

**FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

IN REPLY REFER TO:
1800B3-DJF

Ladas Broadcasting Company
101 West Napoleon Street
Sulphur, LA 70663

Re: KEZM(AM); Sulphur, LA
Experimental Authorization
Ladas Broadcasting Company ("LBC")
BPEX-950124AA

Dear Applicant:

The staff has under consideration the above-captioned application filed by LBC to request authority to operate an experimental synchronous transmitter.(FN1) The application was amended July 31, 1995. For the reasons below, we will dismiss the application as amended.

Nighttime Interference Caused by Proposed Facility

Commission Letter Dated April 4, 1995 - LBC Informed of Violation of 47 CFR § 73.182(k)
By Commission letter dated April 4, 1995, LBC was informed that the proposed nighttime operation would enter and increase the RSS limit of station KTCK(AM), Dallas, TX in violation of 47 CFR § 73.182(k). Accordingly, LBC was asked to amend the application to correct this violation and to ensure that the amended application would not contain further discrepancies.

LBC's Amendment Dated July 31, 1995 - LBC Asserts Facility Complies with 47 CFR § 73.182(k)
In its amendment dated July 31, 1995, LBC states that it was informed by telephone that the Division staff had analyzed the predicted nighttime interference as if the facility were operating with a power of 50 watts, in accordance with the Division policy regarding the minimum power of AM synchronous transmitters, rather than the proposed power of 40 watts.(FN2) LBC asserts that if the interference study is based on the proposed power of 40 watts, predicted interference to KTCK will not occur. Accordingly, LBC requests that the minimum operating power for synchronous operation be reviewed and modified to permit operation of the facility with the proposed power of 40 watts.

Interference Occurs with 40 watts - Facility in Violation of § 73.182(k)

An interference study based on the proposed power of 40 watts reveals that LBC's nighttime proposal would increase the RSS limit of KTCK(AM).(FN3) Therefore, the proposed facility is in violation of § 73.182(k) and the application will be dismissed. Accordingly, we will not act on LBC's request for waiver of the Division policy regarding the minimum power of 50 watts for AM synchronous transmitters. However, please note that we would entertain such a request if LBC were to eliminate the interference predicted to occur to KTCK's signal and refile its application.(FN4)

Information Necessary to Process the Application Not Supplied

In addition to the acceptance defect described above, the experimental authorization application does not contain some essential information required by Part 74 of the Commission's Rules as listed below.

1. Description of Research and Experimentation and Purpose of Experiment not Supplied

Experimental broadcast authorizations of the type requested here are issued under Subpart A of Part 74 of the Commission's Rules. Section 74.102 of the Commission's rules specifically states that an experimental authorization will be issued only "for the purpose of carrying on research and experimentation for the development and advancement of new broadcast technology, equipment, systems, or services which are more extensive or require other modes of transmission than can be accomplished by using a licensed broadcast station under an experimental authorization. (See § 73.1510.)" 47 CFR § 74.102. In order to ensure that the experimental authorization is utilized for the advancement of broadcast technology, the Commission requires that the applicant make a satisfactory showing of compliance with the general requirements of the Communications Act of 1934, as amended. In addition, applicants must provide the following information as required by 47 CFR § 74.131(a):

(1) That the applicant has a definite program of research and experimentation in the technical phases of broadcasting which indicates reasonable promise of substantial contribution to the development of the broadcasting art; and

* * *

(4) That the program of research and experimentation will be conducted by qualified personnel.

Our review of LBC's proposal reveals that the application contains neither the required program of research and experimentation nor any specifics on who will oversee and evaluate the proposed experimental synchronous operation. Without this information, we cannot conclude that the proposal demonstrates a "reasonable promise of substantial contribution to the developments of the broadcasting art."

2. Required Supplementary Statements not Supplied

Section 74.112 of the Commission's rules requires that applications for experimental authorization contain supplementary statements to acknowledge the following:

(a) All operation upon the frequency requested is for experimental purposes only.

* * *

(d) Any frequency which may be assigned is subject to change without advance notice or hearing.

(e) Any authorization issued pursuant to the application may be cancelled at any time without notice or hearing.

