

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In re Application of)

TEXAS A&M UNIVERSITY – COLLEGE)
STATION)

File No. 0000232436
Facility ID No. 788172

For a New Low Power FM Station)
Construction Permit at College Station, Texas)

To: Marlene Dortch, Secretary
Federal Communications Commission
Attn: Chief, Audio Division, Media Bureau

OPPOSITION TO PETITION TO DENY

Comes now Texas A&M University – College Station ("Texas A&M"), by its counsel, and hereby submits this Opposition to the Petition to Deny submitted by Bryan Broadcasting License Corporation ("Bryan Broadcasting") against the above-captioned pending application for a New Low Power FM Construction Permit. In support hereof, Texas A&M submits the following:

1. Bryan Broadcasting claims that Texas A&M's proposed operations of an LPFM station on Channel 238 at College Station, Texas would cause second-adjacent interference to full power FM broadcast station KNDE at College Station, Texas. Bryan Broadcasting is incorrect.

2. Texas A&M has submitted an amendment to its pending application and a copy of that amended proposal is attached hereto as Exhibit No. 1. The amended

application simply corrects the interference calculation in the Technical Attachment to the application. No technical parameters were changed in the Tech Box of the LPFM application.

3. As the amended Technical Attachment indicates, typographical / calculation errors within the waiver request have been fixed. The antenna type and height requirements proposed in the original application innately pass interference requirements via free space calculation but the interference demonstration needed to be amended to portray this, using the allowable minimum ERP from the LPFM rules.

4. The amended Technical Attachment provides the following two amended parameters for second adjacent channel interference protection:

a. The original interference calculation showed a HAAT of 30 meters with 50 watts ERP but the proposed HAAT is actually 41 meters with a minimum ERP of 26 watts.

b. The original application indicated that the height of the building roof as 6.1 meters but the actual height above the roof to the center of radiation is 5.3 meters.

Accordingly, the NIER exhibit has been updated with 5.3 meters above roof level at 26 watts.

Texas A&M submits that its LPFM application, as amended, should be granted.

WHEREFORE, the foregoing premises considered, Bryan Broadcasting's Petition to Deny should be DENIED and ultimately Texas A&M's pending LPFM application 0000232436 should be GRANTED.

Respectfully submitted,

TEXAS A&M UNIVERSITY – COLLEGE STATION

By: *Cary S. Tepper*

Cary S. Tepper
Tepper Law Firm, LLC
4900 Auburn Avenue
Suite 100
Bethesda, MD 20814-2632

Its Counsel

February 12, 2024

Exhibit No. 1

(REFERENCE COPY - Not for submission)
Amendment to a Low Power FM Station Construction Permit Application

File Number: 0000232436 | Submit Date: 02/12/2024 | Lead Call Sign: NEW | Facility ID: 788172

FRN: 0006302889

Service: Low Power FM | Purpose: Construction Permit Amendment | Status: Review | Status Date: 02/12/2024
Filing Status: Active

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Waivers	Does this filing request a waiver of the Commission's rule (s)?	Yes
	Total number of rule sections involved in this waiver request:	1

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
Texas A&M University - College Station	Department of Communications and Journalism College of Arts & Sciences College Station, TX 77843 United States	+1 (979) 845-5500	hblanton@tamu.edu	PNE

Contact Information (1)

Contact Name	Address	Phone	Email	Contact Type
Cary S. Tepper Communications Counsel Tepper Law Firm, LLC	Cary S. Tepper 4900 Auburn Avenue Suite 100 Bethesda, MD 20814-2632 United States	+1 (301) 718-1818	tepperlaw@aol.com	Legal Representative

Parties to the Application (9)

Party Name	Address	Phone	Email	Positional Interest
Sam W. Torn	12007 Taylorcrest Court Suite 6800 Houston, TX 77024 United States	+1 (281) 734-1477	storn@tamus.edu	Positional Interest: Regents Member Citizenship: United States Percentage of Votes: 11.1% Percentage of Total Assets: 0%

Michael Plank	225 Hedwig Road Houston, TX 77024 United States	+1 (713) 898- 4474	mplank@tamus.edu	Positional Interest: Regents Member Citizenship: United States Percentage of Votes: 11.1% Percentage of Total Assets: 0%
Mike Hernandez	3705 Mockingbird Lane Ft. Worth, TX 76109 United States	+1 (972) 998- 0715	mhernandez@tamus.edu	Positional Interest: Regents Member Citizenship: United States Percentage of Votes: 11.1% Percentage of Total Assets: 0%
Jay Graham	11821 Chapelwood Lane Houston, TX 77024 United States	+1 (281) 507- 3540	jgraham@tamus.edu	Positional Interest: Regents Member Citizenship: United States Percentage of Votes: 11.1% Percentage of Total Assets: 0%
Randy Brooks	5401 Woodbine Lane San Angelo, TX 76904 United States	+1 (325) 277- 4833	rbrooks@tamus.edu	Positional Interest: Regents Member Citizenship: United States Percentage of Votes: 11.1% Percentage of Total Assets: 0%
John Bellinger	19431 Settlers Creek San Antonio, TX 78258 United States	+1 (210) 872- 1501	jbelling@tamus.edu	Positional Interest: Regents Member Citizenship: United States Percentage of Votes: 11.1% Percentage of Total Assets: 0%
David Baggett	14 West Lane Houston, TX 77019 United States	+1 (713) 444- 5694	dbaggett@tamus.edu	Positional Interest: Regents Member Citizenship: United States Percentage of Votes: 11.1% Percentage of Total Assets: 0%

Robert L. Albritton	4321 Ridheaven Court Fort Worth, TX 76116 United States	+1 (817) 307-6301	ralbritton@tamus.edu	Positional Interest: Regents Member Citizenship: United States Percentage of Votes: 11.1% Percentage of Total Assets: 0%
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Bill Mahomes	7775 Firefall Way Unit 1215 Dallas, TX 75230 United States	+1 (214) 758-9658	bmahomes@tamus.edu	Positional Interest: Regents Member Citizenship: United States Percentage of Votes: 11.1% Percentage of Total Assets: 0%
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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.	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?	
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?	No

**Legal
Certifications**

Section	Question	Response
Eligibility Certifications	The applicant certifies that it is a:	Nonprofit educational institution
	If the answer is "Yes" and the applicant is submitting multiple applications, is this application the "priority" application? See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80, paras. 79-80 (2000).	
Community-Based Criteria	Applicants must certify that they are local to be eligible for LPFM authorizations. An applicant must select "yes" to at least one of the certifications below to be eligible for an LPFM license. The applicant certifies that:	
	It is a nonprofit educational institution or organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	Yes
	It is a nonprofit educational institution or organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	No
	It is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. See 47 C.F.R. Sections 73.853(c) and 73.7000.	No
	It proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.	No
	The applicant certifies that:	
Ownership	no party to this application has an attributable interest in any low power FM broadcast station	No
	No party to this application has an attributable interest in any non-LPFM broadcast station, including any full power AM or FM station, FM translator station, full or low power television station, or any other media subject to the Commission's broadcast ownership restrictions	No
	No party to this application has pending an application for a low power FM, full power AM or FM station, FM translator station, or full or low power television station;	Yes
	The applicant is in compliance with the Commission's policies relating to media interests of immediate family members; and	Yes
	The applicant is in compliance with the Commission's policies relating to investor insulation and the non-participation of non-party investors and creditors.	Yes

