

RECEIVED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEB 20 1991

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b)) RM-_____
Table of Allotments)
(Bay Minette, Alabama))

To: Chief, Mass Media Bureau

PETITION FOR RULEMAKING

Baldwin Broadcasting Company, by counsel, hereby petitions for amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, pursuant to a notice and comment rulemaking, to change the channel class on which FM station WFMI, Bay Minette, Alabama is now authorized from 293A to 293C3.

Baldwin also requests that the FCC modify its permit for FM station WFMI to reflect the substitution of Channel 293C3 for Channel 293A. As reflected by the attached Technical Exhibit, the proposed upgrade of WFMI's channel class will require a site restriction to the southwest of Bay Minette in order to provide the requisite spacing protection to the Class C3 FM allotment in Demopolis, Alabama and to FM station WKNU, which operates on Channel 292A in Brewton, Alabama. In addition, the site restriction is necessary in order to protect the facilities specified in an outstanding construction permit for a new FM station on Channel 290A in Atmore, Alabama.

As a result of the site restriction, use of the transmitter and antenna site presently authorized for WFMI as a Class A station would not be permitted if the requested upgrade is instituted. In order to accommodate this improvement in WFMI's channel class, Baldwin will, upon issuance of a Report and Order substituting Channel 293C3 for Channel 293A, file an application for modification of the WFMI permit to specify an acceptable site satisfying the relevant site restrictions.

It should be noted that the proposed channel substitution is inconsistent with the facilities presently used by station WGUD-FM, Pascagoula, Mississippi, operating on Channel 292A. However, the Commission has already issued a Report and Order modifying the channel for WGUD-FM to Channel 290C3. In addition, WGUD-FM has filed an application for a construction permit to implement that change. Thus, while this petition is not fully ripe for action, it is being submitted now in the interest of expediting the eventual improvement in service by WFMI. While the Commission is proceeding to act on this instant petition, progress presumably will also be made toward the grant and effectuation of the construction permit application of WGUD-FM for its new facilities.

The improvement proposed here in the channel class of WFMI will permit Baldwin to provide coverage over a substantially wider area. With the facilities presently authorized, WFMI would not be able to provide all of Baldwin County with a 3.16 mV/m signal, much less cover the entire trading area of which Bay Minette is a part. Accordingly, the proposed upgrade is clearly in the public interest.

In view of the foregoing, Baldwin hereby requests that the Commission issue Notice of Proposed Rulemaking soliciting comments on the requested channel improvement for WFMI, and proceed to amend the Table of Allotments as described herein.

Respectfully submitted,

BALDWIN BROADCASTING COMPANY

By: Ronald D. Maines

Ronald D. Maines

of

JONES, WALDO, HOLBROOK

& McDONOUGH, P.C.

Suite 900

2300 M Street, N.W.

Washington, D.C. 20037

(202) 296-5950

Its Attorneys

February 20, 1991

TECHNICAL EXHIBIT

IN SUPPORT OF
PETITION FOR RULE MAKING

SUBSTITUTION OF FM CHANNEL 293C3
FOR FM CHANNEL 293A
AT BAY MINETTE, ALABAMA
AND MODIFICATION OF CONSTRUCTION PERMIT
OF WFMI(FM) TO SPECIFY OPERATION
ON THE HIGHER-CLASS CHANNEL

BALDWIN BROADCASTING COMPANY

Prepared February 15, 1991

CONTEMPORARY COMMUNICATIONS
Broadcast Consultants
Post Office Box 159
Fayetteville, GA 30214
Phone: (404) 460-6159
Fax: (404) 460-6129

CONTEMPORARY COMMUNICATIONS

P.O. BOX 159 • FAYETTEVILLE, GA 30214 • (404) 460-6159 • FAX (404) 460-6129

TECHNICAL EXHIBIT

IN SUPPORT OF PETITION FOR RULE MAKING
SUBSTITUTION OF FM CHANNEL 293C3
FOR FM CHANNEL 293A
AT BAY MINETTE, ALABAMA
AND MODIFICATION OF CONSTRUCTION PERMIT
OF WFMI(FM) TO SPECIFY OPERATION
ON THE HIGHER-CLASS CHANNEL

