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May 24, 2023

Marlene Dortch, Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

To: Chief, Audio Division, Media Bureau

Re: Petition for Reconsideration, NCE MX Group 82, Our Lady of the Snows Foundation,
New NCE FM, Ketchum, ID, Facility ID No. 763565, Application File No. 0000167688

PETITION FOR RECONSIDERATION

The Idaho State Board of Education (“ISBE”), through its counsel, hereby submits this Petition pursuant to the Commission’s Rules. ISBE requests that the Commission reconsider the recent grant of a license to Our Lady of the Snows, Inc. (“OLSF”) for a new NCE FM at Ketchum, ID, Facility Id. No. 763565 (the “Station”).

On April 25, 2023, the Commission granted OLSF’s application (DA 23-348) and dismissed ISBE’s mutually exclusive application. The Commission states incorrectly, that ISBE failed to file a proper engineering correction responsive to the Commission’s public notice of March 14, 2023.

ISBE, however, complied fully with the Commission’s public notice. Please see the attached Engineering Exhibit from Technical Consultant Bert Goldman and related documentation.

For the above reasons, the above grant to OLSF at Ketchum, ID should be rescinded and ISBE's application should be granted.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Ernest T. Sanchez". The signature is fluid and cursive, with a large initial "E" and a stylized "S".

Ernest T. Sanchez, Esq,
Communications Counsel
For the Idaho State Board of Education

CERTIFICATE OF SERVICE

I, Ernest T. Sanchez, certify that on May 24,2023, I served a copy of the above
Petition for Reconsideration on Our Lady of the Snows, Inc., by emailing a copy to its
attorney and contact representative, Stewart W. Nolan Esq. at nolan@legalworks.com

A handwritten signature in black ink, appearing to read "Ernest T. Sanchez", with a long horizontal flourish extending to the right.

Ernest T. Sanchez

Exhibit A

Engineering Exhibit

ENGINEERING EXHIBIT

PETITION FOR RECONSIDERATION

NEW 207A

Ketchum, ID

IDAHO STATE BOARD OF EDUCATION

RE: FCC File Number 0000166951

As Amended 3/14/2023

The original application filed by the Idaho State Board of Education ("ISBE") included a typographical error in the Latitude for the proposed station coordinates by one degree. The original application was for 42 degrees Latitude. Because of this, the application was dismissed by the commission. After the initial application was dismissed due to the error, ISBE was allowed one amendment to correct the error. That amendment was filed on March 14, 2023. In the amendment, the coordinates were corrected and changed to the correct Latitude (43 degrees). A copy of the application as filed on the LMS system 3/14/23 is attached to this petition and the corrected Latitude is shown and highlighted.

Subsequent to the filing of the March 2023 amendment, the commission again dismissed the application stating that the original error had not been corrected. We respectfully disagree with that determination.

ISBE respectfully requests that the Amendment to file 0000166951, filed on 3/14/2023 be reevaluated for compliance with the rules as intended.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Bert Goldman", with a long horizontal flourish extending to the right.

Bert Goldman

Technical Consultant

(REFERENCE COPY - Not for submission)
Amendment to a New NCE FM Construction Permit Application

File Number: 0000166951 Submit Date: 03/14/2023 Lead Call Sign: FRN: 0005724240
Service: Full Power FM Purpose: New NCE FM CP Amendment Status: Review Status Date: 03/14/2023
Filing Status: Active

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:	N/A

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
Idaho State Board of Education	Tom Michael 1910 University Drive Boise, ID 83725 United States	+1 (208) 334-2270	tommichael@boisestate.edu	GOE

Contact Representatives (2)

Contact Name	Address	Phone	Email	Contact Type
Bert Goldman Goldman Engineering Management	560 Perkins Way Auburn, CA 95603 United States	+1 (214) 395-5067	bert@bgoldman.net	Technical Representative
Ernest T Sanchez Attorney The Sanchez Law Firm PC	Ernest T. Sanchez 1629 K Street NW, Suite 300 Washington, DC 20006 United States	+1 (202) 237-2814	ernestsanchez2348@gmail.com	Legal Representative

Eligibility Certifications

Section	Question	Response
Eligibility Certifications	The applicant certifies that it is a:	Nonprofit educational institution
	The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.	Yes

The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.

