

ORIGINAL

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

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
(Elgin, Burnet and Yoakum,)
Texas))

MM Docket No. _____
RM No. _____

RECEIVED

TO: Andrew Rhodes, Chief
Allocations Branch, Policy and Rules Division
Mass Media Bureau

DEC 31 1991

Federal Communications Commission
Office of the Secretary

PETITION FOR RULE MAKING

1. Elgin FM, Limited Partnership, permittee of new FM Station KKLb(FM), Channel 223A in Elgin, Texas, hereby requests that the Commission institute a rule making proceeding to:

(a) substitute Channel 242A for Channel 223A at Burnet, Texas (subject to a site restriction at specific reference coordinates described below) and modify the construction permit of Station KGZG(FM), Burnet to specify operation on Channel 242A; (b) substitute Channel 280A for Channel 223A at Yoakum, Texas, and modify the license of Station KYOC(FM), Yoakum, to specify operation on Channel 280A; and (c) specify an alternate reference coordinate (described below) for site protection for Station KKLb(FM). A Technical Statement setting forth in detail the proposed modifications is attached hereto.

2. The proposed changes are necessitated by the fact that three authorized stations -- Stations KKLb(FM), KGZG(FM) and KYOC(FM) -- are unable to operate as full six kilowatt Class A

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stations because of short-spacing considerations.^{1/} The proposed changes, if implemented, would correct that, thus enabling all three stations to increase their power to six kilowatts and thereby provide new service to more than 250,000 persons. This would be accomplished by relocating two of the three stations, currently all assigned to Channel 223A, to alternate channels. Station KGZB(FM) would be moved to Channel 242A while Station KYOC(FM) would be moved to Channel 280A.

3. The proposed alternate channels are consistent with the Commission's Rules and policies. In the case of the Burnet channel to which Station KZGB(FM) is assigned, substitution of Channel 242A would require a site restriction at the following coordinates: 30°50'07" North, 98°18'42" West. As set forth in the attached Technical Statement, this site is 11.7 kilometers northwest of the present Burnet referenced coordinates, and the permittee of Station KZGZ(FM) has consented to the proposed site restriction.

4. The proposed substitution at Yoakum would similarly comply with Commission Rules and policies except to the extent that it would be short-spaced to a pending application for modification of the construction permit of Station KCRM(FM), Cameron, Texas. As set forth in the attached Technical

^{1/} In fact, a fourth station -- Station KAMV(FM), Victoria, Texas -- is also unable to operate at six kilowatts because of spacing considerations relative to Station KYOC(FM). If the proposals advanced herein were to be adopted, Station KAMV(FM) would be able to increase its facilities to full six kilowatt Class A potential without any change in channel or transmitter site.

Statement, however, it appears that numerous alternate sites -- including the site specified in the outstanding construction permit for Station KCRM(FM) -- are available which would be fully spaced to the Channel 280A allotment proposed to be substituted in Yoakum. As a result, it does not appear that any short-spacing or degradation of service would necessarily result from the instant proposal.

5. Finally, Elgin FM, Limited Partnership proposes that its reference coordinates for site protection be specified as: 30°15'00" North, 97°28'00" West. As set forth in the attached Technical Statement, this site, which is 14.3 kilometers west of the Elgin reference coordinates, would satisfy all requirements for a fully-spaced six-kilowatt Class A operation (assuming that the other substitutions proposed herein are also adopted).

6. As noted above and in the attached Technical Statement, the net result of the proposed changes would be the delivery of new service to more than 250,000 persons through the potential upgrading of four Class A stations to six kilowatts power. Such an increase in service is obviously desirable and in the public interest, especially when, as here, no countervailing considerations exist. In fact, this type of upgrading of Class A channels was specifically declared by the Commission to be in the public interest because it "enabl[es] Class A stations to provide better service to their listeners and . . . expand[s] the potential audience for Class A stations. . . ." Amendment of Part 73 of the Rules to Provide for an Additional FM Station

Class (Class C3) and to Increase the Maximum Transmitting Power for Class A FM Stations, 66 R.R.2d 1473, 1474, ¶2 (1989).

4. In conjunction with this proposal, Elgin FM, Limited Partnership also states that, if the proposed channel substitutions are adopted by the Commission, Elgin FM, Limited Partnership will apply for authority to operate its station with six kilowatts, and will construct and operate it in that manner if granted.

