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Federal Communications Commission
Office of the Secretary

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

In the Matter of	)	
	)	
Amendment of Section 73.606(b)	)	RM-
Table of Allotments	)	
TV Broadcast Stations	)	
(Gallup and Farmington,	)	
New Mexico)	)	

TO: Chief, Allocations Branch

PETITION FOR RULE MAKING

Pulitzer Broadcasting Company (hereinafter "Pulitzer"), permittee of Station KOAV(TV), Channel 3, Gallup, New Mexico (File No. BPCT-891010KG), by its attorneys and pursuant to Sections 1.401 and 1.420(i) of the Commission's Rules, herewith requests that the Commission amend the Television Table of Allotments, Section 73.606(b) of the Rules, to reallocate Channel 3 from Gallup to Farmington, New Mexico.[1/] Pulitzer also seeks the modification of the construction permit for Station KOAV to specify the change in community of license from Gallup to Farmington in accordance with Section 1.420(i) of the Commission's Rules. In support thereof, the following is shown:

1/ Since Station KOAV was not awarded a construction permit pursuant to a comparative hearing, Pulitzer is not required to operate for a period of one year prior to making a change in its community of license. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License (Memorandum Opinion and Order), 5 FCC Rcd 7094, 7097, 68 Rad. Reg. 2d (P&F) 644, 650-51 (1990)[hereinafter Memorandum Opinion and Order].

Pulitzer proposes that the Commission delete the allotment of Channel 3 at Gallup (1990 Census population: 19,154) and add a Channel 3 allotment at Farmington (1990 Census population: 33,997).[2/] The present and proposed allotments for the two communities are as follows:

Community	Present	Proposed
Gallup, New Mexico	3, *8-, 10	*8-, 10
Farmington, New Mexico	12+, *15+	3, 12+, *15+

Pulitzer also requests a corresponding modification of its construction permit for Station KOAV to specify Farmington as its principal community to be served.

I. COMPLIANCE WITH FCC RULES AND POLICIES

A. Report and Order in MM Docket No. 88-526

Pulitzer's rulemaking proposal is in accordance with the Commission's Report and Order in MM Docket No. 88-526, 4 FCC Rcd 4870, 66 Rad. Reg. 2d (P&F) 877 (1989)[hereinafter Report and Order], which modified the allotment rules to allow licensees and permittees to request a new community of license -- without risking the loss of their authorizations to competing applicants -- in rulemaking proceedings to amend the FM and Television Tables of Allotments. The Commission specified three requirements for changes in a community of license:

2/ Gallup is located in McKinley County (1990 Census: 60,686), and Farmington is located in San Juan County (1990 Census: 91,605).

(1) the new allotment must be mutually exclusive with the existing allotment;

(2) the allotment to the new community must better serve the Commission's allotment priorities and policies than maintaining the allotment to the existing community; and

(3) the change must not deprive a community of an existing service representing its only local transmission service.

4 FCC Rcd at 4873-74, 66 Rad. Reg. 2d (P&F) at 882-83.

As we shall show, (1) Pulitzer's proposal for the allotment of Channel 3 to Farmington is mutually exclusive with the Gallup Channel 3 allotment; (2) the allotment to Farmington would better serve the Commission's television allotment priorities and policies than the allotment at Gallup because it would provide a first service to at least 11,232 persons, a new second service to at least 90,462 persons, and because Farmington is significantly more populated and holds greater economic, social, and cultural importance in New Mexico than does Gallup; and (3) the change will not deprive Gallup of its "sole existing local transmission service."

The attached Engineering Exhibit prepared by Jules Cohen & Associates, Pulitzer's consulting engineering firm, demonstrates that the allotment of Channel 3 can be made to Farmington in full compliance with the minimum distance separation requirements of Section 73.610 of the Commission's Rules. Moreover, fewer than 304.9 kilometers (189.5 miles) separate Gallup from Farmington, thus rendering the proposed allotment mutually exclusive with the

VHF co-channel facilities specified in the construction permit for Station KOAV at Gallup. See Figure 1 of Engineering Exhibit.

