

Approved by ONE  
3060-0031  
Expires 06/30/95

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

FCC 314

APPLICATION FOR CONSENT TO  
ASSIGNMENT OF BROADCAST STATION  
CONSTRUCTION PERMIT OR LICENSE

(Please read instructions before completing this form)

FOR  
FCC  
USE  
ONLY

FOR MASS MEDIA BUREAU USE ONLY

FILE NO.

Section I - GENERAL INFORMATION

1. APPLICANT NAME

Cary H. and Betty F. Simpson

MAILING ADDRESS (Line 1) (Maximum 35 characters)

P. O. Box 247

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY Tyrone	STATE OR COUNTRY (if foreign address) PA	ZIP CODE 16686
TELEPHONE NUMBER (include area code) (814) 684-3200	CALL LETTERS W0VU	OTHER FCC IDENTIFIER (IF APPLICABLE)

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1

2. A. Is a fee submitted with this application?  Yes  No
- B. If No, select the appropriate box to indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) or reason a fee is not applicable and go to Question 3.
- Governmental Entity  Noncommercial educational licensee  Other (Please explain):
- C. If item 2.A. is Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)	(B)	(C)	FOR FCC USE ONLY																		
<table border="1"> <tr> <th colspan="3">FEE TYPE CODE</th> </tr> <tr> <td>M</td> <td>P</td> <td>R</td> </tr> </table>	FEE TYPE CODE			M	P	R	<table border="1"> <tr> <th colspan="4">FEE MULTIPLE (if required)</th> </tr> <tr> <td>0</td> <td>0</td> <td>0</td> <td>1</td> </tr> </table>	FEE MULTIPLE (if required)				0	0	0	1	<table border="1"> <tr> <th>FEE DUE FOR FEE TYPE CODE IN COLUMN (A)</th> </tr> <tr> <td>\$ 650.00</td> </tr> </table>	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	\$ 650.00	<table border="1"> <tr> <th>FOR FCC USE ONLY</th> </tr> <tr> <td> </td> </tr> </table>	FOR FCC USE ONLY	
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\$ 650.00																					
FOR FCC USE ONLY																					

To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)	FOR FCC USE ONLY											
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\$														
FOR FCC USE ONLY														

ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.

<table border="1"> <tr> <th>TOTAL AMOUNT REMITTED WITH THIS APPLICATION</th> </tr> <tr> <td>\$ 650.00</td> </tr> </table>	TOTAL AMOUNT REMITTED WITH THIS APPLICATION	\$ 650.00	<table border="1"> <tr> <th>FOR FCC USE ONLY</th> </tr> <tr> <td> </td> </tr> </table>	FOR FCC USE ONLY	
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\$ 650.00					
FOR FCC USE ONLY					

COPY

1. Name of Assignor  Cary H. and Betty F. Simpson	Street Address P. O. Box 247		
	City Tyrone	State PA	ZIP Code 16686
	Telephone Number (include area code) (814) 684-3200		

2. Authorization which is proposed to be transferred

(a) Call letters WOVU Location Clarendon, Pennsylvania

(b) Has the station commenced its initial program tests within the past twelve months?  Yes  No

If Yes, was the initial construction permit granted after comparative hearing? DNA  Yes  No

If Yes, attach as an Exhibit the showing required by 47 C.F.R. Section 73.3597. Exhibit No.  
DNA

(c) Has the license for the station been acquired through the Commission's Minority Ownership Policy?  Yes  No

If Yes, has the station been operated on-air for less than the past twelve months?  Yes  No

If Yes, attach as an Exhibit the showing required by 47 C.F.R. Section 73.3597. Exhibit No.  
DNA

3. Call letters of any SCA, FM or TV booster station, or associated auxiliary service stations (e.g., remote pickup, STL, inter-city relay) which are to be assigned:

4. Attach as an Exhibit a copy of the contract or agreement to assign the property and facilities of the station, if there is only an oral agreement, reduce the terms to writing and attach. Exhibit No.  
1

5. If this application is for assignment of a construction permit for an unbuilt station, submit as an Exhibit the detailed showings and declarations of the applicants required by 47 C.F.R. Section 73.3597 regarding the assignor's legitimate and prudent out-of-pocket expenditures and the retention, if any, of any interest in the station. Exhibit No.  
2

6. State in an Exhibit whether the assignor, or any party to the assignor: Exhibit No.  
3

(a) has any interest in or connection with an AM, FM or television broadcast station; or a broadcast application pending before the FCC; or

(b) has had any interest in or connection with any application denied and/or dismissed with prejudice; or any FCC license which has been revoked.

The Exhibit should include the following information:

- (1) name of party with such interest;
- (2) nature of interest or connection, giving dates;
- (3) call letters or file number of application; or docket number; and
- (4) location.

7. Since the filing of the assignor's last renewal application for the authorization being assigned or other application, has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to this application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?  Yes  No

If Yes, attach as an Exhibit a full description of the persons and matter involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers) and the disposition of the litigation. Exhibit No.  
DNA

SECTION I - GENERAL INFORMATION

Part II - Assignee

1. Name of Assignee  Kinzua Broadcasting Company, Inc.	Street Address 310 Second Avenue		
	City Warren	State PA	Zip Code 16365
	Telephone No. (include area code) (814) 723-1310		

2. Does the contract submitted in response to Question 4, Part I of Section I embody the full and complete agreement between the assignor and assignee?

Yes  No

If No, explain in an Exhibit.

Exhibit No.  
DNA

SECTION II - ASSIGNEE'S LEGAL QUALIFICATIONS

1. Assignee is:

- an individual                     
  a general partnership                     
  a for-profit corporation  
 other                                     
  a limited partnership                     
  a not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership or corporation, describe in an Exhibit the nature of the applicant.

Exhibit No.  
DNA

3. Complete if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

Yes  No  
DNA

If No, applicant must complete Question 4 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined by 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

Yes  No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the officers and directors of the applicant.

Yes  No  
DNA

SECTION II - ASSIGNEE'S LEGAL QUALIFICATIONS (Page 2)

NOTE: The terms "applicant and "parties to this application" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

4. List the applicant, and, if other than a natural person, its officers, directors, stockholders and partners with attributable interests. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

- a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.
- b. Citizenship.
- c. Office or directorship held.
- d. Number of shares or nature of partnership interests.
- e. Number of votes.
- f. Percentage of votes.

NOTE: Radio Applicants ONLY: Radio applicants need not respond to subparts g. and h. of the table. Instead, proceed and respond to Questions 5, 6 and 7, Section II below.

- g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.
- h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 76.501, including the nature and size of such interests and the positions held.

a.	W. LeRoy Schneck 307 Fifth Avenue West Warren, PA 16365	Rockwell O'Sheill 1910 Timber Lane Hilton Head Island, SC 29926	Richard A. Gilson 608 West Street Warren, PA 16365
b.	U.S.A.	U.S.A.	U.S.A.
c.	President and a director	Secretary-Treasurer and a director	Vice President and a director
d.	2,500	1,000	250
e.	2,500	1,000	250
f.	66.67%	26.67%	6.67%
g.			
h.			



SECTION 11 - ASSIGNEE'S LEGAL QUALIFICATIONS (Page 3)

RADIO APPLICANTS ONLY NEED TO RESPOND TO QUESTIONS 5, 6 AND 7.

5. Does the applicant, or any party to the application, own, or have an attributable interest in: (a) any AM, FM or TV station; or (b) a daily newspaper in the same market(s) as the station(s) being acquired?  Yes  No

6. Does the applicant, or any party to the application, broker more than 15 percent of the broadcast hours per week of any AM or FM station in a market in which the applicant, or party to the application, has an attributable interest in any AM or FM station? See 47 C.F.R. Section 73.3555(a) for definition of "radio market."  Yes  No

If the answer to 5 or 6 is Yes, set forth in an Exhibit, name of party having interest; nature of the interest; call letters and location of stations involved; and identification of newspaper, where applicable.

Exhibit No.  
4

7. Does the principal community service contour (predicted or measured 5 mV/m groundwave contour for AM; predicted 3.16 mV/m contour for FM) of any AM or FM station being acquired overlap the principal community service contour of:

(a) an AM or FM station which is directly or indirectly owned, operated or controlled by the applicant or any party to the application; or  Yes  No

(b) an AM or FM station at which more than 15 percent of the broadcast time per week is brokered by the applicant or any party to the application?  Yes  No

If the answer to (a) or (b) is Yes, do you certify that the ownership interests which will result from grant of the application(s) comply with 47 C.F.R. Section 73.3555(a), or that appropriate waivers of that section are herein sought?  Yes  No

If Yes, attach a separate Exhibit containing the market and audience information necessary to demonstrate compliance.

Exhibit No.  
5

Note: With reference to the Radio Contour Overlap Rule of 47 C.F.R. Section 73.3555(a), the applicant's Exhibit must include: (i) a map that clearly identifies, by relevant contours, the location and geographic coverage of the market or markets involved; (ii) the number of commercial AM and FM stations counted as being in the market or markets, including a map that shows the principal community contours of the stations that define the market or markets and the principal community contours of all commercial stations intersecting with the principal community contours of these stations; (iii) for markets with 15 or more commercial radio stations, a combined audience share figure, the basis and/or source material for this figure, and the results and qualification of any commissioned audience survey or alternative showing used; and (iv) the call letters and locations of all stations in the market or markets that are, or are proposed to be, commonly owned, operated or controlled, including any AM or FM station in the market for which the applicant or any party to the application brokers more than 15 percent of that station's broadcast time per week.

