

ORIGINAL

GURMAN, KURTIS, BLASK & FREEDMAN

CHARTERED

SUITE 500
1400 SIXTEENTH STREET, N.W.
WASHINGTON, D.C. 20036

(202) 328-8200
TELECOPIER: (202) 462-1784

LOUIS GURMAN
MICHAEL K. KURTIS
JEROME K. BLASK
WILLIAM D. FREEDMAN
DANIEL E. SMITH
ANDREA S. MIANO
COLEEN M. EGAN*

RICHARD M. TETTELBAUM
OF COUNSEL

HERBERT C. HARRIS
LEONARD M. GARAVALLA
FRANK A. RONDINELLI
JAMES C. EGYUD
BRENT R. SHIREY
CONSULTING ENGINEERS

November 26, 1991

* NOT ADMITTED IN D.C.

Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

MM 92-5 ✓ RECEIVED
RR-1878 NOV 26 1991

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: KFMU, L.P.
Station KFMU-FM
Oak Creek, Colorado

Dear Ms. Searcy:

On behalf of our client, KFMU, L.P. and in accordance with Section 1.420 of the Commission's Rules, enclosed please find an original and four (4) copies of a Petition for Rulemaking. The Petition proposes the amendment of the FM Table of Allocations to substitute Channel 281C3 for Channel 280A at Oak Creek, Colorado and to modify the license of Station KFMU-FM accordingly.

Should you have any questions or require additional information concerning this submission, please contact undersigned counsel.

Sincerely,

William D. Freedman

Enclosure

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

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In re
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Oak Creek, Colorado)

) MM DOCKET NO. 92-5
)
) RM- 7878
)
)
)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

KFMU, L.P., licensee of broadcast Station KFMU-FM, Channel 280A, Oak Creek, Colorado, by its attorneys and pursuant to Section 1.420(g)(3) of the Commission's Rules, respectfully requests the Commission to amend Section 73.202(b) of the Rules, the Table of Allocations, by substituting Channel 281C3 for Channel 280A at Oak Creek, Colorado and by modifying the license of KFMU-FM accordingly.

Operation of Station KFMU-FM on Channel 281C3 will enable the station to provide expanded service to the community and the surrounding area. KFMU-FM is the only radio station assigned to Oak Creek. The upgrade to KFMU-FM will provide expanded service to a greater number of people. As demonstrated in the attached Engineering Statement of Mr. Melvyn Lieberman, Channel 281C3 can be assigned to Oak Creek, Colorado in full compliance with the Commission's Rules.

Accordingly, KFMU, L.P. respectfully requests that a Notice of Proposed Rulemaking be issued pursuant to Section 1.420(g) of the Commission's Rules to put forth for comment the proposal to

upgrade KFMU-FM from Channel 280A to Channel 281C3. In accord with this Rule, the Commission need not accept competing expressions of interest or require a demonstration of the availability of an additional equivalent channel. If the Commission amends the Table of Allocations as requested herein, KFMU, L.P. will promptly file an application for a construction permit specifying operation by Station KFMU-FM on Channel 281C3 in Oak Creek, Colorado. Upon grant of that application, KFMU, L.P. intends to commence construction immediately, place the modified facility in operation and file such license application as is necessary to cover the upgraded operation.

Respectfully submitted,

KFMU, L.P.

By:



William D. Freedman

Gurman, Kurtis, Blask & Freedman,
Chartered
1400 Sixteenth Street, N.W.
Suite 500
Washington, D.C. 20036

Its Attorney

November 26, 1991

RUBIN, BEDNAREK & ASSOCIATES, INC.

CONSULTING TELECOMMUNICATIONS ENGINEERS

1350 CONNECTICUT AVENUE, NW - SUITE 610

WASHINGTON, DC 20036

KFMU - Oak Creek, CO.

ENGINEERING STATEMENT

I ABSTRACT

This engineering statement supports the request of KFMU L.P., Licensee of station KFMU-FM, Oak Creek, Colorado seeking an amendment to Section §73.202(b) (Table of FM Allotments) of the FCC rules to specify Channel 281C3 in place of Channel 280A in Oak Creek.

The instant proposal to amend the Table of FM Allotments will allow KFMU-FM to upgrade its facilities and thus bring expanded service to the public and provide a more efficient use of the broadcasting spectrum.

II ALLOCATION CONSIDERATIONS

Station KFMU-FM presently operates on Channel 280A with .230kW at 335 m AAT from a site located at N 40°14'10" W 106°52'30". The use of Channel 281C3 at Oak Creek would be short spaced by 4.3 kilometers to the four applicants for Channel 282C1 at Longmont, Colorado under Section §73.207 of the rules:

BPH-900228MA
BPH-900216MA
BMPH-870430IB
BPH-900228MB

St. Vrain Communications
Longmont Broadcasting Co.
Western Cities Broadcasting Co.
Amador S. Bustos

However, under Section §73.215(a)(2) of the rules, Channel 281C3 could be allocated to Oak Creek and still meet the adjacent channel contour protection requirements. Under this Section, the interfering contour (54 dBu, F50,10) from Oak Creek must not overlap the protected contour (60 dBu, F50,50) at Longmont. Additionally, the instant proposed request also complies with Section §73.215(e) with respect to the minimum distance separation between KFMU-FM and the proposed Channel 282C1 at Longmont, Colorado as demonstrated in Exhibit 1.

RUBIN, BEDNAREK & ASSOCIATES, INC.