Yes

Parties to the Application (10)

Party Name	Address	Phone	Email	Positional Interest
Linda Clark Idaho State Board of Education	PO Box 83720 Boise, ID 83720-0037	+1 (208) 334-2270	board@osbe.idaho.gov	Positional Interest: Member of Governing Board (or other governing entity) Citizenship: United States Percentage of Votes: 12.5% Percentage of Total Assets: 0%
David Hill Idaho State Board of Education	PO Box 83720 Boise, ID 83720-0037	+1 (208) 334-2270	board@osbe.idaho.gov	Positional Interest: Member of Governing Board (or other governing entity) Citizenship: United States Percentage of Votes: 12.5% Percentage of Total Assets: 0%
Sherri Ybarra Idaho State Board of Education	PO Box 83720 Boise, ID 83720-0037	+1 (208) 334-2270	board@osbe.idaho.gov	Positional Interest: Member of Governing Board (or other governing entity) Citizenship: United States Percentage of Votes: 12.5% Percentage of Total Assets: 0%
Shawn Keough Idaho State Board of Education	PO Box 83720 Boise, ID 83720-0037	+1 (208) 334-2270	board@osbe.idaho.gov	Positional Interest: Member of Governing Board (or other governing entity) Citizenship: United States Percentage of Votes: 12.5% Percentage of Total Assets: 0%
Marlene Tromp <i>Dr</i> Idaho State Board of Education	1910 University Drive Boise, ID 83725-1916	+1 (208) 334-2270	president@boisestate.edu	Positional Interest: Officer Citizenship: United States Percentage of Votes: 0% Percentage of Total Assets: 0%

Bill Gilbert Idaho State Board of Education	PO Box 83720 Boise, ID 83720-0037	+1 (208) 334-2270	board@osbe.idaho. gov	Positional Interest: Member of Governing Board (or other governing entity) Citizenship: United States Percentage of Votes: 12.5% Percentage of Total Assets: 0%
Kurt Liebich Idaho State Board of Education	PO Box 83720 Boise, ID 83720-0037	+1 (208) 334-2270	board@osbe.idaho. gov	Positional Interest: Member of Governing Board (or other governing entity) Citizenship: United States Percentage of Votes: 12.5% Percentage of Total Assets: 0%
Cally J. Roach Idaho State Board of Education	PO Box 83720 Boise, ID 83720-0037	+1 (208) 334-2270	board@osbe.idaho. gov	Positional Interest: Member of Governing Board (or other governing entity) Citizenship: United States Percentage of Votes: 12.5% Percentage of Total Assets: 0%
Cindy Siddoway Idaho State Board of Education	PO Box 83720 Boise, ID 83720-0037	+1 (208) 334-2270	board@osbe.idaho. gov	Positional Interest: Member of Governing Board (or other governing entity) Citizenship: United States Percentage of Votes: 12.5% Percentage of Total Assets: 0%
Idaho State Board of Education	1910 University Drive Boise, ID 83725-1916	+1 (208) 334-2270	board@osbe.idaho. gov	Positional Interest: Applicant Citizenship: United States Percentage of Votes: 100.0% Percentage of Total Assets: 100.0%

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).	Yes

Legal Certifications

Section	Question	Response
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Character Issues	Applicant certifies that neither the 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 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	Applicant certifies that, with respect to the applicant and each 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 government 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 Broadcast EEO Model Program Report.	N/A
Financial	The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue. The applicant certifies that this application is contingent upon receipt of a grant from a charitable organization, the approval of the budget of a school or university, or an appropriation from a state, county, municipality or other political supervision.	Yes N/A

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?	