8. Does the applicant, or any party to the application, have:

(a) a petition pending to migrate to the expanded band (1605-1705 kHz)?  Yes  No

(b) a permit or license in either the existing band (535-1605 kHz) or expanded band (1605-1705 kHz) that is held in combination with the station(s) proposed to be sold?  Yes  No

If Yes, provide particulars as an Exhibit.

Exhibit No.  
DNA

SECTION 11 - ASSIGNEE'S LEGAL QUALIFICATIONS (Page 4)

9. Does the applicant or any party to this application have any interest in or connection with a broadcast application pending before the FCC?

Yes  No

10. Has the applicant or any party to this application had any interest in or connection with the following:

(a) an application which has been dismissed with prejudice by the Commission?

Yes  No

(b) an application which has been denied by the Commission?

Yes  No

(c) a broadcast station, the license of which has been revoked?

Yes  No

(d) an application in any Commission proceeding which left unresolved character issues against the applicant?

Yes  No

If the answer to any of the questions in 9 or 10 is Yes, state in an Exhibit the following information:

Exhibit No.  
DNA

- (1) Name of party having interest;
- (2) Nature of interest or connection, giving dates;
- (3) Call letters of stations or file number of application or docket; and
- (4) Location.

11. (a) Are any of the parties to this application related (as husband, wife, father, mother, brother, sister, son or daughter) either to each other or to individuals holding nonattributable interests of 5% or more in the applicant?

Yes  No

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of any party to this application have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see 47 C.F.R. Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see 47 C.F.R. Section 76.501(a))?

Yes  No

If the answer to (a) or (b) above is Yes, attach as an Exhibit a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
DNA

12. (a) Do individuals or entities holding nonattributable interests of 5% or more in the applicant have an attributable ownership interest or corporate officership or directorship in a broadcast station, newspaper or CATV system in the same area? (See Instruction B to Section 11.)

Yes  No  
\*DNA

(b) Does any member of the immediate family (i.e., husband, wife, father, mother, brother, sister, son or daughter) of an individual holding a nonattributable interest of 5% or more in the applicant have any interest in or connection with any other broadcast station, pending broadcast application, newspaper in the same area (see 47 C.F.R. Section 73.3555(c)) or, in the case of a television station applicant only, a cable television system in the same area (see 47 C.F.R. Section 76.501(a))?

Yes  No  
\*DNA

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure concerning the persons involved, their relationship, the nature and extent of such interest or connection, the file number of such application, and the location of such station or proposed station.

Exhibit No.  
DNA

SECTION II - ASSIGNEE'S LEGAL QUALIFICATIONS (Page 5)

13. (a) Is the applicant in violation of the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments? (See Instruction C to Section II.)

Yes  No

(b) Will any funds, credits or other financial assistance for the construction, purchase or operation of the station(s) be provided by aliens, foreign entities, domestic entities controlled by aliens, or their agents?

Yes  No

If the answer to (b) above is Yes, attach as an Exhibit a full disclosure concerning this assistance.

Exhibit No.  
DNA

14. (a) Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the applicant or parties to this application in a civil or criminal proceeding, brought under the provisions of any law related to the following: any felony; mass media related antitrust or unfair competition; fraudulent statements to another governmental unit; or discrimination?

Yes  No

(b) Is there now pending in any court or administrative body any proceeding involving any of the matters referred to in (a) above?

Yes  No

If the answer to (a) and/or (b) above is Yes, attach as an Exhibit a full disclosure concerning the persons and matters involved, including an identification of the court or administrative body and the proceeding (by dates and file numbers), a statement of the facts upon which the proceeding is or was based or the nature of the offense alleged or committed, and a description of the current status or disposition of the matter.

Exhibit No.  
DNA

15. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?

Yes  No

If Yes, provide particulars in an Exhibit.

Exhibit No.  
DNA

16. Do documents, instruments, agreements or understandings for the pledge of stock of a corporate applicant, as security for loans or contractual performance, provide that (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of stockholder rights by the purchaser at such sale, the prior consent of the Commission (pursuant to 47 U.S.C. Section 310(d)) will be obtained?

Yes  No  
 Does Not Apply

If No, attach as an Exhibit a full explanation.

Exhibit No.  
DNA



11 - ASSIGNEE'S FINANCIAL QUALIFICATIONS

The applicant certifies that sufficient net liquid assets are on hand or are available from committed resources to consummate the transaction and operate the facilities for three months.

Yes  No

SECTION IV - ASSIGNEE'S PROGRAM SERVICE STATEMENT

Attach as an Exhibit a brief description, in narrative form, of the planned programming service relating to the issues of public concern facing the proposed service area.

Exhibit No.  
6

SECTION V - ASSIGNEE'S EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more fulltime employees?

Yes  No

If the answer is Yes, the applicant must include an EEO program called for in the separate Model EEO Program Report (FCC Form 398-A).

SECTION VI - CERTIFICATION

Part I - Assigner

1. Has or will the assignor comply with the public notice requirement of 47 C.F.R. Section 73.3580?

Yes  No

2. By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

Yes  No

The ASSIGNOR acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all of its exhibits are a material part hereof and are incorporated herein.

The ASSIGNOR represents that this application is not filed by it for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.85, the ASSIGNOR has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

I certify that the ASSIGNOR'S statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

<p>Name of Assignor</p> <p>Cary H. and Betty F. Simpson</p>	<p>Signature (Cary H. Simpson; Betty F. Simpson)</p> <p><i>Cary H. Simpson</i> <i>Betty F. Simpson</i></p>
<p>Title</p> <p>General Partners</p>	<p>Date</p> <p>10/31/94</p>

COPY



## Part II - Assignee

By checking Yes, the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 882, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

Yes  No

The ASSIGNEE hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)


The ASSIGNEE acknowledges that all its statements made in this application and attached exhibits are considered material representations, and that all its exhibits are a material part hereof and are incorporated herein.

The ASSIGNEE represents that this application is not filed by it for the purpose of impeding, obstructing or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section 1.65, the ASSIGNEE has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in the information furnished.

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I certify that the ASSIGNEE'S statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name of Assignee  Kinzua Broadcasting Company, Inc.	Signature (W. LeRoy Schneck)  
Title President	Date 2 November 1994

## FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The Commission will use this information to determine whether grant of this application is in the public interest. In reaching that determination, or for law enforcement purposes, it may become necessary to refer personal information contained in this form to another government agency. In addition, all information provided in this form will be available for public inspection. If information requested on the form is not provided, processing of the application may be delayed or the application may be returned without action pursuant to the Commission's rules. Your response is required to obtain the requested authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(e)(3) AND THE PAPERWORK REDUCTION ACT, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

COPY

WOVU(FM), Clarendon, PA  
FCC Form 314, Section I, Part 1, Para. 4  
Exhibit No. 1

AGREEMENT  
(attached)

AGREEMENT

THIS AGREEMENT, made this 31st day of October, 1994. by and between CARY H. SIMPSON AND BETTY F. SIMPSON (hereinafter "Sellers") and KINZUA BROADCASTING CO., INC. (hereinafter "Buyer").

## W I T N E S S E T H:

WHEREAS, Sellers are the holders of a permit to construct a new FM broadcast station on Channel 282A at Clarendon, Pennsylvania (hereinafter "Permit" or "WOVU"); and

WHEREAS, Sellers desire to assign to Buyer, and Buyer desires to acquire from Sellers, the Permit and associated assets; and

WHEREAS, the parties recognize and acknowledge that prior FCC approval of any such assignment of WOVU is required;

NOW, THEREFORE, in consideration of the promises and mutual covenants and agreements herein contained, the parties hereto, intending to be legally bound, hereby agree as follows:

1. Sale and Purchase of Permit. Sellers agree to sell to Buyer, and Buyer agrees to purchase from Sellers, the Permit (together with its call letters and any other associated rights), on the terms and conditions set forth herein.

2. Purchase Price and Method of Payment. Buyer shall pay to Sellers the total sum of Twenty-one Thousand Five Hundred Fourteen Dollars and Twenty-three Cents (\$21,514.23) (hereinafter "Purchase Price"), an amount not in excess of amounts legitimately and prudently expended by the Sellers in the course of securing the allocation, preparing and prosecuting Seller's application for the Permit, and in completing the initial phases of construction to date. The Purchase Price shall be payable by certified or bank cashier's check, made payable to Cary H. and Betty F. Simpson, delivered on the date of Closing, as hereinafter defined at Section 3.

3. Closing. Closing of the transactions contemplated in this Agreement shall occur within five (5) days after the parties are notified of the FCC's grant of the application for assignment of the WOVU construction permit from Seller to Buyer. The Closing shall take place in Tyrone, Pennsylvania, at Allegheny Mountain Network headquarters, or such other place as the parties may agree, at a time which is mutually satisfactory to the parties.

4. Seller's Representations and Warranties. Seller represents and warrants to Buyer that:

(a) No insolvency proceeding of any character, including, without limitation, bankruptcy, receivership, reorganization, composition or arrangement with creditors, voluntarily or involuntarily, affecting Seller or any of its assets or properties, is pending or, to the knowledge of Seller, threatened.