B. Memorandum Opinion and Order in MM Docket No. 88-526

In its Memorandum Opinion and Order in MM Docket No. 88-526, supra note 1, which ruled on three petitions for reconsideration of its Report and Order, the Commission commented on the scope and applicability of the new procedures governing changes in a community of license and clarified the applicability of Section 307(b) of the Communications Act to proceedings to amend the FM and TV Tables of Allotments. The Memorandum Opinion and Order, and cases concerning "existing service" cited therein, plainly indicate that a bare, non-operational construction permit such as Pulitzer's authorization for Station KOAV does not constitute an "existing service" for the purposes of reallotment under Section 1.420(i).

In its Memorandum Opinion and Order, the Commission emphasized that its concern in the Section 1.420(i) reallotment context focuses chiefly on the disruption of service -- any existing service -- not merely with the disruption of the sole existing service in a community. 5 FCC Rcd at 7097, 68 Rad. Reg. 2d (P&F) at 650. Indeed, the Commission looks unfavorably on any proposal that would interrupt a service that local residents have grown accustomed to viewing. Paragraph 19 unambiguously equates

"existing service" with an "operating station." Id.[3] Station KOAV is not operational: its reallotment would in no way interfere with a service currently enjoyed by the local audience in Gallup.[4] As we later discuss, although the FCC allotted Channels 3, *8, and 10 to Gallup nearly 40 years ago (see Sixth Report and Order, 41 F.C.C. 148, 167 (1952)), none of these full-service television channels has ever been operational.

Indeed, the Commission likewise recognized in the Memorandum Opinion and Order that the phrase "existing service" excluded bare construction permits and felt it necessary to indicate that its definition of the phrase elsewhere remained unaffected. Accordingly, the Commission included a footnote observing that it has included unconstructed permits within the ambit of existing service "in other contexts." 5 FCC Rcd at 7097 n.16, 68 Rad. Reg. 2d (P&F) at 650 n.16. Such a distinction is reasonable in light of the factual circumstances of Santee Cooper Broadcasting Company, 99 F.C.C. 2d 781, 57 Rad. Reg. 2d (P&F) 662 (Rev. Bd. 1984), recon. denied, 100 F.C.C. 2d 469, 57 Rad. Reg. 2d (P&F) 1363 (Rev. Bd. 1985), modified on review, 59 Rad. Reg. 2d 730

3/ The Commission underscored this point when it observed that "[f]rom the public's perspective, the potential for service at some unspecified future date is a poor substitute for the signal of an operating station that can be accessed today simply by turning on a TV or radio set." 5 FCC Rcd at 7097, 68 Rad. Reg. 2d (P&F) at 650.

4/ This is particularly so because Station KOAV's anticipated program service -- satellite retransmission of the signal of Station KOAT TV, Albuquerque, New Mexico -- is already carried in Gallup on the local cable television system and on a translator station. These services would not be affected by Pulitzer's proposed reallotment.

(1986), the case[5/] cited by the Commission in footnote 16: those facts are easily distinguished from circumstances presented by Pulitzer's proposal.

In Santee Cooper Broadcasting Company, the Review Board examined an Administrative Law Judge's decision disposing of a comparative proceeding involving six parties competing for a new FM permit in Hilton Head, South Carolina. All but one of the applicants specified Hilton Head as the community of license. The remaining applicant specified a nearby town, Bluffton, South Carolina, and sought a Section 307(b) preference because Bluffton had no radio stations while Hilton Head had two existing stations. 99 F.C.C. 2d at 783, 57 Rad. Reg. 2d (P&F) at 665-66.

