



(REFERENCE COPY - Not for submission)
Minor Modification of a Licensed Facility for FM Application

File Number: **0000145184** | Submit Date: **05/12/2021** | Lead Call Sign: **WKFC** | FRN: **0011340478**
Service: **Full Power FM** | Purpose: **Minor Modification** | Status: **Pending** | Status Date: **05/12/2021** | Filing Status: **Active**

General Information

Section	Question	Response
Attachments	Are attachments (other than associated schedules) being filed with this application?	Yes

Fees, Waivers, and Exemptions

Section	Question	Response
Fees	Is the applicant exempt from FCC application Fees?	No
	Indicate reason for fee exemption:	
	Is the applicant exempt from FCC regulatory Fees?	No
Waivers	Does this filing request a waiver of the Commission's rule (s)?	No
	Total number of rule sections involved in this waiver request:	

Application Type	Call Sign	Facility ID	Fee Code	Fee Amount
Minor Modification			MPR	\$1,110.00
			Total	

Applicant Information

Applicant Name, Type, and Contact Information

Applicant	Address	Phone	Email	Applicant Type
RADIOACTIVE, LLC Doing Business As: RADIOACTIVE, LLC	1717 DIXIE HIGHWAY SUITE 650 FT. WRIGHT, KY 41011 United States	+1 (859) 444- 6244	marissa@repplawfirm. com	Company

Contact Representatives (3)

Contact Name	Address	Phone	Email	Contact Type
Scott Fybush <i>Technical Consultant</i> Fybush Media	Scott Fybush 92 Bonnie Brae Ave Rochester, NY 14618 United States	+1 (585) 442- 5411	scott@fybush.com	Technical Representative
Benjamin L Homel <i>Member and President</i> Radioactive, LLC	1717 DIXIE HIGHWAY SUITE 650 FT. WRIGHT, KY 41011 United States	+1 (859) 444- 6244	marissa@repplawfirm. com	Technical Representative

Marissa G Repp , Esq . Attorney Repp Law Firm	Marissa G. Repp 1629 K Street, NW Suite 300 Washington, DC 20006 United States	+1 (202) 656- 1619	marissa@repplawfirm. com	Legal Representative
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Attributable Interest

Section	Question	Response
Equity and Financial Interests	Applicant certifies that equity and financial interests not listed in the Parties to the Application section are non-attributable pursuant to the notes to 47 C.F.R. Section 73.3555.	
Other Authorizations	Does the applicant or any party to the application have an attributable interest in any other broadcast station(s).	
Multiple Ownership	Is the applicant or any party to the application the holder of an attributable radio joint sales agreement or an attributable radio time brokerage agreement in the same market as the station subject to this application?	No
	Applicant certifies that the proposed facility complies with the Commission's multiple ownership rules.	No
	Applicant certifies that the proposed facility: (a) does not present an issue under the Commission's policies relating to media interests of immediate family members; (b) complies with the Commission's policies relating to future ownership interests; and (c) complies with the Commission's restrictions relating to the insulation and non-participation of non-party investors and creditors.	Yes
	Does the Applicant claim status as an "eligible entity," that is, an entity that qualifies as a small business under the Small Business Administration's size standards for its industry grouping (as set forth in 13 C.F.R. § 121.201), and holds: (a) 30 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet; or (b) 15 percent or more of the stock or partnership interests and more than 50 percent of the voting power of the corporation or partnership that will own the media outlet, provided that no other person or entity owns or controls more than 25 percent of the outstanding stock or partnership interests; or (c) more than 50 percent of the voting power of the corporation that will own the media outlet (if such corporation is a publicly traded company)?	No

Legal Certifications

Section	Question	Response
Obligations	Licensee/Permittee certifies that all terms, conditions, and obligations set forth in the underlying construction permit have been fully met.	

	Licensee/Permittee certifies that, apart from changes already reported, no cause or circumstance has arisen since the grant of the underlying construction permit which would result in any statement or representation contained in the construction permit application to be now incorrect.	
Character Issues	<p>Applicant certifies that neither the applicant nor any party to the application has or had any interest in, or connection with:</p> <p>(a) any broadcast application in any proceeding where character issues were left unresolved or were resolved adversely against the applicant or party to the application; or</p> <p>(b) any pending broadcast application in which character issues have been raised.</p>	No
Adverse Findings	Applicant certifies that, with respect to the applicant and any party to the application, no adverse finding has been made, nor has an adverse final action been taken by any court or administrative body in a civil or criminal proceeding brought under the provisions of any laws related to any of the following: any felony; mass media-related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination.	Yes
Program Service Certification	Applicant certifies that it is cognizant of and will comply with its obligations as a Commission licensee to present a program service responsive to the issues of public concern facing the station's community of license and service area.	
Local Public Notice	Applicant certifies that it has or will comply with the public notice requirements of 47 C.F.R. Section 73.3580.	Yes
Equal Employment Opportunity (EEO)	If the applicant proposes to employ five or more full-time employees, applicant certifies that it is filing simultaneously with this application a Model EEO Program Report.	
Operational Compliance	Applicant certifies that it is not the licensee or permittee of the commercial primary station being rebroadcast and that neither it nor any parties to the application have any interest in or connection with the commercial primary station being rebroadcast? See 47 C.F.R. Section 74.1232(d).	
	Applicant certifies that the FM translator's (a) 1mV/m coverage contour does not extend beyond the protected contour of the commercial FM primary station to be rebroadcast, or (b) entire 1mV/m coverage contour is contained within the greater of either: (i) the 2 mV/m daytime contour of the commercial AM primary station to be rebroadcast, or (ii) a 25-mile radius centered at the commercial AM primary station's transmitter site.	
Support Compliance	The applicant, if for a commercial FM translator station with a coverage contour extending beyond the protected contour of the commercial primary station being rebroadcast, certifies that it has not received any support, before or after constructing, directly or indirectly, from the licensee /permittee of the primary station or any person with an interest in or connection with the licensee or permittee of the primary station, except for technical assistance as provided for under 47 C.F.R. Section 74.1232(e).	
Rebroadcast Certification	For applicants proposing translator rebroadcasts that are not the licensee of the primary station, the applicant certifies that written authority has been obtained from the licensee of the station whose programs are to be retransmitted.	
Station Ready for Operation	Applicant certifies that station is now in satisfactory operating condition and ready for regular operation.	

Programming	The applicant certifies that it is the licensee of the primary station or the applicant certifies that written authority has been obtained from the licensee of the primary station whose programming is to be retransmitted.	
Eligibility Certifications	The applicant certifies that it is a:	
	If the applicant is submitting multiple applications, is this application the "priority" application? See Creation of a Low Power Radio Service, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19239-40, 79-80, paras. 79-80 (2000).	
	The applicant certifies that the Commission has previously granted a broadcast application identified here by file number that found this applicant qualified as a noncommercial educational entity with a qualifying educational program, and that the applicant will use the proposed station to advance a program similar to that the Commission has found qualifying in applicant's previous application.	
	The applicant certifies that its governing documents (e.g., articles of incorporation, by-laws, charter, enabling statute, and/or other pertinent organizational document) permit the applicant to advance an educational program and that there is no provision in any of those documents that would restrict the applicant from advancing an educational program or complying with any Commission rule, policy, or provision of the Communications Act of 1934, as amended.	
Community-Based Criteria	Applicants must certify that they are local to be eligible for LPFM authorizations. An applicant must select "yes" to at least one of the certifications below to be eligible for an LPFM license. The applicant certifies that:	
	it is a nonprofit educational institution or organization that is physically headquartered or has a campus within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	
	it is a nonprofit educational institution or organization that has 75 percent of its board members residing within 16.1 kilometers (10 miles), if applicant is in the top 50 urban markets, or 32.1 kilometers (20 miles) if applicant is outside the top 50 urban markets, of the proposed transmitting antenna site set forth in this application	
	it is a Tribe and its Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station; or it is a Tribal organization owned or controlled by a Tribe (or Tribes) and such Tribe's (or Tribes') Tribal Lands, as that term is defined in Section 73.7000 of the Commission's rules, are within the service area of the proposed LPFM station. See 47 C.F.R. Sections 73.853(c) and 73.7000.	
	it proposes a public safety radio service and has jurisdiction within the service area of the proposed LPFM station.	
Ownership	The applicant certifies that: no party to this application has an attributable interest in any low power FM broadcast station	
	1. no party to this application has an attributable interest in any non-LPFM broadcast station, including any full power AM or FM station, FM translator station, full or low power television station, or any other media subject to the Commission's broadcast ownership restrictions	

	<p>2. no party to this application has pending an application for a low power FM, full power AM or FM station, FM translator station, or full or low power television station;</p>	
	<p>the applicant is in compliance with the Commission's policies relating to media interests of immediate family members; and</p>	
	<p>the applicant is in compliance with the Commission's policies relating to investor insulation and the non-participation of non-party investors and creditors.</p>	
Unlicensed Operation	<p>The applicant certifies, under penalty of perjury, that neither the applicant nor any party to the application has engaged in any manner, individually or with other persons, groups, organizations, or other entities, in the unlicensed operation of any station in violation of Section 301 of the Communications Act of 1934, as amended, 47 U.S.C. Section 301.</p>	
Financial	<p>The applicant certifies that sufficient net liquid assets are on hand or that sufficient funds are available from committed sources to construct and operate the requested facilities for three months without revenue.</p>	
Holding Period Certifications	<p>Applicant certifies that this application does not propose a modification to an authorization that was awarded on the basis of a preference for fair distribution of service pursuant to 47 U.S.C. Section 307(b).</p>	
	<p>Applicant certifies that this application does not propose a modification to an authorized station that received a credit for superior technical parameters under the point system selection method in 47 C.F.R. Section 73.7003.</p>	
Fair Distribution of Service Pursuant to 47 U.S.C. Section 307(b)	<p>Applicant certifies that the proposed station will provide a first rural (reception) service.</p>	
	<p>Applicant certifies that:</p> <ul style="list-style-type: none"> (a) it is a Tribal Applicant, as defined in 47 C.F.R. Section 73.7000; (b) the facilities proposed in this Application will provide Tribal Coverage, as defined in 47 C.F.R. Section 73.7000, of Tribal Lands occupied by the applicant Tribe(s); (c) the proposed community of license is located on Tribal Lands, as defined in 47 C.F.R. Section 73.7000; and (d) the proposed facility would be the first local Tribal-owned noncommercial educational transmission service at the proposed community of license 	
	<p>Applicant certifies that the proposed station will provide a first noncommercial educational aural service to (a) at least 10 percent of the people residing within the station's 60 dBu (1mV/m) service contour and (b) to a minimum of 2,000 people.</p>	
	<p>Applicant certifies that the proposed station will provide a second noncommercial educational aural service, or an aggregated first and second noncommercial educational aural service, to (a) at least 10 percent of the people residing within the station's 60 dBu (1 mV/m) service contour and (b) to a minimum of 2,000 people.</p>	
Auction Authorization	<p>If the application is being submitted to obtain a construction permit for which the applicant was the winning bidder in an auction, then the applicant certifies, pursuant to 47 C.F.R. Section 73.5005(a), that it has attached an exhibit containing the information required by 47 C.F.R. Sections 1.2107(d), 1.2110(i), 1.2112(a) and 1.2112(b), if applicable.</p>	

Tribal Priority – Threshold Qualifications	Is the Applicant applying for an FM allotment set forth in a Public Notice announcing a Tribal Threshold Qualifications window?	
Petition for Rulemaking /Counterproposal to Add New FM Channel to FM Table of Allotments	This application is being submitted concurrently with a Petition for Rulemaking or Counterproposal to Amend the FM Table of Allotments (47 C.F.R. Section 73.202) to add a new FM channel allotment. The petitioner/counter-proponent certifies that, if the FM channel allotment requested is allotted, petitioner/counter- proponent will apply to participate in the auction of the channel allotment requested and specified in this application.	