(b) Seller has filed, and on the Closing Date will have filed, all federal, state and local tax returns which are required to be filed, and all other reports and returns required by any governmental agency or department.

(c) The Permit constitutes less than fifty percent (50%) of Seller's assets in the Commonwealth of Pennsylvania.

(d) No third party has any rights in the Permit or the right to sell or purchase the Permit.

5. Buyer's Representations and Warranties. Buyer represents and warrants to Seller that:

(a) Buyer is a corporation duly organized, validly existing and in good standing under the laws of the State of Pennsylvania;

(b) Appropriate resolutions will have been adopted by the Board of Directors of Buyer, authorizing the execution of this Agreement and the carrying out of all the terms hereof (certified copies of which shall be delivered to Seller at Closing);

(c) No insolvency proceedings of any character, including, without limitation, bankruptcy, receivership, reorganization, composition or arrangement with creditors, voluntarily or involuntarily, affecting Buyer or its assigns or any of its assets or properties, is pending or, to the knowledge of Buyer, threatened.

(d) Buyer knows of no reason why it should not be found duly qualified by the FCC to become the owner of the Permit, and, prior to the Closing hereunder, will do no act knowingly which would disqualify it from becoming the owner of the Permit.

6. Application for FCC Consent. Within five (5) days of the date of this Agreement, Seller and Buyer shall join in an application to the FCC, and submit the application to the FCC, requesting the FCC's written approval of the assignment of the Permit to Buyer. Each party shall cooperate fully and promptly in submitting all information required of it for the FCC application. Buyer shall make a firm commitment in the application immediately to construct and operate the proposed station.

7. Agreement Contingent on FCC Approval. This Agreement is contingent and conditioned upon the FCC's approving the assignment of the Permit to Buyer, within one hundred twenty (120) days from the date of this Agreement. If such approvals are not obtained during said period, as extended, Seller and Buyer shall each have the right to terminate this Agreement by written notice to the other party.

8. No Broker's Fees. Seller and Buyer represent and warrant that no brokerage commissions or finder's fees are due as a result of the transactions described in this Agreement, and Seller and Buyer agree to indemnify and hold each other harmless for and from any loss or liability which may arise by reason of services alleged to have been rendered at the insistence of any party by a broker or other person claiming a commission, finder's fee or similar remuneration.

9. Expenses. Seller shall pay all legal fees and the filing fee imposed by the FCC in connection with the foregoing transaction, and Buyer shall reimburse Seller at Closing for such actual documented expenses. Buyer shall also reimburse Seller at Closing for any additional engineering fees incurred in



connection with the foregoing transactions after the date of execution of this Agreement.

10. Third Parties. Nothing in this Agreement shall be construed as giving any person, firm, corporation, or other entity, other than the parties hereto and their respective successors and permitted assigns, any right, remedy or claim under or in respect of this Agreement or any provision thereof.

11. Benefit. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their successors and permitted assigns.

12. Documents. The parties agree to execute such other documents as may be necessary for the implementation and consummation of this Agreement and the warranties herein contained.

13. Specific Performance. Each party agrees that the other party will be irreparably damaged in the event this Agreement is not specifically enforced, and accordingly, all obligations of each party to perform hereunder, subject to approval by the FCC and other conditions contained herein, shall be enforceable by a decree of specific performance.

14. Notices. All notices, demands and requests required or permitted to be given under the provisions of this Agreement shall be deemed duly given if mailed by registered mail, postage prepaid, addressed as follows:

Seller:

Cary H. Simpson  
P.O. Box 247  
Tyrone, PA 16686

with a copy to:

Anne Thomas Paxson  
Borsari & Paxson  
2033 M Street, N.W., Suite 630  
Washington, DC 20036

Buyer:

W. LeRoy Schneck  
307 Fifth Avenue West  
Warren, PA

with a copy to:

Anne Thomas Paxson  
Borsari & Paxson  
2033 M Street, N.W., Suite 630  
Washington, DC 20036

or to such other address as shall be furnished by notice in the foregoing manner by either party.

15. Entire Agreement. This agreement sets forth the entire agreement between the parties and contains all of the terms agreed upon with respect to the subject matter hereof.

16. Governing Law. This Agreement shall be governed by, construed under and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

17. Duplicate Originals. This Agreement may be signed in two or more separate copies, each of which shall be deemed a duplicate original.

18. Assignment. This Agreement may be assigned by either party without the express written consent of the other party. No assignment of this agreement by any party shall release such a party from its obligations under this agreement.

19. Incorporation. The foregoing WHEREAS clauses are integral and substantive parts of this Agreement and are incorporated herein by reference.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the day and year first above written.

Attest:

Margaret A. Haney

Attest:

\_\_\_\_\_

SELLER(S)

CARY H. AND BETTY F. SIMPSON

By: Cary H. Simpson

BUYER

KINZUA BROADCASTING COMPANY,  
INC.

By: \_\_\_\_\_

COPY

16. Governing Law. This Agreement shall be governed by, construed under and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

17. Duplicate Originals. This Agreement may be signed in two or more separate copies, each of which shall be deemed a duplicate original.

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19. Incorporation. The foregoing WHEREAS clauses are integral and substantive parts of this Agreement and are incorporated herein by reference.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers on the day and year first above written.

Attest:

SELLER(S)  
CARY H. AND BETTY F. SIMPSON

By: \_\_\_\_\_

Attest:

BUYER  
KINZUA BROADCASTING COMPANY,  
INC.

Karen L. Bliss

By: [Signature]

COPY

MOVU(FM), Clarendon, PA  
FCC Form 314, Section I, Part 1, Para. 5  
Exhibit No. 2

CERTIFICATIONS OF PARTIES

(attached)



## CERTIFICATION OF ASSIGNOR

I, Cary H. Simpson, a General Partner in the permittee general partnership Cary H. and Betty F. Simpson, proposed assignor(s) of WOJU(FM), Clarendon, Pennsylvania, hereby certify as follows:

- 1) Pursuant to Section 73.1150 of the Commission's Rules, there is no contract, arrangement, or understanding, express or implied, pursuant to which, as consideration for the assignment, the assignor(s) have or has retained or will retain any right of reversion, or reassignment of the permit in the future, or right to use the facilities authorized in the WOJU permit.
- 2) Pursuant to Section 73.3535(b), and as reported to the Commission in the permittee's recently-granted [first] Form 307 application for extension of the WOJU construction permit (BMPH-940701JA, granted September 9, 1994), although construction of the new station is not complete, substantial progress has been made. The necessary equipment was collected and is on hand. The permittee has been in continuing contact with the owner of tower on which the WOJU antenna will be mounted and has kept him fully advised of the status of the project. The retuning of the antenna was delayed by a required change in frequency from Channel 295 to 282, pursuant to an order in MM Docket No. 92-173 that became effective after the grant of the WOJU construction permit. The permittee has been working with the tower owner to finalize installation details.
- 3) Pursuant to Section 73.3597, except as clearly disclosed in detail in this application, there are no agreements or understandings for reimbursement of the permittee's expenses or other payments to the permittee, for our retention of any interest in the station, for options or any other means by which the permittee or its partners may acquire such an interest, or for any other actual or potential benefit to us in the form of loans, subsequent repurchase of any interest retained by us, or otherwise. It is my belief that the expenses set out in the attached page and proposed to be reimbursed by Kinzua do not exceed legitimate and prudent outlays allowable under Section 73.3597(c)(2).

I hereby certify, under penalty of perjury, that the foregoing is true and correct. Executed this 31st day of October, 1994, at Tyrone, Pennsylvania.

  
\_\_\_\_\_

COPY

**Itemization of Expenses Incurred by Cary H. & Betty F. Simpson  
for the Acquisition and Prosecution of the  
Construction Permit for WOJU (FM)**

---

Legal fees to Borsari & Paxson:		
	2/29/88	\$ 156.25
	4/30/88	31.25
	2/28/89	478.75
	3/31/89	312.50
	4/30/89	93.75
	10/30/90	454.14
	11/30/90	928.15
	12/31/90	1,606.25
	1/31/91	49.27
	7/31/91	18.05
	8/31/91	122.50
	12/31/91	2.00
	1/31/92	39.84
	3/31/92	37.50
	9/12/92	308.21
	2/9/93	323.59
	5/7/93	112.50
	4/25/93	79.01
	7/15/94	43.75
	7/23/94	437.50
	8/30/94	489.62
	9/7/94	97.12

Engineering fees to duTreil, Lundin & Rackley:		
	8/27/91	4,411.25
	1/17/92	3,739.23
	4/9/92	1,278.73
	5/11/92	1,760.00
	7/20/92	420.00
	7/30/92	420.00

Warren Times Observer: Public Notice 105.92

Dataworld: Frequency search 82.60

FCC Filing Fees:  
a) Form 301 (Initial CP) 2,000.00  
b) Form 307 (CP Extension) 200.00

FCC Regulatory Fee: 500.00

Phone 175.00

Copying/postage/maps 200.00

**TOTAL EXPENSES**

**\$ 21,514.23 \***  
=====

\*Includes expenses associated with efforts to use Channel 295 at Smethport, PA, as a B1, and at Clarendon as an A, as well as the ultimate mandated move to Channel 282A at Clarendon.