The ALJ granted Hilton Head a decisive Section 307(b) preference based on its larger size and the fact that the Commission had recently assigned an FM channel to Bluffton. The Review Board reversed the ALJ, framing the issue as "at what point should a potential station be recognized as having an impact for immediate comparative purposes?" Id. at 784, 57 Rad. Reg. 2d (P&F) at 666. Observing that the line could be drawn at many different places, the Review Board found that a mere channel assignment, standing alone, did not amount to "existing service." The Board followed its ruling in Daytona Broadcasting Co., 97 F.C.C. 2d 212, 226 n.12, 55 Rad. Reg. 2d (P & F) 1326, 1336 n.29

5/ The Commission cited a second case, as well; however, that case illustrated only that vacant channel allotments have also been classified as existing service in limited instances. Reallotment of a vacant channel assignment is not at issue here.

(Rev. Bd. 1984), which held that granted construction permits provided a reasonable basis for attribution of existing service using an assumption, based on institutional experience, that 95 percent of all granted permits are actually built. Santee Cooper Broadcasting Company, 99 F.C.C. 2d at 785, 57 Rad. Reg. 2d (P&F) at 666-67.

In most comparative hearings, like that in Santee Cooper Broadcasting Company, application of such an assumption is reasonable. The likelihood of construction of a station by a preexisting permittee not a party to the comparative hearing is certainly relevant to the calculus of whether an applicant for a new license to the same community should receive a Section 307(b) preference. By contrast, the assumption is not valid where, as here, the permittee is the very party that has indicated a desire not to build in the original community of license in favor of another community where the station would better serve the public interest.

The discussion in Paragraph 21 of the Memorandum Opinion and Order further supports the conclusion that the Commission did not intend to include construction permits within the scope of "existing service." In Paragraph 21, the Commission considered a proposal by the National Association of Broadcasters that permittees be required to provide service to their original community of license for a specified period of time before receiving a reallotment under Section 1.420(i). Citing the delay such a rule could bring to useful improvements in service, the

Commission expressly rejected this proposal except for permittees who received their permits pursuant to a comparative hearing. 5 FCC Rcd at 7097, 68 Rad. Reg. 2d (P&F) at 650-51. As we have previously indicated, the permit for Station KOAV was not granted pursuant to a comparative hearing. See supra note 1. Moreover, as herein demonstrated, a reallotment of Channel 3 from Gallup to Farmington would provide improved service, by expanding service to the much larger population of Farmington and by introducing new service to a significant area surrounding that community.

The Memorandum Opinion and Order also makes clear that the proposed reallocation of a station from an under-served rural area to a well-served urban area would be contrary to the intent of Section 307(b) of the Communications Act. However, this petition presents no such reallocation. Pulitzer's proposal involves two rural New Mexico communities located in adjacent counties and encompassed in the Albuquerque Area of Dominant Influence (ADI). Accordingly, Pulitzer's proposal satisfies the third requirement of the Report and Order: it does not remove an existing local transmission service from Gallup.

II. PUBLIC INTEREST BENEFITS OF THE PROPOSED REALLOTMENT

Most critically, Pulitzer's proposal would result in substantial public interest benefits and, thus, would further the Commission's television allotment priorities. See Sixth Report and Order, 41 F.C.C. 148, 167 (1952). The FCC's television allotment priorities, as set forth in footnote 8 of the Report and Order in MM Docket 88-526, supra, are

> (1) to provide at least one television service to all parts of the United States, (2) to provide each community with at least one television broadcast station, (3) to provide a choice of at least two television services to all parts of the United States, (4) to provide each community with at least two television broadcast stations, and (5) to assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities.

4 FCC Rcd at 4871 n.8, 66 Rad. Reg. 2d (P&F) at 880 n.8.[6/]

A. The Proposed Reallotment Would Provide a New First Service to Areas Surrounding Farmington Without Loss of Existing Service to Gallup

Operating as proposed, Station KOAV would project a Grade B signal encompassing all of the Grade B area of Station KOBF(TV), Farmington, and extending beyond it into territory as yet unserved by any television service. As the attached Engineering Exhibit indicates, this area of first service would cover 2,610 square kilometers (1,008 square miles). It would provide the first television service of any kind to at least 11,232 persons -- more than one-half the entire 1990 population of Gallup.[7/] See Figure 7 of Engineering Exhibit. In fact, as the Engineering Exhibit indicates, this population figure is based upon a 1986

6/ The Commission has recently stated that its "television allotment priorities are not rigidly applied." Report and Order in MM Docket No. 89-87, Bessemer and Tuscaloosa, Alabama, 5 FCC Rcd 669, 671, 67 Rad. Reg. 2d (P&F) 474, 477 (Allocations Branch 1990).

