

RECEIVED

FEB 15 1991

Federal Communications Commission
Office of the Secretary

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

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,) RM-____
FM Broadcast Stations.)
(Sun Prairie, Wisconsin))

To: Chief, Policy and Rules Division

PETITION FOR RULE MAKING

First Choice Communications, Inc. ("First Choice"), licensee of Station WMAD-FM, Channel 221A at Sun Prairie, Wisconsin, by its attorneys and pursuant to Section 1.401 of the Commission's Rules, hereby petitions the Chief, Policy and Rules Division, to amend Section 73.202(b) of the Rules to enable WMAD to operate with increased power on Channel 221B1.¹

In support whereof, the following is shown.

Annexed hereto is the technical statement of Donald L. Markley, P.E. It reflects that currently, Stations WMAD-FM, Station WRJC-FM, Channel 221A at Mauston, Wisconsin, and Station WFPS-FM, Channel 221A at Freeport, Illinois, are all restricted to 3.0 kW ERP. The proposed change in the Table of Allotments would, in addition to increasing WMAD's power, enable both the Mauston and Freeport licensees to increase their ERP to 6 kW at their existing sites; for Station WRJC this can be accomplished either by its switching to Channel

¹ Because this Petition is being filed by an existing licensee for a Class upgrade within its community of license, no filing fee is required at the present time.

275A or Channel 290A. WMAD's authorized facilities could be increased to Class B1 by means of a site change. The technical statement reveals that the requested changes can be made without short-spacing to any existing or proposed facility.

In the event that this Rule Making is granted, First Choice hereby advises the Commission of its intention to change site and construct its requested Class B1 facilities.

Accordingly, First Choice requests that the Table of Allotments be modified by either of the following proposals:

Proposal A

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Sun Paririe, Wisconsin	221A	221B1
Mauston, Wisconsin	221A	275A
Freeport, Illinois	221A, 253B	253B, 295A

Proposal B

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Sun Prairie, Wisconsin	221A	221B1
Mauston, Wisconsin	221A	290A
Freeport, Illinois	221A, 253B	253B, 295A

WHEREFORE, this Petition should be granted.

Respectfully submitted,

FIRST CHOICE COMMUNICATIONS,
INC.

By: 
Lawrence Bernstein

Its Attorney

BRINIG & BERNSTEIN
1818 N Street, NW
Suite 200
Washington, D.C. 20036

(202) 331-7050

Attachment

February 15, 1991

PETITION FOR RULEMAKING

The following engineering statement and attached exhibits have been prepared for First Choice Communications, Inc. and are in support of their petition to amend Section 73.202(b), the Table of Allotments of the Commission's Rules and Regulations.

The petitioner requests that the Table of Allotments be modified in the following manner:

<u>City</u>	<u>Existing</u>	<u>Proposed</u>
Sun Prairie, WI.	221A	221B1
Mauston, WI.	221A	275A
Freeport, IL.	221A, 253B	253B, 295A
	or	
Sun Prairie, WI.	221A	221B1
Mauston, WI.	221A	290A
Freeport, IL.	221A, 253B	253B, 295A

It should be noted that the current Class A allocations in the communities of Sun Prairie, Mauston and Freeport are all limited to 3.0 KW. ERP. at 100 meters AAT. The requested changes will permit two of the three stations to change to a full 6.0 KW. ERP at their existing sites while meeting all separation criteria to other stations.

- 2 -

The allocation at Sun Prairie would be changed from a Class A to a Class B1 facility with a change in site.

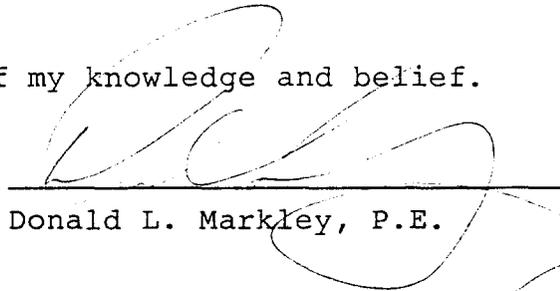
First Choice Communications, Inc. is prepared to make the necessary site change to accomodate the Class B1 allocation. In addition, First Choice Communications, Inc. will share in the cost of changing the other facilities to the requested channels. It is respectfully submitted that it should not the petitioner's responsibility to pay for the changes necessary to permit the increase to 6.0 KW. but only to pay those reasonable and prudent expenses involved in changing frequency. If the licensees of the existing stations at Freeport, Illinois and Mauston, Wisconsin wish to upgrade their stations to the higher power rating, those expenses should properly be the responsibility of the respective licensees.