(f) Compliance with the Commission's environmental rules is required if approval of the experimental broadcast station may have a significant environmental impact. See § 1.311.

LBC's application did not contain these pertinent affirmations.

3. Programming and Payment Matters - Waiver Request Necessary

Experimental stations may transmit only when experimentation is being conducted and may not ask for or receive any payment, directly or indirectly, for the production of any programming nor information used for experimental broadcast purposes. See 47 CFR § 74.182. Thus, absent waiver, LBC would not be permitted to broadcast its regular KEZM programming using the proposed experimental facilities, and it would not be able to receive compensation for or profit from the programming which it might transmit over those facilities. Cf. Ponce Television Corporation, 1 FCC Rcd 1167 (1986), and International Expo Information Broadcasters, Inc., 89 FCC 2d 1374 (1982). However, please note that the Commission would look favorably on a request for waiver of § 74.182 in light of the Memorandum Opinion and Order in MM Docket 87-6, 4 FCC Rcd 591 (1989). In the Memorandum Opinion and Order, the Commission concluded that due to the uncertainties of transmitter synchronization technology present at that time, the Commission's rules would not be amended to authorize the use of multiple synchronous transmitters by AM broadcast stations. In reaching this conclusion, the Commission stated that it would continue to authorize experimental facilities to explore ways to derive the maximum possible benefits from transmitter synchronization technology.

4. Experimental Operations are Temporary

Please note that experimental operations are intended to be temporary. Licenses are granted for an operating period of one year. Should a licensee wish to continue operations beyond the one year period, an application for renewal of license must be filed. The renewal application must contain a report providing details and progress of the experimental operation. See 47 CFR § 74.130. Based on the information contained in the report, the Commission will determine if the renewal of license should be granted. When the experimental program is completed, the authorization will not be renewed.

Conclusion

In light of the above, LBC's application is unacceptable for filing and IS HEREBY DISMISSED pursuant to 47 CFR § 73.3566. However, we invite LBC to correct the above defects and refile its application.

Sincerely,

Dennis Williams
Assistant Chief
Audio Services Division
Mass Media Bureau

cc: Suffa & Cavell, Inc.

(FN1) LBC used FCC Form 301, application for construction permit, to request authority to construct the experimental facility. Pursuant to 47 CFR § 73.3500, applications for authority to construct experimental facilities are to be filed on FCC Form 309. However, because all the information required by FCC Form 309 can be found in LBC's application, we will not require resubmission of the application on Form 309.

(FN2) As reported in the Memorandum Opinion and Order in MM Docket 87-6, "Amendment of Part 73 to Authorize the use of Multiple Synchronous Transmitters by AM Broadcast Stations", 4 FCC Rcd p. 591 (1989), broadcasters suggested a minimum power limit from "no minimum" to 100 watts. The Division chose a limit of 50 watts.

(FN3) The nighttime interference calculation was based on the standard used to determine interference for synchronized networks. Specifically, if two transmitters are less than 400 km apart, as is the case here, the network shall be treated as a single entity and the value of the network interfering signal is determined by the quadratic addition of the interfering signals from the individual transmitters in the network. See Final Acts of the Regional Administrative MF Broadcasting Conference (Region 2), 1981, p. 44 and AM Agreement Between the United States and Mexico 1986, 1986, p. 15. The 25% night limit contour of 6.2159 mV/m of KTCK is comprised of the following limits:

Station	Limit	Running RSS
KWHN	4.0004	4.0004
XEAM	2.0723	4.5085
KXYZ	2.0428	4.9497
KEZM	1.8826	5.2956
XETIA	1.8255	5.6014
KXTN	1.6008	5.8257
WDOD	1.5411	6.0261
XEUP	1.5244	6.2159
WIBA	1.3180	

LBC's proposed facility produces a limit of 2.3713 mV/m and would therefore increase the limit to 8.5872 mV/m.

(FN4) One option to bring the proposed facility into compliance with § 73.182(k) may be to reduce the power of its licensed nighttime facility so that the value of the network interfering signal does not increase the KTCK limit.