WHEREFORE, for the reasons stated, Elgin FM, Limited Partnership requests that the Commission initiate a rule making proceeding to amend Section 73.202(b) of the Commission's Rules as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Burnet, Texas	223A, 295A	242A */ , 295A
Elgin, Texas	223A	223A **/
Yoakum, Texas	223A	280A

*/ Site restriction at 30°50'07" North, 98°18'42" West

**/ Site restriction at 30°15'00" North, 97°28'00" West.

Respectfully submitted,

Ann C. Farhat

/s/ Ann C. Farhat

Ann C. Farhat

Bechtel & Cole, Chartered
1901 L Street, N.W. - Suite 250
Washington, D.C. 20036
(202) 833-4190

Counsel for Elgin FM, Limited Partnership

December 31, 1991

Certificate of Service

I, Elizabeth A. Holbrook, an administrative assistant in the firm of Bechtel & Cole, Chartered, hereby certify that I have caused copies of the foregoing PETITION FOR RULEMAKING to be hand delivered or placed in the U.S. mail, first class, postage pre-paid this 31st day of December, 1991 to the following:

Via Hand Delivery

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Elizabeth A. Holbrook

Elizabeth A. Holbrook

TECHNICAL STATEMENT

This technical statement is in support of Petition for Rulemaking being filed by Elgin FM Ltd., permittee of KKLB, channel 223A, in Elgin, Texas.

As shown in Exhibit A there are 3 stations mutually short-spaced for operation as full 6 kilowatt Class A FM stations. These are KKLB (unbuilt CP), KGZG (unbuilt CP) in Burnet, Texas, and KYOC (LIC) in Yoakum, Texas as well a new proposal for KCRM in Cameron, Texas. The Rulemaking proposed by KKLB involves:

1) Substituting channel 242A for channel 223A at Burnet, Texas and modification of the KGZG CP to specify operation on channel 242A. Exhibit B Shows that this substitution complies with Section 73.207 spacing requirements. This requests a site restriction at the following reference coordinates:

30°50'07" North, 98°18'42' West.

This site is 11.7 km northwest of Burnet, Texas reference coordinates in the U.S. Atlas. The CP holder of KGZG has agreed to this site restriction.

2) Substitution of channel 280A for channel 223A at Yoakum, Texas and modification of the KYOC License to specify operation on channel 280A. Exhibit C shows that this substitution complies with the spacing requirements of Section 73.207 from the KYOC licensed site, except with respect to a pending application for modification of CP for KCRM in Cameron, Texas. This proposed substitute channel meets spacing requirements to all authorized CP and licensed sites as well as all coordinates specified in pending Rulemaking proceedings. There are numerous possible sites for KCRM, including their presently authorized CP site, which fully space this proposed channel 280A substitution in Yoakum.

3) KKL B would remain on channel 223A, however, the permittee respectfully requests a reference coordinate for site protection:

30°15'00" North, 97°28'00" West.

This site is 14.3 kilometers West from the U.S. Atlas reference coordinates for Elgin, Texas, be specified and protected for KKL B's future fully-spaced 6 kilowatt operation. Exhibit D shows full spacing from this site as a 6 kilowatt Class-A station, assuming the substitutions proposed herein are adopted. Exhibit D-1 shows that the requisite 70 dBu signal can be delivered by KKL B to Elgin, Texas from this proposed site.

The public interest would be served as a result of these proposed changes, in that all 3 stations will meet full spacing requirements for Class-A 6 kilowatt operation, whereas now all 3 are precluded from 6 kilowatt operation. Exhibit E shows a comparison of current populations covered versus population covered by each station at 6 kilowatts as proposed. As can be seen, there is significant population coverage increase.

Another significant benefit accrues as a result of these proposed changes because KAMV, channel 222A in Victoria, Texas will then be fully spaced to operate at 6 kilowatts. As shown in Exhibit F, KAMV is short-spaced to KYOC in Yoakum, Texas. This proposed Rulemaking will move KYOC in Yoakum off of channel 223A, allowing KAMV to upgrade to a full 6 kilowatt Class A station.

CONCLUSION

Elgin FM Ltd. believes that the proposed substitutions and site restrictions, while not providing any station Class increase, will:

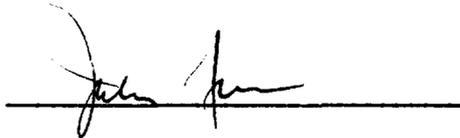
1) Provide an efficient use of the spectrum in that it will allow the following stations to upgrade to 6 kilowatts as fully spaced Class A stations:

KKLB, Elgin, Texas (Site change)
KZGZ, Burnet, Texas (Site Change)
KYOC, Yoakum, Texas
KAMV, Victoria, Texas

2) Provide new service to over 250,000 persons which are not within the currently authorized coverage areas of the stations.