Channel and Facility Information

Section	Question	Response
Program Test Authority	The application is operating pursuant to automatic program test authority	
	The applicant is requesting program test authority	
Proposed Community of License	State	Kentucky
	City	CRAB ORCHARD
	Channel	270
	Frequency	101.9
Facility Type	Facility Type	Commercial
Station Class	Station Class	A

Antenna Location Data

Section	Question	Response
Antenna Structure Registration	Do you have an FCC Antenna Structure Registration (ASR) Number?	No
	ASR Number	
Coordinates (NAD83)	Latitude	37° 25' 39.5" N+
	Longitude	084° 39' 20.9" W-
	Structure Type	TANK-Any type of tank, water, gas, etc.
	Overall Structure Height	33 meters
	Support Structure Height	33 meters
	Ground Elevation (AMSL)	410 meters
Antenna Data	Height of Radiation Center Above Ground Level	Horizontal:31 meters Vertical:31 meters
	Height of Radiation Center Above Average Terrain	Horizontal:110 meters Vertical:110 meters
	Height of Radiation Center Above Mean Sea Level	Horizontal:441.0 meters Vertical:441.0 meters
	Effective Radiated Power	Horizontal:2.2 Vertical: 2.2
	Transmitter Power Output	--
Proposed Allotment or Assignment - Coordinates (NAD83)	Latitude	37° 28' 08.8" N+
	Longitude	084° 28' 04.7" W-

**Antenna
Technical Data**

Section	Question	Response
Antenna Type	Antenna Type	Non-Directional
Primary Station	Call Sign	
	Facility ID	
	Frequency	
	Channel	
	Service Code	
	City	
	State	
Delivery Method	Delivery Method	
	If Other, Please specify:	
Transmitting Antenna	Manufacturer:	
	Model	
	Antenna Number of Sections:	2
	Antenna Spacing Between Sections:	1.0

Directional Antenna Relative Field Value

Degree	Value	Degree	Value	Degree	Value	Degree	Value
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Additional Azimuths

Degree	Value
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**Technical
Certifications**

Section	Question	Response
Environmental Effect	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	No
Broadcast Facility	Does the proposed facility comply with the applicable engineering standards and assignment requirements of 47 C.F.R. Sections 73.203, 73.207, 73.213, 73.315, 73.509, 73.515, 73.525, and 73.1125?	No
Contour Protection	Does the proposed facility request processing pursuant to the contour protection provisions of 47 C.F.R Section 73.215?	Yes
Community of License Change - Section 307(b)	Is the application being submitted to change the facility's community of license? If 'Yes', an exhibit is required containing information demonstrating that the proposed community of license change constitutes a preferential arrangement of assignments under Section 307(b) of the Communications Act of 1934, as amended (47 U.S.C. Section 307(b))	Yes
Proposal Compliance	Does the applicant certify that the proposal is for a fill-in translator or booster?	
	Does the applicant certify that the proposal complies with Sections 74.1204, 74.1205, 74.1232, 74.1234 and 74.1235?	

Interference	Does the applicant certify that the proposed facility complies with the engineering requirements of 47 CFR Section 73.807 (a) through (g), 73.825 and 73.827(a)?	
Transmitter Power Output	Does the operating transmitter power output produce the authorized effective radiated power?	
Constructed Facility	The facility was constructed as authorized in the underlying construction permit or complies with 47 C.F.R. Section 73.1690?	
Special Operating Conditions	Was the facility constructed in compliance with all special operating conditions, terms, and obligations described in the construction permit?	
Environmental	Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? (See 47 C.F.R. Section 1.1306)	
Reasonable Site Assurance	Applicant certifies that it has reasonable assurance in good faith that the site or proposed structure at the location of its transmitting antenna will be available to the applicant for the applicant's intended purpose.	
	If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.	
	Name of the person contacted	
	Phone number of the person contacted	
	Person contacted is	

Certification

Section	Question	Response
General Certification Statements	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by authorization or otherwise, and requests an Authorization in accordance with this application (See Section 304 of the Communications Act of 1934, as amended.).	
	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to §5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under §1.2002(c) of the rules, 47 CFR . See §1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification § 1.2002(c). The Applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.	

Authorized Party to Sign	<p>FAILURE TO SIGN THIS APPLICATION MAY RESULT IN DISMISSAL OF THE APPLICATION AND FORFEITURE OF ANY FEES PAID</p> <p>Upon grant of this application, the Authorization Holder may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in automatic cancellation of the Authorization. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of Authorization requested in this application.</p> <p>WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, §1001) AND/OR REVOCATION OF ANY STATION AUTHORIZATION (U.S. Code, Title 47, §312(a)(1)), AND /OR FORFEITURE (U.S. Code, Title 47, §503).</p>	
	I declare, under penalty of perjury, that I am an authorized representative of the above-named applicant for the Authorization(s) specified above.	<p>Benajmin L Homel <i>Member and President</i></p> <p>05/12/2021</p>

Attachments

File Name	Uploaded By	Attachment Type	Description	Upload Status
<u>Comprehensive Section 307_b__Exhibit_Final.pdf</u>	Applicant	Technical Certifications	Comprehensive Section 307(b) Exhibit	Done with Virus Scan and /or Conversion
<u>Contingent Applications Exhibit with Contingent Applications Agreement.pdf</u>	Applicant	Technical Certifications	Contingent Applications Pursuant to Section 47 C. F.R. §73.3517(e)	Done with Virus Scan and /or Conversion
<u>Radioactive Licensee Exhibit Character Issue.pdf</u>	Applicant	Legal Certifications	Character Issue	Done with Virus Scan and /or Conversion
<u>Section 73.215.pdf</u>	Applicant	Technical Certifications	Section 73.215	Done with Virus Scan and /or Conversion
<u>WKFC Modification Technical Exhibit Final.pdf</u>	Applicant	Technical Certifications	Comprehensive Technical Exhibit	Done with Virus Scan and /or Conversion
<u>WPBK WKFC Multiple Ownership Study Final.pdf</u>	Applicant	Attributable Interest	Compliance with Section 73.3555(a)	Done with Virus Scan and /or Conversion

COMPREHENSIVE SECTION 307(b) EXHIBIT FOR CONTINGENT MODIFICATION APPLICATIONS AND REQUEST FOR ORDER TO SHOW CAUSE

Summary of Proposed Changes

Three contingent minor modification applications are being filed concurrently pursuant to Section 73.3517(e) of the Commission's rules: (1) WPBK (FID 164262) to change from Channel 275A at Crab Orchard, KY to Channel 275C3 at Hustonville, KY; (2) WKFC (FID 164261) to change from Channel 270A at North Corbin, KY to Channel 270A at Crab Orchard, KY; and (3) WKKQ (FID 3954) to change from Channel 241C3 at Barbourville, KY to Channel 241C3 at North Corbin, KY. In addition, the applicants request that the Commission issue an Order to Show Cause to the licensee of WOKH (FID 71010), Springfield, KY, to modify its operations from Channel 274A to Channel 293A.

These modifications reflect a preferential arrangement of allotments/assignments under Section 307(b) of the Communications Act by providing a first local service to Hustonville (Allotment Priority 3), as well as a net gain of 59,892 population served (Allotment Priority 4). There is an assignment/allotment site for each facility at the proposed community of license that fully complies with Sections 73.207 and 73.315 of the Commission's Rules without resort to Sections 73.213 or 73.215 of the Commission's Rules. No white or gray areas are created by the proposals. The facilities specified in each of the contingent applications is mutually exclusive, as defined in Section 73.207 of the Commission's Rules, with the current facilities of the respective station.

The applicants here will comply with the local public notice provisions of Section 73.3580(c)(5)(ii) of the Commission's Rules.

WPBK

The licensee of WPBK proposes the modification of WPBK to Channel 275C3 at Hustonville, KY, with allocation coordinates 37-27-04 N 84-46-17 W (NAD 83). 70 dBu community coverage to 100% of Hustonville would be provided from the proposed allotment coordinates, as well as by WPBK from its modification application site. With the proposed modification, WPBK would increase its 60 dBu population count from 52,280 to 154,643.

The proposed Channel 275C3 Hustonville allocation would be fully spaced under Section 73.207 to all existing facilities without resort to Sections 73.213 or 73.215 of the Commission's Rules, with the exception of WOKH on Channel 274A at Springfield, KY, which is proposed to be modified to Channel 293A at the same location as presently licensed. As documented in the attached WPBK Gain/Loss Study, no white or gray areas would be created by the proposed modification of WPBK, and the loss area would continue to be well served with at least five

currently-licensed signals. The proposed operation of WPBK on Channel 275C3 at Hustonville is mutually exclusive, as defined in Section 73.207 of the Commission's Rules, to the current WPBK operation on Channel 275A at Crab Orchard.

Hustonville is a home-rule-class incorporated city with a 2010 Census population of 405. As documented in the Appendix, Hustonville has an elected mayor, a six-member elected city council, the Hustonville Police and Safety Department, and the Hustonville Volunteer Fire Department. The Hustonville Post Office, with zip code 40437, serves the city and surrounding areas. The Hustonville Elementary School serves local students, and the city is home to the Hustonville Baptist Church and Hustonville Christian Church. Businesses with a Hustonville address include Nightmare on Main Street Haunted House, Dale Fair Septic Pumping and Services, PBK Bank, Salon Savvy, a Valero gas station, Got Ta Stop restaurant and S&T Auto and Tire Services.

Neither the proposed WPBK Channel 275C3 Hustonville, KY allotment, with maximum facilities, nor the WPBK application facilities, would place a 70 dBu community coverage contour over any portion of an urbanized area, nor could WPBK at Channel 275C3 be relocated to do so while still serving Hustonville.

WKFC

The licensee of WKFC proposes the modification of WKFC to Channel 270A at Crab Orchard, KY, with allocation coordinates 37-28-09 N 84-28-05 W (NAD 83). This modification will continue local service transmission service for Crab Orchard.

The proposed allocation point is fully spaced under Section 73.207 to all existing facilities without resort to Sections 73.213 or 73.215 of the Commission's Rules. As documented in the attached WKFC Gain/Loss Study, no white or gray areas would be created by the proposed modification of WKFC, and the loss area would continue to be well served with at least five currently-licensed signals. Neither the proposed Channel 270A at Crab Orchard allotment, with maximum facilities, nor the WKFC application facilities, place a 70 dBu community coverage contour over any portion of an urbanized area, nor could WKFC at Channel 270A be relocated to do so while serving Crab Orchard. 70 dBu community coverage to 100% of Crab Orchard would be provided from the proposed allotment coordinates; community coverage with a 70 dBu contour from the WKFC application site meets the Commission's minimum requirements. The proposed operation of WKFC on Channel 270A at Crab Orchard is mutually exclusive, as defined in Section 73.207 of the Commission's Rules, to the current WKFC operation on Channel 270A at North Corbin.

The proposed WKFC modification would reduce 60 dBu coverage from the present 97,377 to 61,260.

WKKQ

The licensee of WKKQ proposes reassigning WKKQ to Channel 241C3 at North Corbin, KY, with no change to the existing facility (nor change in population coverage) being proposed. The existing WKKQ facility provides 70 dBu community coverage to 100% of the land area of North Corbin, and the modification would continue local transmission service for North Corbin.

Neither the proposed Channel 241C3 at North Corbin allotment, with maximum facilities, nor the WPBK application facilities, would place a 70 dBu community coverage contour over any portion of an urbanized area, nor could WKKQ be relocated to do so while serving North Corbin. The proposed operation of WKKQ at Channel 241C3 at North Corbin is mutually exclusive to the current WKKQ Channel 241C3 at Barbourville.

Barbourville, KY would retain one local transmission service from WYWY(AM). Because the population of Barbourville (3,165 at the 2010 Census) is under 7,500, the reduction from two to one local transmission services at Barbourville is not disfavored under the Commission's "Rural Radio" policy. No white or gray areas would be created by this reallocation, since the existing WKKQ facility would not be changed.

WOKH

The applicants here request that the Media Bureau issue an Order to Show Cause to Bardstown Radio Team, LLC, the licensee of WOKH (FID 71010), Springfield, KY, as to why its license to operate WOKH should not be modified to specify operation on Channel 293A in lieu of Channel 274A. No other changes to WOKH besides this channel substitution are requested or required for the proposal here. Radioactive, LLC, the licensee of WPBK and WKFC hereby commits to reimburse Bardstown Radio Team, LLC for its reasonable expenses in connection with this channel change in accordance with the guidelines set forth in *Circleville, Ohio*, Second Report and Order, 8 FCC2d 159 (1967).

The allocation coordinates for WOKH on Channel 293A at Springfield, KY, are 37-41-53 N 85-18-26 W. This proposed allocation point is fully spaced under 73.207 to all existing facilities without resort to Sections 73.213 or 73.215 of the Commission's Rules.¹ No white or gray areas would be created. Neither the proposed Channel 293A Springfield allotment, with maximum facilities, nor

¹ Applicant notes the existence of a CDBS record for an allocation proposal for Channel 292C3, Louisville, KY that would conflict with the use of Channel 293A at Springfield, KY. This Louisville allocation does not appear in the Table of Allocations, there is no record of this proposal having been acted upon, nor is it a feasible proposal, with impermissible short-spacings to stations including WWWY, North Vernon, IN (-55.6km), WOVO, Horse Cave, KY (-37.2km) and WAYK, Valley Station, KY (-27.2km).

