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Federal Communications Commission
Office of the Secretary

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October 21, 1991

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FCC MAIL BRANCH

Donna Searcy
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

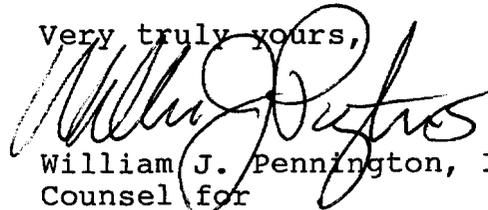
**Re: Rule Making seeking channel
upgrade for station KRZK(FM)
at Branson, Missouri.**

Dear Ms. Searcy:

On behalf of Turtle Broadcasting Company of Branson, there are transmitted herewith an original and five copies of a "Petition for Rule Making" seeking the substitution of Channel 292C2 for Channel 292C3 at Branson, Missouri.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,



William J. Pennington, III
Counsel for

TURTLE BROADCASTING COMPANY OF BRANSON

Enclosures

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Federal Communications Commission
Office of the Secretary

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Branson, Missouri))

MM Docket No.
RM- RECEIVED

OCT 28 1991

To: Chief, Allocations Branch

FCC MAIL BRANCH

PETITION FOR RULE MAKING

Turtle Broadcasting Co. of Branson ("Turtle"), licensee of Station KRZK(FM), Branson, Missouri, by their counsel hereby respectfully requests that the Commission amend Rule 73.202(b), the FM Table of Allotments, to substitute Channel 292C2 for Channel 292C3 at Branson, Missouri. Turtle further requests that its recently granted construction permit (BPH-910520IE) allowing C3 authorization for KRZK(FM) be modified to specify operation as a C2 facility on Channel 292. KRZK(FM) presently operates as a Class A facility on Channel 292.

In support of this allocation request, the following information is respectfully submitted:

1. As is demonstrated in the attached Exhibit 1, Channel 292C2 may be allotted to Branson, Missouri with a site restriction of 15.0 kilometers northeast of the community of license if Channel substitutions are made at Mountain Grove and Ava, Missouri.

2. In support of the proposed substitutions at Ava and Mountain Grove, Missouri, Turtle notes that the Commission has on numerous occasions stated that the "substitution of an existing station's channel at one community serves the public interest where the substitution permits the provision of new or expanded service at another community." Eddyville and Fort Madison, Iowa, 4 FCC Rcd 7774 (1989); see also Marietta, Ohio and Ravenswood, WV, 2 FCC Rcd 4681 (1987) and Albany, NY, et al., 2 FCC Rcd 4300 (1987), 3 FCC Rcd 4681 (1987).

3. To accommodate the proposed upgrade at Branson, Channel 221A would have to be substituted for Channel 222A at Ava and the license of station KKOZ-FM modified accordingly. Channel 222A at Ava is currently held by licensee Corum Industries, Inc. ("Corum") which operates KKOZ-FM on that Channel. Exhibit 2 demonstrates that Channel 221A may be substituted for Channel 222A at the present KKOZ-FM transmitter location in full compliance with the Commission's minimum spacing requirements. Furthermore, should the Commission grant Turtle's proposal, Turtle agrees to reimburse Corum for its reasonable expenses incurred in changing to Channel 221A. Therefore, the Commission should issue an Order to Show Cause to Corum to show why its license should not be modified as proposed herein.

4. The substitution at Ava would allow for the substitution of Channel 223A for Channel 292A at Mountain Grove. It is requested that this substitution be made and the license of station KCMG(FM) be modified accordingly. Channel 292A at

Mountain Grove is currently held by licensee Communication Works, Inc. ("CW") which operates KCMG(FM) on that Channel. The move to Channel 223A at Mountain Grove will in no way harm CW, for as shown in Exhibit 3, CW can operate KCMG(FM) from its current transmitter location on Channel 223A in full compliance with the Commission's spacing requirements. Furthermore, should the Commission grant the Turtle proposal, Turtle agrees to reimburse CW for its reasonable expenses incurred in changing to Channel 223A. Therefore, the Commission should issue an Order to Show Cause to CW to show why its license should not be modified as proposed herein.

5. If the above mentioned substitutions are made at Ava and Mountain Grove, the permissible site area for a station operating on Channel 292C2 at Branson is ample. A large portion of that area is close enough that a station operating on Channel 292C2 should have no difficulty placing a 70 dBu contour over the entire community of Branson.

6. The allotment of Channel 292C2 to Branson and modification of Turtle's construction permit to specify operation thereon will permit Turtle to serve a much larger area, thereby increasing the number of broadcast signals available to the public in the given area and thus promoting efficient use of the spectrum. The Commission has determined that expanded service to the public and spectrum efficiency provide significant public interest benefits. See Report and Order in MM Docket No. 85-313, 60 RR 2d 114, 118 (1986). Thus, Turtles' proposal would

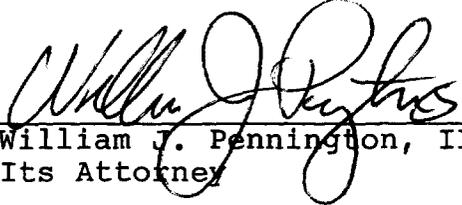
serve the public interest.

7. Because Channel 292C2 would not be available to a third party for use at Branson, Turtle's construction permit may be modified to specify operation on the higher class channel pursuant to Rule 1.420(g). Upon grant of this request, Turtle will proceed promptly with construction of its upgrade.