BALDWIN BROADCASTING COMPANY

INTRODUCTION

This Technical Exhibit supports the petition of Baldwin Broadcasting Company, seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by substituting FM Channel 293C3 for FM Channel 293A at Bay Minette, Alabama, and the concomitant modification of the outstanding construction permit of Station WFMI(FM) to specify operation on the higher-class channel.

ALLOCATION

A study was performed using the computerized *SEARCHFM* frequency search program and the current FCC/NTIS database to determine if Channel 293C3 could be allocated to Bay Minette in compliance with the minimum distance separation

CONTEMPORARY COMMUNICATIONS
P.O. Box 159 - Fayetteville GA

CLASS C3

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WRBEFM	295A	Lucedale	MS	288.5	78.62	42.0	36.62
AP CN	30 55 58	88 36 21	6.000 kW	80M	48.9	26.1	
Allen Broadcasting Company, I					BMPH901205IC		

CONTEMPORARY COMMUNICATIONS

P.O. BOX 159 • FAYETTEVILLE, GA 30214 • (404) 460-6159 • FAX (404) 460-6129

CERTIFICATION

State of Georgia)
) ss.
County of Fayette)

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by Baldwin Broadcasting Company to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Larry G. Fuss
Affiant

FEBRUARY 15, 1991
Date

CONTEMPORARY COMMUNICATIONS

P.O. BOX 159 • FAYETTEVILLE, GA 30214 • (404) 460-6159 • FAX (404) 460-6129

requirements of Section 73.207(b) of the Commission's Rules. The results of that study indicate that Channel 293C3 could be substituted for Channel 293A, in full compliance with Section 73.207(b), providing WFMI(FM) relocated its transmitter site to a location in the "useable area", an area south and west of Bay Minette 1/. The site-restriction 2/ would be necessary in order to avoid short-spacing to Station WKNU(FM), Channel 292A at Brewton, Alabama; to an outstanding construction permit (File No. BPH-891205MJ) on Channel 290A at Atmore, Alabama; and to the reference point for the Channel 292C2 allotment as Demopolis, Alabama (MM Docket No. 87-451). The substitution of Channel 293C3 for Channel 293A at Bay Minette is contingent upon the move of WGUD-FM in Pascagoula, Mississippi, from Channel 292A to Channel 290C3. WGUD's license was modified to specify operation on Channel 290C3 as the result of a *Report and Order* adopted in Mass

1/ The "useable area" is shown on Exhibit A, attached hereto. The exhibit depicts the required separation "arcs" from the pertinent co-channel and adjacent channel allocations and stations, and the maximum distance within which a C3 facility may be located while still providing the requisite 70 dBu contour over the city of Bay Minette.

2/ The reference coordinates proposed herein are 19.8 kilometers south-southwest of Bay Minette.

CONTEMPORARY COMMUNICATIONS

P.O. BOX 159 • FAYETTEVILLE, GA 30214 • (404) 460-6159 • FAX (404) 460-6129

Media Docket No. 86-55. An application for operation on Channel 290C3 (File No. BPH-901106IC) is currently pending.

A site at the proposed reference coordinates would be close enough to Bay Minette to insure adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

CONCLUSION

As noted above, the proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 293C3 is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are listed therein).

###

EXHIBIT A

CH. 293C3 - USEABLE AREA



CITY GRADE LIMIT

3C2--LIMIT

WKNU (FM)--LIMIT

CP290A--LIMIT

**CAUTION
HIGH VOLUME OF ROTARY
AND FIXED WING TRAINING
SURFACE TO 17,500**

**CAUTION
HIGH VOLUME OF ROTARY
AND FIXED WING TRAINING
SURFACE TO 17,500**