- 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

Fair Distribution of Service

Section	Question	Response
Fair Distribution of Service	Applicant certifies that it provides a first aural (reception) service.	No
	Applicant certifies that:	No
	(a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000;	
	(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);	
	(c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and	
	(d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license.	
	Applicant certifies that the proposed station will provide a first noncommercial aural service to	No
	(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 aural service, or an aggregated first and second noncommercial educational aural service, to	No
	(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.	

Point System Factors / Tiebreakers

Section	Question	Response
Established Local Applicant	Applicant certifies that for at least the 24 months immediately prior to application, and continuing through the present, it qualifies as a local applicant pursuant to 47 CFR Section 73.7000, and that it is has placed documentation of its qualifications as an established local applicant in the applicant's public inspection file and has submitted to the Commission copies of the documentation.	Yes
	If the applicant certifies above that it qualifies for points as an "established local applicant," applicant pledges to maintain localism characteristics during the period from the grant of the construction permit until the station has achieved at least four years of on-air operations.	Yes

Diversity of Ownership	Applicant certifies	No
	<ul style="list-style-type: none"> (1) that the principal community (city grade) contour of the proposed station does not overlap the principal community contour of any other authorized station (comparing radio to radio and television to television, including non-fill-in translator stations) in which any party to the application has an attributable interest as defined in 47 CFR Section 73.3555, and (2) that it has placed documentation of its diversity qualifications in the applicant's public inspection file and has submitted to the Commission copies of the documentation. 	
	Is the applicant's certification to the question above based on a pledge to divest an attributable broadcast interest or resign from an attributable positional interest?	No
	If the applicant certifies above that it qualifies for points for "diversity of ownership," applicant and any party to the application pledge to comply with the restrictions on station modifications and acquisitions, as defined in 47 CFR Section 73.7005, during the period from grant of the construction permit until the station has achieved at least four years of on-air operations.	No
State-wide Network	Applicant certifies that	No
	<ul style="list-style-type: none"> (a) it has NOT claimed a credit for diversity of ownership above; (b) it is one of the three specific types of organizations described in 47 C.F.R. Section 73.7003(b)(3); and (c) it has placed documentation of its qualifications in a local public inspection file and has submitted to the Commission copies of the documentation. 	
Technical Parameters	Applicant certifies that the numbers in the boxes below accurately reflect the new area and population that its proposal would serve with a 60 dBu signal measured in accordance with the standard predicted contours in 47 C.F.R. Section 73.313(c) and that it has documented the basis for its calculations in the local public inspection file and has submitted copies to the Commission. Major modification applicants should include new area proposed only (exclude any area already within the station's existing service area). (Points, if any, will be determined by FCC)	Yes
	New area served in square kilometers (excluding areas of water):	558.3
	Population served based on the most recent census block data from the United State:	15594
Existing Authorizations	By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of the filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of relevant broadcast station authorizations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in the second question (pledge to divest an attributable broadcast interest /resign from an attributable positional interest) under Diversity of Ownership above.	18

Channel and Facility Information

Pending Applications	By placing a number in the box, the applicant certifies that it and other parties to the application have, as of the date of the filing and pursuant to 47 C.F.R. Section 73.3555, attributable interests in the stated number of pending applications for new or major changes to relevant broadcast stations. Radio applicants should count all attributable full service radio stations, AM and FM, commercial and noncommercial, and FM translator stations other than fill-in stations or those identified in the second question (pledge to divest an attributable broadcast interest/resign from an attributable positional interest) under Diversity of Ownership above.	10
	Prior NCE applications	No
	Applicant certifies that	N/A
	(1) it has been in continuous existence from the date of the previous filing window until the present, and (2) it does not hold any NCE construction permit or license.	
Established Community Presence	Provide the date on which the applicant qualified as local. See 47 CFR Section 73.7000.	1912-11-25 00:00:00.0
	Applicant certifies that it has remained local at all times since this date.	Yes

