Approved by OMB (Office of Management and Budget) 3060-0016
December 2014

Federal Communications Commission

(REFERENCE COPY - Not for submission)

New LPTV Translator Construction Permit Application

File Number: **BNPDTT-20090825BED** | Submit Date: **08/25/2009** | Call Sign: **W28DR-D** | Facility ID: **181586** | FRN: **0002017572** | State: **West Virginia** | City: **CEDARVILLE**

Service: **LPT** | Purpose: **Construction Permit** | Status: **Granted** | Status Date: **02/25/2010** | Expiration Date: **10/01/2020**

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:	Noncommercial Educational Licensee or Permittee
	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:	
	Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
WEST VIRGINIA EDUCATIONAL BROADCASTING AUTHORITY **Applicant** Doing Business As: WEST VIRGINIA EDUCATIONAL BROADCASTING AUTHORITY	600 CAPITOL STREET CHARLESTON, WV 25301 United States	+1 (304) 556-4900		Other

Authorization Holder Name

☐ Check box if the Authorization Holder name is being updated because of the sale (or transfer of control) of the Authorization(s) to another party and for which proper Commission approval has not been received or proper notification provided.

Contact Representatives (2)

Contact Name	Address	Phone	Email	Contact Type
RYAN WILHOUR *CONSULTING ENGINEER*	507 NW 60TH ST. SUITE C GAINESVILLE, FL 32607 United States	+1 (352) 332-3157	RWILHOUR@BELLSOUTH.NET	Technical Representative
TOM W. DAVIDSON, ESQ. AKIN GUMP STRAUSS HAUER & FELD LLP	1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON, DC 20036 United States	+1 (202) 887-4011	TDAVIDSON@AKINGUMP.COM	Legal Representative

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?	
7) 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?	

Basic Qualifying Questions

Section	Question	Response
Revoked Application	Has the Applicant or any party to this application had any FCC station Authorization revoked or had any application for an initial, modification or renewal of FCC station Authorization denied by the Commission?	
State or Federal Convictions	Has the Applicant or any party to this application, or any party directly or indirectly controlling the Applicant, ever been convicted of a felony by any state or federal court?	

Channel and Facility Information

Section	Question	Response
Facility ID	181586	
State	West Virginia	
City	CEDARVILLE	
LPT Channel	28	

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	Yes
	ASR Number	1264509
Coordinates (NAD83)	Latitude	38° 43' 43.1" N+
	Longitude	080° 39' 48.3" W-
	Structure Type	
	Overall Structure Height	58.7 meters
	Support Structure Height	
	Ground Elevation (AMSL)	503.8 meters
Antenna Data	Height of Radiation Center Above Ground Level	45.7 meters
	Height of Radiation Center Above Mean Sea Level	549.5 meters
	Effective Radiated Power	15 kW

Antenna Technical Data

Section	Question	Response
Antenna Type	Antenna Type	Non-Directional
	Do you have an Antenna ID?	Yes
	Antenna ID	95130
Antenna Manufacturer and Model	Manufacturer:	DIE
	Model	TLP-8A
	Rotation	
	Electrical Beam Tilt	1.5
	Mechanical Beam Tilt	Not Applicable
	toward azimuth	
	Polarization	
Elevation Radiation Pattern	Does the proposed antenna propose elevation radiation patterns that vary with azimuth for reasons other than the use of mechanical beam tilt?	No
	Uploaded file for elevation antenna (or radiation) pattern data	
	Out-of-Channel Emission Mask:	Stringent

Parties to the Application (12)

