

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C. 20554**

MAR 26 1996

IN REPLY REFER TO:
1800B3-ALM

Ms. Sandy Wester
Route 3, Box 616
Decatur, Texas 76234

In re: NEW(FM), Decatur, TX
Creative Educational
Media Corp., Inc.
File No. BPED-931221MA

Dear Ms. Wester:

This is in response to your February 2, 1994 informal objection to the above-referenced application by Creative Educational Media Corp., Inc. ("Creative") for a new noncommercial, educational FM station in Decatur, Texas. Your objection alleges that (1) Creative will be constructing a new radio tower near an existing radio tower owned by the licensee of KDZR, Denton, Texas; (2) radio towers are source of controversy in Wise County; and (3) Creative's proposed facilities will result in harmful RF radiation.

First, your claim that Creative will construct a new broadcast tower is incorrect. The antenna for its proposed facility will be mounted on the existing tower of KDZR and no new construction will occur. Additionally, your allegation that broadcast towers are a source of controversy in Wise County raises concerns related to land use issues. In such situations, the Commission believes that local land use authorities, because of their location, experience and awareness of local values, are best situated to resolve land use and related aesthetic questions. GTE Spacenet Corporation, FCC 86-120, (released March 18, 1986), Blair Broadcasting of California Inc., 55 RR 2d 619 (1984). Further, the Commission has no jurisdiction over local zoning matters. Thus, the Commission accords deference to local authorities' rulings and views in these matters. Implementation of National Environmental Policy Act ("NEPA"), 49 FCC 2d 1313, 1329 (1974).

Finally, with regard to exposure to radiofrequency (RF) radiation, all RF transmitting facilities and operations are evaluated to determine their impact on the public, workers, and the environment prior to Commission approval and licensing. All major RF transmitting facilities under the jurisdiction of the Commission, such as radio and television broadcast stations, satellite-earth stations, and experimental radio stations, are subject to environmental evaluation of compliance with the

identified RF health and safety guidelines. The Commission utilizes the American National Standard Institute's ("ANSI") recommended protection guidelines to evaluate the environmental impact from RF transmitters. ANSI has established RF radiation exposure limits based on the interaction of RF radiation with the human body. RF radiation exposure below the recommended ANSI limit is considered to be safe and acceptable.

An engineering study of Creative's proposed facilities (8.0 kilowatts effective radiated power and 307.3 meters antenna height above average terrain), when combined with other previously authorized services on the KDZR tower, would yield approximately 6% of the limit imposed by ANSI radiofrequency radiation guidelines at the base of the tower, using a "worst case" analysis. Therefore, Creative's proposal is well below the applicable limits for human exposure to radiofrequency radiation. It should also be noted that the amount of RF radiation decreases as the distance from the tower increases.

Accordingly, in light of the above discussion, your informal objection IS DENIED. Furthermore, the application by Creative Educational Media Corp., Inc. (BPED-931221MA), being in all respects acceptable, IS HEREBY GRANTED.

Sincerely,

Dina Scanlan
for

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