8. Based upon the foregoing, Turtle hereby requests that the Commission: (i) modify its FM allotments to substitute Channel 292C2 for Channel 292C3 at Branson, Missouri and modify its construction permit accordingly; (ii) substitute Channel 221A for Channel 222A at Ava, Missouri and modify the license of station KKOZ(FM) accordingly; and (iii) substitute Channel 223A for Channel 293A at Mountain Grove, Missouri and modify the license of station KCMG(FM) accordingly.

Respectfully submitted,

TURTLE BROADCASTING COMPANY OF BRANSON

By: 

William J. Pennington, III
Its Attorney

Post Office Box 4203
Wilmington, NC 28406
(919) 762-7897

October 24, 1991

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FM SPACING STUDY

OCT 28 1991

JOB TITLE: BRANSON, MO
 CHANNEL 292C2
 COORDINATES: 36-43-00 93-05-00

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Call	Channel	City	State	Bear'	Dist'	R'grd	Margin
KRZK	292C3	Branson	MO	277.7	7.64	177.0	-169.36**
KRZK	292A	Branson	MO	239.0	16.53	166.0	-149.47**
KCMG-FM	293A	Mountain Grove	MO	58.0	87.61	106.0	-18.39**(1)
CP	293C2	Bella Vista	AR	249.7	131.32	130.0	1.32
APP	293C2	Bella Vista	AR	245.2	131.63	130.0	1.63
KFFB(CP)	291C2	Fairfield Bay	AR	145.9	131.84	130.0	1.84
ADD	290C2	Nixa	MO	353.0	63.67	58.0	5.67
KTJA(CP)	294C3	Mount Vernon	MO	315.7	67.92	56.0	11.92
ADD	292A	Rolla	MO	40.2	181.13	166.0	15.13
KZKZ-FM	292C3	Greenwood	AR	212.8	196.40	177.0	19.40
KGBX-FM	290C2	Bolivar	MO	348.3	80.98	58.0	22.98
PADD	293A	Horseshoe Bend	AR	112.4	134.61	106.0	28.61
KZKZ-FM	292A	Greenwood	AR	212.8	196.40	166.0	30.40
KRLW-FM	292A	Walnut Ridge	AR	110.6	205.40	166.0	39.40
KQLL	291C	Owasso	OK	264.8	230.86	188.0	42.86
KMCK	289C1	Siloam Springs	AR	241.5	123.75	79.0	44.75

(1) Proposed substitution of Channel 223A for Channel 293A at Mountain Grove, Missouri. The substitution would eliminate any short spacing at Mountain Grove.

Exhibit 2

FM SPACING STUDY

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FCC MAIL B...

JOB TITLE: AVA, MO
CHANNEL: 221A
COORDINATES: 36-55-48 92-39-19

Call	Channel	City	State	Bear'	Dist'	R'grd	Margin
KKOZ-FM	222A	Ava	MO	0.0	0.00	72.0	-72.00**
KLWT-FM	221A	Lebanon	MO	358.0	83.04	115.0	-31.96**(1)
PAAD	221C3	Clinton	MO	166.1	144.67	142.0	2.67
PAAD	221C3	Fayetteville	AR	235.1	144.92	142.0	2.92
KCMG-FM	223A	Mountain Grove	MO	57.5	42.67	31.0	11.67 (2)
KHPQ	221A	Clinton	AR	174.6	139.45	115.0	24.45
ADD	222A	Thayer	MO	114.3	114.99	72.0	42.99
KCMH	218A	Mountain Home	AR	164.1	76.00	31.0	45.00
KHOZ-FM	275C	Harrison	AR	223.9	76.04	29.0	47.04
ADD	222A	Thayer	AR	114.3	122.07	72.0	50.07
KKEG	221A	Fayetteville	AR	235.4	168.90	115.0	53.90
KHOZ-FM	275C1	Harrison	AR	223.9	76.04	22.0	54.04

- (1) KLWT has been granted a construction permit outlining operation on Channel 300C2 (BPH- 900122IG). This eliminates the short spacing shown in the study above.
- (2) It is proposed to substitute Channel 223A for Channel 293A at Mountain Grove, Missouri.

Exhibit 3
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FM SPACING STUDY

FCC MAIL BRANCH

JOB TITLE: MOUNTAIN GROVE, MO
CHANNEL: 223A
COORDINATES: 37-08-07 92-14-59

Call	Channel	City	State	Bear'	Dist'	R'qrd	Margin
KKOZ-FM	222A	Ava	MO	237.7	42.67	72.0	-29.33**(1)
KSYN	223C1	Joplin	MO	268.0	204.34	200.0	4.34
KKOZ-FM	221A	Ava	MO	237.8	42.67	31.0	11.67
ADD	222A	Thayer	MO	135.7	97.99	72.0	25.99
KLOZ	224C2	Eldon	MO	347.3	137.17	106.0	31.17
ADD	222A	Thayer	MO	134.3	104.64	72.0	32.64
KLWT-FM	221A	Lebanon	MO	327.2	71.62	31.0	40.62
KZLE(CP)	226C	Batesville	AR	161.5	145.66	95.0	50.66
KZPF(CP)	225A	Ozark	MO	265.7	83.17	31.0	52.17
WIL-FM	222C	St. Louis	MO	47.5	221.22	165.0	56.22
KZLE	226C1	Batesville	AR	161.5	145.62	75.0	70.62
KYLS	224A	Ironton	MO	70.6	146.23	72.0	74.23

(1) It is proposed to substitute Channel 221A for Channel 222A at Ava, Missouri. This would eliminate any short spacing between Ava and Mountain Grove.