Antenna Location Data

Section	Question	Response
Proposed Community of License	State	Idaho
	City	KETCHUM
	Channel	207
	Frequency	89.3
Facility Type	Facility Type	Noncommercial Educational
Station Class	Station Class	A
Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	No
	ASR Number	
Coordinates (NAD83)	Latitude	43° 40' 58.9" N+
	Longitude	114° 20' 54.4" W-
	Structure Type	TOWER-A free standing or guyed struct
	Overall Structure Height	10 meters
	Support Structure Height	0 meters
	Ground Elevation (AMSL)	2024.8 meters

Antenna Technical Data	Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:9 meters Vertical:9 meters
		Height of Radiation Center Above Average Terrain	Horizontal:-150 meters Vertical:-150 meters
		Height of Radiation Center Above Mean Sea Level	Horizontal:2033.8 meters Vertical:2033.8 meters
		Effective Radiated Power	Horizontal:1 Vertical: 1
	Section	Question	Response
	Antenna Type	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
	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)	No
	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, and 73.515?	Yes
	Contour Protection	Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215?	No
	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.	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

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 declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.

Tom Michael
*General Manager and
Executive Director*

03/14/2023

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<u>Idaho Board of Education Broadcast Holdings 10252021.pdf</u>	Applicant	Attributable Interest	Idaho Board of Education Broadcast Holdings	Done with Virus Scan and/or Conversion
<u>Idaho Previously Granted NCE.pdf</u>	Applicant	Eligibility Certifications	Idaho Previously Granted NCE	Done with Virus Scan and/or Conversion
<u>Idaho State Board of Education Creation 11251912.pdf</u>	Applicant	Point System Factor/Tie Breakers	Idaho State Board of Education Creation	Done with Virus Scan and/or Conversion
<u>Ketchum ATC-BSPR Reasonable Assurance Letter ATC Site #82705_Nov.3.2021.pdf</u>	Applicant	Technical Certifications	207A Ketchum - Reasonable Assurance Letter	Done with Virus Scan and/or Conversion
<u>NEW 207A Ketchum ID Engr.pdf</u>	Applicant	Technical Certifications	NEW 207A Ketchum, ID Engineering Exhibit	Done with Virus Scan and/or Conversion
<u>NEW 207A Ketchum- purpose of amendment.pdf</u>	Applicant	Amendment	Purpose of amendment- correction of LMS coordinates- no other changes	Done with Virus Scan and/or Conversion



ENGINEERING STUDY

NEW 207A

Ketchum, ID

IDAHO STATE BOARD OF EDUCATION

Requesting a New facility

Pursuant to MB Docket No. 20-343, DA No. 21-463 (April 21, 2021)

November, 2021

NEW 207A
Ketchum, ID
November, 2021

TECHNICAL STATEMENT

This technical statement and attached exhibits were prepared on behalf of Idaho State Board of Education, ("Boise State"), in support of a NEW NCE FM radio station on Channel 207A to be licensed to the community of Ketchum, Idaho.

TECHNICAL PARAMETERS

Facilities Proposed

Location (NAD83)	43° 40' 58.9" N Latitude, 114° 20' 54.4" W
Channel	Longitude 207A (89.3MHz)
Tower Overall AGL Height-	10m
Tower ASR	N/A (ATC Tower# 82705)
Proposed Antenna	2-Bay, Half-Wave spaced EPA Type 3- Non-Directional
Antenna AGL Height-	9m
Site AMSL Height-	2024.8m
COR AMSL Height	2033.8m
HAAT	-150m
ERP	1kW Non-Directional

BASIS OF CALCULATIONS

All exhibits and calculations in this application were prepared using the USGS National Elevation Dataset (NED) 3 Second US Terrain database unless otherwise noted. Contours are calculated using 72 evenly spaced radials unless otherwise noted. All population calculations were based on the 2010 *Census Block Data* from the US Bureau of Census¹.

POPULATION SERVED

The proposed NCE facility will encompass 558.3 sq. km. and a total of 15,594 people (2010 Census).

47 CFR § 73.509 COMPLIANCE

As demonstrated in Exhibit A, the proposed NCE facility will utilize a non-directional antenna and will meet all contour protection requirements toward other stations as specified in 47 CFR § 73.509. Select protection contours are shown in Exhibit A1.