WOKH operating with its licensed facilities on Channel 293A, place a 70 dBu community coverage contour over any portion of an urbanized area, nor could it be relocated to do so while still serving Springfield. The proposed operation of WOKH on Channel 293A at Springfield is mutually exclusive, as defined in Section 73.207 of the Commission's Rules, to the current WOKH operation on Channel 274A at Springfield.

Conclusion

The community of license and channel changes proposed here clearly constitute a preferential arrangement of allotments or assignments under Section 307(b) of the Communications Act of 1934, as amended: the proposed changes will result in new first local transmission service for Hustonville, an incorporated city, while maintaining existing local transmission services to North Corbin, Barbourville and Springfield; no new white or gray areas would be created; and the net gain in population served based on the instant applications for WPBK and WKFC would be 51,473 people.

Station	Current 60 dBu pop	Proposed 60 dBu pop
WPBK	52,280	154,643
WKFC	97,377	46,487
Total	149,657	201,130
Net Gain		+51,473

Proposed Allotment/Assignment Changes:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Barbourville, KY	241A	- ²
Crab Orchard, KY	275A	270A
Hustonville, KY	-	275C2
North Corbin, KY	270A	241A
Springfield, KY	274A	293A

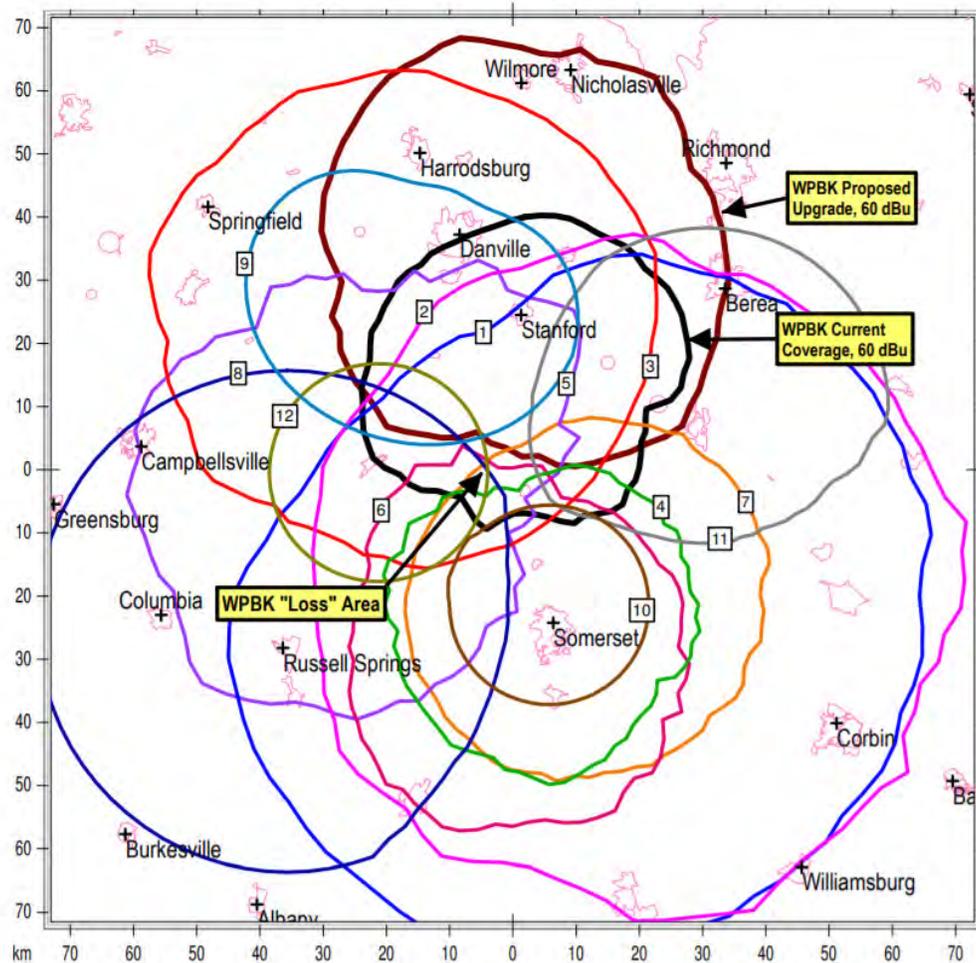
Prepared by:

Scott Fybush
 Fybush Media
 92 Bonnie Brae Ave.
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 scott@fybush.com
 585-442-5411

² Barbourville would retain first local service from WYWY(AM).

WPBK Gain/Loss Study

The area that presently receives a 60 dBu signal from WPBK but will not receive a 60 dBu signal from the relocated WPBK encompasses 7,734 people. As shown below, at no point in that area will fewer than five other currently-licensed signals continue to be available. WKFC would also provide 60 dBu service to this entire area once relocated to Crab Orchard.



Key to services remaining in WPBK loss area (60 dBu FM, 2 mV/m AM)

FM

1.	WTHL	Somerset, KY	90.5
2.	WSEK	Burnside, KY	93.9
3.	WXKY	Stanford, KY	96.3
4.	WJQQ	Somerset, KY	97.1
5.	WKDO	Liberty, KY	98.7
6.	WLLK	Somerset, KY	102.3

7.	WYKY	Science Hill, KY	106.1
----	------	------------------	-------

AM

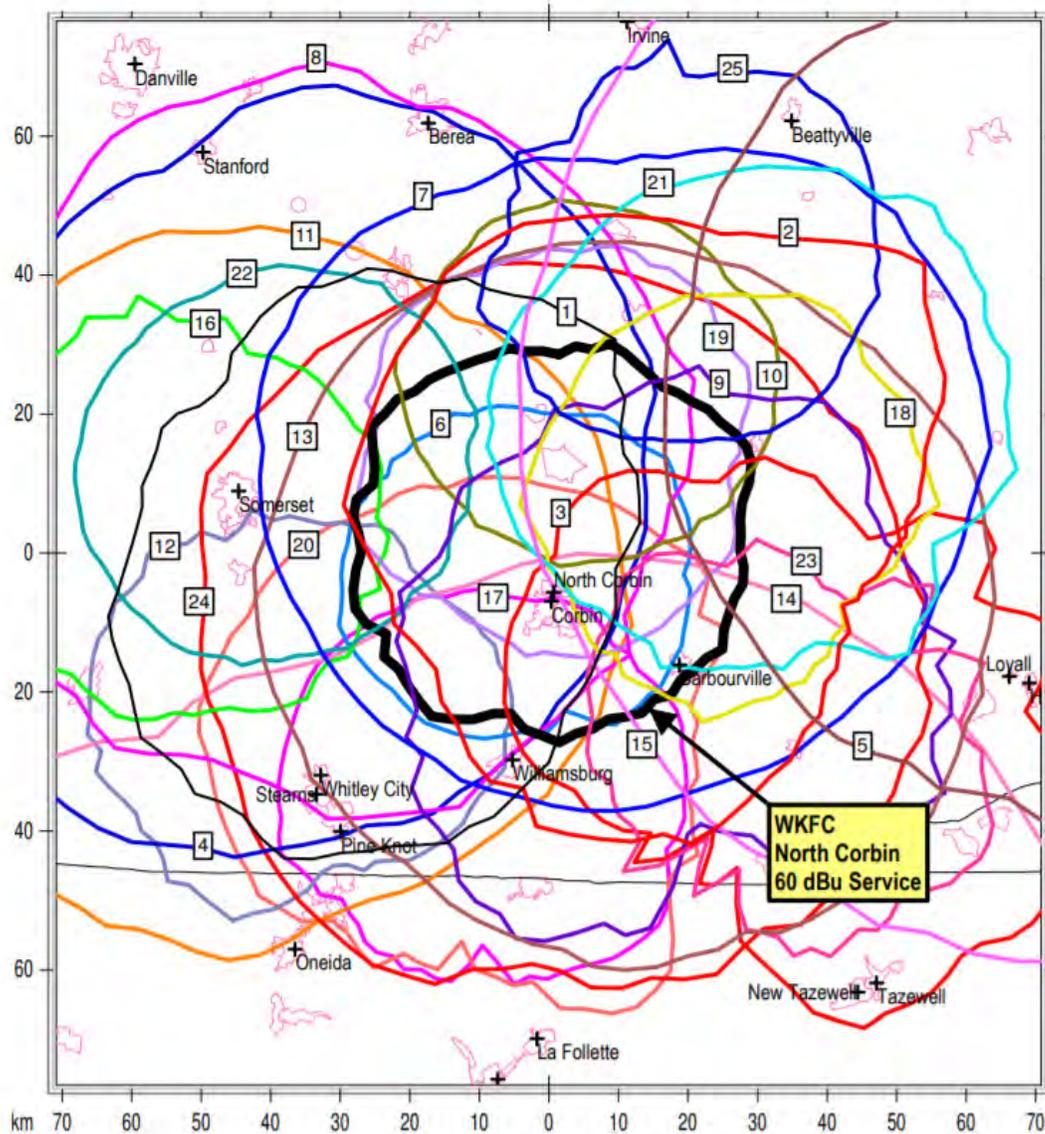
8.	WIDS	Russell Springs, KY	570
9.	WDFB	Junction City, KY	1170
10.	WSFC	Somerset, KY	1240
11.	WRVK	Mt. Vernon, KY	1460
12.	WKDO	Liberty, KY	1560

WKFC Gain/Loss Study

The proposed relocation of WKFC would remove its present 60 dBu service from its entire current coverage area of 97,377 people.

At no point in the loss area created by WKFC's proposed move would fewer than five signals continue to be available; for legibility, the remaining service to the WKFC loss area is detailed in two separate maps for FM and AM service.

FM Service to WKFC loss area

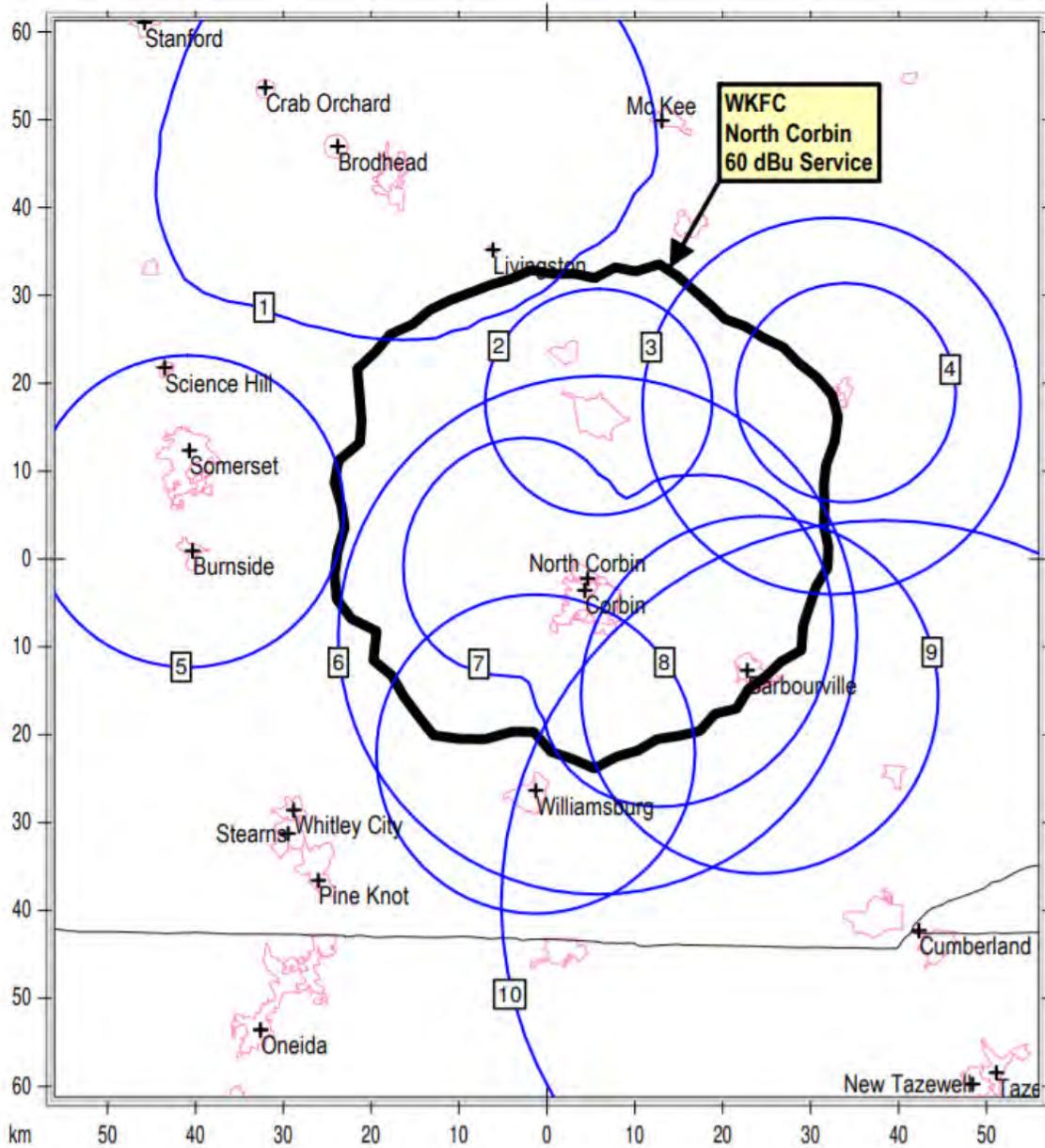


FM Service To Area Currently Served by WKFC North Corbin, KY (60 dBu)