7/ The Commission has expressed particular interest in the first service potential of Pulitzer's proposal. See Letter from Andrew J. Rhodes, Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau, F.C.C. to Erwin G. Krasnow (April 12, 1991)(returning Pulitzer's initial Petition for Rule Making to change KOAV's community of license, RM-7382).

Census update. The figures for the 1990 Census are as yet unavailable. However, the population trends indicated in the Engineering Exhibit provide every reason to believe that the number of persons receiving first service from a reallotted Channel 3 will exceed 11,232.

By contrast, as previously demonstrated, the reallotment of Channel 3 to Farmington would not deprive Gallup of any existing television service.[8/] Nearly 40 years ago, the Commission made a major revision of the Television Table of Assignments in its Sixth Report and Order, supra, and allotted Channels 3, *8, and 10 to Gallup. (By contrast, the 1952 Table of Assignments allotted one channel (Channel 17) to Farmington, and that channel has been replaced over the intervening 39 years by the present allotments on Channels 12 and *15.) Today, Gallup still has the same three vacant full-service television channels. As a result of the proposed channel change, Gallup would still have two vacant and unapplied-for VHF allotments. Since no station is presently operating on Channel 3 at Gallup, there would be no loss of existing service to any area if Pulitzer's proposal were implemented. Moreover, as shown in the attached Engineering Exhibit, Gallup currently receives television service from eight

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8/ In its application for Channel 3 at Gallup, KOAT Television, Inc. (now Pulitzer Broadcasting Company) proposed to use KOAV as a satellite station of KOAT-TV, Albuquerque. If Pulitzer's proposal is adopted, Gallup residents would continue to receive the programming of KOAT-TV on the local cable system and/or Translator Stations K08IJ and K67BP, Gallup, which rebroadcast the signal of KOAT-TV.

translator stations,[9] and engineering studies indicate that any one of 43 channels can be allotted to Gallup in compliance with the Commission's minimum distance separation requirements if it becomes necessary in the future.[10]

B. The Proposed Allotment Would Also Provide a Second Local Television Service to Farmington for the First Time, Affording a Choice of at Least Two Television Broadcast Stations to the Local Population

In addition to satisfying the Commission's first television allotment priority, Pulitzer's proposal would also advance the third and fourth priorities. At present, Station KOBF(TV), Channel 12, Farmington, provides the sole television service available in Farmington. Predicted Grade B contour calculations indicate that Farmington should also receive service from Station KREZ-TV, Channel 6, Durango, Colorado. Nevertheless, as the attached Engineering Report indicates, field strength measurements conducted in accordance with the Commission's rules reveal that topographical variations in the terrain surrounding Farmington obstruct the signal from Station KREZ-TV.[11] See Engineering Exhibit at 6-9. Contrary to its theoretically

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9/ Eight television translator stations are licensed to Gallup; construction permits have been issued for three new translator stations; and applications are pending for three additional new translator stations. See Figure 2 of the Engineering Exhibit.

10/ Channels 17, 21, 24-31, 34-36, 38-40, 42-49 and 51-69 are available for allotment at Gallup.

11/ The Commission has recognized that topographical conditions may cause a station's actual coverage contour to vary greatly from estimates arrived at using the prediction method. See 47 C.F.R. §§ 73.683(a), 73.684(f); see also Engineering Exhibit at 8 n.3.

calculated predicted contour, Station KREZ-TV does not place a Grade B signal into Farmington. Accordingly, the reallotment of Channel 3 to Farmington would provide local viewers with an alternative source of programming for the first time. This area of second service would be considerable, encompassing at least 90,462 persons[12/] and 13,095 square kilometers (5,058 square miles). See Figure 7 of Engineering Exhibit.