Party Name	Address	Phone	Email	Positional Interest
WILLIAM H. FILE III; 130 MAIN STREET, P.O. BOX L, BECKLEY, WV 25802	600 CAPITOL STREET CHARLESTON, WV 25301 United States	+1 (304) 556-4900		**Positional Interest:** MEMBER **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
WEST VIRGINIA EDUCATIONAL BROADCASTING AUTHORITY; 600 CAPITOL STREET, CHARLESTON, WV 25301	600 CAPITOL STREET CHARLESTON, WV 25301 United States	+1 (304) 556-4900		**Positional Interest:** APPLICANT **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
PRISCILLA M. HADEN; 15 QUARRY RIDGE, CHARLESTON, WV 25304	600 CAPITOL STREET CHARLESTON, WV 25301 United States	+1 (304) 556-4900		**Positional Interest:** MEMBER **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%

KAY GOODWIN; SECRETARY OF EDUCATION & THE ARTS, GOVERNOR'S OFFICE, BLDG. 5, ROOM 205, CAPITOL COMPLEX, CHARLESTON, WV 25305	600 CAPITOL STREET CHARLESTON, WV 25301 United States	+1 (304) 556-4900	**Positional Interest:** DESIGNEE OF GOVERNOR **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
KAREN SHULER STAKEM; 48 POPLAR AVENUE, WHEELING, WV 26003	600 CAPITOL STREET CHARLESTON, WV 25301 United States	+1 (304) 556-4900	**Positional Interest:** MEMBER **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
GOVERNOR JOE MANCHIN; OFFICE OF THE GOVERNOR, STATE CAPITOL, CHARLESTON, WV 25305	600 CAPITOL STREET CHARLESTON, WV 25301 United States	+1 (304) 556-4900	**Positional Interest:** CHAIRMAN **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
MARK POLEN; THE ARNOLD AGENCY, 117 SUMMERS STREET, CHARLESTON, WV 25301			**Positional Interest:** MEMBER **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%

DR. STEVEN PAIN; STATE SUPERINTENDENT WV BOARD OF EDUCATION, 1900 KANAWAH BLVD. E. BLDG. 6, ROOM 346, CHARLESTON, WV 25305			**Positional Interest:** MEMBER **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
DR. BRUCE BERRY; WV HIGHER EDUCATION POLICY COMMISSION, 4 BROOKSIDE PL., MORGANTOWN, WV 26505			**Positional Interest:** MEMBER **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
DENNIS E. ADKINS; 600 CAPITOL STREET, CHARLESTON, WV 25301	600 CAPITOL STREET CHARLESTON, WV 25301 United States	+1 (304) 556-4900	**Positional Interest:** EXECUTIVE DIRECTOR **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%
DEBRA L. HAMILTON; OFFICE OF THE ATTORNEY GENERAL, STATE CAPITOL, CHARLESTON, WV 25305	600 CAPITOL STREET CHARLESTON, WV 25301 United States	+1 (304) 556-4900	**Positional Interest:** MEMBER **Citizenship:** United States **Percentage of Votes:** 0% **Percentage of Total Assets:** 0%

ANN C. BROTHERTON; 1205 COLONIAL WAY, CHARLESTON, WV 25314

Positional Interest:
VICE CHAIR

Citizenship:
United States

Percentage of Votes:
0%

Percentage of Total Assets:
0%

Attributable Interest

Section	Question	Response
Equity and Financial Interests	Applicant certifies that equity and financial interests not set forth by the applicant parties are non-attributable.	
Other Authorizations	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	

Construction Permit 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	The proposed facility complies with all of the following applicable rule sections. 47 C.F.R. Sections 74.709, 74.793 (e), 74.793(f), 74.793(g), 74.793(h)	

Legal Certifications

Section	Question	Response
Character Issues	Applicant certifies that neither 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 in 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
Adverse Findings	Has the Applicant or any party to this application had an adverse finding or an adverse final action taken by any court or administrative body in a civil or criminal proceeding brought under any law related to 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.	
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.	

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** 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 certify that this application includes all required and relevant attachments.	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	**DENNIS ADKINS** 08/25/2009

Attachments

File Name	Uploaded By	Attachment Type	Description
1328693_5855518.pdf	Applicant	All Purpose	COMPLETE ENGINEERING NARRATIVE WITH SUPPORTING EXHIBITS