- | | | |
|---------|------------|------|
| 1. WEKF | Corbin, KY | 88.5 |
| 2. KYAI | McKee, KY | 89.3 |

3.	WEKP	Pineville, KY	90.1
4.	WTHL	Somerset, KY	90.5
5.	WEKH	Hazard, KY	90.9
6.	WVCT	Keavy, KY	91.5
7.	WYGE	London, KY	92.3
8.	WSEK	Burnside, KY	93.9
9.	WKKQ	Barbourville, KY	96.1
10.	WANV	Annville, KY	96.7
11.	WJQQ	Somerset, KY	97.1
12.	WHAY	Whitley City, KY	98.3
13.	WKDP	Corbin, KY	99.5
14.	WCYQ	Oak Ridge, TN	100.3
15.	WSGS	Hazard, KY	101.1
16.	WLLK	Somerset, KY	102.3
17.	WEKX	Jellico, TN	102.7
18.	WWLT	Manchester, KY	103.1
19.	WWEL	London, KY	103.9
20.	WEZW	Williamsburg, KY	104.3
21.	WTBK	Manchester, KY	105.7
22.	WYKY	Science Hill, KY	106.1
23.	WRIL	Pineville, KY	106.3
24.	WCTT	Corbin, KY	107.3
25.	WWAG	McKee, KY	107.9

AM Service to WKFC loss area (2 mV/m)



AM Service to Area Served By WKFC, North Corbin, KY

1.	WRVK	Mt. Vernon, KY	1460
2.	WFTG	London, KY	1400
3.	WKLB	Manchester, KY	1290
4.	WWXL	Manchester, KY	1450
5.	WSEK	Burnside, KY	910
6.	WCTT	Corbin, KY	680
7.	WKDP	Corbin, KY	1330
8.	WCWC	Williamsburg, KY	1430
9.	WYWY	Barbourville, KY	950
10.	WMIK	Middlesboro, KY	560



Hustonville

HOME CLERK MAYOR AND CITY COUNCIL WATER FIRE POLICE FORMS JOBS NEWS CONTACT US



The Crossroads of Hustonville

Hustonville as it looked in the horse and buggy days in about the mid to late 1800s. by The Advocate-Messenger



Hustonville has a proud heritage from its inception as a city in 1835 to present. The city has seen many changes and unlike many other small cities across Kentucky, Hustonville still has still kept its small town values.

Hustonville has its place in Kentucky's rich history being the first woman's college in the foot hills of the Appalachia. Hustonville was originally known as The Crossroads because of the trails connecting the Kentucky and Green rivers and the Falls of the Ohio. Hustonville had also been known as Farmington, Hanging Fork, and New Store. The town was renamed Hustonville after two local landowners by the name of Huston when the town was established on, February 29, 1835.



Hustonville Kentucky
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Hustonville

HOME CLERK MAYOR AND CITY COUNCIL WATER FIRE POLICE FORMS JOBS NEWS CONTACT US

Native Kentuckian, Mayor Lowell Marc Spivey



Mayor Marc Spivey has lived in Hustonville for 13 years. In addition he has served the Hustonville Community in some capacity either as a volunteer, City Council and/or Mayor for 9 years.

Mayor Marc Spivey started this term with an emphasis on balancing the budget, revamping the Hustonville City Park, purchasing a much needed City Hall, upgrading district water meters, finishing a past Fire Department project and visions of a public library.

Mayor Spivey is a firm believer in governmental transparency.

Hustonville City Council

The Hustonville City Council is the legislative branch of the Hustonville Government. The council has the power to establish budgets, set policy and levy taxes, subject to limits set by the Charter and state laws. The Hustonville City Council consists of 6 Council Members. Council Members are elected for a two-year terms. The Council works diligently with the Mayor to keep the city moving in a forward direction.



Jimmy Evans

Elected to the Hustonville City Council for the two year term of January 1, 2021 - December 31, 2023.



Richard W. Cooper

Elected to the Hustonville City Council for the two year term of January 1, 2021 - December 31, 2023.



Donna L. Hendricks

Elected to the Hustonville City Council for the two year term of January 1, 2021 - December 31, 2023.



Jimmy Lane

Elected to the Hustonville City Council for the two year term of January 1, 2021 - December 31, 2023.



Alan Simms

Elected to the Hustonville City Council for the two year term of January 1, 2021 - December 31, 2023.



Timothy Smith

Elected to the Hustonville City Council for the two year term of January 1, 2021 - December 31, 2023.

Contact Us

9860 W. Main St
Hustonville, KY 40437
606.346.2501

Hours

Monday-Friday: 8-4:30
Closed for lunch 12:00-12:30
Saturday: Closed
Sunday: Closed





Hustonville Police and Safety Department

Police Chief Allen Weston & Safety Officer Alan Simms



Please click the small gallery pictures to see them full size.

The Hustonville Police Department and Safety Officers believe in the dignity and worth of all people.

We are committed to:

- providing high quality community-oriented policing services with sensitivity;
- protecting constitutional rights;
- problem solving;
- teamwork;
- Openness;
- planning for the future; and
- providing leadership to the police profession.

If you have any questions about our department or the services we provide, please feel free to contact The Chief of Police at 606.346.2501.

Located at 9860 W. Main St., Hustonville, KY 40437



Hustonville

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Hustonville Volunteer Fire Department

The Crew



The Hustonville Fire Departments mission is to help protect the public in emergency situations. They respond to a wide variety of calls, such as car crashes, chemical spills, flooding, water rescue and general rescue as well as fires.

As a proud combination department, our volunteer and career fire fighters and first responders work seamlessly together to provide the highest caliber of fire services available for Hustonville and Lincoln County Kentucky.

The City of Hustonville's fire crew is trained as first responders and provides first aid until the arrival of ambulance personnel. In addition to attending emergency call outs, rescuing people and animals from life-threatening situations, the job entails:

- using sophisticated firefighting and rescue equipment;
- promoting fire safety via talks, advice and training sessions;
- inspecting and enforcing safety standards in commercial and residential properties;
- demonstrating the use of firefighting equipment;
- performing practice drills working with police and ambulance service personnel
- undertaking physical and academic training; and
- checking and maintaining vehicles, equipment, hydrants and water supplies.

Fire Chief: Jimmy Lane

Assistant Fire Chief: Jared Elam

If you have any questions about our department or the services we provide, please feel free to contact Jimmy Lane at 606.669.1699. Located at 9860 W. Main St., Hustonville, KY 40437

Hustonville Fire Department Highlights



Add your text here

Add your text here

Hustonville Kentucky © 2021





Hustonville

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Hustonville Clerks Office

Our Staff



The Clerks office is the heart of Hustonville, the gateway to our local government. Hustonville's friendly and knowledgeable staff works with residents and visitors needs and strive to provide the upmost satisfaction when responding to requests. The Clerks office is responsible for maintaining all of The City of Hustonville's records, complying with Freedom of Information guidelines, recording all the minutes of Hustonville's Town Hall meetings. The Clerk maintains and records the finances of the City of Hustonville (which would include accounts payable, accounts

receivable, financial reports, budget information, audit information), provides legal notices for special meetings and elections, and in general perform all other duties required by law and/or ordinances. Also, The Clerk's office provides support to the Hustonville City Council, Mayor, and Hustonville Water Works. We look forward to assisting you in the future and hope your experiences with our office are pleasant and provides the satisfaction you have come to expect.

Fees

We accept cash, checks and credit cards. There is a \$3.00 fee for credit cards.

Water Deposit: \$100.00

Reconnect Fee: \$50.00

Returned Check: \$50.00

Contact Us

9860 W. Main St
Hustonville, KY 40437
606.346.2501

Hours

Monday-Friday: 8-4:30
Closed for lunch 12:00-12:30
Saturday: Closed
Sunday: Closed



COVID-19 Info | District Calendar

Welcome to Hustonville Elementary School, home of the TIGERS!



It's everything LC School in your pocket.

Cafeteria Menus · Events · Staff Directory



NEWS



Hustonville Elementary In Person Learning FAQ

Frequently Asked Questions
Can I take my student to class?
- No at this time we are not allowing anyone but students and staff in the building unless you have a scheduled meeting with your...



Ask #TEAMLincoln FAQ's

We have received over 900 questions and comments these past two weeks regarding the Return to School Plan and the 2020-21 school year. We have done our best to summarize your questions from a broad...



Return to School Plan Update

We know everyone is anxiously awaiting the Return to School Plan Guidelines and school calendar to be released for Lincoln County Schools. We are in the process of finalizing our guidelines and...

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LIVE FEED



Hustonville Elementary

2 months ago

For students returning to in person learning in our A B C D group format please remember to bring your chromebook with you to school each day. We look forward to seeing you this week.



Lincoln County Schools

6 months ago

- LCHS, 8:15 AM- 3:09 PM, Drop Off Begins at 7:45 AM
- LCMS, 8:15 AM- 3:10 PM, Drop Off Begins at 7:45 AM
- Crab Orchard, 8:10 AM- 3:25 PM, Drop Off Begins at 7:35 AM
- Highland, 8:05 AM- 3:15 PM, Drop Off Begins at 7:35 PM
- Hustonville, 8:10 AM- 3:25 PM, Dro ...

[view image](#)



Lincoln County Schools

6 months ago

We are very EXCITED to see our in-person students tomorrow across the district. Here are a few quick reminders:

- School supplies are provided (except for backpacks)
- Screen your students for symptoms and take their temperature every morning before leaving for ...

[view image](#)

[SEE ALL POSTS](#)

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- Documents

SCHOOLS

- Lincoln County Schools
- Crab Orchard Elementary School
- Highland Elementary School
- Hustonville Elementary School
- Stanford Elementary School
- Waynesburg Elementary School
- Lincoln County Middle School
- Lincoln County High School
- Lincoln County Technical Center
- Lincoln County Early Childhood

CONTACT

Hustonville Elementary School
93 North College Street
Hustonville, KY 40437
Phone: (606) 346-3831
Fax: (606) 346-2201
Office Hours: 8:00 AM- 4:00 PM, Monday - Friday

QUICK LINKS

- Non-Discrimination Notice
- District Forms & Plans
- Child Find Notice
- Staff Links
- Student & Parent Links

STAY CONNECTED



ABOUT HBC



About Hustonville Baptist Church

Hustonville Baptist Church exists to make disciples of Jesus who Worship God with their all, Connect with other disciples, and Serve all people! We seek to do this by regularly worshipping together, connecting with other believers through Sunday School groups, and serving all people using the spiritual gifts the Lord has given us. HBC is located in Hustonville, KY (Lincoln County) and has been a lighthouse for the Gospel in their community since 1882.

Our Leadership

Bro. Andrew
Pastor

The Ziesmers
Youth Leaders

Stanley Burris
Music Minister



Bro. Andrew McGinnis has served as the Pastor of Hustonville Baptist Church since July 2016. He believes that God is able to do more than we can imagine (Eph. 3:20-21) and loves witnessing God's power working through the disciples at HBC.