C. Farmington's Population, Geographic Location, and Other Relevant Characteristics Make It Preferable to the Existing Allotment at Gallup

The Commission's fifth allotment priority involves the assignment of additional channels to communities based on population and other considerations. In this regard, Pulitzer's proposal would result in the assignment of a second commercial television channel to Farmington, a community with substantially greater population and commercial importance than Gallup.[13/] The 1970, 1980, and 1990 U.S. Census populations of the two cities are as follows:

12/ This figure is also based on 1986 Census update estimates.

13/ In its Report and Order, the Commission recognized the importance of taking into account the totality of the service improvements resulting from a proposed change in community of license when determining whether an allotment proposal should be approved. Id. at 4874. In this connection, the Commission -- and Commissioner Quello in a dissenting statement (id. at 4877-78) -- expressed concern that the new procedure might facilitate abuses of process by rural licensees desiring to serve large urban areas. As previously noted, supra page 8, Pulitzer's proposal does not raise this concern because both Gallup and Farmington are rural communities.

U.S. Census Population	Gallup	Farmington	Ratio
1970	14,089	23,786	1.69
1980	18,167	31,222	1.72
1990	19,154	33,997	1.77

As the foregoing population statistics indicate, Farmington approaches twice the size of Gallup. Moreover, Farmington's growth rate also outstrips that of its neighbor to the south.[14/] Likewise, the Census figures reveal that the communities surrounding Farmington also well surpass those around Gallup in terms of population.[15/] Finally, in addition to the marked population differentials, a qualitative comparison of each of these communities underscores the preferential character of a reallotment of Channel 3 to Farmington.

Statistics from the University of New Mexico's Bureau of Business and Economic Research indicate that the economy of San Juan County has almost twice the level of non-agricultural employment that McKinley County does, as well as a commensurately higher per-capita income. See Statistical Profile Charts for McKinley and San Juan Counties, attached as Exhibit B. With

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14/ During the 1970s, Farmington's population expanded approximately 24% while Gallup's grew some 22%. The growth rate for both communities leveled off somewhat in the 1980s; nonetheless, during this decade, Farmington's 8% expansion exceeded Gallup's 5% increase by a narrow but even greater margin than in the previous decade.

15/ Gallup is located in McKinley County. According to 1990 Census data, McKinley County has a population of 60,686. Subtracting Gallup's 1990 population of 19,154 leaves McKinley County with a net population of 41,532. In stark contrast, the same arithmetic reveals San Juan County (population 91,605), in which Farmington is located, to have a net population of 57,608 after Farmington's population is subtracted.

Farmington as its focus, San Juan County is a regional retail center drawing trade from the four corners of Colorado, Arizona, Utah, and New Mexico (including from Gallup). Id.

Manufacturing, electric power generation, and oil and gas production all contribute to make Farmington, and surrounding San Juan County, an important hub of commerce for northwestern New Mexico. By contrast, none of these industries has a significant presence in McKinley County. Moreover, even though McKinley County has greater agricultural employment than San Juan County, the latter actually has a greater agricultural base, attributable to the farming interests of the Navajo in the southern part of the county. Thus, the technical characteristics of the proposed television service, coupled with the qualitative characteristics of the proposed community of license, demonstrate the preferential nature of the proposed reallotment within the scheme of the Commission's television allotment priorities.

III. CONCLUSION

The foregoing facts make evident that the proposed reallotment of Channel 3 from Gallup to Farmington would further the policy goals of Section 307(b) of the Communications Act, 47 U.S.C. § 307(b), and the Commission's allotment priorities and policies. Based on the factors set forth in the Commission's Report and Order, supra, and Memorandum Opinion and Order, supra, Pulitzer's proposal to change the existing status of allotments would result in a preferential change of allotments.