CERTIFICATION OF ASSIGNEE

I, W. LeRoy Schneck, President of Kinzua Broadcasting Company, Inc., proposed assignee of WOYU(FM), Clarendon, Pennsylvania, hereby certify as follows:

- 1) Pursuant to Section 73.1150 of the Commission's Rules and Regulations, there is no contract, arrangement, or understanding, express or implied, pursuant to which, as consideration for the assignment, the assignor(s) Cary H. and Betty F. Simpson have or has retained or will retain any right of reversion, or reassignment of the permit in the future, or right to use the facilities authorized in the WOYU permit.
- 2) Pursuant to Section 73.3535, the assignee will immediately begin building WOYU after approval and consummation of this assignment.
- 3) Pursuant to Section 73.3597, except as clearly disclosed in detail in this application, there are no agreements or understandings for reimbursement of the seller(s)'s expenses or other payments to the seller(s), for the seller(s)'s retention of any interest in the station, for options or any other means by which seller(s) may acquire such an interest, or for any other actual or potential benefit to the seller(s) in the form of loans, the subsequent repurchase of any interest retained by the seller(s), or otherwise. It is my belief that the expenses set out in the assignor(s)'s portion of this assignment application and proposed to be reimbursed by Kinzua do not exceed legitimate and prudent outlays allowable under Section 73.3597(c)(2).

I hereby certify, under penalty of perjury, that the foregoing is true and correct. Executed this 31 day of October, 1994, at Warren, Pennsylvania.

W. LeRoy Schneck

COPY



BROADCAST INTERESTS AND CONNECTIONS OF ASSIGNOR(S):

The assignor general partnership, Cary H. and Betty F. Simpson, has no other broadcast interests or connections. The individual general partners do, however, have the following interests and connections:

Cary H. Simpson

- Fifty percent partner & General Manager (1950-1989) and 100% individual owner (since 1989), doing business as The Elk-Cameron Broadcasting Company, licensee of WKBI(AM) and WKBI-FM, both St. Marys, PA, and permittee of FM booster station WKBI-FM1, Ridgeway, PA.
- One hundred percent individual owner/licensee (doing business as Allegheny Mountain Network) of WTRN(AM), Tyrone, PA (since founding in 1954) and of WGMR (FM), Tyrone, PA (since founding in 1961); permittee of an experimental AM synchronous booster for WTRN at Altoona, PA; and applicant for a new FM translator for WGMR at Altoona, PA.
- Officer, a director, and majority owner (currently owns 68% of stock) since founding in 1951 of Farm & Home Broadcasting Company, licensee of WFRM(AM) and WFRM-FM, both Coudersport, PA; WNBT(AM) and WNBT-FM, both Wellsboro, PA; and WQRM(FM), Smethport, PA.
- Individual applicant to acquire construction permit for WMPA(FM), Mansfield, PA (BAPH-940331GL).

Betty F. Simpson

- Officer (since 1975), a director (since 1977), and 0.57% owner of Farm & Home Broadcasting Company; current employee of Farm & Home Broadcasting Company.
- Current employee of WKBI(AM)-FM, St. Marys, PA, and of WTRN(AM)/WGMR(FM), Tyrone, PA.



WOVU(FM), Clarendon, PA  
FCC Form 314, Section II, Para. 5  
Exhibit No. 4

BROADCAST INTERESTS AND CONNECTIONS OF ASSIGNEE AND ITS PRINCIPALS:

The proposed assignee, Kinzua Broadcasting Company, Inc., is also the licensee of WNAE(AM) and WRRN(FM), both Warren, Pennsylvania. The primary service contour of WOVU(FM), the station proposed to be acquired, is completely encompassed by those of WNAE and WRRN. In addition to the stock interests, offices, and directorships held by the assignee's principals (set out fully in response to Section II, Para. 4, of this application), it is further noted that W. LeRoy Schneck is employed as General Manager and Richard A. Gilson as Chief Engineer at WNAE/WRRN.

WVU(FM), Clarendon, PA  
FCC Form 314, Section II, Para. 7  
Exhibit No. 5

SECTION 73.3555(a)(1)(i) SHOWING:

The attached Engineering Statement demonstrates that the ownership interests which will result from grant of this application comply with Section 73.3555(a)(1)(i) of the Commission's Rules.

ENGINEERING STATEMENT WITH  
REGARD TO NUMBER OF STATIONS

IN MARKET

Kinzua Broadcasting Co.  
Clarendon, PA

August 1, 1994

Prepared for: Mr. Leroy Schneck  
Kinzua Broadcasting Co.  
310 Second Avenue  
Warren, PA 16365

COPY

CARL E. SMITH CONSULTING ENGINEERS

## C O N T E N T S

Title Page

Contents

Engineering Affidavit

Engineering Statement

Fig. 1.0 - Predicted Principal  
Community Contours

Fig. 1.1 - Stations In Market

Table 1.1 - Stations In Market



ENGINEERING AFFIDAVIT

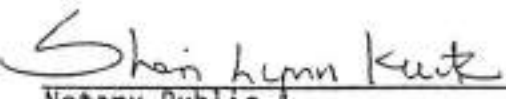
State of Ohio                    )  
                                      )    ss:  
County of Summit                )

Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by the Kinzua Broadcasting Company to prepare the attached "Engineering Statement With Regard To Number of Stations In Market."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

  
\_\_\_\_\_  
Roy P. Stype, III

Subscribed and sworn to before me this 1st day of August, 1994.

  
\_\_\_\_\_  
Notary Public

SHERI LYNN KURTZ, Notary Public  
For the State of Ohio  
My Commission Expires June 14, 1995  
Recorded in Summit County

/SEAL/

## ENGINEERING STATEMENT

This engineering statement is prepared on behalf of the Kinzua Broadcasting Company, proposed assignee of the construction permit for Radio Station WOVU(FM) - Clarendon, Pennsylvania. It documents that there are at least 7 and no more than 14 stations in the market defined by the principal community contours of WOVU, WNAE(AM) - Warren, Pennsylvania, and WRRN(FM) - Warren, Pennsylvania, permitting common ownership of all three stations, regardless of market share.

Figure 1.0 is a map exhibit depicting the predicted principal community contours for these three stations. For WNAE, this figure shows the 5 mV/m daytime contour. This contour was projected utilizing the notified daytime facilities from the FCC's AM engineering database and conductivity data from FCC Figure M3. For WOVU and WRRN, the 3.16 mV/m contours are shown. These contours were projected utilizing the notified facilities for each station from the FCC's FM engineering database and terrain data from the NGDC 30 second terrain database. As shown in this figure, the composite principal community contour for these three stations is defined by the principal community contour of WRRN.

Figure 1.1 shows the composite principal community contour for these three stations. Also shown in this figure are the transmitter sites of all operating commercial stations located within this contour, as well as WOVU, and the transmitter sites and principal community contours of all operating commercial stations whose transmitter sites are located outside this contour but whose principal community contours overlap this contour. Table 1.1 is a tabulation of the stations depicted in this figure. The 5 mV/m daytime contours for all AM stations were projected utilizing the notified daytime facilities for each station from the FCC's

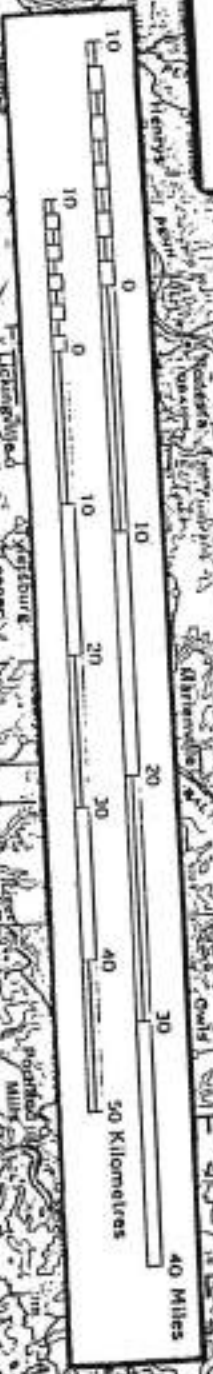
AM engineering database and conductivity data from FCC Figure M3. The 3.16 mV/m contours for all FM stations were projected utilizing the notified facilities for each station from the FCC's FM engineering database and terrain data from the NGDC 30 second terrain database. As shown by this data, there are 14 stations in the market defined by these three facilities.