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 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
Unlicensed Operation	The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.	Yes

Point System Factors

New station and major change LPFM applicants must complete the following questions. Point system factors are used only for selection among mutually exclusive applications for new LPFM stations and major modifications of authorized LPFM stations. Mutually exclusive applicants will be awarded one point for each of the following:

Section	Question	Response
Established Community Presence	The applicant certifies that it is a:	Nonprofit Educational Institutions and Organizations. The applicant certifies that, for a period of at least two years prior to the date of this application, it has existed as a nonprofit educational institution or organization and has been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.
Local Program Origination	The applicant pledges to originate locally at least eight hours of programming per day.	Yes
Main Studio	The applicant pledges to maintain a publicly accessible main studio that has local program origination capability, is reachable by telephone, is staffed at least 20 hours per week between 7 a.m. and 10 p.m., and is located within 16.1 kilometers (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets and 32.1 kilometers (20 miles) for applicants outside the top 50 urban markets.	Yes

	An applicant claiming a point under the main studio criterion must provide the proposed address and telephone number for the main studio.	Memorial Student Center, lower level
	Address Line 1:	
	Address Line 1:	Texas A&M University - College Station
	City:	College Station
	State:	TX
	Zip Code:	77843
	Phone:	9798625266
Local Program Origination and Main Studio	The applicant certifies that it qualifies for a point under both the local program origination and the main studio criteria.	Yes
Diversity of Ownership	The applicant certifies that neither it nor any party to the application holds an attributable interest in any other broadcast station.	No
Tribes or Tribal Organizations	The applicant certifies it is a Tribe proposing to locate its transmitting antenna site on its Tribal Lands, or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.	No

Involuntary Time-Share Information

New station and major change applicants must complete the following questions.

This information will be used only for selection among mutually exclusive applications for the new LPFM stations and major modification of authorized LPFM stations and only in the event that two or more applications are tied after the point system analysis. See 47 C.F.R. Section 73.872

Section	Question	Response
Established Community Presence	Provide the date on which the applicant qualified as local. See 47 C.F.R. Section 73.853(b).	10/04/1876
	Applicant certifies that it has remained local at all times since this date.	Yes

Channel and Facility Information

Section	Question	Response
Proposed Community of License	State	Texas
	City	COLLEGE STATION
	Channel	238
	Frequency	95.5

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	30° 36' 44.2" N+
	Longitude	096° 20' 28.6" W-

Antenna Data	Structure Type	BMAST-Building with MAST/ANTENNA on top
	Overall Structure Height	19.1 meters
	Support Structure Height	13 meters
	Ground Elevation (AMSL)	106 meters
	Height of Radiation Center Above Ground Level	Horizontal:18.3 meters Vertical:18.3 meters
	Height of Radiation Center Above Mean Sea Level	Horizontal:124.3 meters Vertical:124.3 meters
	Minimum Effective Radiated Power	Horizontal: 30.0 W Vertical: 30.0 W
	Maximum Effective Radiated Power	Horizontal: 61.0 W Vertical: 61.0 W

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
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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
Interference	Does the applicant certify that the proposed facility complies with the engineering requirements of 47 CFR Section 73.807 (a) through (g), and 73.825?	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.	N/A
	Name of the person contacted	
	Phone number of the person contacted	
	Person contacted is	

Certification

Section	Question	Response
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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	<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>	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	<p>Bill Mahomes Chairman, Board of Regents</p> <p>02/12/2024</p>

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
College Station LPFM - Amended Technical Attachment 2-9-2024.pdf	Applicant	Technical Certifications	Amended 2-9-2024 Technical Information with Second Adjacent Channel Waiver Request	Done with Virus Scan and/or Conversion
College Station - LPFM Amendment Statement 2-8-2024.docx	Applicant	Amendment	Amendment Statement	Done with Virus Scan and/or Conversion
College Station LPFM - Waiver Exhibit (1).docx	Applicant	Fees, Waivers and Exemptions		Done with Virus Scan and/or Conversion
College Station LPFM - Waiver Exhibit.docx	Applicant	Fees, Waivers and Exemptions	FCC Rule Waiver Exhibit	Done with Virus Scan and/or Conversion

<u>TAMU College Station - Ownership Exhibit 12-2023.docx</u>	Applicant	Legal Certifications	Attributable Ownership Interests Exhibit	Done with Virus Scan and/or Conversion
<u>TECHNICAL ATTACHMENT NEW LPFM COLLEGE STATION TX.pdf</u>	Applicant	Technical Certifications	Technical Information with Second Adjacent Channel Waiver Request	Done with Virus Scan and/or Conversion
<u>Texas A&M University History - LPFM exhibit.docx</u>	Applicant	Point System Factor/Tie Breakers	Established Community Presence Exhibit	Done with Virus Scan and/or Conversion
<u>Texas A&M University - LPFM Educational Programming Exhibit.docx</u>	Applicant	Legal Certifications	Educational Programming Exhibit	Done with Virus Scan and/or Conversion

Amendment Statement
Texas A&M University – College Station
Pending LPFM Application LMS-0000232436

Pending LPFM Application LMS-0000232436 is being amended in response to the Petition to Deny filed by Bryan Broadcasting License Corporation, dated February 2, 2024.

This application is being amended to include additional information to demonstrate that there is no actual second-adjacent channel interference to full-power FM broadcast station KNDE-FM at College Station, Texas. None of the technical parameters on the application form are being changed. Please refer to the supplemental engineering statement being submitted at this time.

TECHNICAL ATTACHMENT
NEW LPFM FOR COLLEGE STATION, TX

TECHNICAL AMENDMENT 2024-02-08

This Technical Attachment is being amended to correct the interference calculation. No technical parameters are changed in the tech box of the LPFM application. The applicant is fixing typographical/calculation errors within the waiver request.¹ The antenna type and height proposed in the original application innately pass interference requirements via free space calculation, but the interference demonstration needed to be amended to portray this, using the allowable minimum ERP from the LPFM rules.