In sum, a grant of Pulitzer's proposal will serve the public interest by reallotting Channel 3 from one rural community to another rural community with a population twice the size. It will result in a preferred distribution of television facilities under the Commission's allotment priorities by introducing first service to residents living in the large outer perimeter surrounding Farmington and by introducing a significant second service to the population residing within Farmington proper. If the Commission adopts the proposed amendment to Section 73.606(b) of the Commission's Rules, Pulitzer will promptly file an application to relocate the transmitter of Station KOAV to provide Farmington with a city grade signal and if the construction permit is granted, will proceed immediately with construction of the newly authorized facilities.

Respectfully submitted,

PULITZER BROADCASTING COMPANY

By: _____

Erwin G. Krasnow
Eric T. Werner

Verner, Liipfert, Bernhard,
McPherson and Hand, Chartered
901 - 15th Street, N.W.
Washington, D.C. 20005-2301
(202) 371-6000

Its Attorneys

November 21, 1991

Exhibit A

Engineering Report

Prepared by:

William C. King, Jr., P.E.
Jules Cohen & Associates, P.C.
Consulting Electronics Engineers
Washington, D.C.

JULES COHEN & ASSOCIATES, P.C.
CONSULTING ELECTRONICS ENGINEERS
WASHINGTON, D.C. 20036

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ENGINEERING EXHIBIT IN SUPPORT OF PETITION FOR RULE MAKING TO AMEND THE TELEVISION TABLE OF ALLOTMENTS PREPARED ON BEHALF OF PULITZER BROADCASTING COMPANY GALLUP, NEW MEXICO

November 20, 1991

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JULES COHEN & ASSOCIATES, P.C.
CONSULTING ELECTRONICS ENGINEERS
WASHINGTON, D.C. 20036

ENGINEERING EXHIBIT IN SUPPORT OF PETITION FOR RULE MAKING TO AMEND THE TELEVISION TABLE OF ALLOTMENTS PREPARED ON BEHALF OF PULITZER BROADCASTING COMPANY GALLUP, NEW MEXICO

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JULES COHEN & ASSOCIATES, P.C.
CONSULTING ELECTRONICS ENGINEERS
WASHINGTON, D.C. 20036

ENGINEERING EXHIBIT IN SUPPORT OF PETITION FOR RULE MAKING TO AMEND THE TELEVISION TABLE OF ALLOTMENTS PREPARED ON BEHALF OF PULITZER BROADCASTING COMPANY GALLUP, NEW MEXICO

Engineering Statement

The firm of Jules Cohen & Associates, P.C., consulting electronics engineers, has been retained by Pulitzer Broadcasting Company (hereinafter, "Pulitzer"), permittee of station KOAV, Gallup, New Mexico, to provide engineering support for a Petition for Rule Making to modify the Television Table of Allotments, Section 73.606(b) of the FCC Rules.[1]

It is proposed to delete the allotment of channel 3 at Gallup, New Mexico, and add a channel 3 allotment at Farmington, New Mexico. The present and proposed allotments for the two communities follow:

Community	Present	Proposed
Gallup, NM	3, *8-, 10	*8-, 10
Farmington, NM	12+, *15+	3, 12+, *15+

[1] Some of the material included herein was contained in an engineering exhibit dated April 16, 1990, prepared on behalf of KOAT Television, Inc., then permittee of KOAV, in support of a similar Petition (RM-7382) subsequently returned by the Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau. The instant engineering exhibit incorporates new material directed specifically to the matter of public interest benefits, and updates earlier filed information.

Pulitzer requests a corresponding modification of its construction permit for station KOAV (File Number BPCT-891010KG) to specify Farmington as its principal community to be served.

Allocation Considerations

The allotment of channel 3 can be made to Farmington in full compliance with the distance separation requirements of Section 73.610 of the FCC Rules, as demonstrated by the allocation study of Figure 1 herein. The geographic coordinates which were employed as a reference in the allocation study are the reference coordinates for the city of Farmington which are listed in the Index to The National Atlas of the United States of America, as follows:

36° 44′ 00″ North Latitude
108° 12′ 12″ West Longitude.

