

FCC 68-1209

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

In re Complaint of
RADIO STATION KCRC, ENID, OKLA.
Concerning Location of Abandoned
Tower of B&W Truck Service

DECEMBER 18, 1968.

Mr. KENNETH H. BURCHARDT,
d.b.a. B&W Truck Service,
P.O. Box 243
Enid, Okla. 73701.

DEAR Mr. BURCHARDT: This will refer to the long-standing reradiation complaint by radio station KCRC, Enid, Okla., directed against your special industrial radio operation in the same community (KEN-393). This has been the subject of numerous, but unproductive, conferences and exchanges of correspondence between the Commission's staff and representatives of both KCRC and yourself.

A summary of events pertinent to our consideration of the KCRC complaint is as follows: Radio station KCRC (1390 kc/s, 1 kw, DA-1) has operated a full-time standard broadcast service at Enid since the early 1920's. Since August 1967, it has been operating with parameters at variance from licensed values because of pattern distortion caused by a communications tower you erected approximately 1,000 feet southeast of the KCRC directional array. This tower was built in the wrong place; we had originally issued a construction permit specifying geographic coordinates approximately 1 mile from the KCRC facility. You thereafter relocated your base station at another site, abandoning the original tower in the process. It is emphasized that we did not grant an authorization to erect a tower at the location initially chosen, nor was KCRC notified of that choice or afforded an opportunity to be heard in opposition thereto.

The presence of the abandoned tower continues to produce severe distortion of KCRC's authorized directional pattern, which is characterized by a serious reduction in signal strength over the city of Enid and other portions of the station's primary service area. Moreover, the resulting displacement of nulls and lobes in the measured pattern is a possible source of objectionable interference to other stations assigned to the same channel. As a result, we have been compelled to defer action on the KCRC license renewal application.

In view of your continuing refusal to cooperate in resolving the problem created by your unauthorized construction, you *Are ordered* either to dismantle the abandoned tower or, after consultation with KCRC, to eliminate the reradiation by detuning the tower. Failure to do so will make it necessary for us to initiate appropriate proceedings

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looking toward examination of your qualifications to be a licensee in the Special Industrial Radio Service.

You *Are further ordered* to submit a written report within 30 days from the date of this letter, describing the corrective measures taken or contemplated by you.

Commissioner Cox was absent.

BY DIRECTION OF THE COMMISSION,
BEN F. WAPLE, *Secretary.*