**CARL E. SMITH CONSULTING ENGINEERS**  
 2324 N. CLEVELAND RD., BOX 807  
 BATH, OHIO 44210-0807  
 216/859-4440

**PREDICTED PRINCIPAL  
 COMMUNITY CONTOURS**  
 Kinzua Broadcasting Co.  
 Clarendon, PA

**FIG. 1.0**



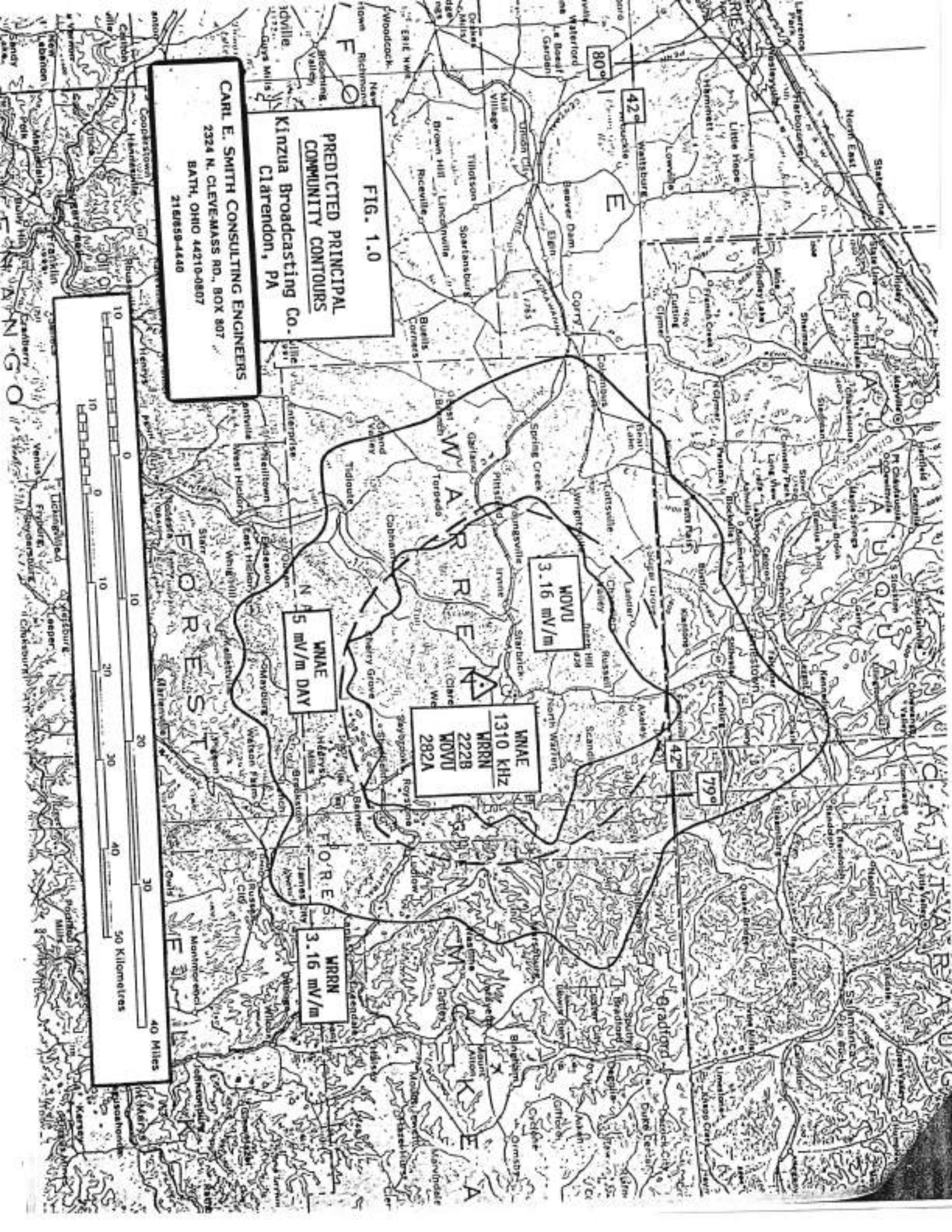
**FORREST**

**WNAE  
 15 mV/m DAY**

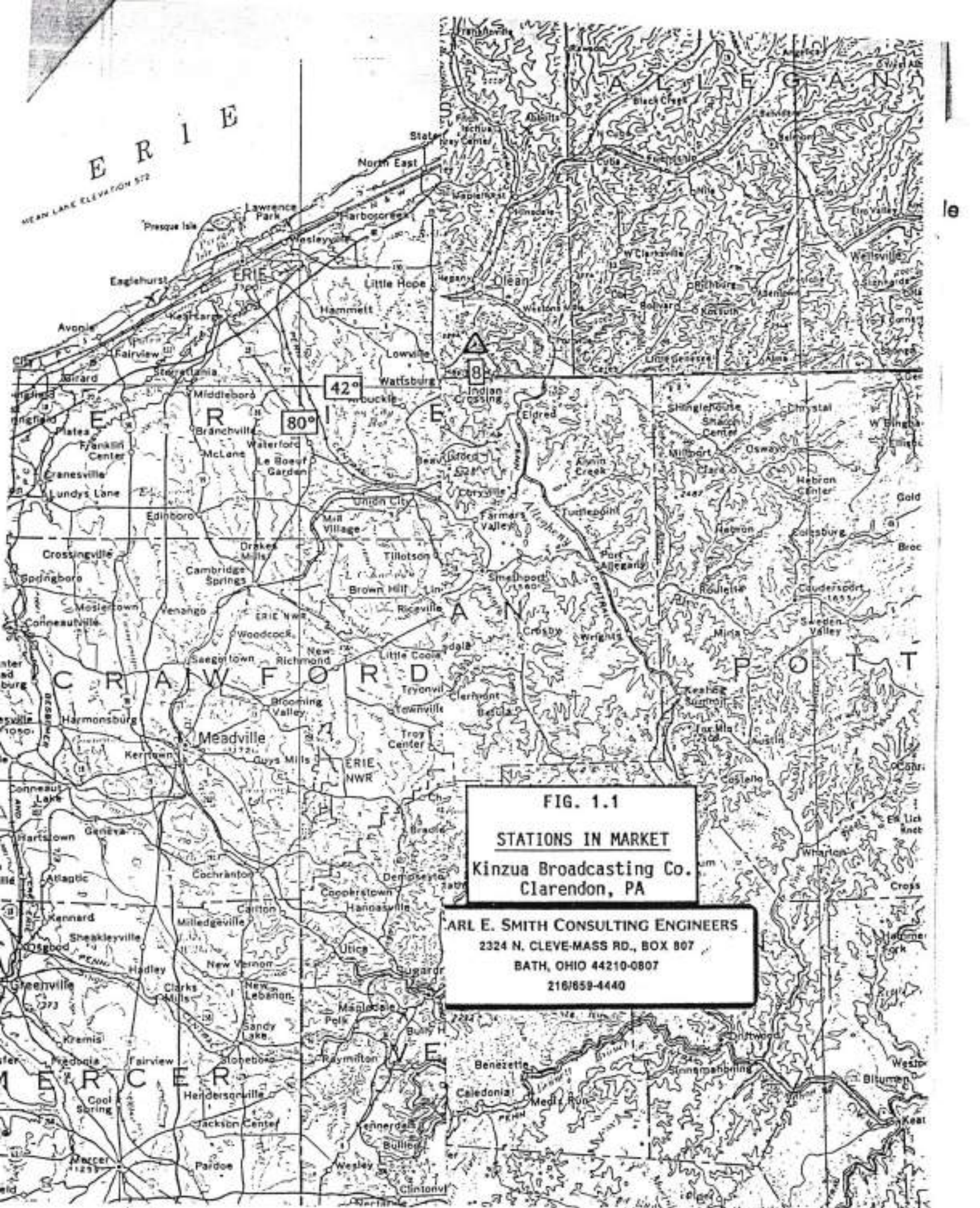
**WNAE  
 1310 KHZ  
 WRRN  
 222B  
 WOVU  
 282A**

**WOVU  
 3.16 mV/m**

**WRRN  
 3.16 mV/m**







**FIG. 1.1**  
**STATIONS IN MARKET**  
 Kinzua Broadcasting Co.  
 Clarendon, PA

**ARL E. SMITH CONSULTING ENGINEERS**  
 2324 N. CLEVE-MASS RD., BOX 807  
 BATH, OHIO 44210-0807  
 216/859-4440



TABLE 1.1

STATIONS IN MARKETKinzua Broadcasting Co.  
Clarendon, PA

<u>Station</u>	<u>Call</u>	<u>Frequency/ Channel</u>	<u>Location</u>
1	WKZA	960	Kane, PA
2	WJTN	1240	Jamestown, NY
3	WNAE	1310	Warren, PA
4	WКСN	1340	Jamestown, NY
5	WСB	1370	Corry, PA
6	WRRN	222B	Warren, PA
7	WSE	227B	Jamestown, NY
8	WPIG	239B	Olean, NY
9	WKVE	248B	St. Marys, PA
10	WBRR	261A	Bradford, PA
11	WHUG	269A	Jamestown, NY
12	WRLP	276A	Russell, PA
13	WLMI	280A	Kane, PA
14	WVU(CP)	282A	Clarendon, PA

ASSIGNEE'S PROGRAM SERVICE STATEMENT:

If this application to acquire the WOVU permit is granted, Kinzua Broadcasting Company, Inc. management will continuously monitor the changing issues and needs of primary importance to residents of Clarendon, Pennsylvania, and surrounding areas. The station will broadcast programming responsive to those ascertained issues and needs; such programming will include, but will not be limited to, public service announcements and regularly-scheduled public affairs programs and local, state, and national news. In its operation of WOVU, the assignee will comply with all applicable FCC Rules and policies.

# CARL E. SMITH CONSULTING ENGINEERS

"SERVING THE BROADCASTING INDUSTRY FOR OVER 50 YEARS"

TELEPHONE: 216-669-4440

TELECOPIER: 216-669-9234

January 21, 1993

2024 N. CLEVELAND RD., BOX  
BATH, OHIO 44210-0537

AL WATSON, P.E.  
OWNER

ROY J. PE  
LEROY SMITH  
ELMER STENGASS  
MARK MOCCERI  
DEREK GORMAN  
ROBERT EVENS  
TINA FLATKO

Mr. Leroy Schneck  
Radio Station WNAE  
310 Second Avenue  
Warren, PA 16365

Dear Leroy:

We have completed the studies which you requested to evaluate the possibility of common ownership of WNAE and WRRN with the proposed new station in Clarendon, Pennsylvania, on Channel 295A, under the FCC's new multiple ownership rules. This study was conducted to determine how many stations are in the market defined by these three stations, based upon the criteria outlined by these new rules.