3) KCRM, Cameron, can achieve its requested upgrade from its present site or other sites available.

October 29, 1991



John R. Furr,
Communications Consultant

FM Study for: KKLB
 Location: ELGIN, TX
 Call City
 Status State Proponent

FCC Database Date: 9/91
 Channel Class: A
 Chan Class Freq kW Latitude Dist.
 File Number HAAT Longitude Azm. Required Clear (km)

>>>>>> Study For Channel 223 92.5 MHz <<<<<<<<

KKLB	ELGIN	223 A	92.5	1.6	30-19-00	0.0	115	
CP	TX ELGIN FM LTD	BPH-871124MR	137	97-20-22	0.0	-115.0	SHORT	
KGZG	BURNET	223 A	92.5	2.4	30-48-53	106.7	115	
CP	TX NOLTE BROADCASTING	BPH-890414MA	100	98-17-28	301.4	-8.3	SHORT	
KYOC	YOAKUM	223 A	92.5	3.0	29-21-03	108.0	115	
LIC	TX TOM E. DONNELLY	BLH-900301KA	91	97-11-32	172.4	-7.0	SHORT	
ALLOC	LA GRANGE	222 A	92.3		29-53-25	72.47	72	
ADD	TX FORT BEND BROADCASTAS	-90-90	0	96-46-10	130.6	+0.47	CLOSE	
Counterproposal								
ALLOC	LA GRANGE	222 A	92.3		29-53-25	72.47	72	
ADD	TX FAYETTE BROADCASTI	-89-459	0	96-46-10	130.6	+0.47	CLOSE	
Site Restricted 10KM East								
KRGT	HUTTO	221 A	92.1	1.65	30-32-01	33.8	31	
LIC	TX TAFOYA BROADCASTIN	BLH-880328KB	137	97-35-12	315.4	+2.8	CLOSE	
KRGT	HUTTO	221 A	92.1	3.0	30-32-01	33.8	31	
APP	TX TAFOYA BROADCASTIN	BPH-910503IB	73	97-35-12	315.4	+2.8	CLOSE	
KNAV	NAVASOTA	223 A	92.5	3.6	30-24-58	121.7	115	
LIC	TX WHITTEN BROADCASTI	BMLH-900618KB	80	96-04-43	84.5	+6.7	CLOSE	
NEW	NEW ULM	222 A	92.3	3.0	29-58-12	86.6	72	
APP	TX NEW ULM BROADCASTI	BPH-890822MF	100	96-32-03	116.1	+14.6	CLOSE	
NEW	NEW ULM	222 A	92.3	3.00	29-54-17	90.4	72	
APP	TX NEW ULM BROADCASTI	BPH-890818MK	100	96-31-50	120.2	+18.4	CLEAR	
Effective 890814-FCFS-15-PN								
ALLOC	NEW ULM	222 A	92.3		29-54-09	90.6	72	
VAC	TX	-87-209	0	96-31-45	120.2	+18.6	CLEAR	
Site Restricted-Effective 11-21-88								
ALLOC	NEW ULM	222 A	92.3		29-54-09	90.6	72	
DEL	TX FORT BEND BROADCASTAS	-90-90	0	96-31-45	120.2	+18.6	CLEAR	
Counterproposal								
ALLOC	NEW ULM	222 A	92.3		29-54-09	90.6	72	
DEL	TX FAYETTE BROADCASTI	-89-459	0	96-31-45	120.2	+18.6	CLEAR	

JF&A
 COMMUNICATIONS
 CONSULTANTS

EXISTING KKLB SHORT SPACINGS

ELGIN FM LTD
 ELGIN, TX
 EXHIBIT A-1

FM Study for: KYOC
 Location: YOAKUM, TX
 Call City
 Status State Proponent

FCC Database Date: 9/91
 Channel Class: A
 Chan Class Freq kW Latitude Dist.
 File Number HAAT Longitude Azm. Required Clear (km)