Amended parameters for second adjacent channel interference protection include:

- (1) AMENDMENT 1: Minimum ERP. Within the original interference calculation a HAAT of 30 m HAAT was assumed so 50 watt ERP was used within the original application. The proposed HAAT is 41 meters so the minimum ERP permitted is 26 watts. This is corroborated below:

Ground Elevation: 106 m

Height above ground: 18.3 m

Antenna AMSL: = 124.3 m

From: www.fcc.gov/media/radio/haat-calculator

¹ Even with the most stringent reading of §73.870(c), the Commission allows amendment where the original intent of compliance in the application is apparent or within context, or due to typographical error. See Reconsideration of LPFM Pike Place Market Preservation and Development Authority, File No. BNPL-20131114AUD. Dismissed for 73.807(c) violation citing 73.870(c) on 12/11/2013, amended upon Reconsideration 12/17/2013, reinstated 12/18/2013. Or Chiloquin Vision in Progress, File No. BNPL-20131112ABV, Engineering Amendment allowed 12/27/2013 to correct LPFM application submitted in area outside the United States.

Antenna Height Above Average Terrain Calculations -- Results	
Input Data	
Latitude	30° 36' 44.2" North
Longitude	96° 20' 28.6" West (NAD 83)
These coordinates convert to NAD 27 coordinates of 30° 36' 43.48", North, 96° 20' 27.73" West (NAD 27).	
Height of antenna radiation center above mean sea level: 124.3 meters AMSL	
Number of Evenly Spaced Radials = 8 0° is referenced to True North	
Results	
Calculated HAAT = 41 meters	
Antenna Height Above Average Terrain calculated using FCC 30 second terrain database (continental USA only)	
Individual "Radial HAAT" Values, in meters	
0°	27.5 m
45°	39.8 m
90°	50.8 m
135°	38.1 m
180°	47.3 m
225°	47.5 m
270°	51.3 m
315°	29.5 m

The HAAT from FCC 30-sec terrain is 41 meters.

From §73.811 "LPFM power and antenna height requirements", §73.811(b) states "(b) Minimum facilities. LPFM stations may not operate with facilities less than 50 watts ERP at 30 meters HAAT or the equivalent necessary to produce a 60 dBu contour that extends at least 4.7 kilometers."

It is FCC policy to allow LPFM applicants to specify the minimum ERP from §73.811(b) on their applications (or any ERP between the minimum and maximum power) if it is pertinent to adhering to their second adjacent interference waiver proposal.² The maximum ERP shows up on the application because it is automatically calculated, not that it was provided by the applicant.

At 41 meter HAAT, the minimum ERP needed to produce a 4.7 km 60 dBu contour is as follows:

² For examples, see Recording NW, Application for NEW LPFM, Vancouver, WA, File No. BNPL-20131114BTW, or Cascade Community Radio, Application for Minor Change LPFM, Portland, OR, File No. BPL-20190722AAC. Applicants request waivers for minimum ERP of 50 w per §73.811(b), both specifically granted for 50 w ERP.

From: www.fcc.gov/media/radio/fm-and-tv-propagation-curves

Select Contour Type:	<div>F(50,50) Service Contour-- FM and NTSC (analog) TV F(50,10) Interfering Contour F(50,90) Digital TV Service Contour</div>
Select Channel Range: (not TV Virtual Channel)	<div>FM Radio or TV Transmit Channels 2-6 TV Transmit Channels 7-13 TV Transmit Channels 14-69</div>
Find This:	<div>Field Strength, given a Distance (in km) Distance, Given a Field Strength (in dBu) FM ERP, given Distance and Field Strength [F(50,50) Service Contour]</div>
<input type="text" value="1"/>	<input type="text" value="4.7"/>
ERP (kW)	Distance (km)
<input type="text" value="41"/>	<input type="text" value="60"/>
HAAT (meters)	Field (dBu)
<input type="button" value="Find Result"/>	<input type="button" value="Clear Form"/>
Results:	
Calculated ERP (rounded per Section 73.212) = 0.026 kW (FM 60 dBu Service Contour only)	
Unrounded ERP = 0.026572 kW	

"

Minimum LPFM ERP: 26 watts ERP

- (2) AMENDMENT 2: Within the original application the height of the building roof of 6.1 meters was used within the second adjacent channel interference waiver calculation. The actual height above the roof to the center of radiation is 5.3 meters. That was a typographical error. 5.3 meters above roof level will be used in the second adjacent waiver calculation.
- (3) AMENDMENT 3: The NIER exhibit is updated with 5.3 meters above roof level number at 26 watts

SPACING

12-07-23

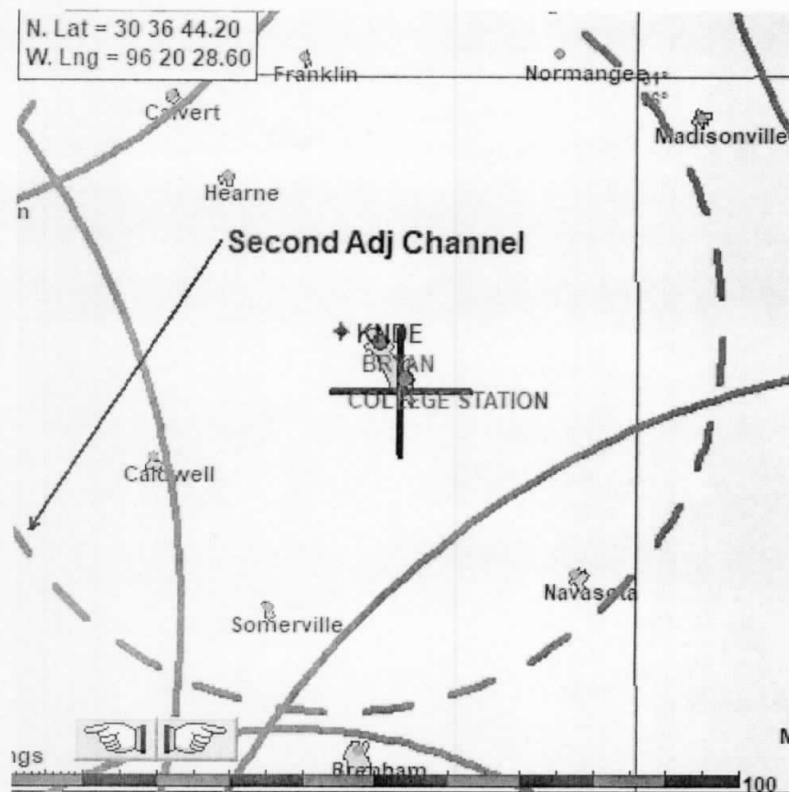
----- Channel 238 - 95.5 MHz -----

Call	Channel	Location		Azi	Dist	FCC	Margin
KNDE	LIC	236C2	College Station TX	316.1	11.64	52.5	-40.9
KKHH	LIC	239C	Houston TX	145.0	140.01	119.5	20.5
KKMJ-FM	LIC	238C1	Austin TX	257.4	143.67	110.5	33.2
KJJB	LIC-N	237C3	Eagle Lake TX	187.3	113.92	66.5	47.4
KBGO	LIC-N	239C2	Waco TX	321.2	129.03	79.5	49.5
K237FS	LIC-D	237D	Conroe TX	108.2	82.23	20.5	61.7
AU9813222VAC		237C3	Teague TX	5.2	128.85	66.5	62.4
KAFX-FM	LIC	238C1	Diboll TX	59.1	174.47	110.5	64.0
NEW	APP	237C3	Teague TX	3.0	132.40	66.5	65.9
AL6225	RSV-A	237C3	Teague TX	3.0	132.42	66.5	65.9
K240FC	LIC-D	240D	Conroe TX	95.4	83.83	13.5	70.3

