

#### Federal Communications Commission

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

 File Number:
 BMPFT-20161011AAS
 Submit Date:
 10/11/2016
 Lead Call Sign:
 K273CL
 Facility ID:
 140509

 FRN:
 0007355449
 Facility ID:
 140509
 Facility ID:
 140509

Service: FM TranslatorPurpose: Minor ModificationStatus: GrantedStatus Date: 10/25/2016Filing Status:Inactive

| General<br>Information           | Section     | Question   | Response                        |
|----------------------------------|-------------|--|---------------------------------|
|                                  | Attachments | Are attachments (other than associated schedules) being filed with this application? |                                 |
|                                  |             |  |                                 |
| Fees, Waivers,<br>and Exemptions | Section     | Question   | Response                        |
| ·                                | Fees        | Is the applicant exempt from FCC application Fees?                                   | Yes                             |
|                                  |             | Indicate reason for fee exemption:   | MINOR MODIFICATION<br>OF PERMIT |
|                                  |             | Is the applicant exempt from FCC regulatory Fees?                                    |                                 |
|                                  | Waivers     | Does this filing request a waiver of the Commission's rule (s)?                      |                                 |

## Applicant Information

# Applicant Name, Type, and Contact Information

| Applicant  | Address  | Phone             | Email | Applicant Type |
|--|--|-------------------|-------|----------------|
| AIR-FREE WIRELESS, INC.<br>Applicant<br>Doing Business As: AIR-FREE WIRELESS, INC. | PO BOX 393<br>EPHRAIM, UT 84627<br>United States | +1 (435) 691-6000 |       | ОТН            |

Total number of rule sections involved in this waiver request:

Contact Representatives (2)

| Contact Name                           | Address                                       | Phone                 | Email                     | Contact Type                |
|--|---|-----------------------|---------------------------|-----------------------------|
| KEVIN TERRY<br>TECHNICAL<br>CONSULTANT | 100 W LYNDALE<br>AVE<br>SUITE B<br>HELENA, MT | +1 (406) 438-<br>6353 | KEVINDTERRY@GMAIL.<br>COM | Technical<br>Representative |
|  | 59601<br>United States                        |                       |                           |                             |
| TROY SHELLEY,                          | PO BOX 393                                    | +1 (435) 691-         |                           | Legal Representative        |
| PRESIDENT                              | EPHRAIM, UT                                   | 6000                  |                           |                             |
| AIR-FREE WIRELESS,                     | 84627   |                       |                           |                             |
| INC.                                   | United States                                 |                       |                           |                             |