There are no allocation issues to any Mexican facilities or allotments.

SECTION 307(b) FAIR DISTRIBUTION OF SERVICE ANALYSIS.

As shown in Exhibit B, there are three NCE stations in Ketchum¹ that provide the same or better coverage than the proposed facility. Therefore, there are no fair distribution points available for this facility.

¹ As specified in FCC MB DA 21-885, Page 5, 6.

TV CHANNEL 6 PROTECTION

There are no full-power TV6 facilities within 196 km of the proposed facility; therefore, the proposed 207A at Ketchum, ID is compliant with 73.525.

REASONABLE ASSURANCE

Reasonable assurance for the proposed tower was received by Danielle Poirier, an authorized representative of the tower owner, American Tower Corporation, Manager, inside Sales, at (781) 926-4633 or danielle.poirier@americantower.com.

COMMUNITY COVERAGE

As demonstrated in Exhibit C, the proposed facility will cover 100% of Ft. Ketchum, ID in area and population with the 60dBu signal. Ketchum comprises 8.31 sq km (land area) and as of the 2010 Census the population of the city was 2,689.²

ENVIRONMENTAL CONSIDERATIONS

The proposed antenna will be attached to an existing tower. The tower is owned American Tower Corp. The tower is not registered.

The attachment of the proposed antenna will not alter the existing proposed tower structure for purposes of the Nationwide Programmatic Agreement and the NHPA Section 106. There are no other non-excluded RF source located on the tower supporting the proposed antenna.

The proposed antenna will operate at a maximum power level of 1kW ERP and will operate at 9m AGL. Boise State proposes to operate with a 2-bay, half-wave spaced non-directional antenna. Based upon the FCC “FM Model”³ Power Density vs. Distance calculator using a “EPA Type 3, Opposed U Dipole” type antenna setting, the maximum power density at 2m AGL contributed by the

² https://en.wikipedia.org/wiki/Ketchum,_Idaho

³ <https://www.fcc.gov/general/fm-model>

proposed antenna is expected to be $121.3 \mu\text{W}/\text{cm}^2$ or 60.7% of the permitted $200 \mu\text{W}/\text{cm}^2$ limit for uncontrolled exposure. There are no tall buildings near the proposed tower. There are no other other non-excluded facilities operating on or near the proposed tower.

Based upon the preceding evaluation, the proposed antenna it is believed that the proposed antenna is excluded from further Environmental Assessment under 47CFR 1.1306 and 1.1307.

The proposed FM station along with other users at the site will maintain an occupational safety policy and agrees to reduce power or cease operation during periods of maintenance to avoid potentially harmful exposure of personnel to non-ionizing RF radiation.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Bert Goldman", with a long horizontal flourish extending to the right.

Bert Goldman
Technical Consultant

EXHIBIT A- ALLOCATION STUDY (LMS)

ComStudy 2.2 search of channel 207 (89.3 MHz Class D) at 43-40-58.9 N, 114-20-54.4 W.

CALL	CITY	ST CHN CL	DIST	SEP	BRNG	CLEARANCE
KLRI	RIGBY	ID 208 C0	137.60	0.00	97.9	1.15 dB Exhibit A1
KTSY	CALDWELL	ID 208 C1	141.27	0.00	273.9	5.31 dB Exhibit A1
KAWZ	TWIN FALLS	ID 210 C0	106.06	0.00	182.9	14.11 dB
KEFX	TWIN FALLS	ID 205 C0	106.06	0.00	182.9	14.11 dB
KAWS	MARSING	ID 206 C1	205.29	0.00	249.3	18.54 dB
KOAY	MIDDLETON	ID 204 C1	141.27	0.00	273.9	24.57 dB
KAWS	MURPHY	ID 206 C3	205.29	0.00	249.3	31.57 dB

