



Federal Communications Commission
Washington, D.C. 20554

In Reply Refer to:
1800B3-MFW

SEP 20 2005

William H. Crispin, Esq.
Crispin & Associates, P.L.L.C.
555 13th Street, N.W., Suite 420 West
Washington, DC 20004

In re: WGRQ(FM), Colonial Beach, VA
Facility ID No. 64922

Request for Confirmation of Compliance
with Section 73.1125

Dear Mr. Crispin:

This letter refers to the August 4, 2005 letter request, filed on behalf of Telemedia Broadcasting, Inc. ("Telemedia"), licensee of WGRQ(FM), Colonial Beach, Virginia, for authorization to continue to maintain the WGRQ(FM) main studio outside of the locations specified in Section 73.1125 of the Commission's rules.¹ For the reasons set forth below, we deny the request.

Telemedia indicates that on July 19, 2001, it submitted a Supplemental Engineering Showing ("Supplemental Showing") to demonstrate that WGRQ(FM)'s main studio, located 33.0 km from the WGRQ(FM) transmitter site, was in fact encompassed by the station's 70 dB μ contour when the Longley-Rice Irregular Terrain Method was used; the Commission's Enforcement Bureau accepted the showing and agreed, finding that the WGRQ(FM) studio, although more than 25 miles from the center of Colonial Beach, did not violate Section 73.1125.² In that Supplemental Showing, Telemedia relied on a Longley-Rice measurement along the bearing 275.7° true demonstrating that the site received more than the requisite 70 dB μ signal strength. Telemedia states that it now wishes to relocate the WGRQ(FM) main studio to a location an additional 4 km (approximately 2.5 miles) further from Colonial Beach along the bearing 277° true.³ Telemedia resubmits its 2001 Supplemental Showing, which it claims demonstrates that the new site will also receive a signal strength in excess of 70 dB μ from WGRQ(FM).⁴ Telemedia also indicates that: (1) the 2.5-mile distance between WGRQ(FM)'s current studio location and the

¹ Pursuant to Section 73.1125(a) a broadcast station's main studio must be located either (1) within a station's community of license, (2) within the principal community contour of any station licensed to its community, or (3) within 25 miles of the center of its community of license. See *Review of the Commission's Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, 13 FCC Rcd 15691 (1998), recon. granted in part, 14 FCC Rcd 1113 (1999) ("Reconsideration Order").

² *Telemedia, Inc.*, 17 FCC Rcd 14604 (EB 2002).

³ Telemedia indicates that it has an option on a parcel of property for its studio which will expire on September 1, 2005.

⁴ Telemedia states that the Supplemental Showing demonstrates that WGRQ(FM)'s 70 dB μ contour actually reaches 41.7 km along the 277° radial. In fact, states Telemedia, the propagation characteristics along the 277° radial to the proposed studio location are actually superior to those along the 275.7° radial toward the existing studio.

proposed studio site is a *de minimis* location change; (2) it has received no complaints that the existing studio location is inconvenient; (3) the current studio location required construction of a 100-foot tower to maintain a studio-to-transmitter link (“STL”) for WGRQ(FM), and the Conditional Use Permit issued by the Spotsylvania County Planning Commission dictated that Telemedia must look for alternatives that would obviate the need for a tower; and (4) the new location would not require the construction of a tower and would permit Telemedia to tear down the existing 100-foot tower, thus minimizing the infringement upon and degradation of the County’s historical resources.

Discussion. The Supplemental Showing indicates that the WGRQ(FM) transmitter and both the current and proposed studio locations are at the elevated ends of a path along a valley containing a portion of the Rappahannock River. There are no terrain obstructions. Accordingly, “better than average propagation conditions exist, such that the actually signal strength may extend further than as predicted with the standard FCC Curves”⁵

In 1997, the Commission indicated that it was willing to consider supplemental showings to show compliance with main studio requirements in situations involving irregular terrain.⁶ The Commission established several requirements for applicants proposing such analyses, including an explanation of why use of a supplemental showing is warranted (*e.g.*, very flat, very rough, or anomalous terrain), and a showing how the terrain departs widely from the average terrain assumed for the F(50,50) propagation curves in 47 C.F.R. Section 73.333 for FM stations.⁷

In August of 2002, the Media Bureau staff, in coordination with the Commission’s Office of Engineering and Technology, established the following guidelines to define “terrain departs widely”:

- (1) Where Δh is used as the sole determinant that the terrain along a radial widely departs from the 50 meter standard, a Δh value of 20 meters or less, or 100 meters or more.
- (2) Where the antenna height above average terrain (HAAT) along radials toward the community of license (using an extended radial) varies by more than 30% from the HAAT obtained from the standard method of determining HAAT along a radial. In this context, the standard method requires the averaging of the radial elevation for at least 50 equally spaced points between 3 and 16 km from the transmitter site. The “extended radial” includes additional points between 16 km and the community of license, using the same point spacing as for the 3 to 16 km section.

The instant request fails to establish that the terrain between the transmitter site and the WGRQ(FM) main studio “departs widely.” No such justification was provided, save for the representation that “better than average propagation conditions exist.” In fact, the Engineering Statement attached to the resubmitted 2001 Supplemental Showing admits that the present main studio location does not satisfy the current Δh triggering criteria. Telemedia’s engineering consultant argues that, because the location was found to be in compliance with Section 73.1125 prior to the staff’s clarification of the guidelines for determining whether terrain “departs widely,” the current location can be considered “grandfathered” and the proposed

⁵ Supplemental Showing, Engineering Statement at 1-2.

⁶ *Amendments of Parts 73 and 74 of the Commission’s Rules to Permit Certain Minor Changes Without a Construction Permit*, FCC 97-270, 12 FCC Rcd 12371, 12401-03 (1997).

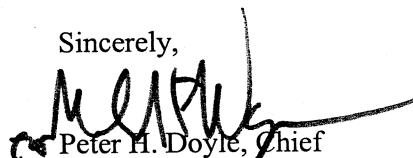
⁷ See 47 C.F.R. § 73.313(e)

location "is consistent with this prior determination."⁸ We disagree. The 2002 acceptance of the Supplemental Showing was made by the Enforcement Bureau, not the full Commission, for the current WGRQ(FM) studio location. That determination does not bind the Media Bureau staff in its evaluation of a different studio location. On the basis of the information provided, we conclude that use of a supplemental showing is not warranted in this instance.

Moreover, Telemedia cites to no authority supporting its proposition that moving the WGRQ(FM) studio 2.5 miles from its current location would constitute a *de minimis* relocation, and we are aware of none; we therefore reject that contention. Additionally, the fact that the new studio location would not require construction of a tower for studio-transmitter link purposes is unpersuasive. It was Telemedia's private business judgment to operate from the current location requiring an STL, which in turn required construction of a tower;⁹ that Telemedia can now relocate to a location further from its community of license that would not require a tower inures more to Telemedia's private benefit than any public interest. On the basis of the information provided, we cannot conclude that use of a supplemental showing is warranted in this instance.

Accordingly, the August 4, 2005 request of Telemedia Broadcasting, Inc. for an authorization permitting WGRQ(FM) to operate with a main studio located 37 km from WGRQ(FM)'s transmitter site IS DENIED.

Sincerely,



Peter H. Doyle, Chief
Audio Division
Media Bureau

⁸ Supplemental Showing, Engineering Statement at 2.

⁹ There is no evidence in the record here that the Commission mandated that Telemedia operate WGRQ(FM) from a location that would require an STL.