| Branctor issuesApplicant cotilius that neither the applicant nor any party to<br>the application has or had any interest in, or connection<br>where<br>a subscription or any proceeding where<br>a subscription or any proceeding where<br>a subscription or any proceeding where<br>a subscription or party is the application in which<br>coharacter issues have been raised.Image:<br>application or interpretent and action been taked.Adverse FindingsApplicant certifies that the trapelication or any or the<br>and interpretent and action been taked.Image:<br>application or interpretent and action been taked.Program ServiceApplicant certifies that it is cognizant of and will comply with<br>the provision or any bar related and truth or undir<br>or any bar relation any proceeding where<br>and interpretent statements to another governmental<br>units or discrimination.Image:<br>applicant certifies that it is cognizant of and will comply with<br>the provision or any bar relation and survice area.Forgram ServiceApplicant certifies that it is cognizant of and will comply with the public<br>to any bar relation statements to another governmental<br>units or discrimination.Image:<br>applicant certifies that it is application and survice area.Four ProvingApplicant certifies that it is cognizant of and will comply with the<br>public NoticeApplicant certifies that it is application and survice area.Four ProvingApplicant certifies that it is cognizant of any with the public<br>to any party to be application.Image:<br>applicant certifies that it is application and the provinced<br>applicant certifies that it is application and the public to and the provinced<br>applicant certifies that it is application and the provinced applicant on the provinced<br>applicant certifies that it is applicant to any party i   |                           |  |     |
|---|---------------------------|--|-----|
| Image: character issues have been raised.Image: character issues have been raised.Adverse FindingsApplicant cardifies that, with respect to the applicant and any<br>parts to the application, no adverse findi action been taken by any court or<br>and initiative body, in a civil or ariminal proceeding brought<br>under the provisions of any lews related to any of the<br>program service responsive to the issues of public concern<br>training the station's community of license and service areas.Program ServiceApplicant cardifies that it is cognizant of and will comply with<br>carding the station's community of license and service areas.Local Public NoticeApplicant cardifies that it has or will comply with the public<br>notice requirements of 47 C F.R. Section 73.3660.Equal Buployment<br>Opportunity (EEO)If the applicant cardifies that it is not the license or pormitios of<br>this application a Model EEO Program Report.Applicant cardifies that it is not the license or pormitios of<br>the commercial primary station being<br>reprosedants? EaC J C.F.R. Section 74.3660.Equal Buployment<br>Opportunity (EEO)Applicant cardifies that it is not the license or pormitios of<br>the commercial primary station being<br>reprosedants? EaC J C.F.R. Section 74.1232(d).Applicant cardifies that the FM translator's (a) triv/m<br>coverage contour des not extend byond the protection<br>to around of the commercial Apprimary station to be<br>reprosedants? C C.F.R. Section 74.1232(d).Support Compliance<br>the commercial applicant propose to trep indice for the primary station or be<br>reprosedants? C C.F.R. Section 74.1232(d).Support Compliance<br>the primary station, except for technical assistant with<br>a corretage contour des nor extend byond the protected<br>contour of the commercial Apprim  | Character Issues          | <ul> <li>the application has or had any interest in, or connection with:</li> <li>(a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to</li> </ul>  |     |
| Party be the application, no adverse finding has been made,<br>and whas an adverse finding the been made,<br>any discussion of any laws related to any of the<br>officinying any fields in a civil or criminal proceeding brought<br>under the provisions of any laws related to any of the<br>officinying any fields inclusion any officing<br>proceeding brought<br>it, or discrimination.Program Service<br>CertificationApplicant carifies that it is cognizant of and will comply with<br>its obligatons as a Commission licensee to present a<br>program service responsive to the issues of public concern<br>tacing the station's community of license and service area.Local Public NoticeApplicant carifies that it has or will comply with the public<br>notice requirements of 47 C.F.R. Section 73.3550.Equal Employment<br>Opportunity (EEO)Applicant carifies that it has or will comply with the application<br>propeose to amploy five or more full-lime<br>employees, application merges and service area.Operational Compliance<br>Opportunity (EEO)Applicant certifies that it is not the licensee or permittee of<br>the commercial primary station being rebroadcast and that<br>the commercial primary station being rebroadcast and that<br>the commercial PM primary station being rebroadcast and that<br>the commercial PM primary station being rebroadcast, or (0) area the full M primary station to be<br>rebroadcast, or (0) area there (1) the 2 mV/m<br>coverage contour does not extend beyond the protected<br>contour of the commercial PM primary station being rebroadcast, or (0)<br>active the primary station being rebroadcast, or (0) area there (1) the 2 mV/m<br>coverage contour section of the commercial PM primary station to be<br>rebroadcast, or (0) area the full motion reproadcast, or any person with an<br>interest in or connection PM primary station being rebroadcast, or (0)<br>active the primary stat                            |                           |  |     |
| CertificationIts obligations as a Commission licensee to present a<br>program service responsive to the issues of public concern<br>Tacing the station's community of license and service area.Local Public NoticeApplicant certifies that it has or will comply with the public<br>notice requirements of 47 C.F.R. Section 73.3580.Equal Employment<br>Opportunity (EEO)If the applicant proposes to employ five or more full-time<br>employees, applicant certifies that it is filing simultaneously<br>with this application a Model EEO Program Report.Operational Compliance<br>to commercial primary station being rebroadcast and that<br>neither it nor any parties to the application have any interest<br>in or connection with the commercial primary station being<br>rebroadcast, or (b) and 25-mile and the protoadcast and that<br>neither it nor any parties to the application have any interest<br>in or connection with the commercial PM primary station to be<br>rebroadcast, or (b) entire 1mV/m coverage contour does not extend beyond the protected<br>contour of the commercial AM primary station to be<br>rebroadcast, or (b) entire 1mV/m coverage contour is<br>contained within the greater of either: (b) the 2 mV/m<br>daytime contour of the commercial FM translator station with<br>a coverage contour extend beyond the protected contour<br>of the commercial AM primary station be<br>rebroadcast, or (b) entire 1mV/m coverage contour of the commercial AM primary station parties before an after<br>constructing directly or indirectly, form the licensee or partite<br>of the primary station or any person with an<br>interest in or connection with the licensee or after<br>constructing directly or indirectly. Form the applicant certifies<br>that thas and received any support, before a rater<br>permittee of the primary station, ease or partite of<br>the primary station, the applicant certifies<br>that the antone oretreacidation o | Adverse Findings          | party to the application, no adverse finding has been made,<br>nor has an adverse final action been taken by any court or<br>administrative body in a civil or criminal proceeding brought<br>under the provisions of any laws related to any of the<br>following: any felony; mass media-related antitrust or unfair<br>competition; fraudulent statements to another governmental  |     |