Figure 1.0 is a map exhibit depicting the predicted principal community contours for these three stations. For WNAE, the 5 mV/m daytime contour is shown. This contour was projected utilizing the notified WNAE daytime facilities from the FCC's AM engineering database and conductivity data from Figure M3. For WRRN and the proposed Clarendon facility, the 3.16 mV/m contours are shown. These contours were projected utilizing the notified facilities for each station from the FCC's FM engineering database and terrain data from the NGDC 30 second terrain database. As shown in this figure, the predicted WRRN 3.16 mV/m contour totally encompasses the principal community contours of WNAE and the proposed Clarendon facility. Thus, the composite principal community contour for evaluating the number of stations in the market is formed by the principal community contour of WRRN.

Figure 1.1 shows this composite principal community contour. Also shown in this figure are the transmitter sites of all stations located within this contour and the transmitter sites and principal community contours of all stations whose transmitter sites are located outside this contour but whose principal community contour overlaps this contour. Contours have not been shown for stations whose transmitter sites lie within this contour, since it is obvious that their principal community contours will intersect this contour. Table 1.1 is a tabulation of the stations depicted in this figure. The contours for all AM stations were projected utilizing the notified daytime facilities for each station from the FCC's AM engineering database and conductivity data from FCC Figure M3. The contours for all FM stations were projected utilizing the notified facilities for each station from the FCC's FM engineering database and terrain data from the NGDC 30 second terrain database.

Mr. Leroy Schneck  
Page Two  
January 21, 1993

As shown by this data, for the purposes of these new rules, there are 15 stations in the market defined by WNAE, WRRN, and the proposed Clarendon facility. Thus, common ownership of these three stations would be possible. In fact, it would actually be possible to also acquire a second AM station in this market. You should also note, however, that since the number of stations in the market exceeds 14, it will be necessary to document that the combined market share of these three stations does not exceed 25% in order to permit all three to be commonly owned.

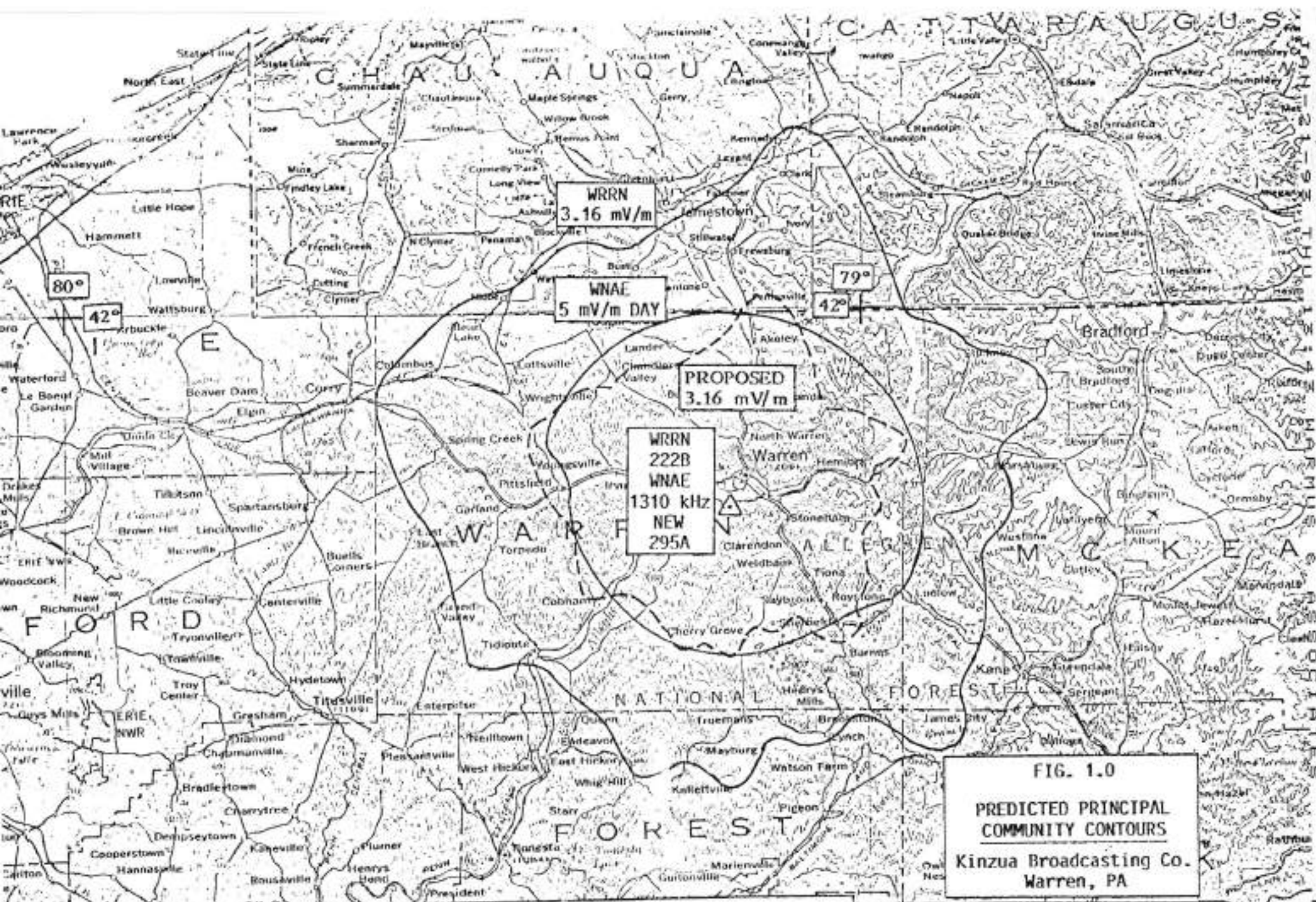
Please don't hesitate to call if you have any questions following your review of this information.