As the requested changes can be made without any short-spacing to any existing or proposed station, it is respectfully requested that the rules be modified in accordance with the preceding tables.

The preceding statement and attached exhibits have been prepared by me or under my direction and are true

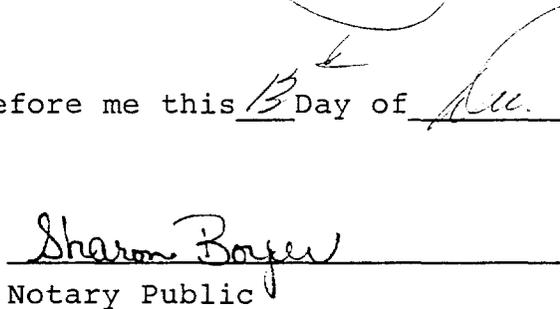
- 3 -

and correct to the best of my knowledge and belief.



Donald L. Markley, P.E.

Subscribed and sworn to before me this 13 Day of Dec. 1990.



Notary Public

My commission expires:



Single Channel Study For: FREEPORT, IL On Ch. 295 A -106.9 Mhz.

States Searched: IL,WI,IA,MN,MI,ON,IN
Run Date: 11-12-1990

42° 19' 41" N.
89° 43' 32" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED KM. (MI.)	- REQUIRED KM.	BEARING Deg. T.
241	NO CONFLICT				
242	NO CONFLICT				
292	NO CONFLICT				
293	NO CONFLICT				
294	NO CONFLICT				
295 WSWT	LIC Peoria	IL B	179.2 (111.3)	178	174.2
295 WNNO-FM	ADD Wisconsin Dells	WI A	143.2 (89.0)	115	3.8
296 WKPL	LIC Platteville	WI A	88.4 (54.9)	72	302.1
297 WSJY	LIC Fort Atkinson	WI B	91.8 (57.1)	69	50.7
297 WSJY	CP Fort Atkinson	WI B	76.1 (47.3)	69	46.1
298	USED Galena	IL A	58.9 (36.6)	31	279.9
298 WJOD	LIC Galena	IL A	56.0 (34.8)	31	278.5

*-Short Spaced

Only listings with clearances less than 32 Km. are shown.

This study utilized a copy of the FCC FM Database as published monthly by the National Technical Information Service. D. L. Markley & Associates, Inc. believes this information to be accurate and current. However, D. L. Markley & Associates, Inc. does not assume any responsibility for any erroneous or incomplete data furnished as part of that database.

Single Channel Study For: Mauston, WI On Ch. 290 A -105.9 Mhz.

States Searched: WI,MI,MN,IA,IL,ON
Run Date: 11-12-1990

43° 47' 16" N.
90° 11' 52" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
236	NO CONFLICT				
237	NO CONFLICT				
287	NO CONFLICT				
288	NO CONFLICT				
289	WAPL-FM LIC Appleton	WI C	188.3 (117.0)	165	69.5
290	WMJB CP MOD Evansville	WI A	140.7 (87.4)	115	146.6
290	USED Evansville	WI A	140.1 (87.1)	115	146.9
290	WMJB LIC Evansville	WI A	140.7 (87.4)	115	146.6
290	KWNG CP Red Wing	MN C2	180.4 (112.1)	166	296.3
290	USED Red Wing	MN C2	180.4 (112.1)	166	296.3
291	NO CONFLICT				
292	NO CONFLICT				
293	WLJY LIC Marshfield	WI C1	99.1 (61.6)	75	16.0

*-Short Spaced

Only listings with clearances less than 32 Km. are shown.