LMS as of 11/5/2021

EXHIBIT A1

PROP 207A, Ketchum, ID. Select Protection Contours

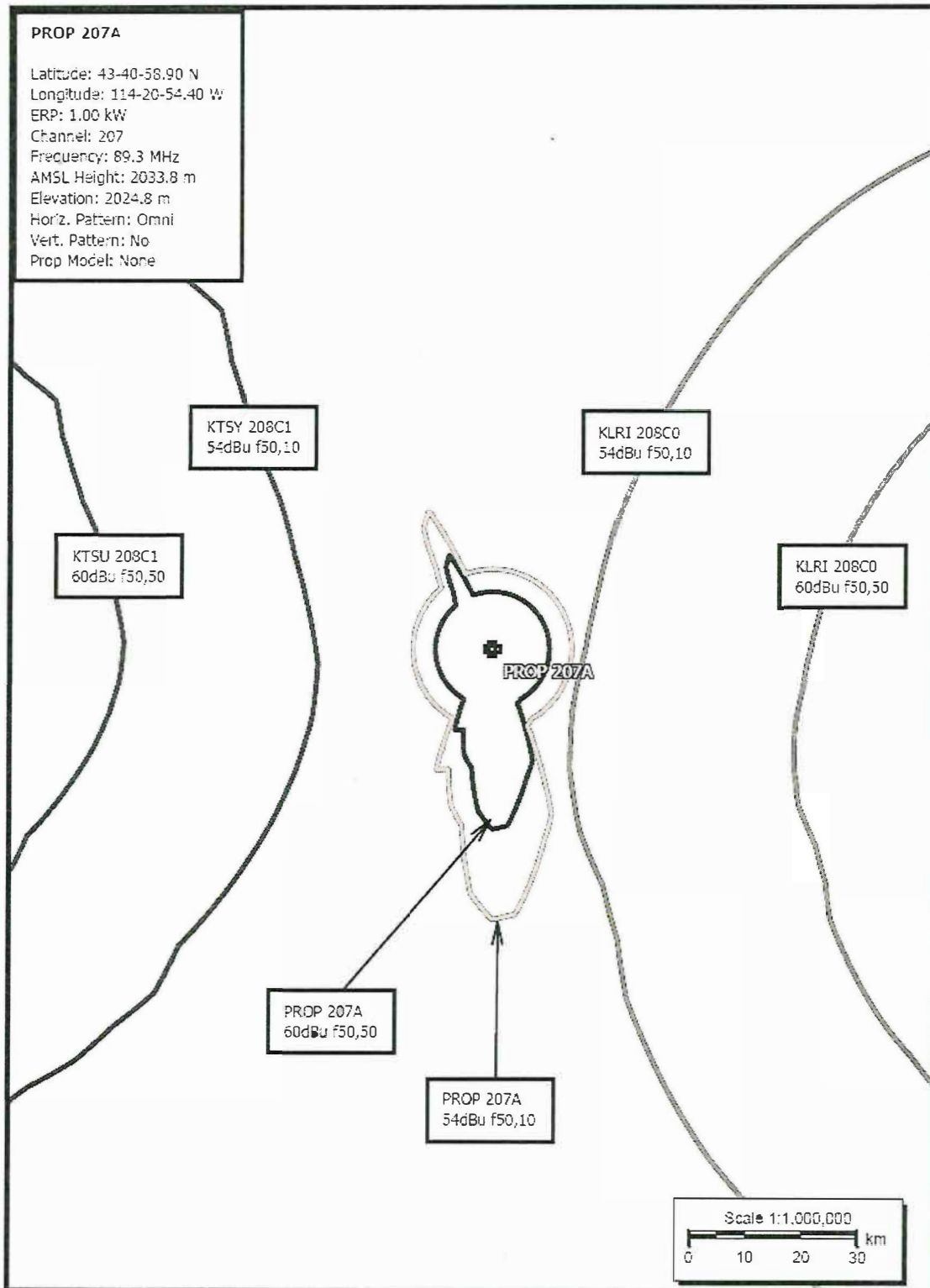


EXHIBIT B- Fair Distribution Exhibit