CONSULTING TELECOMMUNICATIONS ENGINEERS

1350 CONNECTICUT AVENUE, NW - SUITE 610

WASHINGTON, DC 20036

KFMU - Oak Creek, CO.

II ALLOCATION CONSIDERATIONS (CONT'D)

With KFMU-FM operating from its present site and at its present height above average terrain with an effective radiated power of 1.272 kW, the requisite protection could be still be afforded to Channel 282C1 at Longmont. 1.272 kW at 335 mAAT is the equivalent of 14.88 kW at 100 m and falls within the definition of Class C3.

Exhibit 1 is a tabulation of a frequency search on Channel 281C3 demonstrating that the instant proposed request will satisfy the spacing requirements of Section §73.207 with respect to the other assignments.

III METHODS EMPLOYED

All data and computations contained herein or upon which this engineering report is based are in complete accord with the pertinent requirements of the FCC rules unless otherwise specifically so stated.

RUBIN, BEDNAREK & ASSOCIATES, INC.

CONSULTING TELECOMMUNICATIONS ENGINEERS

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WASHINGTON, DC 20036

EXHIBIT 1

FM Spacing Study

Channel : 281C3
 Study Coordinates : 40 14 10.0 N 106 52 30.0 W
 Separations : FM Zone 2 - Commercial (MM Docket 88-375)

Call City / State	File - Number	Channel Status	ERP HAAT	Ant Zone	Latitude Longitude	Dist Bear	Req'd (km)	Clear (km)
KFMU OAK CREEK, CO	BLH 800125AE	280A LIC	0.23 1100		40 14 10 106 52 30	0.0 0.0	89.0	-89.0 SHORT
KSNOFM SNOWMASS VILLAGE, CO	BLH 850404KK	280A LIC	2.51 325		39 14 51 106 55 13	109.8 182.0	89.0	20.8
NEW BUENA VISTA, CO	BPH 891214MW	281A CP	6.00 -1419	DA 2	38 57 31 106 11 31	153.5 157.4	142.0 Comnt	11.5 CLOSE
KQKS LONGMONT, CO	BPH 911009IC	282C1 APP	58.3 1214	DA 2	40 5 47 104 54 4	168.9 94.7	144.0 Comnt	24.9
KQKS LONGMONT, CO	BLH 2601	282C2 LIC	28.0 88		40 11 28 105 7 35	148.9 91.4	117.0 Comnt	31.9
KQKS LONGMONT, CO	BMPH 870430IB	282C1 CPM	30.0 1539	DA 2	39 54 48 105 17 32	139.7 104.4	144.0 Comnt	-4.3 SHORT
NEW LONGMONT, CO	BPH 900228MA	282C1 APP	31.6 1416	DA 2	39 54 49 105 17 32	139.7 104.4	144.0 Comnt	-4.3 SHORT
NEW LONGMONT, CO	BPH 900228MB	282C1 APPM	35.0 1480	DA 2	39 54 48 105 17 32	139.7 104.4	144.0 Comnt	-4.3 SHORT
NEW LONGMONT, CO	BPH 900216MA	282C1 APPM	14.5 1448		39 54 48 105 17 32	139.7 104.4	144.0 Comnt	-4.3 SHORT
NEW GRAND JUNCTION, CO	BPH 901219MC	282C APP	100 1030		38 52 40 108 13 33	190.3 217.9	176.0 Comnt	14.3 CLOSE
GRAND JUNCTION, CO		282C ALC			39 4 6 108 33 0	193.6 228.4	176.0	17.6
NEW GRAND JUNCTION, CO	BPH 901219MH	282C APP	100 1417		39 4 0 108 44 41	206.4 231.5	176.0 Comnt	30.4

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FM Spacing Study - (cont.)

Channel : 281C3
Study Coordinates : 40 14 10.0 N 106 52 30.0 W
Separations : FM Zone 2 - Commercial (MM Docket 88-375)

Call City / State	File - Number	Channel Status	ERP HAAT	Ant Zone	Latitude Longitude	Dist Bear	Req'd (km)	Clear (km)
NEW GRAND JUNCTION, CO	BPH 901220MA	282C APP	100 1296	2	39 3 56 108 44 52	206.7 231.5	176.0 Comnt	30.7
KSKE-FM VAIL, CO	BLH 851015KF	284C1 LIC	100 451	2	39 38 8 106 26 46	76.1 151.2	76.0	0.1 CLOSE
KSKE-FM VAIL, CO	BPH 900618IF	284C1 APP	100 784	2	39 38 8 106 26 46	76.1 151.2	76.0 Comnt	0.1 CLOSE

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WASHINGTON, DC 20036

DECLARATION

MELVYN LIEBERMAN, declares and certifies as follows:

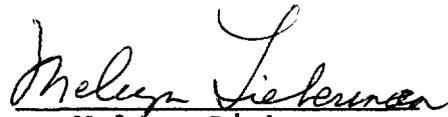
That he is associated with the firm of RUBIN, BEDNAREK & ASSOCIATES;

That this firm has been retained by KFMU L.P. to prepare this joint engineering exhibit:

That his qualifications are a matter of record with the Federal Communications Commission;

That he has either prepared or directly supervised the preparation of all technical material contained in this joint engineering exhibit and that the facts stated in this amendment are true of his knowledge and belief except as to such statements as are herein stated to be on information and belief and as to such statements he believe them to be true.

November 20, 1991


Melvyn Lieberman