The instant rule-making proposal is believed to be in accordance with the FCC's action in the Report and Order in MM Docket 88-526, which modified the allotment rules to allow licensees and permittees to request a new community of license in rule-making proceedings to amend the FM and Television Tables of Allotments, where such changes would serve the public interest, as set forth in the FCC's allotment priorities and policies. Additionally, Section 1.420(i), which was added to the Rules in the foregoing Docket, contains a requirement that the proposed allotment must be mutually exclusive with the licensee's or permittee's present assignment. As is demonstrated in Figure 1, the allotment of channel 3 to Farmington is mutually exclusive with the construction permit for station KOAV at Gallup, due to the distance between the two communities.

The same three full-service channels which are presently allotted to Gallup were included in the Television Table of Assignments for the United States in 1952, when the FCC made a major revision of the Table in the Sixth Report and Order, 41 FCC 148, 167 (1952). Except for Pulitzer's outstanding construction permit, the channels remain unassigned. In contrast, the Table of Assignments published in the Sixth Report and Order included only a single channel 17 allotment to Farmington, which has been replaced over the intervening 39 years by the present allotments on channels 12 and *15.

The two communities are served by numerous TV translators in addition to the full-service allotments. Figure 2 is a table which lists, by channel, the facilities of those TV translator stations presently licensed, authorized, and applied for in Gallup and Farmington.

The community of Farmington is larger in size and is growing at a more rapid rate than Gallup. The pertinent population data, as obtained from the U.S. Bureau of the Census, follow:

Population	Farmington	Gallup	Ratio
1990 Census	33,997	19,154	1.77
1980 Census	31,222	18,167	1.72
1970 Census	23,786	14,089	1.69

The 1990 population of Farmington is 42.9 percent greater than its 1970 population, while the 1990 population of Gallup is 35.9 percent greater than its 1970 population.

Farmington is located in San Juan County, and Gallup is located in McKinley County. The respective U.S. Census populations for the two counties are:

Population	San Juan County	McKinley County	Ratio
1990 Census	91,605	60,686	1.51
1980 Census	48,852	23,712	2.06
1970 Census	25,333	18,554	1.37

The 1990 San Juan County population is 262 percent greater than its 1970 population, while the 1990 population of McKinley County is 227 percent greater than its 1970 population.

The removal of the channel 3 allotment from Gallup would leave two vacant and unapplied for allotments to the community. However, since the present channel 8 allotment is reserved for noncommercial, education use and the channel 3 allotment which is proposed for deletion is not, a study was made to determine whether alternate channels are available for allotment to Gallup. The study revealed that any one of 43 UHF channels can be allotted to Gallup in compliance with applicable distance separation requirements. Those channels which can be allotted to Gallup are 17, 21, 24-31, 34-36, 38-40, 42-49, and 51-69. (Of course, not all of the foregoing channels could be simultaneously allotted to Gallup, as some are mutually preclusive.)

The FCC's television allotment priorities, as set forth in Footnote 8 to the Report and Order in MM Docket 88-526, are "(1) to provide at least one television service to all parts of the United States, (2) to provide each community with at least one television broadcast station, (3) to provide a choice of at least two television services to all parts of the United States, (4) to provide each community with at least two television broadcast stations, and (5) to assign any remaining channels to

communities based on population, geographic location, and the number of television services available to the community from stations located in other communities." Since no station is presently operating on channel 3 at Gallup, there would be no loss of existing service to any area if the instant proposal were implemented. The opportunity to provide service to Gallup and McKinley County would continue to be available to interested applicants on the two remaining vacant allotments, and there are numerous alternate channels available for allotment to Gallup as a replacement for channel 3. Additionally, Gallup receives television service from several translator stations, as shown in Figure 2. On the other hand, implementation of the instant proposal ultimately would result in a second local television service to the substantially larger community of Farmington. For the foregoing reasons, the FCC's television allotment priorities would be advanced by implementation of the proposed rule making, and corresponding modification of the construction permit for station KOAV.