Proposed 207A, Ketchum, ID- 1kW, 19m AGL, 2034m AMSL

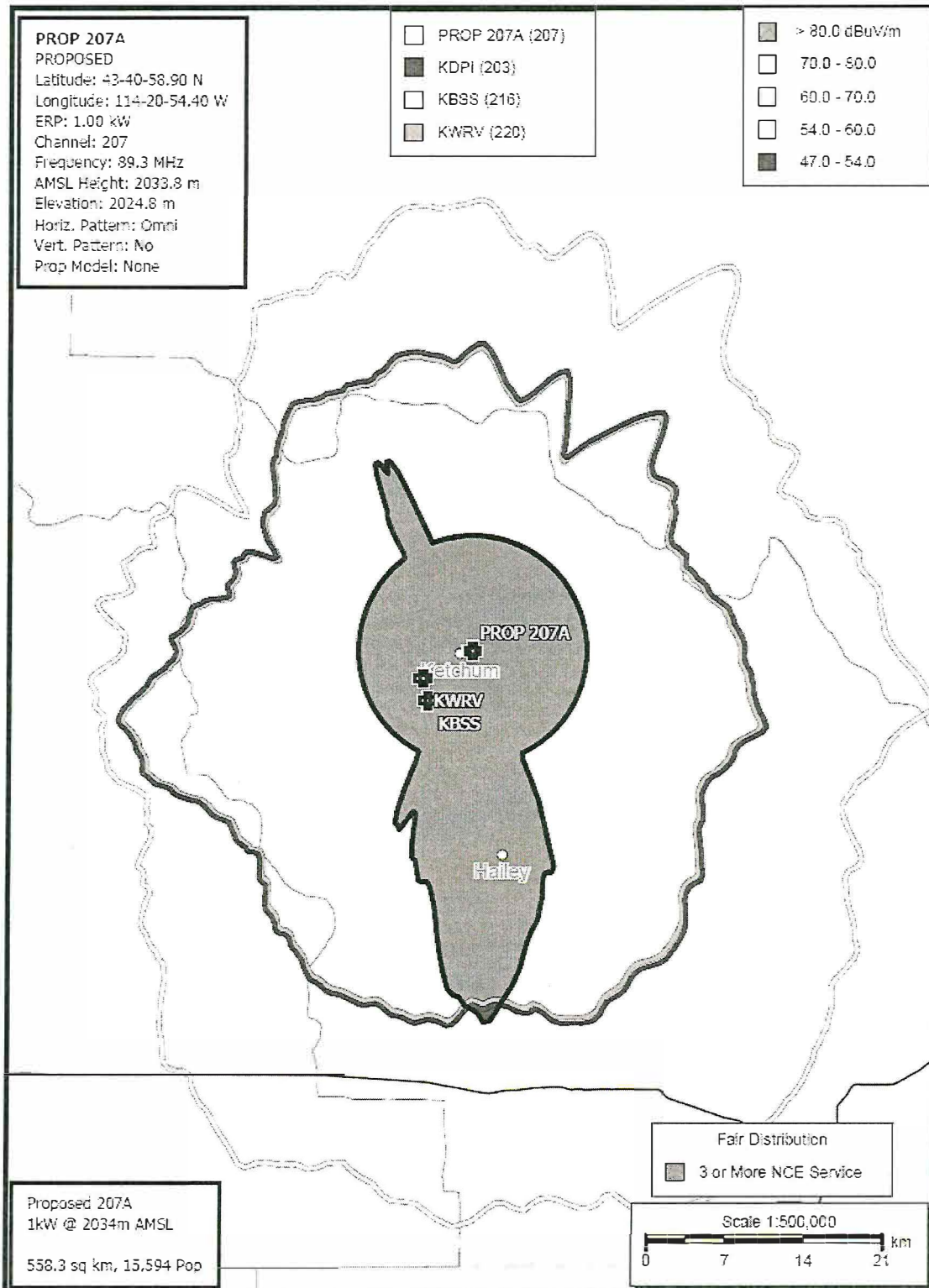


EXHIBIT C Community Coverage

Prop 207A, Ketchum, Idaho, Community Coverage