| Indice requirements of 47 C.F.R. Section 73.3580.Equal Employment<br>Opportunity (EEO)If the applicant proposes to employ five or more full-time<br>employees, applicant certifies that it is filing simultaneously<br>with this application a Model EEO Program Report.Operational Compliance<br>To perational Compliance<br>Part Distribution of ServiceApplicant certifies that it is not the licensee or permittee of<br>the commercial primary station being rebroadcast and that<br>neither it nor any paries to the application have any interest<br>in or connection with the commercial primary station being<br>rebroadcast? See 47 C.F.R. Section 74.1232(d).Applicant certifies that the FM translator's (a) 1mV/m<br>coverage contour does not extend beyond the protected<br>contour of the commercial FM primary station to be<br>rebroadcast, or (b) entire 1mV/m coverage contour is<br>contained within the greater of either: (b) the 2 mV/m<br>daytime contour of the commercial FM translator station with<br>a coverage contour is contour is contour is<br>  | •                         | its obligations as a Commission licensee to present a program service responsive to the issues of public concern   |     |
| Opportunity (EEO)employees, applicant certifies that it is filing simultaneously<br>with this application a Model EEO Program Report.Operational ComplianceApplicant certifies that it is not the licensee or permittee of<br>the commercial primary station being rebroadcast and that<br>neither it nor any parties to the application have any interest<br>in or connection with the commercial primary station being<br>rebroadcast? See 47 C.F.R. Section 74.1232(d).Applicant certifies that the FM translator's (a) 1mV/m<br>coverage contour does not extend beyond the protected<br>contour of the commercial FM primary station to be<br>rebroadcast, or (b) entire 1mV/m coverage contour is<br>contained within the greater of either: (i) the 2 mV/m<br>daytime contour of the commercial FM primary station to be<br>rebroadcast, or (ii) a 25-mile radius centered at the<br>commercial AM primary station to be<br>rebroadcast, or (ii) a 25-mile radius centered at the<br>commercial primary station is previoud.NoSupport ComplianceThe applicant, if for a commercial FM primary station to be<br>rebroadcast, certifies that it has not received any support, before or after<br>constructing, directly or indirectly, from the licensee<br>opermittee of the primary station, except for technical assistance as<br>provided for under 47 C.F.R. Section 74.1232(e).NoRebroadcast CertificationThe applicant certifies that sufficient net liquid assets are on<br>head or the station whose programs are to be retransmitted.YesFinancialThe applicant certifies that sufficient net liquid assets are on<br>then or that sufficient funds are available from committed<br>sources to construct and operate the requested facilities for<br>surves to construct and prepresent the requested facilities for<br>surves to construct and prepresent the requested facilities for<br>surves to c  | Local Public Notice       |  |     |
| He commercial primary station being rebroadcast and that<br>nor connection with the commercial primary station being<br>rebroadcast? See 47 C.F.R. Section 74.1232(d).Applicant certifies that the FM translators (a) 1mV/m<br>coverage contour does not extend beyond the protected<br>contour of the commercial FM primary station to be<br>rebroadcast, or (b) entire 1mV/m coverage contour of the commercial FM primary station to be<br>rebroadcast, or (ii) a 25-mile radius centered at the<br>commercial AM primary station to be<br>rebroadcast, or (iii) a 25-mile radius centered at the<br>commercial AM primary station to be<br>rebroadcast, or (iii) a 25-mile radius centered at the<br>commercial AM primary station to be<br>rebroadcast, or (iii) a 25-mile radius centered at the<br>commercial AM primary station or any person with an<br>interest in or connection with the licensee or permittee of<br>the primary station, except for technical assistance as<br>provided for under 47 C.F.R. Section 74.1232(e).NoRebroadcast Certification<br>FinancialThe applicant certifies that sufficient net liquid assets are on<br>had written authority has been obtained from the licensee of<br>the station whose programs are to be retransmitted.YesFinancial<br>Fursuant to 47 U.S.C.Applicant certifies that the proposed station will provide a<br>first rural (reception) service.Yes  |                           | employees, applicant certifies that it is filing simultaneously  |     |
| coverage contour does not extend beyond the protected<br>contour of the commercial FM primary station to be<br>rebroadcast, or (b) entire 1mV/m coverage contour is<br>contained within the greater of either: (i) the 2 mV/m<br>daytime contour of the commercial AM primary station to be<br>rebroadcast, or (ii) a 25-mile radius centered at the<br>commercial AM primary station's transmitter site.NoSupport ComplianceThe applicant, if for a commercial FM translator station with<br>a coverage contour extending beyond the protected contour<br>of the commercial primary station being rebroadcast,<br>certifies that it has not received any support, before or after<br>constructing, directly or indirectly, from the licensee<br>/permittee of the primary station or any person with an<br>interest in or connection with the licensee or permittee of<br>the primary station, except for technical assistance as<br>provided for under 47 C.F.R. Section 74.1232(e).YesRebroadcast CertificationFor applicants proposing translator rebroadcasts that are<br>not the licensee of the primary station, the applicant certifies<br>that written authority has been obtained from the licensee of<br>the station whose programs are to be retransmitted.YesFinancialThe applicant certifies that sufficient net liquid assets are on<br>hand or that sufficient funds are available from committed<br>sources to construct and operate the requested facilities for<br>three months without revenue.Yes  | Operational Compliance    | the commercial primary station being rebroadcast and that<br>neither it nor any parties to the application have any interest<br>in or connection with the commercial primary station being   |     |
| A coverage contour extending beyond the protected contour<br>of the commercial primary station being rebroadcast,<br>certifies that it has not received any support, before or after<br>constructing, directly or indirectly, from the licensee<br>/permittee of the primary station or any person with an<br>interest in or connection with the licensee or permittee of<br>the primary station, except for technical assistance as<br>  |                           | coverage contour does not extend beyond the protected<br>contour of the commercial FM primary station to be<br>rebroadcast, or (b) entire 1mV/m coverage contour is<br>contained within the greater of either: (i) the 2 mV/m<br>daytime contour of the commercial AM primary station to be<br>rebroadcast, or (ii) a 25-mile radius centered at the   |     |
| Not the licensee of the primary station, the applicant certifies<br>that written authority has been obtained from the licensee of<br>the station whose programs are to be retransmitted.FinancialThe applicant certifies that sufficient net liquid assets are on<br>hand or that sufficient funds are available from committed<br>sources to construct and operate the requested facilities for<br>three months without revenue.Fair Distribution of Service<br>Pursuant to 47 U.S.C.Applicant certifies that the proposed station will provide a<br>first rural (reception) service.  | Support Compliance        | a coverage contour extending beyond the protected contour<br>of the commercial primary station being rebroadcast,<br>certifies that it has not received any support, before or after<br>constructing, directly or indirectly, from the licensee<br>/permittee of the primary station or any person with an<br>interest in or connection with the licensee or permittee of<br>the primary station, except for technical assistance as | No  |
| Fair Distribution of Service<br>Pursuant to 47 U.S.C.Applicant certifies that the proposed station will provide a<br>first rural (reception) service.   | Rebroadcast Certification | not the licensee of the primary station, the applicant certifies<br>that written authority has been obtained from the licensee of  | Yes |
| Pursuant to 47 U.S.C.     first rural (reception) service.  | Financial                 | hand or that sufficient funds are available from committed<br>sources to construct and operate the requested facilities for  |     |
|   | Pursuant to 47 U.S.C.     |  |     |