Carrie Ziesmer and her husband, Will, serve as Youth Leaders at Hustonville Baptist Church. Both have a heart for serving the Lord and for helping children and young adults grow in their relationships with Jesus.



Stanley Burris has been a member of Hustonville Baptist Church for more than 30 years. He has graciously served as our music minister over various stints throughout the years.

Service Schedule

SUNDAY

Sunday School - 10:00 AM
Morning Worship - 11:00 AM

WEDNESDAY

Prayer Meeting - 7:00 PM
Youth Meeting - 7:00 PM
HBC Kidz - 7:00 PM

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Hustonville Christian Church

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(606) 346-3341



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113 College St Hustonville, KY 40437



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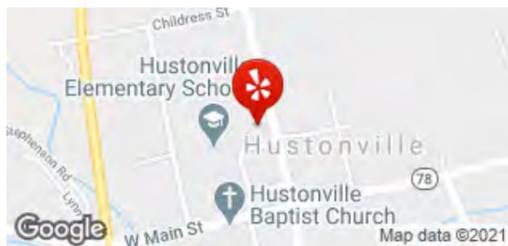


Photos & videos



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Location & Hours



Edit business info

113 College St
Hustonville, KY 40437

Get directions

Recommended Reviews



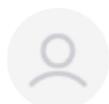
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Hey there trendsetter! You could be the first review for Hustonville Christian Church.

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Contingent Applications Pursuant to Section 47 C.F.R. §73.3517(e)

The subject minor modification application is part of a group of related, contingent applications for minor modifications: (1) WPBK(FM), FCC Facility ID No. 164242, to change from Channel 275A at Crab Orchard, Kentucky to Channel 275C3 at Hustonville, Kentucky; (2) WKFC, FCC Facility ID No. 164261, to change from Channel 270A at North Corbin, Kentucky to Channel 270A at Crab Orchard, Kentucky; and (3) WKKQ, FCC Facility ID No. 3954, to change from Channel 241C3 at Barbourville, Kentucky to Channel 241C3 at North Corbin, Kentucky.

In addition, the applicants hereby request that the Media Bureau issue an Order to Show Cause to Bardstown Radio Team, LLC, the licensee of WOKH, Springfield, Kentucky, FCC Facility ID No. 71010, as to why its license to operate WOKH should not be modified to specify operation on Channel 293A in lieu of Channel 274A. No other changes to WOKH besides this channel substitution are requested or required for the proposal here. Radioactive, LLC, the licensee of WPBK and WKFC hereby commits to reimburse Bardstown Radio Team, LLC for its reasonable expenses in connection with this channel change in accordance with the guidelines set forth in *Circleville, Ohio*, Second Report and Order, 8 FCC2d 159 (1967).

The Contingent Applications Agreement between the licensees of WPBK/WKFC and WKKQ is attached.

CONTINGENT APPLICATIONS AGREEMENT

This Contingent Applications Agreement (the “Agreement”) is made and entered into as of this 5th day of April, 2021, by and among RADIOACTIVE, LLC (“R/A”), the licensee of radio stations WPBK(FM), Crab Orchard, Kentucky, FCC Facility ID No. 164242 (“WPBK”) and WKFC(FM), North Corbin, Kentucky, FCC Facility ID No. 164241 (“WKFC”) and CHOICE RADIO CORPORATION (“Choice Radio”), the licensee of radio station WKKQ(FM), FCC Facility ID No. 3954 (“WKKQ”).

WHEREAS, pursuant to authorizations issued by Federal Communications Commission (“FCC”), WPBK is currently licensed for operation on Channel 275A at Crab Orchard, Kentucky; WKFC is currently licensed for operation on Channel 270A at North Corbin, Kentucky; and WKKQ is currently licensed for operation on Channel 241C3 at Barbourville, Kentucky.

WHEREAS, the parties believe it would result in a preferential arrangement of FM allotments and better serve the public interest for WPBK to operate as a Class C3 station with Houstonville, Kentucky, as its community of license, WKFC to operate as a Class A station with Crab Orchard, Kentucky, as its community of license, and WKKQ to operate as a Class C3 station with North Corbin, Kentucky, as its community of license (the “Collective Community of License Changes”).

WHEREAS, the parties desire to submit simultaneously to the FCC contingent applications to seek construction permits, and thereafter to submit to the FCC license to cover applications, to obtain authority for, and to implement, the Collective Community of License Changes.

WHEREAS, R/A has committed to prepare the documentation necessary to establish that the Collective Community of License Changes will better serve the public interest and shall reimburse Choice Radio for FCC application filing fees for WKKQ to implement its portion of the Collective Community of License Change.

NOW, THEREFORE, in consideration of the mutual benefits and covenants set forth below, the parties hereby agree as follows:

1. Contingent Applications. Within two (2) business days of R/A’s notice to Choice, the following contingent applications shall be filed with the FCC on the same day pursuant to Section 73.3517 of the FCC rules (the “Contingent Applications”):

a. R/A shall file via the FCC LMS system an application for the Minor Modification of a Licensed Facility for FM specifying operation of WPBK as a Class C3 station with Houstonville, Kentucky, as its community of license (the “WPBK Modification Application”), and an application for the Minor Modification of a Licensed Facility for FM specifying operation of WKFC as a Class A station with Crab Orchard, Kentucky, as its community of license (the “WKFC Modification Application”).

b. On the same day, Choice Radio shall file via the FCC LMS system an application for the Minor Modification of a Licensed Facility for FM specifying operation of WKKQ as a Class C3 station with North Corbin, Kentucky, as its community of license (the “WKKQ Modification Application”).

c. In addition, R/A will either secure the agreement of the licensee of WOKH(FM), Springfield, Kentucky, FCC Facility ID No. 71010 (“WOKH”), to voluntarily file a fourth contingent application for Minor Modification of a Licensed Facility for FM, to change WOKH’s operations from FM Channel 274A, to Channel 232A (or equivalent channel substitute), or alternatively, R/A shall ask for the FCC to issue an Order to Show Cause to WOKH for such channel change for operation of WOKH at the same antenna location as WOKH’s current license.

2. Prosecution of Applications.

a. The licensees of WPBK/WKFC and WKKQ shall each use diligent efforts to obtain the FCC’s grant of the Contingent Applications, including the filing of any amendments, letters, or pleadings responding to FCC objections or requests, and opposing any third-party petitions or objections. R/A shall cover Choice Radio’s reasonable out-of-pocket expenses for such efforts, provided that the parties agree in advance to such expenditures.

b. Upon the grant of the WKKQ Modification Application, Choice Radio shall use its commercially reasonable efforts to file a covering license application (the “WKKQ License Application”) as soon as practical, time being of the essence, and in no event later than three (3) business days from the grant of the WKKQ Modification Application. R/A shall cover Choice Radio’s reasonable out-of-pocket expenses for such efforts, provided that the parties agree in advance to such expenditures.

c. None of the parties will submit any application, amendment, petition, response, pleading, or other document to the FCC or any other governmental authority concerning the Contingent Applications, the construction permits issued pursuant to the Contingent Applications, or the respective covering license applications (i) without first seeking the informal consent of the other parties to this Agreement to do so; (ii) that is inconsistent with the terms of this Agreement; (iii) that would diminish or delay the prospects for timely grants of the Contingent Applications; or (iv) that would diminish or delay the ability of R/A to construct and place into operation the modifications requested in the WPBK Modification Application.

d. Each party to this Agreement acknowledges to each other party that there is no assurance that the Contingent Applications will be granted by the FCC, and that FCC rule or policy changes, or changes in other facilities or factors outside the control of a party to this Agreement, could cause any of the Contingent Applications to be impossible of effectuation. No party to this Agreement is relying upon any technical, engineering or legal assurances, representations or covenants except as explicitly set forth in this Agreement.

3. Consideration.

a. In consideration of the mutual benefits and covenants set forth in this Agreement, R/A is, concurrently with the execution of this Agreement, delivering to Choice Radio the

payment of ONE HUNDRED DOLLARS (\$100.00), the adequacy and receipt of which is hereby acknowledged by Choice Radio.

b. The costs and expenses of the changes proposed in this Agreement to the parties' own facilities shall be paid by the party to which the facility is licensed, except as expressly set forth in this Agreement.

4. Termination.

a. This Agreement shall commence on the date first written above and shall continue until such time as the parties hereto have discharged their respective obligations under this Agreement, unless this Agreement is earlier terminated pursuant to the terms of this Agreement.

b. If, within four (4) years of the date of this Agreement, the FCC fails to grant the Contingent Applications, or if the FCC denies or dismisses the Contingent Applications by a "Final Order" (as hereinafter defined), provided the terminating party is not in breach or default of this Agreement, either party may thereafter terminate this Agreement effective upon written notice to the other. In such event, all parties shall be relieved of their further duties and obligations hereunder with respect to the Contingent Applications. As used in this Agreement, the term "Final Order" means a written action or order issued by the FCC which has not been reversed, stayed, enjoined, set aside, annulled or suspended, and with respect to which no requests have been filed for administrative or judicial review, reconsideration or appeal and the periods provided by statute or FCC regulations for filing any such requests and for the FCC to set aside the action on its own motion have expired, or in the event of review, reconsideration or appeal, the FCC upholds the action and the period provided by statute or FCC regulations for further review, reconsideration or appeal has expired.

c. Because of the unique nature of the FCC authorizations that are the subject matter of this Agreement, any party may obtain specific performance, including seeking the issuance of a judicial order directing a party to file a specific application or seek a specific approval at the FCC, subject to obtaining any necessary FCC grants of applications or approvals, or to undertake specific actions such as the construction or modification of a party's broadcasting facility, as a remedy for the breach of this Agreement in addition to all other available legal or equitable remedies. Each party agrees to waive the defense in any such action for a decree of specific performance that the party bringing the action has no adequate remedy at law and will interpose no objection or opposition, legal or otherwise, as to the propriety of specific performance as a remedy. Should any party default in the performance of any of the requirements, terms or conditions of this Agreement which default results in the filing of an action for specific performance, a lawsuit or other action, the prevailing party or parties in such a lawsuit or action shall be entitled to an award of reasonable attorneys' fees and costs as shall be determined by the court.

5. Assignment. Should any assignment or transfer of the broadcast stations that are the subject of this Agreement take place, the rights and obligations of that party under this Agreement shall and must be assigned, assumed and transferred as a part of the assignment or transfer of such broadcast station.

6. Construction. This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of Kentucky without regard to choice of laws principles. Any action brought under this Agreement shall be in either the state or federal court having jurisdiction over claims in Kentucky.

7. Notices. All notices, demands, and requests required or permitted to be given under the provisions of this Agreement shall be in writing and shall be sent by USPS Express Mail, Federal Express or similar recognized overnight courier service, with all charges prepaid, and shall be deemed to have been duly delivered and received on the date of receipt (as shown on the delivery confirmation). All such notices, demands, and requests shall be addressed as follows:

a. If to R/A:

Radioactive, LLC
1717 Dixie Highway
Suite 650
Ft. Wright, KY 41011
Attention: Randy Michaels

with a copy (which shall not constitute notice) to:

Marissa G. Repp, Esq.
Repp Law Firm
1629 K Street, N.W.
Suite 300
Washington, D.C. 20006-1631

b. If to Choice Radio:

Choice Radio Corporation
201-A East Main Street
Stanford, KY 40484
Attention: Jonathan L. Smith

8. Miscellaneous.

a. Except as and to the extent required by law, including without limitation, FCC rules and published policies, each party will keep confidential this Agreement, its contents, and any information obtained from any other party in connection with the actions and events contemplated by this Agreement.

b. This Agreement constitutes the entire agreement and understanding between the parties hereto with respect to the subject matter hereof and supersedes any prior negotiations,

agreements, understandings or arrangements between the parties with respect to the subject matter hereof.

c. Except as otherwise provided herein, this Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors or assigns. Except to the extent specified herein, nothing in this Agreement, express or implied, shall confer on any person other than the parties hereto and their respective successors or assigns any rights, remedies, obligations or liabilities under or by reason of this Agreement.

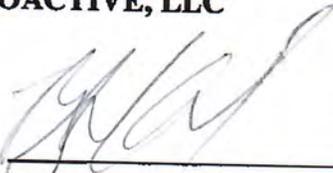
d. No term or provision of this Agreement may be amended, waived, discharged or terminated orally but only by an instrument in writing signed by the party against whom the enforcement of such amendment, waiver, discharge or termination is sought. Any waiver shall be effective only in accordance with its express terms and conditions.

e. This Agreement may be executed in separate counterparts, each of which will be deemed an original and all of which together will constitute one and the same agreement. Delivery of an executed counterpart signature page to this Agreement by facsimile or e-mail shall be deemed sufficient to render this Agreement effective.

