FCC MAIL SECTION

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

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MAR 21 1990

IN REPLY REFER TO:

8920-DHT/DEB

Mr. Myron Jones
The Jet Broadcasting Co., Inc.
1635 Ash Street
Erie, PA 16503

In re: WJET(FM), Erie, Pennsylvania
The Jet Broadcasting Co., Inc.
BPH-89100210

Dear Mr. Jones:

This letter refers to the above-captioned application for a construction permit to add an auxiliary antenna to the same tower as your licensed main antenna.

An engineering review of your proposal indicates that your proposal is in violation of 47 CFR § 73.1675 of the Commission's Rules. This section prohibits the 1 mV/m service contour generated by an auxiliary facility from extending beyond the 1 mV/m contour produced by the licensed main facility. Your application clearly shows such prohibited overlap, noting that the majority of the overlap falls over Lake Erie. You also state that although the reference effective radiated power of 0.8 kW and antenna height above average terrain of 187 meters is equivalent to the 3.0 kW/100 meter licensed facility, anomalies in the FCC F(50,50) curves cause this overlap in certain directions.

The rule for auxiliary antennas, however, clearly implies that the distance to the 1 mV/m contour of the auxiliary may not exceed that of the main antenna in <u>any</u> direction. Even if your licensed main antenna was "equivalent" to 3 kW and 100m,[1] you would still be required to choose an ERP/HAAT combination that would insure that no prohibited overlap would exist. The "anomalies" you allude to are a result of the nonlinearity of the F(50,50) curves, which indicate that the propagation of the signal will be different for various combinations of ERP and HAAT. These effects do not justify noncompliance with this rule section. Accordingly, your application is unacceptable for filing and will be dismissed.

Additionally, we note that the instant application would extend WJET's interfering contour toward Canadian station CKDK-FM, Woodstock, Ontario.

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1 Using the "reference distance" concept (see 47 CFR § 73.211), but without rounding off to whole kilometers, your 0.8 kW ERP and 8-radial average HAAT of 187 m has a predicted distance to the 60 dBu field strength of 23.7 km, whereas 3 kW and 100 m HAAT yields 24.2 km.

CKDK-FM and WJET exist as specially-negotiated short-spaced stations, operating at a separation of 131.3 km (whereas 206 km are normally required between these stations). Consequently, any proposal which would extend the interfering contour of WJET toward Canada must necessarily be negotiated with that country. It is expected that the Canadian authorities would not look favorably on an auxiliary application which extends the interfering contours toward Canadian territory.

Accordingly, in view of the foregoing, your application for auxiliary facilities is unacceptable for filing and IS HEREBY DISMISSED pursuant to 47 CFR § 73.3566(a). This action is taken pursuant to 47 CFR § 0.283.

We note that you presently hold a construction permit for an auxiliary facility on the same tower (BPH-890221IA, granted April 5, 1989 with an expiration date of October 5, 1990). If you file another auxiliary antenna application, please specify whether it is supposed to be a modification of the outstanding construction permit (see 47 CFR § 73.3535) or whether it is an application for a second auxiliary antenna.

Sincerely,

Dennis Williams

Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

cc: Reddy, Begley & Martin