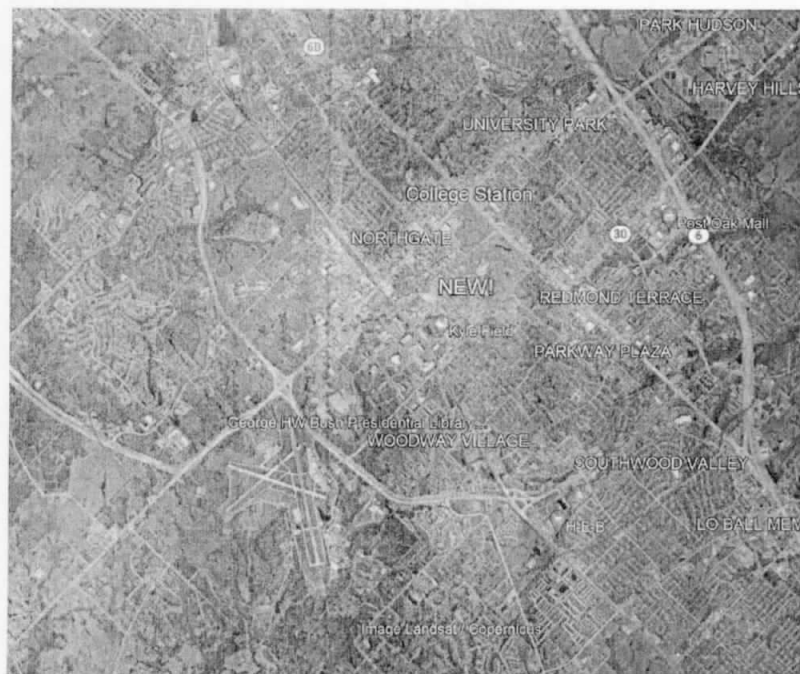
RSV-R = reserved - needs protection, RSV-A = allocation.

All separation margins include rounding

SEE: SECOND ADJ WAIVER REQUEST



FCC 60 dBu F(50,50)



TOWAIR (PASS)

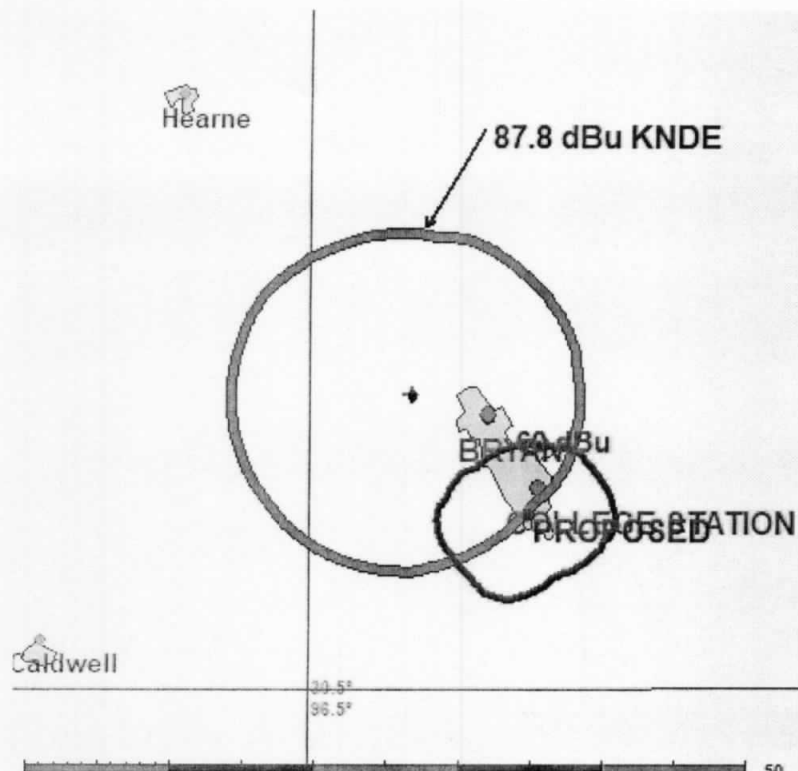
DETERMINATION Results	
Structure does not require registration. The structure meets the 6.10-meter (20-foot) Rule criteria.	
Your Specifications	
NAD83 Coordinates	
Latitude	30-36-44.2 north
Longitude	096-20-28.6 west
Measurements (Meters)	
Overall Structure Height (AGL)	19.1
Support Structure Height (AGL)	13
Site Elevation (AMSL)	106
Structure Type	
BMAST - Building with Mast	

SECOND ADJACENT WAIVER REQUEST

Applicant respectfully requests a "second adjacent channel waiver" with regards to Section 47 C.F.R. Section 73.807 of the FCC rules based upon the "Living Way" precedent(Living Way Ministries, Inc., Memorandum Opinion and Order, 17 FCC Red 17054, 17056, ¶ 5 (2002), recon. denied 23 FCC Red 15070 (2008)). This will be accomplished by using Free Space methodology of calculation.

The second adjacent channel is (with signal strength at the proposed site):

KNDE LIC-N 263C2 87.8 dBu



Using U/D methodology, interference will occur when KNDE's signal strength's interfering signal exceeds the desired signal by 40 dBu. So the area of predicted interference would then be bounded by the 127.8 dBu contour.

The distance to this contour, using free space method:

$$D = (7.01 \cdot P^{1/2}) / E,$$

where P is power (watts), E is field strength (v/m), and D is distance to contour (meters):

$$P = 26 \text{ w}, E = 127.8 \text{ dBu } D = 14.6 \text{ meters}$$

However, the field strength of the proposed LPFM's antenna system falls quickly at depression angles below the horizon. Using elevation pattern data provided by Shively for a 6812 antenna setup (2 bay 0.5 wave spaced) the distance to the 127.8 dBu contour at various depression angles is tabulated below. The data shows that the lowest point at which the signal strength rises to 127.8 dBu is 4.4 meters below the center of radiation of the antenna system, or 0.9 meters above the roof level. Therefore, this is sufficient clearance from the

population in the building and the interference area encompasses zero population. The table below shows that the lowest elevation point of the 127.8 F(50,10) interfering contour is above the building ceiling.