Sincerely,

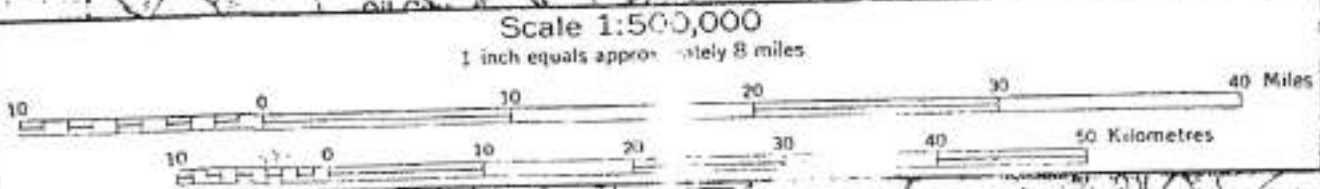
  
Roy Stype

RS:sk  
Enclosures

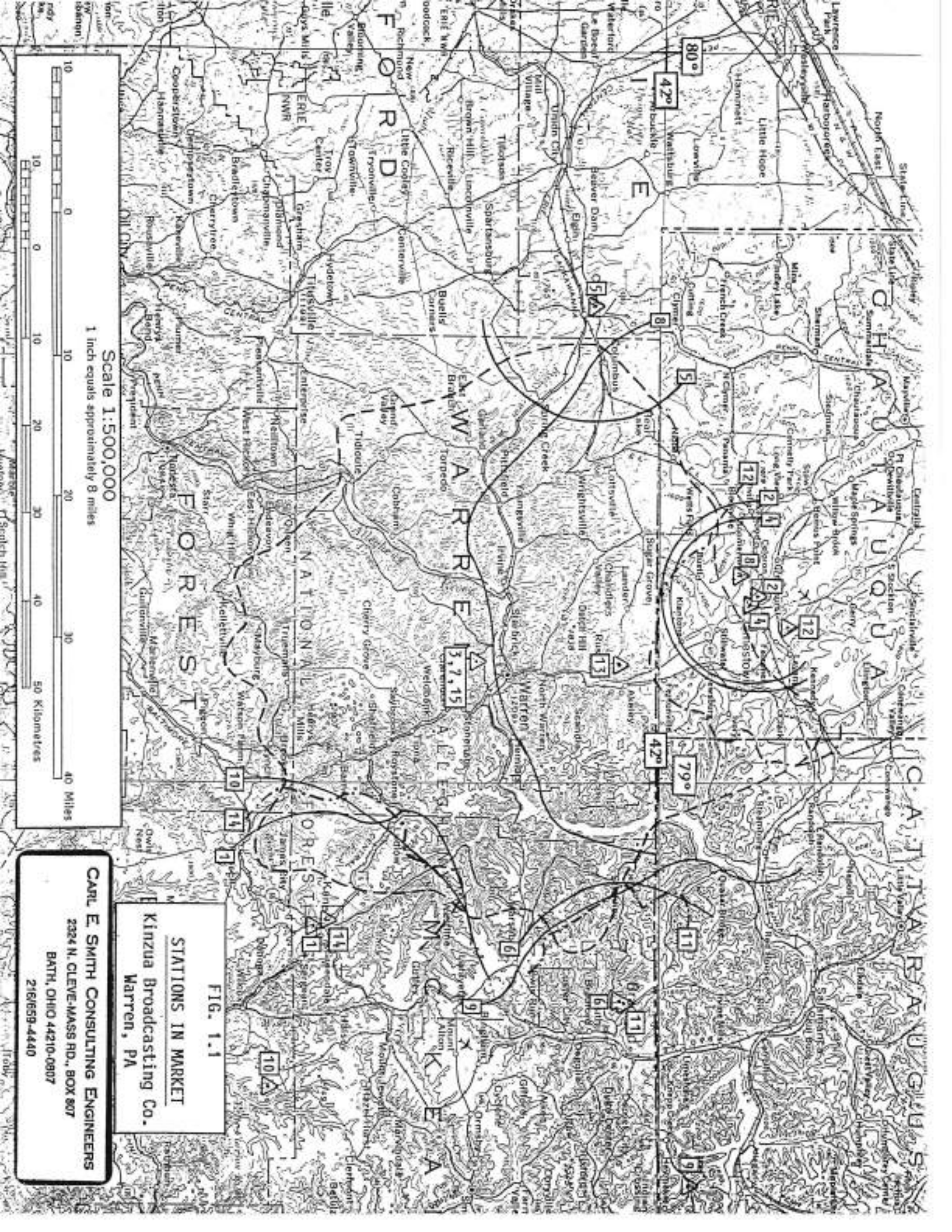




**FIG. 1.0**  
**PREDICTED PRINCIPAL**  
**COMMUNITY CONTOURS**  
 Kinzua Broadcasting Co.  
 Warren, PA



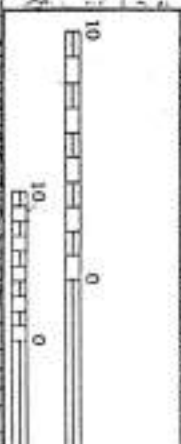
**CARL E. SMITH CONSULTING ENGINEERS**  
 2324 N. CLEVE-MASS RD., BOX 807  
 BATH, OHIO 44210-0807  
 216/659-4440



**FIG. 1.1**  
**STATIONS IN MARKET**  
 Kinzua Broadcasting Co.  
 Warren, PA

**CARL E. SMITH CONSULTING ENGINEERS**  
 2324 N. CLEVE-MASS RD., BOX 807  
 BATH, OHIO 44210-0807  
 216/659-4440

**Scale 1:500,000**  
 1 inch equals approximately 8 miles





Channel: 295

Class: A

Hours of Operation: Unlimited

Transmitter location (address or description):

512 MOHAWK AVENUE, EXT., WARREN, PENNSYLVANIA.

Transmitter: Type accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: (directional or non-directional): Non-directional

Antenna coordinates: North Latitude: 41 48 50.0  
West Longitude: 79 10 4.0

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the horizontal plane (kW) . . . . . :	4.7	4.7
Height of radiation center above ground (meters) . . . . . :	44.0	44.0
Height of radiation center above mean sea level (meters) . . . . . :	617.0	617.0
Height of radiation center above average terrain (meters) . . . . . :	113.0	113.0
Overall height of antenna structure above ground (including obstruction lighting, if any) . . . . . :	68.0 meters	

FEDERAL COMMUNICATIONS COMMISSION  
FM BROADCAST STATION CONSTRUCTION PERMIT



Official Mailing Address:

CARY H. AND BETTY F. SIMPSON  
P.O. BOX 247  
TYRONE, PA 16686

Authorizing Official:

*Mary Houser*

Mary Houser  
Supr Applications Examiner, FM Branch  
Audio Services Division  
Mass Media Bureau

Grant Date: February 02, 1993

Call sign: WOVU

This permit expires 3:00 am.  
local time: August 02, 1994

Permit File No.: BPH-920306MA

This authorization re-issued to reflect a call sign change from 920306MA to WOVU effective 3/29/93.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

This permit shall be automatically forfeited if the station is not ready for operation within the time specified (date of expiration) or within such further time as the Commission may allow, unless completion of the station is prevented by causes not under the control of the permittee. See Sections 73.3598, 73.3599 and 73.3534 of the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of permittee:

CARY H. AND BETTY F. SIMPSON

Station Location:

PA-CLARENDON

Frequency (MHz): ~~100.5~~

104.3



**BORSARI & PAXSON**

ATTORNEYS & COUNSELLORS AT LAW  
2033 M STREET, N.W., SUITE 630  
WASHINGTON, D.C. 20036

TELEPHONE NUMBER  
(202) 296-4800

Public Inspection File

*Copy*

TELECOPIER NUMBER  
(202) 296-4460

GEORGE R. BORSARI, JR.  
ANNE THOMAS PAXSON

February 7, 1995

Mr. William F. Caton  
Secretary  
Federal Communications Commission  
Washington, DC 20554  
Attn: Konrad Herling  
Stop Code 1800B3

Two Amendments to Application  
for Consent to Assignment of  
WOVU(FM), Clarendon, Pennsylvania

Dear Mr. Caton:

Transmitted herewith are two amendments, in triplicate, to the pending application for consent to assignment of the construction permit for WOYU(FM), Clarendon, Pennsylvania.

One, executed by the proposed assignor, supplies the requested certifications of engineering and legal counsel as to their respective reimbursable expenses.

The other, executed by the proposed assignee, supplies full-size reproductions of the (also) full-size map submitted as Figure 1.1 of the Engineering Statement as originally filed.

Should any question arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

BORSARI & PAXSON

*Anne Thomas Paxson*

Anne Thomas Paxson

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D. C. 20554

In re Application of )  
CARY H. AND BETTY F. SIMPSON ) File No. BAPH-941107GE  
For Consent to Assignment of )  
Construction Permit for )  
WOVU(FM), Clarendon, PA )

AMENDMENT

The assignors' portion of the above-captioned application is hereby supplemented with the attached certifications of legal and engineering counsel concerning expenses legitimately and prudently expended in connection with the permittees' efforts to obtain authorization for and construct WOVU.

Respectfully submitted,

CARY H. AND BETTY F. SIMPSON

By:

  
Cary H. Simpson  
General Partner

February 6, 1995

CERTIFICATION

I, Anne Thomas Paxson, a principal in the law firm Borsari & Paxson, hereby certify as follows:

Borsari & Paxson provided legal counsel to Cary H. Simpson in connection with the allocation of and application for the new FM channel ultimately assigned to Clarendon, Pennsylvania. The associated fees billed to and paid for by Mr. Simpson during the course of the rulemaking and application process for that work were not less than \$6,221.50.

I hereby certify, under penalty of perjury, that the foregoing is true and correct. Executed this 5th day of January, 1995, at Washington, D. C.

  
Anne Thomas Paxson

Anne Thomas Paxson

CERTIFICATION

I, John A. Lundin, a principal and Vice President in the consulting engineering firm, du Treil, Lundin & Rackley, Inc., hereby certify as follows:

du Treil, Lundin & Rackley provided engineering services to Cary H. Simpson in connection with the allocation of and application for the new FM channel ultimately assigned to Clarendon, Pennsylvania. The associated fees billed to and paid for by Mr. Simpson during the course of the rulemaking and application process for that work were \$11,067.96.

I hereby certify, under penalty of perjury, that the foregoing is true and correct. Executed this 6th day of February, 1995, at Sarasota, Florida.

  
\_\_\_\_\_  
John A. Lundin, P.E.

D.C. Registration No. 7499  
Florida Registration No. 46454



BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D. C. 20554

In re Application of )  
CARY H. AND BETTY F. SIMPSON ) File No. BAPH-941107GE  
For Consent to Assignment of )  
Construction Permit for )  
WOVU (FM), Clarendon, PA )

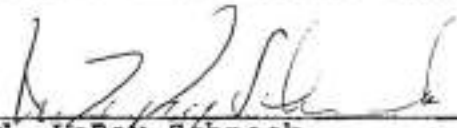
AMENDMENT

The assignee's portion of the above-captioned application is hereby supplemented to include the attached full-size map depicting the contours of all stations in the relevant market (Figure 1 of the multiple ownership study). The executed original of the application as originally filed contained a full-size copy of the map, but duplicate copies supplied to the Commission included a reproduction of only part of that [folded] map. This amendment, which is supplied for completeness at the request of processing staff, in no way changes any information contained in the application.

Respectfully submitted,

KINZUA BROADCASTING COMPANY, INC.

By:

  
\_\_\_\_\_  
W. LeRoy Schneck  
President

Date:

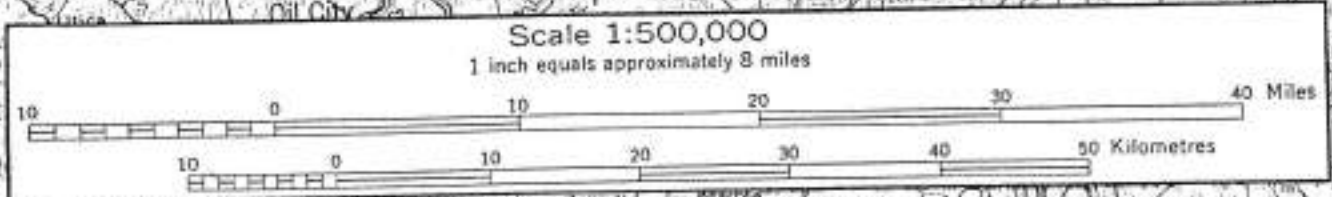
25 JAN 1995





FIG. 1.1  
 STATIONS IN MARKET  
 Kinzua Broadcasting Co.  
 Warren, PA

**CARL E. SMITH CONSULTING ENGINEERS**  
 2324 N. CLEVE-MASS RD., BOX 807  
 BATH, OHIO 44210-0807  
 216/659-4440







FEDERAL COMMUNICATIONS COMMISSION  
FM BROADCAST STATION CONSTRUCTION PERMIT

Official Mailing Address:

CARY H. AND BETTY F. SIMPSON  
P.O. BOX 247  
TYRONE, PA 16686

Authorizing Official:

*Mary Houfer*

Mary Houfer  
Supr Applications Examiner, FM Branch  
Audio Services Division  
Mass Media Bureau

Grant Date: February 02, 1993

Call sign: WOVU

This permit expires 3:00 am.  
local time: August 02, 1994

Permit File No.: BPH-920306MA

This authorization re-issued to reflect a call sign change from 920306MA to WOVU effective 3/29/93.

