	RF EXPOSURE COMPLIANCE	Done with Virus Scan and/or Conversion
676699_6209301.pdf	Applicant	All Purpose	SMFITZ-WPGP 103.5 WYALUSING, PA INTERFERENCE STUDY NARRATIVE	Done with Virus Scan and/or Conversion
676699_6209303.pdf	Applicant	All Purpose	Proposed Translator Spacing Study	Done with Virus Scan and/or Conversion
676699_6209305.pdf	Applicant	All Purpose	Proposed Translator Interference Contour Analysis	Done with Virus Scan and/or Conversion
676699_723048.pdf	Applicant	All Purpose	SMFITZ-WPGP 103.5 WYALUSING, PA INTERFERENCE STUDY NARRATIVE	Done with Virus Scan and/or Conversion

<u>676699_723056.pdf</u>	Applicant	All Purpose	Proposed Translator Spacing Study	Done with Virus Scan and/or Conversion
<u>676699_723057.pdf</u>	Applicant	All Purpose	Proposed Translator Interference Contour Analysis	Done with Virus Scan and/or Conversion