# FEDERAL COMMUNICATIONS COMMISSION
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OCT 23 2009

Dan J. Alpert, Esq.
Law Office of Dan J. Alpert
2120 North 21st Road, Suite 400
Arlington, Virginia 22201

Re: Proctor-Williams, Inc.
KSET(AM), Silsbee, Texas
Facility Identification Number: 31108
Construction Permit: BMJP-20050118AHA
as modified by BMP-20061122AIO
License Application: BL-20090622AGP
Program Test Authority

Dear Mr. Alpert:

This is in reference to the above-captioned license application of Proctor-Williams, Inc. ("Proctor-Williams") to cover construction permit BMJP-20050118AHA as modified by BMP-20061122AIO;[1] the staff letter of August 24, 2009, granting limited program test authority for radio station KSET(AM) at Lumberton, Texas,[2] and requesting additional information; and the October 5, 2009, amendment. In the amendment, the applicant requests for program test authority at full power. The request for full power program tests will be denied and the August 24, 2009 will be modified as explained in this letter.

A review of the amended application reveals that the daytime measured RMS of 270 mV/m is below 85% of the standard radiation pattern of 418.15 mV/m and the nighttime measured RMS of 141 mV/m is below the minimum field for Class B status (159.52 mV/m @ 0.32 kilowatts) as required by Section 73.151(a) and there is excessive radiation on the nighttime 77° radial.[3] Proctor Williams acknowledges this and requests to increase the KSET(AM) daytime and nighttime antenna input power from 1.62 kilowatts and 0.345 kilowatts to 2.805 kilowatts and 0.406 kilowatts, respectively, in order to meet 85% of the standard RMS.[4] In addition, Proctor Williams requests for augmentation on the daytime 54°, the 257°, the 280.5° and 298° radials,

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[1] We note that Proctor-Williams has further modified the KSET(AM) ground system by using an elevated ground system with six radials around each tower from that specified in its modification application BMP-20061122AIO (which specified a standard ground system with 120 radials).

[2] The August 24, 2009, program test authority authorized KSET(AM) to operate with a reduced daytime input power of 0.81 kilowatts and a nighttime input power of 0.17 kilowatts.

[3] Section 73.151(a) requires that "the effective measured field strength (RMS) at 1 kilometer (km) is not less than 85 percent of the effective measured field strength (RMS) specified for the standard radiation pattern, or less than that specified in §73.189(b) for the class of station involved, whichever is the higher value, and that the measured field strength at 1km in any direction does not exceed the field shown in that direction on the standard radiation for that mode of directional operation.."

[4] Proctor Williams is incorrect in interpreting Section 73.151(a). Section 73.151(a) requires the RMS to be 85% of the standard pattern or the minimum RMS for the class of station whichever is higher. In this case, since the Class RMS of 159.52 mV/m at 0.32 kW is higher than 85% of the KSET(AM)'s nighttime standard RMS of 152.6 mV/m, the minimum required nighttime power should be 0.441 kilowatts.

and on the nighttime 77°,[5], the 210°, and the 236° radials due to the proposed power increase.[6] However, in the Public Notice entitled "*The Application Process and The Use of Non-Discrete Power Levels for AM Station*", released on October 11, 1985, the Commission prohibits input power adjustment of a directional station in which adjusted radiation exceeds authorized standard radiation. Accordingly, the request for input power increase and augmentation is denied. Furthermore, we find that the KSET(AM) daytime nominal power must be reduced to a level at which it meets the 85% RMS requirement, and the nighttime input power must be reduced to 0.102 kilowatts to avoid causing interference to other stations due to excessive radiation on the 77° radial. Consequently, the August 24, 2009, program test authority is revised modified as follows:

Program tests are now authorized with the same daytime antenna input power of 0.81 kilowatts (common point current 4.02 amperes) and a decreased nighttime input power of 0.102 watts (common point current of 1.43 amperes).

Daytime operating parameters for tower #1, #2 and #3, respectively:

Antenna monitor sample current ratio: 0.32, 1.0, and 0.47
Antenna monitor phases: 148°, 0°, and -175°
Monitor Point Limits: 54°/18.31 mV/m; 99°/3.25 mV/m; 257°/0.51 mV/m; 298°/2.4 mV/m.

Nighttime operating parameters for tower #1, #3 and #4, respectively:

Antenna monitor sample current ratio: 0.34, 0.5, and 0.380
Antenna monitor phases: 108°, 0°, and -101°
Monitor Point Limits: 44.5°/0.28 mV/m; 77°/0.07 mV/m; 179°/2.08 mV/m; 280.5°/0.15 mV/m; 298°/0.5 mV/m.

Proctor Williams has to: (1) decrease KSET(AM)'s daytime and nighttime nominal power in the application BMP-20090810ADB to the extent necessary for the standard radiation pattern to achieve the minimum measured RMS requirement of Section 73.151(a), and adjust the augmentation as necessary so that its measured radiation pattern is within the modified standard pattern; and (2) amend the license application to correlate with the amended information in its construction permit modification.

Further action on the subject application will be withheld for sixty (60) days from the date of this letter in order to provide Proctor Williams an opportunity to file a curative amendment. Failure to respond or file an amendment within this time period will result in the dismissal of the application pursuant to Section 73.3568 of the rules.

Sincerely,

Son Nguyen
Supervisory Engineer
Audio Division
Media Bureau

cc: Proctor-Williams, Inc.
William J. Sitzman

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[5] The 77° radial has excessive radiation with a nighttime power of 0.345 kilowatts.
[6] Proctor Williams filed a FCC Form 301 application for augmentation (File No. BMP-20090810ADB).