|   | <ul> <li>Applicant certifies that:</li> <li>(a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000;</li> <li>(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(s);</li> <li>(c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and</li> <li>(d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license</li> </ul> |  |
|---|--|--|
|   | 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.   |  |
| Auction Authorization   | If the application is being submitted to obtain a construction<br>permit for which the applicant was the winning bidder in an<br>auction, then the applicant certifies, pursuant to 47 C.F.R.<br>Section 73.5005(a), that it has attached an exhibit<br>containing the information required by 47 C.F.R. Sections<br>1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.   |  |
| Tribal Priority – Threshold<br>Qualifications   | Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window?  |  |
| Petition for Rulemaking<br>/Counterproposal to Add<br>New FM Channel to FM<br>Table of Allotments | This application is being submitted concurrently with a<br>Petition for Rulemaking or Counterproposal to Amend the<br>FM Table of Allotments (47 C.F.R. Section 73.202) to add a<br>new FM channel allotment. The petitioner/counter-<br>proponent certifies that, if the FM channel allotment<br>requested is allotted, petitioner/counter- proponent will<br>apply to participate in the auction of the channel allotment<br>requested and specified in this application.  |  |

| Channel and<br>Facility | Section               | Question      | Response   |
|-------------------------|-----------------------|---------------|------------|
|                         | Proposed Community of | State         | Utah       |
|                         | License               | City          | BEAVER     |
|                         |                       | Channel       | 273        |
|                         |                       | Frequency     | 102.5      |
|                         | Facility Type         | Facility Type | Commercial |