Due to zero population within this radiation radius, this meets the "Living Way" Criteria to qualify for a Waiver of 47 C.F.R. Section 73.807.

Thus, the applicant requests a second adjacent waiver based upon evidence no interference is proposed.

APPLICANT REQUESTS 26 WATTS ERP MINIMUM LPFM POWER

MAX ERP	DEPRESSION ANGLE	RELATIVE FIELD	dB FROM RELATIVE	ERP	ANGULAR DISTANCE TO 127.8 dBu CONTOUR	VERTICAL DISTANCE (below antenna)	HORIZONTAL DISTANCE TO 127.8 dBu CONTOUR	CLEARANCE CONTOUR ABOVE GROUND
26	-90	0.00	-100.000	0.00	0	0	0	5.3
26	-89	0.00	-100.000	0.00	0	0	0	5.3
26	-88	0.00	-100.000	0.00	0	0	0	5.3
26	-87	0.00	-100.000	0.00	0	0	0	5.3
26	-86	0.001	-60.000	0.00	0	0	0	5.3
26	-85	0.001	-60.000	0.00	0	0	0	5.3
26	-84	0.001	-60.000	0.00	0	0	0	5.3
26	-83	0.002	-53.979	0.00	0	0	0	5.3
26	-82	0.003	-50.458	0.00	0	0	0	5.3
26	-81	0.004	-47.959	0.00	0	0	0	5.3
26	-80	0.005	-46.021	0.00	0	0	0	5.3
26	-79	0.007	-43.098	0.00	0.1	0	0	5.3
26	-78	0.008	-41.938	0.00	0.1	0	0	5.3
26	-77	0.011	-39.172	0.00	0.1	0	0	5.3
26	-76	0.013	-37.721	0.00	0.1	0	0	5.3
26	-75	0.016	-35.918	0.01	0.2	0.1	0	5.2
26	-74	0.019	-34.425	0.01	0.2	0.1	0	5.2
26	-73	0.022	-33.152	0.01	0.3	0.2	0	5.1
26	-72	0.026	-31.701	0.02	0.3	0.2	0	5.1
26	-71	0.03	-30.458	0.02	0.4	0.3	0.1	5

26	-70	0.035	-29.119	0.03	0.5	0.4	0.1	4.9
26	-69	0.04	-27.959	0.04	0.5	0.4	0.1	4.9
26	-68	0.046	-26.745	0.06	0.6	0.5	0.2	4.8
26	-67	0.052	-25.680	0.07	0.7	0.6	0.2	4.7
26	-66	0.059	-24.583	0.09	0.8	0.7	0.3	4.6
26	-65	0.066	-23.609	0.11	0.9	0.8	0.3	4.5
26	-64	0.073	-22.734	0.14	1	0.8	0.4	4.5
26	-63	0.082	-21.724	0.17	1.1	0.9	0.4	4.4
26	-62	0.09	-20.915	0.21	1.3	1.1	0.6	4.2
26	-61	0.099	-20.087	0.25	1.4	1.2	0.6	4.1
26	-60	0.109	-19.251	0.31	1.5	1.2	0.7	4.1
26	-59	0.119	-18.489	0.37	1.7	1.4	0.8	3.9
26	-58	0.13	-17.721	0.44	1.8	1.5	0.9	3.8
26	-57	0.142	-16.954	0.52	2	1.6	1	3.7
26	-56	0.154	-16.250	0.62	2.2	1.8	1.2	3.5
26	-55	0.166	-15.598	0.72	2.4	1.9	1.3	3.4
26	-54	0.179	-14.943	0.83	2.6	2.1	1.5	3.2
26	-53	0.193	-14.289	0.97	2.8	2.2	1.6	3.1
26	-52	0.207	-13.681	1.11	3	2.3	1.8	3
26	-51	0.222	-13.073	1.28	3.2	2.4	2	2.9
26	-50	0.237	-12.505	1.46	3.4	2.6	2.1	2.7
26	-49	0.253	-11.938	1.66	3.6	2.7	2.3	2.6
26	-48	0.269	-11.405	1.88	3.9	2.8	2.6	2.5
26	-47	0.286	-10.873	2.13	4.1	2.9	2.7	2.4
26	-46	0.303	-10.371	2.39	4.4	3.1	3	2.2
26	-45	0.32	-9.897	2.66	4.6	3.2	3.2	2.1
26	-44	0.338	-9.422	2.97	4.9	3.4	3.5	1.9
26	-43	0.357	-8.947	3.31	5.1	3.4	3.7	1.9
26	-42	0.375	-8.519	3.66	5.4	3.6	4	1.7
26	-41	0.394	-8.090	4.04	5.7	3.7	4.3	1.6
26	-40	0.414	-7.660	4.46	6	3.8	4.5	1.5
26	-39	0.433	-7.270	4.87	6.3	3.9	4.8	1.4
26	-38	0.453	-6.878	5.34	6.5	4	5.1	1.3
26	-37	0.473	-6.503	5.82	6.8	4	5.4	1.3
26	-36	0.494	-6.125	6.34	7.1	4.1	5.7	1.2