>>>>>>> Study For Channel 223 92.5 MHz <<<<<<<<

KYOC	YOAKUM	223 A	92.5	3.0	29-21-03	0.0	115	
LIC	TX TOM E. DONNELLY	BLH-900301KA		91	97-11-32	0.0	-115.0	SHORT
KKLB	ELGIN	223 A	92.5	1.6	30-19-00	108.0	115	
CP	TX ELGIN FM LTD	BPH-871124MR		137	97-20-22	352.5	-7.0	SHORT
KAMV	VICTORIA	222 A	92.3	3.00	28-46-03	67.7	72	
CP	TX BENNET BROADCASTIN	BPH-880421NR		90	96-59-11	162.7	-4.3	SHORT
Proposed to mexico as B on 901004-Accepted by mexico 910313								
ALLOC	GONZALES	220 A	91.9		29-30-12	30.48	31	
VAC	TX	-14185		0	97-27-13	303.7	-0.52	SHORT
EFFECTIVE 9-10-62.								
ALLOC	LA GRANGE	222 A	92.3		29-53-25	72.47	72	
ADD	TX FAYETTE BROADCASTI	-89-459		0	96-46-10	34.3	+0.47	CLOSE
Site Restricted 10KM East								
ALLOC	LA GRANGE	222 A	92.3		29-53-25	72.47	72	
ADD	TX FORT BEND BROADCASTAS	-90-90		0	96-46-10	34.3	+0.47	CLOSE
Counterproposal								
ALLOC	NEW ULM	222 A	92.3		29-54-09	88.7	72	
VAC	TX	-87-209		0	96-31-45	46.2	+16.7	CLEAR
Site Restricted-Effective 11-21-88								
ALLOC	NEW ULM	222 A	92.3		29-54-09	88.7	72	
DEL	TX FORT BEND BROADCASTAS	-90-90		0	96-31-45	46.2	+16.7	CLEAR
Counterproposal								
ALLOC	NEW ULM	222 A	92.3		29-54-09	88.7	72	
DEL	TX FAYETTE BROADCASTI	-89-459		0	96-31-45	46.2	+16.7	CLEAR
NEW	NEW ULM	222 A	92.3	3.00	29-54-17	88.7	72	
APP	TX NEW ULM BROADCASTI	BPH-890818MK		100	96-31-50	46.1	+16.7	CLEAR
Effective 890814-FCFS-15-PN								
NEW	NEW ULM	222 A	92.3	3.0	29-58-12	93.6	72	
APP	TX NEW ULM BROADCASTI	BPH-890822MF		100	96-32-03	42.7	+21.6	CLEAR
KSRRFM	SAN ANTONIO	225 C	92.9	100.	29-11-03	129.7	95	
LIC	TX GENESIS BROADCASTI	BLH-870619KC		310	98-30-49	262.1	+34.7	CLEAR

John Furr & Associates Inc.

PAGE 1

FM Study for: KYOC
Location: YOAKUM, TX
Call City
Status State Proponent

FCC Database Date: 9/91
Channel Class: A
Chan Class Freq kW Latitude Dist. Required
File Number HAAT Longitude Azm. Clear (km)

>>>>>>> Study For Channel 280 103.9 mHz <<<<<<<<

KCRM	CAMERON	280 C2	103.9	50.	30-45-16	158.0	166	
APP	TX KCRM BROADCASTING	BMPH-910822IB	150	96-54-30	9.9	-8.0	SHORT	
KRBEFM	HOUSTON	281 C	104.1	95.	29-34-34	165.08	165	
LIC	TX KRBE CO.	BLH-831025AC	585	95-30-36	80.9	+0.08	CLOSE	
KEYIFM	SAN MARCOS	278 C	103.5	96.	30-02-42	101.8	95	
LIC	TX HICKS COMMUNICATIO	BLH-880113KA	383	97-52-50	319.3	+6.8	CLOSE	
KCRM	CAMERON	280 C2	103.9	50.0	30-53-31	176.2	166	
CP	TX KCRM BROADCASTING	BMPH-891120IC	150	96-44-37	14.1	+10.2	CLOSE	
KOUL	SINTON	279 C1	103.7	100.	28-02-05	147.8	133	
LIC	TX BROADCASTING CORP.	BLH-860424KB	287	97-26-10	189.3	+14.8	CLOSE	

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PROP CH 280A KYOC YOAKUM

ELGIN FM LTD
ELGIN, TX
EXHIBIT C

POPULATION COMPARISONS

(Within 60dBu Contour)

	<u>EXISTING</u>	<u>PROP 6 KW</u>	
KKLB	30,510	270,339	+ 776%
KGZG	15,268	22,974	+ 50%
KYOC	14,816	21,440	+ 45%

AREA COMPARISONS (Sq. km)

(Within 60dBu Contour)

	<u>EXISTING</u>	<u>PROP 6 KW</u>	
KKLB	1,814	2,517	+ 39%
KGZG	1,569	2,496	+ 59%
KYOC	1,661	2,505	+ 51%