This study utilized a copy of the FCC FM Database as published monthly by the National Technical Information Service. D. L. Markley & Associates, Inc. believes this information to be accurate and current. However, D. L. Markley & Associates, Inc. does not assume any responsibility for any erroneous or incomplete data furnished as part of that database.

Single Channel Study For: Mauston, WI On Ch. 275 A -102.9 Mhz.

States Searched: WI,MI,MN,IA,IL,ON
Run Date: 11-12-1990

43° 47' 16" N.
90° 11' 52" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
221	WRJC-FM LIC Mauston	WI A *	0.0 (0.0)	10	0.0
222	NO CONFLICT				
272	WVRQ-FM LIC Viroqua	WI A	61.2 (38.0)	31	241.6
273	WNWC LIC Madison	WI B	100.6 (62.5)	69	146.1
274	USED La Crescent	MN A	89.1 (55.3)	72	273.2
274	KQEG LIC La Crescent	MN A	94.2 (58.5)	72	271.7
275	WLZR-FM LIC Milwaukee	WI B	197.5 (122.7)	178	113.9
275	KQCR LIC Cedar Rapids	IA C1	225.6 (140.2)	200	213.2
276	NO CONFLICT				
277	WWRW LIC Wisconsin Rapid	WI C1	75.6 (46.9)	75	22.4
278	NO CONFLICT				

*-Short Spaced

Only listings with clearances less than 32 Km. are shown.

This study utilized a copy of the FCC FM Database as published monthly by the National Technical Information Service. D. L. Markley & Associates, Inc. believes this information to be accurate and current. However, D. L. Markley & Associates, Inc. does not assume any responsibility for any erroneous or incomplete data furnished as part of that database.

Single Channel Study For: SUN PRAIRIE, IW On Ch. 221 B1 - 92.1 Mhz.

States Searched: WI,IL,IA,MN,ON,MI,IN

43° 12' 30" N.

Run Date: 11-12-1990

89° 26' 30" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
218	WBII CP Watertown	WI A	57.1 (35.5)	48	91.2
219	WSUW LIC Whitewater	WI A	70.4 (43.7)	48	125.9
220	NO CONFLICT				
221	WJMQ LIC Clintonville	WI A	161.0 (100.0)	143	20.1
221	DEL Clintonville	WI A	161.0 (100.0)	143	20.1
221	WRJC-FM LIC Mauston	WI A *	88.8 (55.2)	143	316.8
221	WHKQ LIC Racine	WI A *	142.5 (88.5)	143	113.8
221	WMAD-FM LIC Sun Prairie	WI A *	15.5 (9.6)	143	104.4
221	WFPS LIC Freeport	IL A *	100.5 (62.4)	143	193.4
222	VACANT Wautoma	WI A	96.7 (60.1)	96	7.1
222	NEW APP Wautoma	WI A	95.8 (59.5)	96	5.6
222	DEL Wautoma	WI A	96.7 (60.1)	96	7.1
222	KOEL-FM LIC Oelwein	IA C	207.5 (128.9)	193	254.4
223	WBWI-FM LIC West Bend	WI B	96.0 (59.6)	71	74.7
224	NO CONFLICT				
274	NO CONFLICT				
275	NO CONFLICT				

*-Short Spaced

Only listings with clearances less than 32 Km. are shown.

This study utilized a copy of the FCC FM Database as published monthly by the National Technical Information Service. D. L. Markley & Associates, Inc. believes this information to be accurate and current. However, D. L. Markley & Associates, Inc. does not assume any responsibility for any erroneous or incomplete data furnished as part of that database.

CERTIFICATE OF SERVICE

I hereby certify that I have, this 15th day of February, 1991, served the foregoing Petition for Rule Making upon the following persons by first class United States Mail, postage prepaid:

Mr. Rick Charles
President/General Manager
Station WRJC-FM
Fairway Lane
Box 200
Mauston, Illinois 53948

Mr. Mick Brooks
General Manager
Station WFPS-FM
Box 701
Freeport, Illinois 61032


Loretta R. Engram