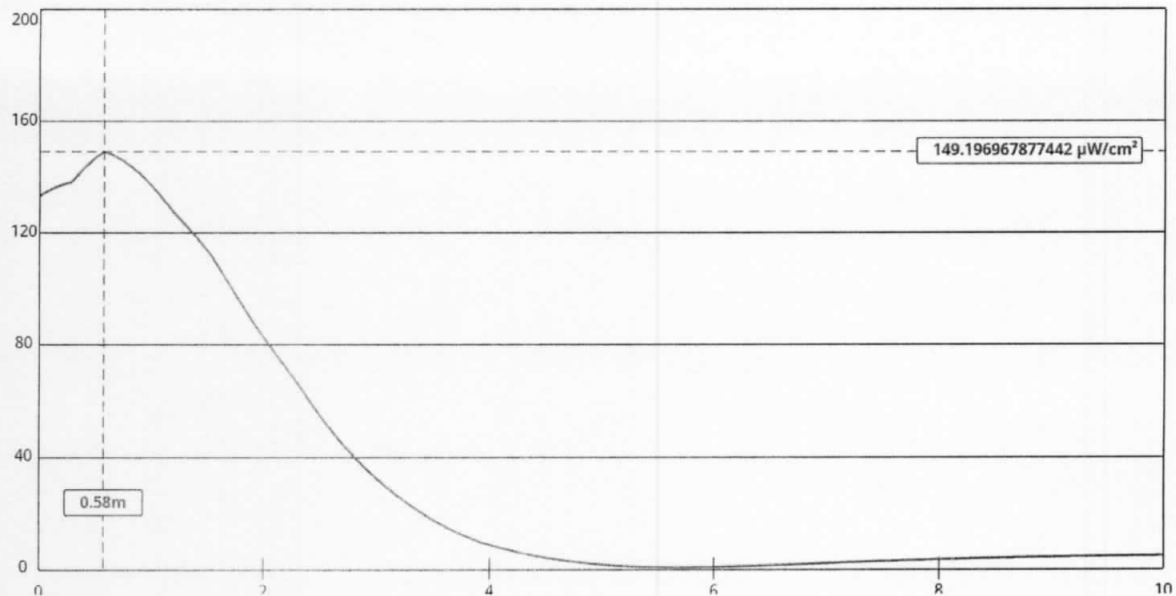
26	-35	0.514	-5.781	6.87	7.4	4.2	6	1.1
26	-34	0.535	-5.433	7.44	7.7	4.3	6.3	1
26	-33	0.555	-5.114	8.01	8	4.3	6.7	1
26	-32	0.576	-4.792	8.63	8.3	4.3	7	1
26	-31	0.597	-4.481	9.27	8.6	4.4	7.3	0.9
26	-30	0.617	-4.194	9.90	8.9	4.4	7.7	0.9
26	-29	0.638	-3.904	10.58	9.2	4.4	8	0.9
26	-28	0.658	-3.635	11.26	9.5	4.4	8.3	0.9
26	-27	0.678	-3.375	11.95	9.8	4.4	8.7	0.9
26	-26	0.698	-3.123	12.67	10.1	4.4	9	0.9
26	-25	0.718	-2.878	13.40	10.4	4.3	9.4	1
26	-24	0.737	-2.651	14.12	10.7	4.3	9.7	1
26	-23	0.756	-2.430	14.86	11	4.2	10.1	1.1
26	-22	0.774	-2.225	15.58	11.2	4.1	10.3	1.2
26	-21	0.792	-2.025	16.31	11.5	4.1	10.7	1.2
26	-20	0.81	-1.830	17.06	11.7	3.9	10.9	1.4
26	-19	0.827	-1.650	17.78	12	3.9	11.3	1.4
26	-18	0.843	-1.483	18.48	12.2	3.7	11.6	1.6
26	-17	0.859	-1.320	19.18	12.5	3.6	11.9	1.7
26	-16	0.874	-1.170	19.86	12.7	3.4	12.2	1.9
26	-15	0.889	-1.022	20.55	12.9	3.3	12.4	2
26	-14	0.903	-0.886	21.20	13.1	3.1	12.7	2.2
26	-13	0.915	-0.772	21.77	13.3	2.9	12.9	2.4
26	-12	0.928	-0.649	22.39	13.5	2.8	13.2	2.5
26	-11	0.939	-0.547	22.92	13.6	2.5	13.3	2.8
26	-10	0.949	-0.455	23.42	13.8	2.3	13.5	3
26	-9	0.959	-0.364	23.91	13.9	2.1	13.7	3.2
26	-8	0.967	-0.291	24.31	14	1.9	13.8	3.4
26	-7	0.975	-0.220	24.72	14.1	1.7	13.9	3.6
26	-6	0.981	-0.167	25.02	14.2	1.4	14.1	3.9
26	-5	0.987	-0.114	25.33	14.3	1.2	14.2	4.1
26	-4	0.992	-0.070	25.59	14.4	1	14.3	4.3
26	-3	0.995	-0.044	25.74	14.4	0.7	14.3	4.6
26	-2	0.998	-0.017	25.90	14.5	0.5	14.4	4.8
26	-1	0.999	-0.009	25.95	14.5	0.2	14.4	5.1

26	0	1	0.000	26.00	14.5	0	14.5	5.3
26	1	0.999	-0.009	25.95	14.5	0.2	14.4	5.1
26	2	0.998	-0.017	25.90	14.5	0.5	14.4	4.8
26	3	0.995	-0.044	25.74	14.4	0.7	14.3	4.6
26	4	0.992	-0.070	25.59	14.4	1	14.3	4.3
26	5	0.987	-0.114	25.33	14.3	1.2	14.2	4.1
26	6	0.981	-0.167	25.02	14.2	1.4	14.1	3.9
26	7	0.975	-0.220	24.72	14.1	1.7	13.9	3.6
26	8	0.967	-0.291	24.31	14	1.9	13.8	3.4
26	9	0.959	-0.364	23.91	13.9	2.1	13.7	3.2
26	10	0.949	-0.455	23.42	13.8	2.3	13.5	3
26	11	0.939	-0.547	22.92	13.6	2.5	13.3	2.8
26	12	0.928	-0.649	22.39	13.5	2.8	13.2	2.5
26	13	0.915	-0.772	21.77	13.3	2.9	12.9	2.4
26	14	0.903	-0.886	21.20	13.1	3.1	12.7	2.2
26	15	0.889	-1.022	20.55	12.9	3.3	12.4	2
26	16	0.874	-1.170	19.86	12.7	3.4	12.2	1.9
26	17	0.859	-1.320	19.18	12.5	3.6	11.9	1.7
26	18	0.843	-1.483	18.48	12.2	3.7	11.6	1.6
26	19	0.827	-1.650	17.78	12	3.9	11.3	1.4
26	20	0.81	-1.830	17.06	11.7	3.9	10.9	1.4
26	21	0.792	-2.025	16.31	11.5	4.1	10.7	1.2
26	22	0.774	-2.225	15.58	11.2	4.1	10.3	1.2
26	23	0.756	-2.430	14.86	11	4.2	10.1	1.1
26	24	0.737	-2.651	14.12	10.7	4.3	9.7	1
26	25	0.718	-2.878	13.40	10.4	4.3	9.4	1
26	26	0.698	-3.123	12.67	10.1	4.4	9	0.9
26	27	0.678	-3.375	11.95	9.8	4.4	8.7	0.9
26	28	0.658	-3.635	11.26	9.5	4.4	8.3	0.9
26	29	0.638	-3.904	10.58	9.2	4.4	8	0.9
26	30	0.617	-4.194	9.90	8.9	4.4	7.7	0.9
26	31	0.597	-4.481	9.27	8.6	4.4	7.3	0.9
26	32	0.576	-4.792	8.63	8.3	4.3	7	1
26	33	0.555	-5.114	8.01	8	4.3	6.7	1
26	34	0.535	-5.433	7.44	7.7	4.3	6.3	1