Coverage Comparison Study

Figure 3 is a map showing the predicted Grade B contour of KOAV (as authorized in BPCT-891010KG at Gallup), the predicted coverage for an assumed KOAV, channel 3, facility at Farmington (shown as a dashed line), together with the predicted Grade B contours of all other authorized full-service television stations which penetrate or are enclosed by the Grade B contours of KOAV and the assumed channel 3 operation at Farmington. Numerals within the assumed KOAV Grade B contour indicate the number of existing TV services within each component part of the total area.

The site assumed for KOAV at Farmington is that of Pulitzer's translator station K19CM, operating on channel 19, at geographic coordinates: 36° 41′ 48″ North Latitude, 108° 10′ 39″ West Longitude. Values of peak visual effective radiated power (ERP) and antenna radiation center height above average terrain (HAAT)

assumed for channel 3 at Farmington are 100 kilowatts and 150 meters (492 feet), respectively.

As shown on Figure 3, the predicted Grade B contour of KOAV's assumed channel 3 operation at Farmington completely encloses the predicted Grade B contour of KOBF, the only other full-service TV station authorized at Farmington. The only other full-service TV stations whose predicted Grade B contours penetrate the assumed KOAV, channel 3, operation at Farmington are KREZ-TV, channel 6, at Durango, Colorado, and KKTO, channel 2, Santa Fe, New Mexico. The Grade B contour of KREZ-TV, when predicted in accordance with FCC Rules, is shown to enclose the New Mexico cities of Farmington, Bloomfield and Aztec, thus appearing to provide two existing TV services to these communities. However, as will be demonstrated herein, the propagation path from KREZ-TV to these cities is obstructed, and field strength measurements submitted herewith show that Grade B service from KREZ-TV does not exist in these cities. Hence, KOAV's, channel 3, operation would provide the second service to Farmington, Bloomfield and Aztec, and a first TV service to portions of the rural population residing within the area between the predicted Grade B contours of KOBF and KOAV's assumed operation at Farmington.

Terrain Profile Studies

Figure 4 is a map showing the locations of terrain profile radials pertinent to this study. The map shows the transmitting site locations for KREZ-TV and KOAV's assumed operation at Farmington. Radial paths have been drawn from the respective TV transmitting sites through the reference point coordinates for Farmington, Bloomfield and Aztec. Reference coordinates for the cities are those listed in the Index to The National Atlas of the United States of America, and are tabulated below.

Location	North Latitude	West Longitude
Farmington	36° 44′ 00″	108° 12′ 12″
Bloomfield	36° 42′ 36″	107° 59′ 06″
Aztec	36° 49′ 18″	107° 59′ 30″

Because of the substantial geographical area of Farmington, additional radials have been drawn on both sides of the radials drawn through that city's reference point. A tabulation of the radials drawn from the two transmitting sites follows below.

To	True Bearing of Radial From KREZ-TV (degrees)	True Bearing of Radial From Assumed KOAV (degrees)
Farmington	202.8	312.4
	204.8[2]	330.4[2]
	208.9	9.3
Bloomfield	187.1[2]	85.0[2]
Aztec	189.6[2]	50.1[2]

Figure 5 is a series of terrain profile graphs showing the nature of the propagation paths between KREZ-TV, Durango, Colorado, and the three cities of interest. Figure 6 depicts the terrain along the radials drawn from the KOAV, channel 3, transmitting site assumed for Farmington. All graphs have been drawn on four-thirds earth radius paper to account for standard atmosphere refractivity.

Figure 4 shows that the transmission paths from KREZ-TV to the three cities of interest are obstructed over substantial portions of the paths. Terrain over the total path differs significantly from that within the first 16.2 kilometers (10

[2] Bearing through reference coordinates of city.