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

This permit shall be automatically forfeited if the station is not ready for operation within the time specified (date of expiration) or within such further time as the Commission may allow, unless completion of the station is prevented by causes not under the control of the permittee. See Sections 73.3598, 73.3599 and 73.3534 of the Commission's Rules.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of permittee:

CARY H. AND BETTY F. SIMPSON

Station Location:

PA-CLARENDON

Frequency (MHz): ~~100.9~~

*104.3*

SECTION II - TECHNICAL DATA (Page 2)

B. Description of facilities authorized by the construction permit or license noted in Item 5(a) or 5(b).

(a) Antenna coordinates:	<u>41</u> <sup>o</sup> <u>48</u> ' <u>50"</u> N. Lat.	<u>79</u> <sup>o</sup> <u>10</u> ' <u>04"</u> W. Lon.
	Horizontal	Vertical
(b) Effective radiated power:	<u>4.7</u> kW	<u>4.7</u> kW
(c) Beam tilt effective radiated power (if applicable):	<u>-</u> kW	<u>-</u> kW
(d) Radiation center above ground:	<u>44</u> meters	<u>44</u> meters
(e) Radiation center above mean sea level:	<u>617</u> meters	<u>617</u> meters
(f) Antenna height above average terrain:	<u>113</u> meters	<u>113</u> meters
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	<u>68</u> meters	

G. Description of facilities as constructed:

(a) Antenna coordinates:	<u>41</u> <sup>o</sup> <u>48</u> ' <u>50"</u> N. Lat.	<u>79</u> <sup>o</sup> <u>10</u> ' <u>04"</u> W. Lon.
	Horizontal	Vertical
(b) Effective radiated power:	<u>4.7</u> kW	<u>4.7</u> kW
(c) Beam tilt effective radiated power (if applicable):	<u>-</u> kW	<u>-</u> kW
(d) Radiation center above ground:	<u>44</u> meters	<u>44</u> meters
(e) Radiation center above mean sea level:	<u>617</u> meters	<u>617</u> meters
(f) Antenna height above average terrain:	<u>113</u> meters	<u>113</u> meters
(g) Overall tower height above ground (including antenna, all other appurtenances, and lighting, if any):	<u>68</u> meters	

10. Are there any differences between the facilities described in Item B and those in Item G?

Yes  No

IF YES, YOU MAY NOT BE ABLE TO USE THIS FORM. SEE INSTRUCTIONS.

Attach an Exhibit explaining in detail how these differences occurred.

Exhibit No.  
N/A

11. Attach an Exhibit that demonstrates compliance with the special operating conditions, terms, and obligations described in the construction permit.

Exhibit No.  
E-2

Does Not Apply

CONVERSION TO AND FROM METRIC:

METERS = 0.3048 X FEET      FEET = 3.281 X METERS

## SECTION II - TECHNICAL DATA (Page 3)

12. Antenna description:	Make	Model Number	Number of Sections	Power Gain
	Harris	FML-3E	3	1.5588

If the antenna utilizes beam tilt, null fill, reduced spacing (less than one wavelength) between bays or the antenna is directional or specialized, an Exhibit must be attached. SEE INSTRUCTIONS.

Exhibit No. N/A
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## 13. Transmission line system description:

(a) Transmission line:	Make	Model Number	Length in Meters
	Andrew	HJ7-50A	55 meters

(b) Percent efficiency of entire transmission line system: 91.6 %

If any losses are included in 13(b) other than the loss of the transmission line listed in 13(a), attach an Exhibit detailing these additional losses. See Instructions.

Exhibit No. N/A
--------------------

14. Transmitter power output (in kilowatts): 3.29 kW

SEE INSTRUCTIONS TO CALCULATE TPO.

## 15. Operating constants:

(a) D.C. plate current in last radio stage (amperes): 1.14 A

(b) Applied D.C. voltage in last radio stage (volts): 3820 V

(c) Efficiency of transmitter at operating power (percent): 75.5 %

(d) RF transmission line meter reading (percent): 100 %

SEE INSTRUCTIONS TO CHECK OPERATING CONSTANTS.

16. Is the main studio within the 3.16 mV/m (70 dBu) field strength contour of the main facility?

Yes  No

If NO, attach an Exhibit pursuant to the instructions.

Exhibit No. N/A
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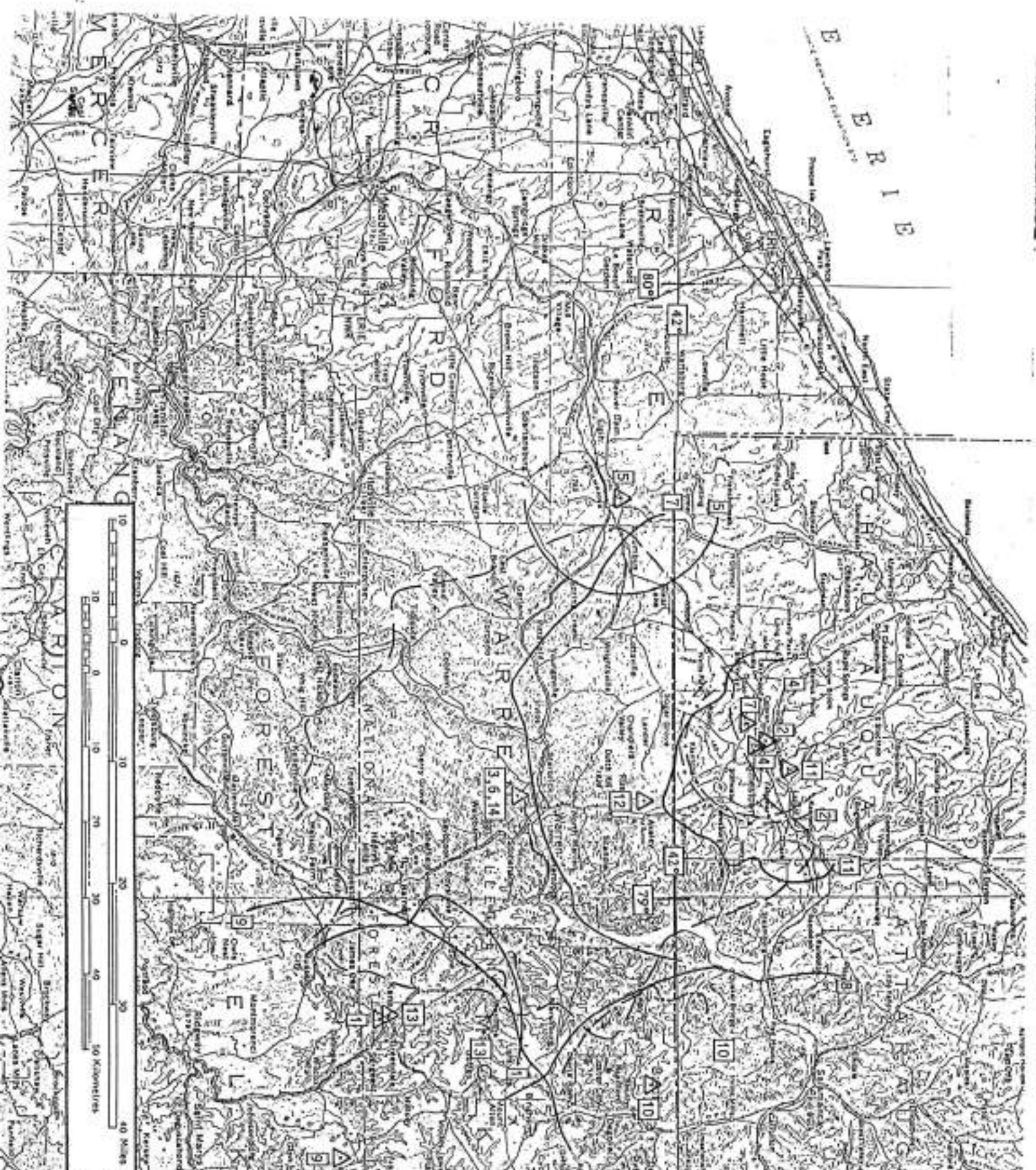
## 17. Location of Main Studio: (P.O. BOXES ARE UNACCEPTABLE)

Street Address or Location Description		
310 Second Avenue		
City	County	State
Warren	Warren	PA

## CONVERSION TO AND FROM METRIC:

METERS = 0.3048 X FEET      FEET = 3.281 X METERS





CARLISLE