[SIGNATURE PAGE FOLLOWS]

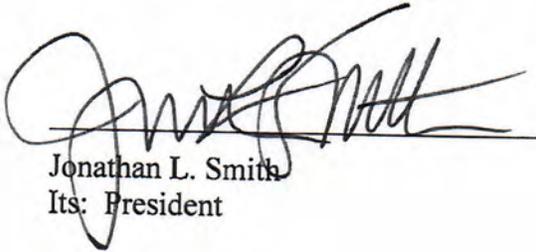
IN WITNESS WHEREOF, the parties have executed this Agreement as the date first set forth above.

RADIOACTIVE, LLC

By: 

Benjamin L. Homel
Its: Member and President

CHOICE RADIO CORPORATION

By: 

Jonathan L. Smith
Its: President

Radioactive, LLC

Character Issue

In regard to whether the Licensee, or any party to the Licensee, has or has had any interest in, or connection with, any broadcast application in any proceeding where character issues were left unresolved, in an abundance of caution, it is noted that the Commission, on August 3, 2017, issued a Hearing Designation Order, FCC 17-106 (the "HDO"), as to whether the application of Radioactive, LLC for renewal of the license for WRAX(FM), Lake Isabella, Michigan, should be granted. Among the issues designated for hearing by the HDO was whether, with respect to WRAX(FM), "there have been any other violations of the Communications Act of 1934, as amended, or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse." Radioactive, LLC surrendered the license for WRAX on August 4, 2017. Consequently, no hearing regarding WRAX was conducted and the issues designated for hearing by the HDO were left unresolved.

47 C.F.R Section 73.215 Showing: *see* Comprehensive Technical Exhibit

Technical Narrative

This technical statement and attached exhibits were prepared by Scott Fybush of Fybush Media on behalf of Radioactive, LLC ("Radioactive"), licensee of FM station WKFC, Channel 270A, Facility ID 164241. Radioactive proposes to modify WKFC to change community of license from North Corbin, Kentucky to Crab Orchard, Kentucky, and to change transmitter site, power and antenna height.

The WKFC modification application is being filed as part of a group of three contingent applications pursuant to Section 73.3517(e) of the Commission's rules. Radioactive is concurrently filing a minor modification application for FM station WPBK, Channel 275A, Facility ID 164242, to change community of license from Crab Orchard, Kentucky to Hustonville, Kentucky, to change class to C3, and to change transmitter site, power and antenna height. Choice Radio Corporation ("Choice") is concurrently filing a minor modification application for FM station WKKQ, Channel 241A, Facility ID 3954, to change community of license from Barbourville, Kentucky to North Corbin, Kentucky, with no change in technical facilities. A show cause order is being requested with respect to FM station WOKH, Channel 274A, Facility ID 71010, Springfield, Kentucky, to compel a minor change to Channel 293A.

A comprehensive Section 307(b) analysis is included separately with this application, demonstrating that the proposed changes in community of license would better serve the public interest than the current assignments/allocations.

Summary of proposed minor modification to WKFC

Radioactive seeks to modify WKFC, Channel 270A, North Corbin, Kentucky, to be licensed to Crab Orchard, Kentucky. North Corbin is a Census-designated place not in any Urbanized Area. Crab Orchard is an incorporated city not in any Urbanized Area. No portion of either the current or proposed coverage area of WKFC enters any Urbanized Area.

As shown in the allocation study at **Figure 1**, the proposed Channel 270A reference site at 37-28-08.8 North Latitude 84-28-04.7 West Longitude (NAD83) for WKFC is mutually exclusive with the licensed facility of WKFC.

This modification is compliant with Section 73.207 of the Commission's rules with two exceptions, for which processing under Section 73.215 is requested.

Radioactive proposes to implement this modification at the existing tower site of station WPBK. No new construction is proposed; WKFC intends to use the existing WPBK antenna at its existing location atop the tower. Therefore, Federal Aviation Administration consideration of this application and further environmental study is not required.

The coordinates of the proposed application site are 37-25-39.5 North, 84-39-20.4 West (NAD 83), atop an existing water tower that is less than 35 meters in overall height and thus does not require an Antenna Structure Registration Number.

Allocations considerations

The application site channel study for WKFC on Channel 270A at Crab Orchard (**Figure 2**) shows short-spacings to two full-power FM facilities. The proposed WKFC application site is short-spaced to WKYL, Channel 271A, Lawrenceburg, KY (FID 22938) by 2.5 km and to WKYM, Channel 269A, Monticello, KY (FID 63323) by 1.4 km. WKFC proposes to adopt Section 73.215 contour protection with respect to both WKYL and WKYM (**Figures 3 and 4**).

The proposed allocation reference site provides 70 dBu coverage of the entire land area and population of Crab Orchard (**Figure 5**). The proposed application site provides 70 dBu coverage to nearly the entire land area of Crab Orchard (**Figure 6**). As is evident from the Google Earth imaging in **Figure 7**, the population of Crab Orchard is contained almost entirely in the central and western portions of the city limits. The area on the east side of the city limits excluded from 70 dBu coverage is largely farmland, and contains only two households on Baileys Lane and two households on Cedar Street, representing 1.04% of the total 386 households recorded in the 2010 Census. We can thus conclude that the 70 dBu predicted coverage from the proposed application site will encompass 98.96% of the households in Crab Orchard.

Compliance with RF exposure limits

The proposed operation was evaluated for human exposure to RF energy using the procedures outlined in the Commission's OET Bulletin 65. The Shively 6810 antenna is included in the OET's updated FM Model Program under EPA Type 1: Ring-Stub. Using the EPA Type 1 selection, the maximum calculated signal density near the tower at two meters above ground level from the proposed WKFC Facility is 105.18 $\mu\text{W}/\text{cm}^2$ at 8 meters, which is 52 percent of the general population/uncontrolled maximum permitted exposure limit.

The applicant will ensure that signs are posted in the vicinity of the tower, warning of potential radio frequency hazards of the site, and will cooperate with other users of the tower to reduce power or discontinue operation as necessary to limit human exposure to levels less than those specified by the Commission should maintenance or inspection be required on the tower.

Figure 1 - Channel study at proposed allocation site

Channel 270A 37-28-08.8 North 84-28-04.7 West (NAD83)

Call Sign	State	City	Freq	Channel	ERP_w	Licensee	HAAT_m	Class	Status	Distance_Clr	Facility_id
WKFC	KY	NORTH CORBIN	101.9	270	6000	RADIOACTIVE, LLC	55.14	A	LIC	58.79	-56.2 164241
WKYL	KY	LAWRENCEBURG	102.1	271	6000	SOUTHERN BELLE, LLC	59.23	A	LIC	72.02	0 22938
WLIC	KY	BEATTYVILLE	102.1	271	1500	HOUR OF HARVEST, INCORPORATED	152.66	A	LIC	72.2	0.2 27695
WKFC Proposed			101.9	270	5000		18.3	A	APP	0	0 0
WKRQ	OH	CINCINNATI	101.9	270	16000	CINCINNATI FCC LICENSE SUB, LLC	241.16	B	LIC	182.99	5 11276
WLXX	KY	RICHMOND	101.5	268	9000	CUMULUS LICENSING LLC	121.79	C3	LIC	47.32	5.3 71249
WKYM	KY	MONTICELLO	101.7	269	1750	STEPHEN W. STAPLES JR.	135.01	A	LIC	80.41	8.4 63323
WIHE-LP	KY	LIBERTY	101.3	267	100	LIBERTY PUBLIC RADIO, INC.	-21.51	LP100	LIC	43.82	14.8 192439
WLLK-FM	KY	SOMERSET	102.3	272	6000	IHM LICENSES, LLC	62.67	A	LIC	47.1	16.1 72780
WEKV	KY	CENTRAL CITY	101.9	270	100000	Educational Media Foundation	185.52	C1	LIC	223.43	23.4 46945
WLTO	KY	NICHOLASVILLE	102.5	273	4600	CUMULUS LICENSING LLC	73.13	A	LIC	55.06	24.1 11673
WUKY	KY	LEXINGTON	91.3	217	100000	BOARD OF TRUSTEES, UNIVERSITY OF KENTUCKY	189.49	C1	LIC	47.33	25.3 4303
WVKY	KY	SHELBYVILLE	101.7	269	6000	SOUTHERN BELLE, LLC	70.92	A	LIC	103.31	31.3 60081
WWST	TN	SEVIERVILLE	102.1	271	7800	SM-WWST, LLC	160.63	C1	LIC	169.19	36.2 29727

Figure 2 - Channel study at application site

Channel 270A 37-25-39.5 North, 84-39-20.4 West (NAD 83)

Call Sign	State	City	Freq	Channel	ERP_w	Licensee	HAAT_m	Class	Status	Distance_Clr	Facility_id
WKFC	KY	NORTH CORBIN	101.9	270	6000	RADIOACTIVE, LLC	55.14	A	LIC	66.76	-48.2 164241
WKYL	KY	LAWRENCEBURG	102.1	271	6000	SOUTHERN BELLE, LLC	59.23	A	LIC	69.49	-2.5 22938
WIHE-LP	KY	LIBERTY	101.3	267	100	LIBERTY PUBLIC RADIO, INC.	-21.51	LP100	LIC	26.85	-2.2 192439
WKYM	KY	MONTICELLO	101.7	269	1750	STEPHEN W. STAPLES JR.	135.01	A	LIC	70.6	-1.4 63323
WKFC ProjKY		CRAB ORCHARD	101.9	270	2750	RADIOACTIVE, LLC	109.9	A	LIC	0	0 164242
WLLK-FM	KY	SOMERSET	102.3	272	6000	IHM LICENSES, LLC	62.67	A	LIC	38.83	7.8 72780
WEKV	KY	CENTRAL CITY	101.9	270	100000	Educational Media Foundation	185.52	C1	LIC	207.25	7.2 46945
WKRQ	OH	CINCINNATI	101.9	270	16000	CINCINNATI FCC LICENSE SUB, LLC	241.16	B	LIC	187.95	9.9 11276
WLXX	KY	RICHMOND	101.5	268	9000	CUMULUS LICENSING LLC	121.79	C3	LIC	57.97	16 71249
WLIC	KY	BEATTYVILLE	102.1	271	1500	HOUR OF HARVEST, INCORPORATED	152.66	A	LIC	89.41	17.4 27695
WVKY	KY	SHELBYVILLE	101.7	269	6000	SOUTHERN BELLE, LLC	70.92	A	LIC	98.32	26.3 60081
WLTO	KY	NICHOLASVILLE	102.5	273	4600	CUMULUS LICENSING LLC	73.13	A	LIC	59.94	28.9 11673
WUKY	KY	LEXINGTON	91.3	217	100000	BOARD OF TRUSTEES, UNIVERSITY OF KENTUCKY	189.49	C1	LIC	57.98	36 4303
WWST	TN	SEVIERVILLE	102.1	271	7800	SM-WWST, LLC	160.63	C1	LIC	170.4	37.4 29727