26	35	0.514	-5.781	6.87	7.4	4.2	6	1.1
26	36	0.494	-6.125	6.34	7.1	4.1	5.7	1.2
26	37	0.473	-6.503	5.82	6.8	4	5.4	1.3
26	38	0.453	-6.878	5.34	6.5	4	5.1	1.3
26	39	0.433	-7.270	4.87	6.3	3.9	4.8	1.4
26	40	0.414	-7.660	4.46	6	3.8	4.5	1.5
26	41	0.394	-8.090	4.04	5.7	3.7	4.3	1.6
26	42	0.375	-8.519	3.66	5.4	3.6	4	1.7
26	43	0.357	-8.947	3.31	5.1	3.4	3.7	1.9
26	44	0.338	-9.422	2.97	4.9	3.4	3.5	1.9
26	45	0.32	-9.897	2.66	4.6	3.2	3.2	2.1
26	46	0.303	-10.371	2.39	4.4	3.1	3	2.2
26	47	0.286	-10.873	2.13	4.1	2.9	2.7	2.4
26	48	0.269	-11.405	1.88	3.9	2.8	2.6	2.5
26	49	0.253	-11.938	1.66	3.6	2.7	2.3	2.6
26	50	0.237	-12.505	1.46	3.4	2.6	2.1	2.7
26	51	0.222	-13.073	1.28	3.2	2.4	2	2.9
26	52	0.207	-13.681	1.11	3	2.3	1.8	3
26	53	0.193	-14.289	0.97	2.8	2.2	1.6	3.1
26	54	0.179	-14.943	0.83	2.6	2.1	1.5	3.2
26	55	0.166	-15.598	0.72	2.4	1.9	1.3	3.4
26	56	0.154	-16.250	0.62	2.2	1.8	1.2	3.5
26	57	0.142	-16.954	0.52	2	1.6	1	3.7
26	58	0.13	-17.721	0.44	1.8	1.5	0.9	3.8
26	59	0.119	-18.489	0.37	1.7	1.4	0.8	3.9
26	60	0.109	-19.251	0.31	1.5	1.2	0.7	4.1
26	61	0.099	-20.087	0.25	1.4	1.2	0.6	4.1
26	62	0.09	-20.915	0.21	1.3	1.1	0.6	4.2
26	63	0.082	-21.724	0.17	1.1	0.9	0.4	4.4
26	64	0.073	-22.734	0.14	1	0.8	0.4	4.5
26	65	0.066	-23.609	0.11	0.9	0.8	0.3	4.5
26	66	0.059	-24.583	0.09	0.8	0.7	0.3	4.6
26	67	0.052	-25.680	0.07	0.7	0.6	0.2	4.7
26	68	0.046	-26.745	0.06	0.6	0.5	0.2	4.8
26	69	0.04	-27.959	0.04	0.5	0.4	0.1	4.9

26	70	0.035	-29.119	0.03	0.5	0.4	0.1	4.9
26	71	0.03	-30.458	0.02	0.4	0.3	0.1	5
26	72	0.026	-31.701	0.02	0.3	0.2	0	5.1
26	73	0.022	-33.152	0.01	0.3	0.2	0	5.1
26	74	0.019	-34.425	0.01	0.2	0.1	0	5.2
26	75	0.016	-35.918	0.01	0.2	0.1	0	5.2
26	76	0.013	-37.721	0.00	0.1	0	0	5.3
26	77	0.011	-39.172	0.00	0.1	0	0	5.3
26	78	0.008	-41.938	0.00	0.1	0	0	5.3
26	79	0.007	-43.098	0.00	0.1	0	0	5.3
26	80	0.005	-46.021	0.00	0	0	0	5.3
26	81	0.004	-47.959	0.00	0	0	0	5.3
26	82	0.003	-50.458	0.00	0	0	0	5.3
26	83	0.002	-53.979	0.00	0	0	0	5.3
26	84	0.001	-60.000	0.00	0	0	0	5.3
26	85	0.001	-60.000	0.00	0	0	0	5.3
26	86	0.001	-60.000	0.00	0	0	0	5.3
26	87	0.00	-100.000	0.00	0	0	0	5.3
26	88	0.00	-100.000	0.00	0	0	0	5.3
26	89	0.00	-100.000	0.00	0	0	0	5.3
26	90	0.00	-100.000	0.00	0	0	0	5.3

NON IONIZING ELECTROMAGNETIC RADIATION



Antenna: Ring and Stub
Horizontal ERP (W): 26
Vertical ERP (W): 26
Antenna Height (M): 5.3 m
Elements: 2
Spacing: 0.5

Using these settings, the maximum predicted RF exposure for a human at roof level would be $149.2 \mu\text{W}/\text{cm}^2$ at 0.58 m at roof level. This represents less than 74.6% of the FCC Maximum Permissible Exposure (MPE) of $200 \mu\text{W}/\text{cm}^2$ for uncontrolled environments. Roof level is off limits, and a warning sign will be posted on the mast. If roof work needs to be done the station will be powered down.

