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DEC 23 1991

Federal Communications Commission
Office of the Secretary

December 23, 1991

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

**Re: Petition for Rule Making Amendment of
Section 73.202(b), Gladwin, Michigan**

Dear Ms. Searcy:

Transmitted herewith on behalf of Michigan Radio Group, Inc. the licensee of WMZX(FM), Owosso, Michigan, is an original and four copies of a Petition for Rule Making seeking a change in the FM Table of Allotments to impose a site restriction on the currently vacant Channel 280A FM allotment at Gladwin, Michigan. This petition is respectfully directed to the Chief, Allocations Branch.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,


John F. Garziglia

Enclosure

RECEIVED

DEC 23 1991

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

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b),) RM _____
Table of Allotments,)
FM Broadcast Stations)
(Gladwin, Michigan))

TO: Chief, Allocations Branch

PETITION FOR RULE MAKING

Michigan Radio Group, Inc., the licensee of WMZX(FM), Owosso, Michigan, by its attorneys, pursuant to Section 1.401(d) of the Commission's Rules, hereby seeks a change in the FM Table of Allotments to impose a site restriction on the currently vacant Channel 280A FM allotment at Gladwin, Michigan.^{1/} In support thereof, the following is submitted:

1. By a report and order issued in MM Docket No. 88-620, a new allotment was made on Channel 280A to Gladwin, Michigan in 1989. Traverse City and Gladwin, Michigan, 4 FCC Rcd 8486 (1989). A window period for the filing of applications for Channel 280A to Gladwin opened on January 23, 1990 and closed on February 22, 1990. No applications were filed during the window period, and no applications have been filed to date for Channel 280A at Gladwin.

2. The coordinates for Channel 280A at Gladwin are specified in the report and order as 43° 59' 00" North Latitude, 84° 29' 18" West Longitude. At the time of the release of the report

^{1/} It is requested that the reference coordinates for the vacant Channel 280A allotment at Gladwin be changed to 44° 00' 47" North Latitude, 84° 36' 47" West Longitude.

and order (December 8, 1989), Section 73.207(b) of the Commission's Rules had already been changed to require increased spacings between Class A stations on the same channel.^{2/} In the report and order making the Gladwin allotment, however, there was no mention of whether the allotment was being made pursuant to the Commission's spacing rules in effect prior to October 2, 1989, or whether the new spacing rules were being applied.

3. The coordinates specified for the allotment in the Gladwin report and order are short-spaced to WMZX(FM), Owosso, Michigan, by 6.14 kilometers under the new spacing rules. This short-spacing serves as a prohibition against WMZX(FM) from seeking to increase its power to the equivalent of six kilowatts effective radiated power at its present site consistent with the new rules.^{3/} There exists no reason, however, why the reference coordinates for the Gladwin allotment may not be modified slightly in order to allow both WMZX(FM) and any application subsequently filed for the Gladwin allotment to both specify an effective radiated power of six kilowatts under the new rules. In order to allow for both WMZX(FM) and the Gladwin allotment to

^{2/} Table A in Section 73.207(b)(1) was modified to require a spacing of 115 kilometers between co-channel Class A facilities, an increase from the previous requirement of 105 kilometers.

^{3/} It should be noted that an additional restriction to the operation of WMZX(FM) using an equivalent of six kilowatts is a Channel 280A allotment at Sarnia, Ontario. This allotment, however, is in the process of being deleted by the Canadian government. Therefore, but for the vacant allotment at Gladwin, WMZX(FM) will be fully-spaced to all other allotments under the new rules in the near future.

utilize a maximum power for Class A facilities under the new rules of six kilowatts, it is respectfully requested that the reference coordinates for Channel 280A at Gladwin, Michigan be changed to 44° 00' 47" North Latitude, 84° 36' 47" West Longitude.^{4/} A channel study is attached showing full spacings at these coordinates.^{5/}

4. It is well settled that the imposition of a site restriction on a vacant allotment is acceptable in order to avoid a short-spacing and to upgrade service to the public. See Arlington and McKinney, Texas, 3 FCC Rcd 964 (1988). By imposing a slight site restriction on the vacant Channel 280A allotment at Gladwin, Michigan, WMZX(FM) will be able to increase its effective radiated power to the equivalent of six kilowatts effective radiated power at 328 feet height above average terrain with a commensurate increase in areas and population served.^{6/}

^{4/} This results in reference coordinates for the Gladwin allotment at a location approximately 10.5 kilometers west northwest of Gladwin, Michigan.

^{5/} The short-spacing to WFMA(FM), Mio, Michigan is a database entry only, as WFMA(FM) was upgraded to Channel 230C2 in MM Docket No. 88-260. The original Channel 280A allotment to Gladwin was made based upon the substitution of Channel 230C2 for Channel 280A at Mio. It appears, however, that a facility was never constructed at Mio either on Channel 280A or Channel 230C2. Thus, it appears that the allotment of Channel 230C2 at Mio is vacant.

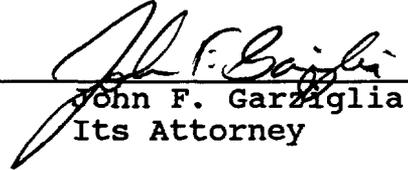
^{6/} In the alternative, in the absence of any indication of interest in the vacant Channel 280A allotment at Gladwin, Michigan, the Commission may consider it more in the public interest to simply delete the allotment. This, of course, would be acceptable to WMZX(FM) as it would eliminate the short-spacing between Channel 280A at Gladwin and WMZX(FM).

WHEREFORE, for the reasons above, the imposition of a site restriction on the vacant Channel 280A allotment at Gladwin, Michigan, is respectfully requested.

Respectfully submitted,

WEST MICHIGAN RADIO GROUP, INC.

By: _____


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Its Attorney

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December 23, 1991