Figure 3 – Section 73.215 protection to WKYL

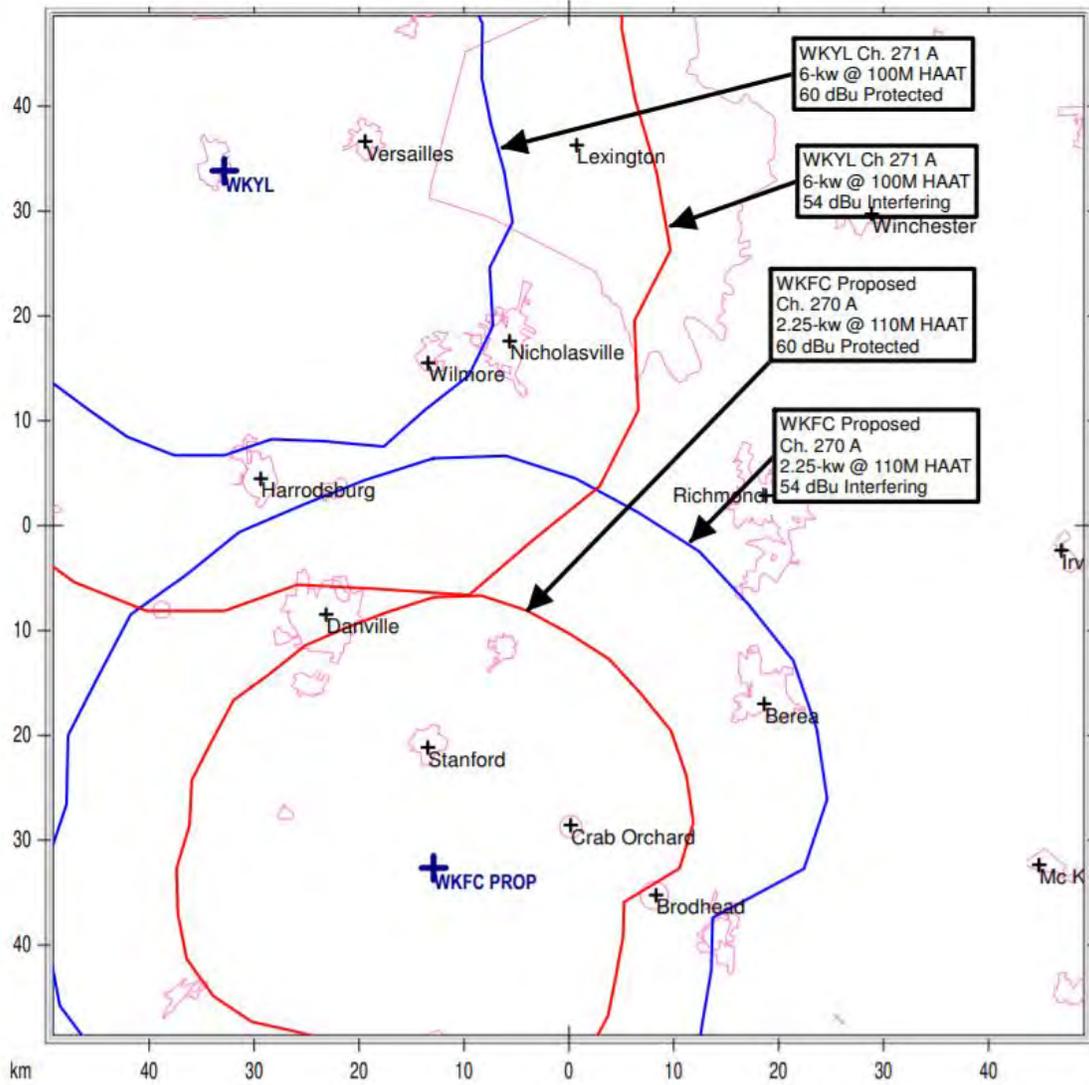


Figure 4 - Section 73.215 protection to WKYM

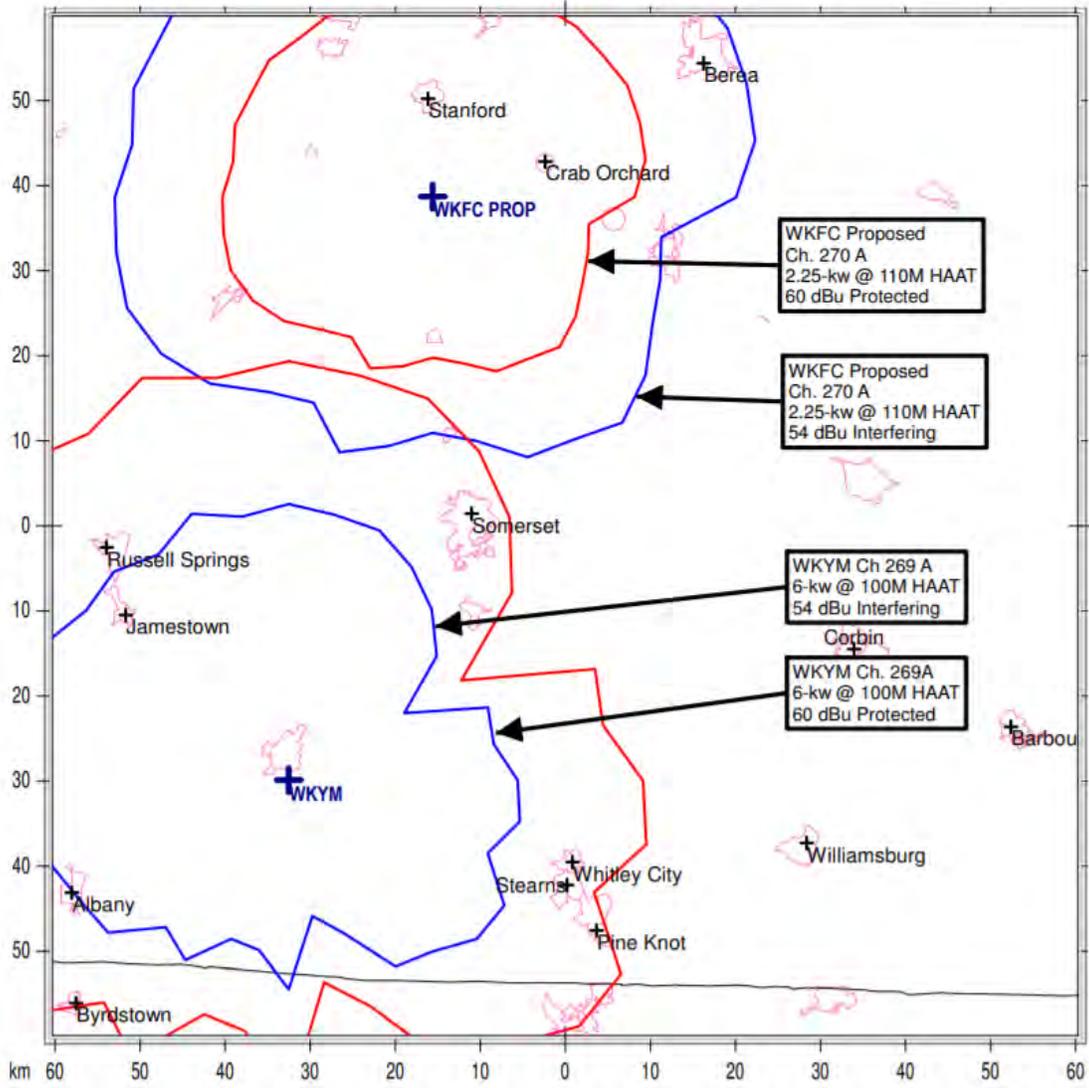


Figure 5 - Community coverage of Crab Orchard from allocation site

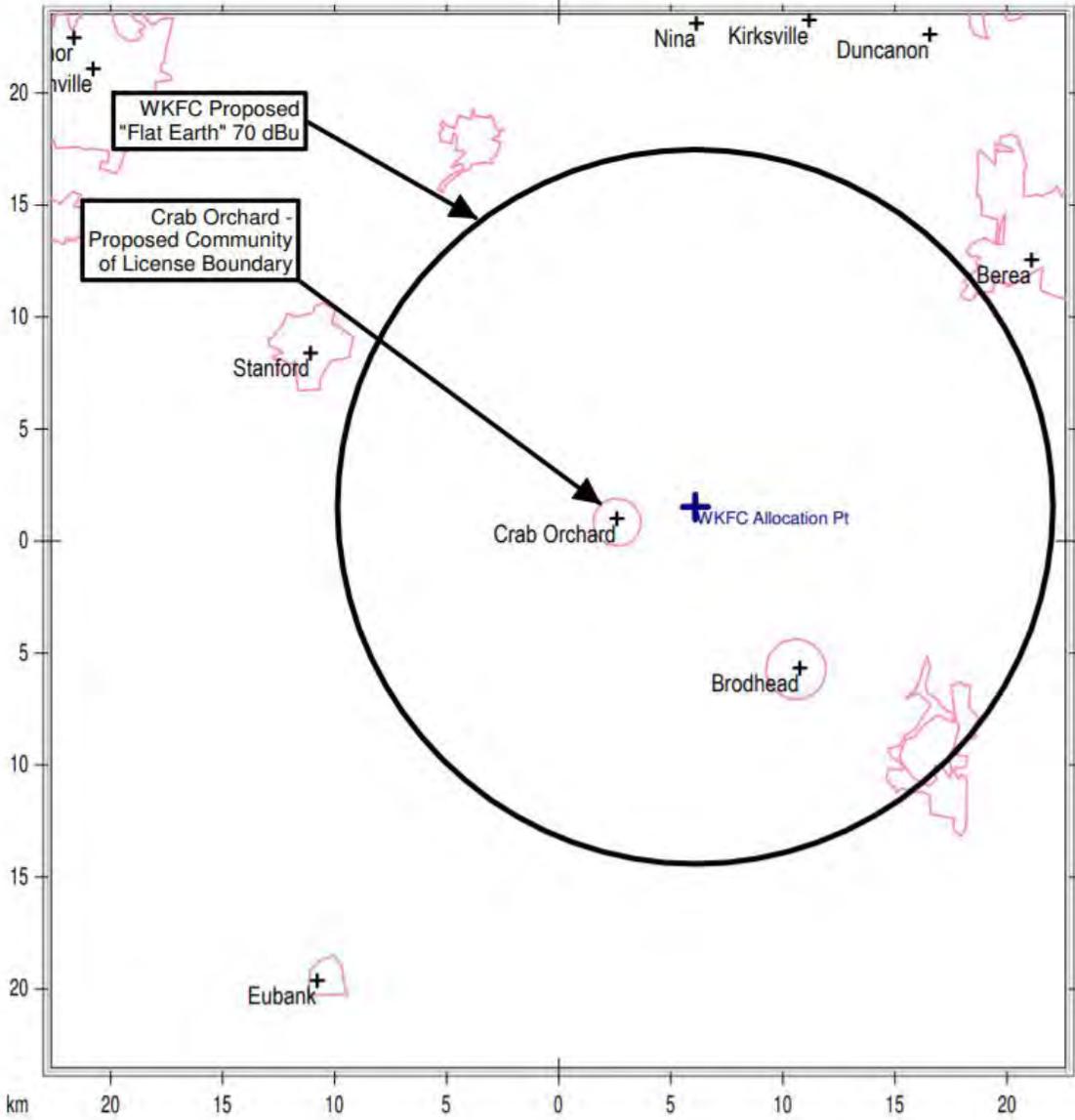


Figure 6 - Community coverage of Crab Orchard from application site

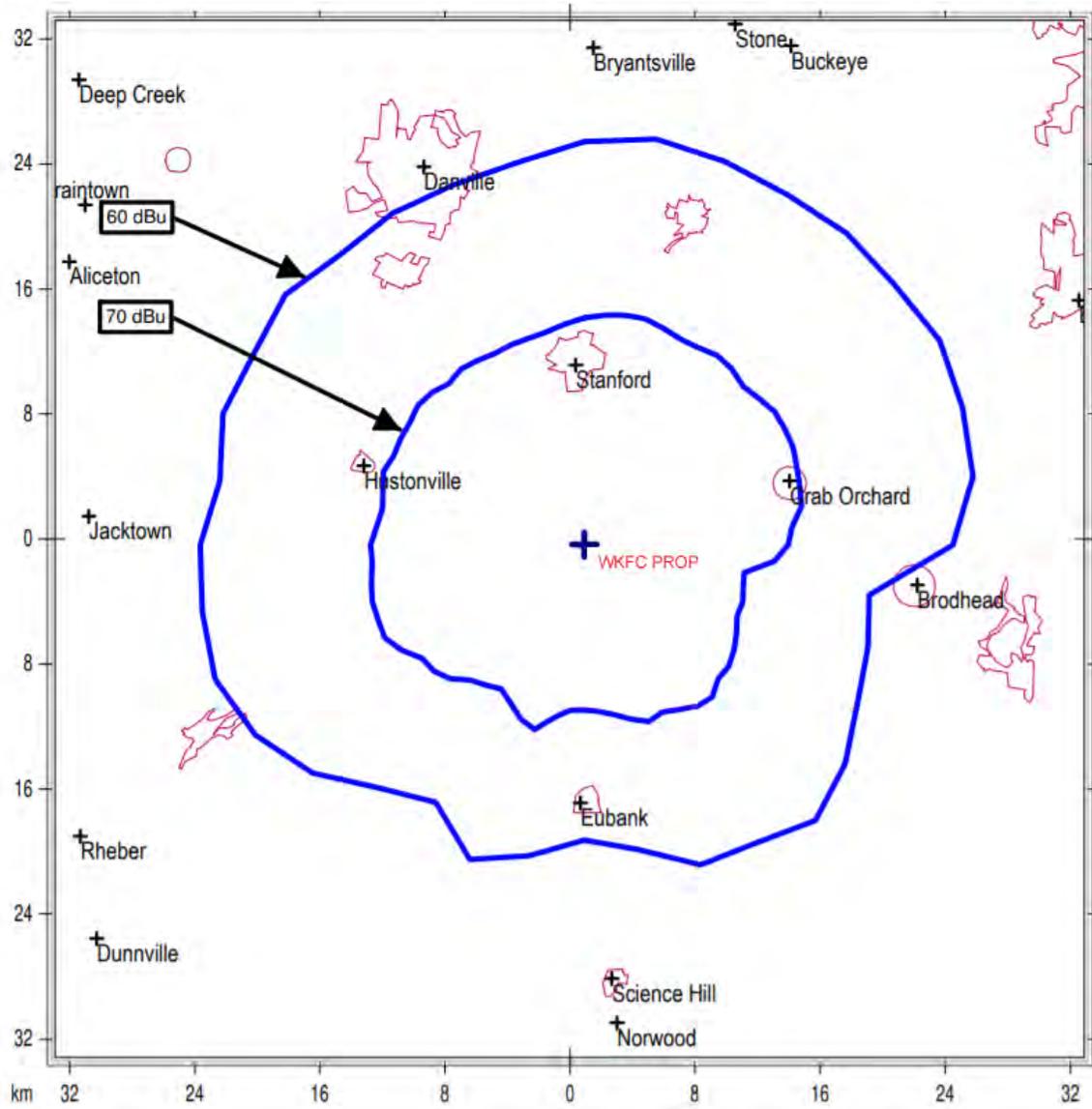
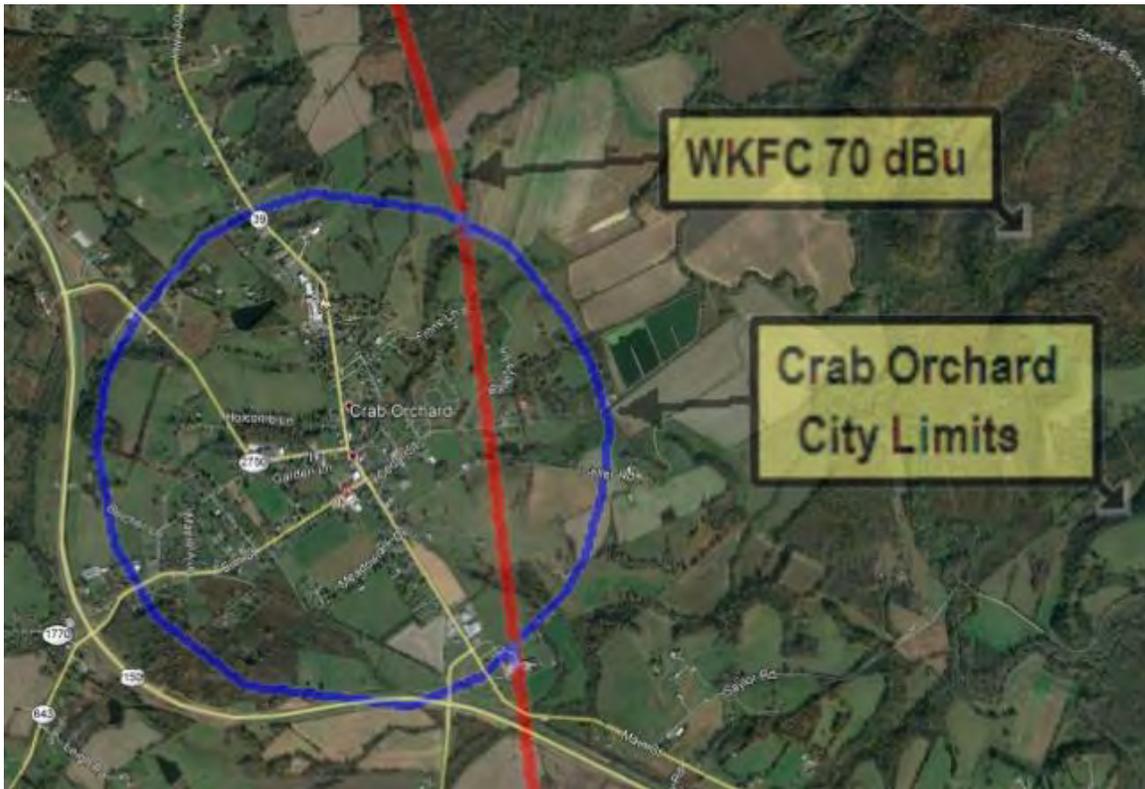


Figure 7 - Detail of community coverage of Crab Orchard population from application site



TECHNICAL STATEMENT LOCAL RADIO OWNERSHIP ANALYSIS

Radioactive, LLC (“Radioactive”) is submitting minor modification applications for (1) the modification of WPBK(FM), FCC Facility ID No. 164242, for operation on Channel 275C3, serving Hustonville, Kentucky, and (2) the modification of WKFC(FM), FCC Facility ID No. 164241, for operation on Channel 270A at Crab Orchard, Kentucky. Neither of these stations are, or will be, geographically located in, or are listed as home to, a Nielsen Metro Market. As these stations have overlapping principal community contours (70 dBu/3.16 mV/m), this study has been prepared in accordance with the Federal Communications Commission’s local radio ownership rule.¹

Neither Radioactive, nor its principal, has an attributable interest in any other station with a principal community contour that overlaps or intersects the principal community contour of WPBK or WKFC, as proposed.

Interim Contour-Based Radio Market

A “radio market” under the interim contour-overlap method is the area encompassed by the mutually overlapping principal community contours of the stations under common-ownership. Here, such mutually overlapping contours form one “radio market” for interim contour-overlap analysis under the Commission’s rules. This market is defined by the mutually overlapping 70 dBu principal community contours of WPBK and WKFC, as each is proposed to be modified; *Figure 1* is a map depicting the one “radio market.”

Count of Stations in Defined Market(s)

The number of radio stations in an interim contour-overlap “radio market” is determined by counting the operating stations having principal community contours which overlap or intersect the principal community contours which define the radio market, plus the subject commonly owned or attributable stations, excluding any stations whose transmitter sites are further than 92 kilometers from the perimeter of mutual overlap, and excluding any commonly owned or attributable stations that do not serve to define the market.