### Antenna Location Data

| Section                           | Question   | Response          |
|-----------------------------------|--|-------------------|
| Antenna Structure<br>Registration | Do you have an FCC Antenna Structure Registration (ASR)<br>Number? | No                |
|                                   | ASR Number   |                   |
| Coordinates (NAD83)               | Latitude   | 38° 27' 23.3" N+  |
|                                   | Longitude  | 112° 39' 30.9" W- |
|                                   |  | •                 |

|              | Structure Type                                  |  |
|--------------|---|--|
|              | Overall Structure Height                        | 10 meters                                      |
|              | Support Structure Height                        |  |
|              | Ground Elevation (AMSL)                         | 2395 meters                                    |
| Antenna Data | Height of Radiation Center Above Ground Level   | Horizontal:8 meters<br>Vertical:8 meters       |
|              | Height of Radiation Center Above Mean Sea Level | Horizontal:2403 meters<br>Vertical:2403 meters |
|              | Effective Radiated Power                        | Horizontal:0.25 kW<br>Vertical: 0.25 kW        |

## Antenna Technical Data

| Section              | Question                  | Response        |
|----------------------|---------------------------|-----------------|
| Antenna Type         | Antenna Type              | Non-Directional |
| Primary Station      | Call Sign                 | KMXD            |
|                      | Facility ID               | 164258          |
|                      | Frequency                 | 100.5           |
|                      | Channel                   | 263             |
|                      | Service Code              | FM              |
|                      | City                      | MONROE          |
|                      | State                     | UT              |
| 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 |
|------------|----------|--------|-------|--------|-------|--------|-------|
| Additional | Azimuths |        |       |        |       |        |       |
| Degree     |          | Value  |       |        |       |        |       |

# Technical Certifications

| Section              | Question   | Response |
|----------------------|--|----------|
| Environmental Effect | Would a Commission grant of Authorization for this location<br>be an action which may have a significant environmental<br>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<br>Statements | The Applicant waives any claim to the use of any particular<br>frequency or of the electromagnetic spectrum as against the<br>regulatory power of the United States because of the<br>previous use of the same, whether by authorization or<br>otherwise, and requests an Authorization in accordance<br>with this application (See Section 304 of the<br>Communications Act of 1934, as amended.).   |              |
|               |                                     | The Applicant certifies that neither the Applicant nor any<br>other party to the application is subject to a denial of<br>Federal benefits pursuant to §5301 of the Anti-Drug Abuse<br>Act of 1988, 21 U.S.C. § 862, because of a conviction for<br>possession or distribution of a controlled substance. This<br>certification does not apply to applications filed in services<br>exempted under §1.2002(c) of the rules, 47 CFR . See §1.<br>2002(b) of the rules, 47 CFR § 1.2002(b), for the definition<br>of "party to the application" as used in this certification §<br>1.2002(c). The Applicant certifies that all statements made<br>in this application and in the exhibits, attachments, or<br>documents incorporated by reference are material, are part<br>of this application, and are true, complete, correct, and<br>made in good faith.  |              |
|               | Authorized Party to Sign            | <ul> <li>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN<br/>DISMISSAL OF THE APPLICATION AND FORFEITURE<br/>OF ANY FEES PAID</li> <li>Upon grant of this application, the Authorization Holder may<br/>be subject to certain construction or coverage requirements.</li> <li>Failure to meet the construction or coverage requirements<br/>will result in automatic cancellation of the Authorization.</li> <li>Consult appropriate FCC regulations to determine the<br/>construction or coverage requirements that apply to the type<br/>of Authorization requested in this application.</li> <li>WILLFUL FALSE STATEMENTS MADE ON THIS FORM<br/>OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE<br/>AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001)</li> <li>AND/OR REVOCATION OF ANY STATION</li> <li>AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND<br/>/OR FORFEITURE (U.S. Code, Title 47, §503).</li> </ul> |              |
|               |                                     | I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.  | TROY SHELLEY |

#### Attachments

| File Name                       | Uploaded By | Attachment Type | Description                        | Upload Status                             |
|---------------------------------|-------------|-----------------|------------------------------------|---|
| <u>1741712_25552597.</u><br>pdf | Applicant   | All Purpose     | Comprehensive Technical<br>Exhibit | Done with Virus Scan and/or<br>Conversion |