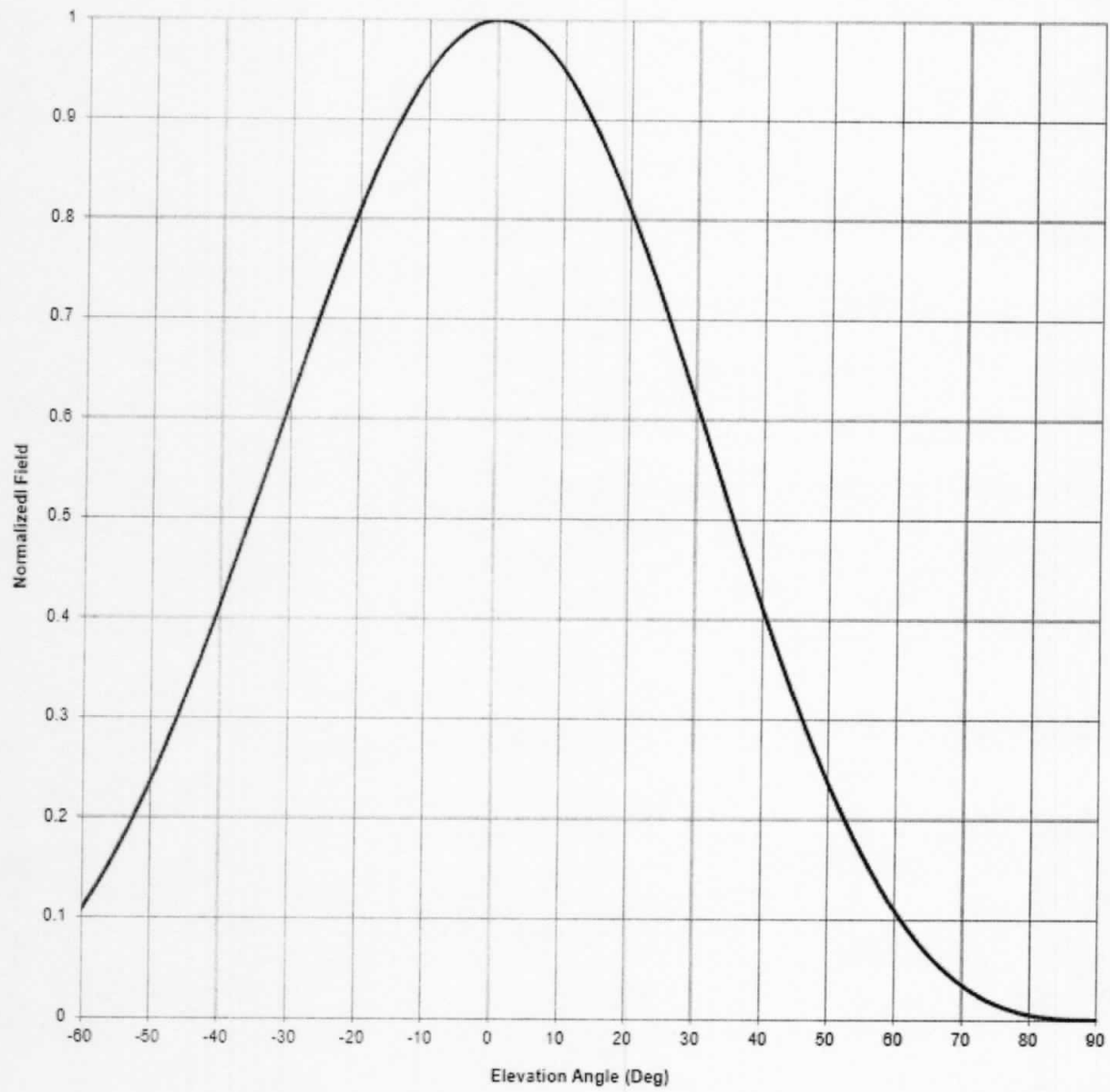
Elevation Data for Antenna

Antenna Mfg.: Shively Labs
Antenna Type: 6812B-HW-2

Date: 11/3/2020

Station: 0
Frequency: 98.1
Channel #: 251
Figure: Figure 3

Beam Tilt	0	
Gain (Max)	0.707	-1.507 dB
Gain (Horizon)	0.707	-1.507 dB



Antenna Mfg.: Shively Labs

Antenna Type: 6812B-HW-2

Station: 0

Frequency: 98.1

Channel #: 251

Figure: Figure 3

Date: 11/3/2020

Beam Tilt 0

Gain (Max) 0.707

Gain (Horizon) 0.707

-1.507 dB

-1.507 dB

Angle of Depression (Deg)	Relative Field	Angle of Depression (Deg)	Relative Field	Angle of Depression (Deg)	Relative Field	Angle of Depression (Deg)	Relative Field
-90	0.000	-44	0.338	0	1.000	46	0.303
-89	0.000	-43	0.357	1	0.999	47	0.286
-88	0.000	-42	0.375	2	0.998	48	0.269
-87	0.000	-41	0.394	3	0.995	49	0.253
-86	0.001	-40	0.414	4	0.992	50	0.237
-85	0.001	-39	0.433	5	0.987	51	0.222
-84	0.001	-38	0.453	6	0.981	52	0.207
-83	0.002	-37	0.473	7	0.975	53	0.193
-82	0.003	-36	0.494	8	0.967	54	0.179
-81	0.004	-35	0.514	9	0.959	55	0.166
-80	0.005	-34	0.535	10	0.949	56	0.154
-79	0.007	-33	0.555	11	0.939	57	0.142
-78	0.008	-32	0.576	12	0.928	58	0.130
-77	0.011	-31	0.597	13	0.915	59	0.119
-76	0.013	-30	0.617	14	0.903	60	0.109
-75	0.016	-29	0.638	15	0.889	61	0.099
-74	0.019	-28	0.658	16	0.874	62	0.090
-73	0.022	-27	0.678	17	0.859	63	0.082
-72	0.026	-26	0.698	18	0.843	64	0.073
-71	0.030	-25	0.718	19	0.827	65	0.066
-70	0.035	-24	0.737	20	0.810	66	0.059
-69	0.040	-23	0.756	21	0.792	67	0.052
-68	0.046	-22	0.774	22	0.774	68	0.046
-67	0.052	-21	0.792	23	0.756	69	0.040
-66	0.059	-20	0.810	24	0.737	70	0.035
-65	0.066	-19	0.827	25	0.718	71	0.030
-64	0.073	-18	0.843	26	0.698	72	0.026
-63	0.082	-17	0.859	27	0.678	73	0.022
-62	0.090	-16	0.874	28	0.658	74	0.019
-61	0.099	-15	0.889	29	0.638	75	0.016
-60	0.109	-14	0.903	30	0.617	76	0.013
-59	0.119	-13	0.915	31	0.597	77	0.011
-58	0.130	-12	0.928	32	0.576	78	0.008
-57	0.142	-11	0.939	33	0.555	79	0.007
-56	0.154	-10	0.949	34	0.535	80	0.005
-55	0.166	-9	0.959	35	0.514	81	0.004
-54	0.179	-8	0.967	36	0.494	82	0.003
-53	0.193	-7	0.975	37	0.473	83	0.002
-52	0.207	-6	0.981	38	0.453	84	0.001
-51	0.222	-5	0.987	39	0.433	85	0.001
-50	0.237	-4	0.992	40	0.414	86	0.001
-49	0.253	-3	0.995	41	0.394	87	0.000
-48	0.269	-2	0.998	42	0.375	88	0.000
-47	0.286	-1	0.999	43	0.357	89	0.000
-46	0.303	0	1.000	44	0.338	90	0.000
-45	0.320			45	0.320		



Licensing and Management System

FRN: 0006302889 | [Search \(/dataentry/public/tv/...](#) [Log Out \(/dataentry/j_spring_security_logout\)](#)

Amendment to a Low Power FM Station Construction Permit Application

Application Submitted

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

[FAQ \(/dataentry/api/download/faq\)](#)

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Your application has been submitted for processing.

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- The progress of this application can be tracked on the **Applications** page.

Application Summary

File Number:

0000232436

Application Purpose:

Construction Permit Amendment

Status:

Review

Date Submitted:

02/12/2024

Applicant Information

Name:

Texas A&M University - College
Station

Title:

Address:

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College of Arts & Sciences
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+1 (979) 845-5500

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Washington, DC 20554

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TTY: 1-888-835-5322

Fax: 1-866-418-0232

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CERTIFICATE OF SERVICE

I, Cary S. Tepper, do hereby certify that a copy of the foregoing Opposition to Petition to Deny was this 12th day of February, 2024 sent via First Class Mail, postage pre-paid, to the following:

Mr. James Bradshaw, Deputy Division Chief*
Audio Division-Media Bureau
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

David D. Oxenford*
Wilkinson Barker Knauer, LLP
1800 M Street, NW, Suite 800N
Washington, D.C. 20036

Cary S. Tepper

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*Also, sent by email