In the interim contour-overlap “radio market” studied herein, there are at least 9 other radio stations, which, conservatively counting, intersect the area of overlap of the 70 dBu contours of WPBK and WKFC, as each station is proposed to be modified. Counting also WPBK and WKFC, as permitted, there are at least 11 stations in this “radio market.” The applicable ownership limit pursuant to 47 C.F.R. § 73.3555(a)(iv) is a combination of not more than 5 radio stations, with up to 3 in one service, provided, that no person or single entity (or entities under common control) may have a cognizable interest in more than 50% of the full-power, commercial and noncommercial radio stations in such market unless the combination of stations comprises not more than one AM and one FM station.

Figure 2 is the tabulation of the radio stations identified in the “radio market.” *Figure 1* depicts the intersecting contours of the stations so identified. Only known

¹ See 47 C.F.R. § 73.3555(a).

licensed, operating radio stations were included in this tabulation. Distances to contours for AM stations were predicted using the antenna patterns as identified in the Commission's AM database and the appropriate Ground Wave Field Strength versus Distance Graph of 47 C.F.R. § 73.184. Ground conductivities were obtained from FCC Figure M3. Distances to the FM contours were determined based on the method of 47 C.F.R. § 73.313. Terrain data was derived from the N.G.D.C. 30 second computer database for each of the FM stations using radials spaced every 5 degrees of azimuth.

Conclusions

In the interim contour-overlap "radio market" studied herein, there are at least 11 commercial radio stations. Commonly ownership of two FM radio stations is therefore well within the local radio ownership limits. Based on the above, it is concluded that the proposed modifications of WPBK and WKFC comply with Section 73.3555(a) of the FCC rules.

Figure 1 – WPBK/WKFC Radio Market and Stations Intersecting the 70 dBu WPBK/WKFC Overlap Area

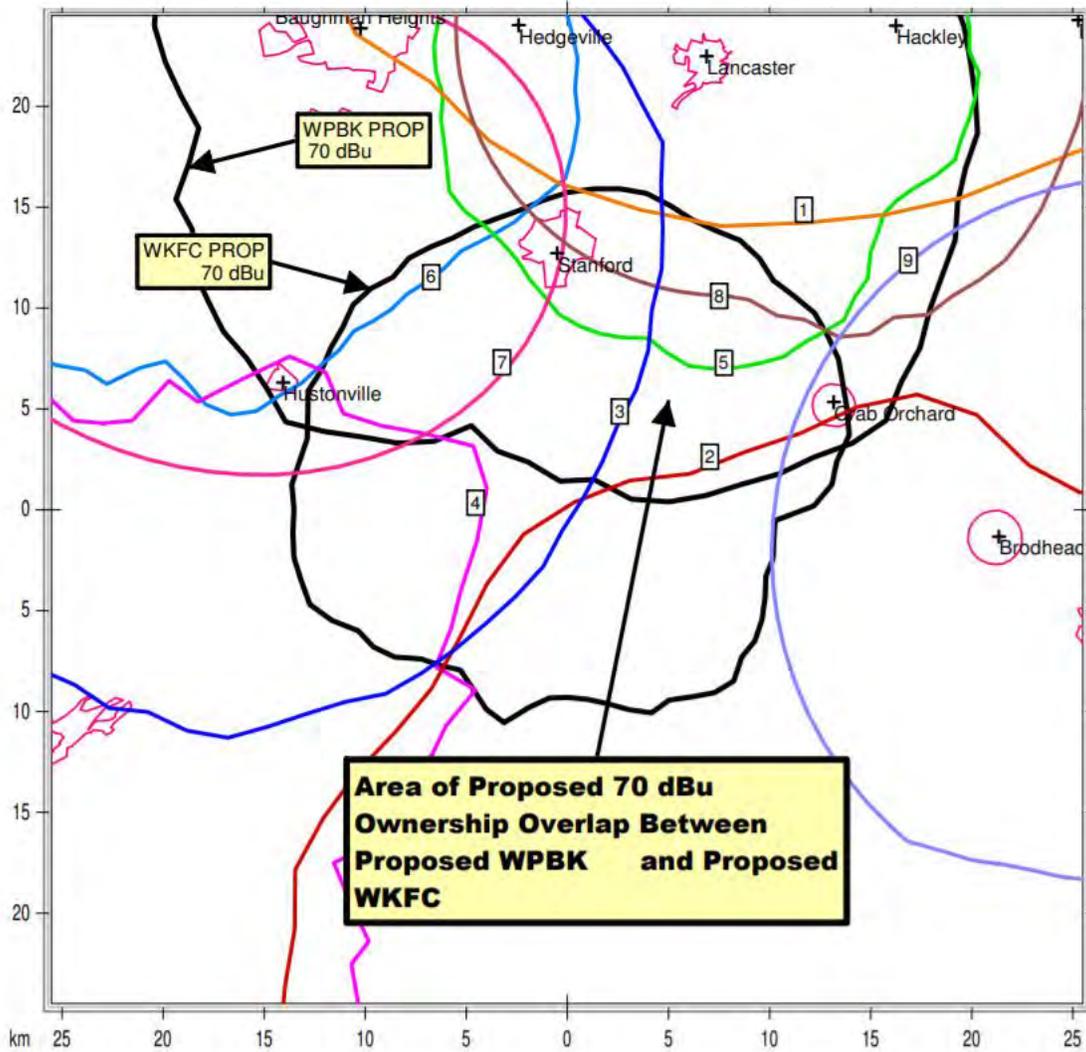


Figure 2 - List of Stations in WPBK/WKFC overlap area

In addition to the service from the subject stations, WPBK and WKFC, principal community service will be provided to the ownership overlap area by 9 additional stations; six FM and three AM. Thus, a total of 11 signals provide principal community service to all or part of the market area defined by the contour overlap.

FM

1.	WUKY	Lexington, KY	91.3
2.	WSEK	Burnside, KY	93.9
3.	WXKY	Stanford, KY	96.3
4.	WKDO	Liberty, KY	98.7
5.	WRNZ	Lancaster, KY	105.1
6.	WKYB	Perryville, KY	107.5

AM

7.	WDFB	Junction City, KY	1170
8.	WZXL	Lancaster, KY	1280
9.	WRVK	Mt. Vernon, KY	1460