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701 LAUREL STREET  
BATON ROUGE, LOUISIANA 70802

A. LEON HEBERT  
CHARLES L. SPENCER \*  
V. CHARLES CUSIMANO  
\* ALSO MEMBER OF D.C. BAR

TELEPHONE  
504-344-2601  
TELECOPIER  
504-387-1714

July 2, 1991

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JUL 3 - 1991

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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

We are writing on behalf of our client, Tri-City Broadcasting, Inc., the licensee of radio broadcast station KFXV-FM which presently operates on Channel 244A at Morgan City, Louisiana. An original and four copies of a Petition for Rulemaking are enclosed herein pursuant to Section 73.202 of the FCC's rules.

This petition seeks to amend the FM Table of Allotments contained in 47 CFR Section 73.202(b) to substitute Channel 244C2 for the current assignment of 244A. Substantial public interest benefits will be derived by a grant of this proposal, as demonstrated in the enclosed Petition for Rulemaking.

Thank you in advance for your courtesies. Please contact Mark A. Mueller, Consulting Engineer, by telephone at 708-352-2166, or the undersigned concerning any questions which may arise in connection with the Petition.

Sincerely,

HEBERT & SPENCER



Charles L. Spencer

CLS/bsb

Enclosures

cc: Mr. Warren Fortier (w/encls.)  
Mr. Mark A. Mueller (w/encls.)  
Ms. Pam Blumenthal (w/encls.)

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202 )  
Table of Allotments ) RM:  
FM Broadcast Station )  
(Morgan City, Louisiana) )

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To: The Commission

FCC MAIL BRANCH

PETITION FOR RULEMAKING

Tri-City Broadcasting, Inc. ("Tri-City"), licensee of radio broadcast station KFX Y-FM in Morgan City, Louisiana ("KFX Y-FM"), hereby petitions the Commission for the institution of a rulemaking proceeding to amend the Table of FM Allotments set forth at 47 CFR Section 73.202(b) and to modify its authorization to specify operation on Channel 244C2. Specifically, it requests the following amendment to the Table of FM Allotments:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Morgan City, Louisiana	244A	244C2

KFX Y-FM provides Morgan City, Louisiana under the present allocation with its first and only local and full-time FM aural service. However, that service is limited to a Class A facility.

An engineering report containing data supporting the action requested was prepared by Mark A. Mueller, consulting engineer to Tri-City. Mr. Mueller's report demonstrates that the substitution can be made in compliance with the minimum distance separation requirements of 47 CFR Section 73.207 from a transmitter site available for use by KFX Y-FM which is not the present authorized KFX Y transmitter site. Tri-City has reasonable assurance in good faith that the site proposed as the location

of its transmitting antenna will be available to Tri-City for Tri-City's intended purpose. It has obtained such reasonable assurance by contacting Mr. Porter Barrow, the president of the site's corporate owner, whose telephone number is (803) 765-0438.

One allocation would have been affected by this proposal, Channel 243A at Breaux Bridge, Louisiana, which is licensed to JBC, Inc. for the operation of KFTE-FM. However, that allocation was changed in MM Docket 89-507 to Channel 243C3, with assigned coordinates of  $30^{\circ} 13' 00''$  and  $92^{\circ} 05' 00''$ , which cures the short-spacing issue with respect to this proposal. A copy of the Report and Order in MM Docket No. 89-507, released October 22, 1990, is attached as an exhibit to this Petition. No impediments otherwise exist to the substitution of Channel 244C2 for Channel 244A at Morgan City, Louisiana.

JBC, Inc. tendered for filing a minor modification application on FCC Form 301 on June 12, 1991 for authority to operate KFTE on the upgraded Channel 243C3, but it has proposed an antenna site having coordinates of  $30^{\circ} 06' 09''$  and  $91^{\circ} 59' 30''$ , which are not the coordinates authorized in the rule making. The processing of JBC, Inc.'s 301 application should be deferred pending the outcome of this rule making. In the alternative, if a minor change is granted to JBC, Inc. for KFTE-FM, it should expressly be made subject to this rule making.

Substantial public interest benefits will be derived from this proposal, including without limitation that Morgan City will receive its first wide-coverage FM station. In light of these factors, Tri-City Broadcasting, Inc. respectfully requests that the Commission substitute Channel 244C2 for Channel 244A at Morgan City, Louisiana and that the

authorization of petitioner KFXV-FM be modified to specify its operation on Channel 244C2.

Respectfully submitted,

Tri-City Broadcasting, Inc.

*Charles L. Spencer*

Charles L. Spencer  
Its Attorney

Hebert & Spencer  
701 Laurel Street  
Baton Rouge, LA 70802  
(504) 344-2601

Dated: 2 July, 1991

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FEDERAL BUREAU OF INVESTIGATION

Before the  
Federal Communications Commission  
Washington, D.C. 20554

MM Docket No. 89-507

In the Matter of

Amendment of Section 73.202(b), RM-6946  
Table of Allotments,  
FM Broadcast Stations.  
(Breux Bridge, Louisiana)

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: September 27, 1990; Released: October 22, 1990

By the Deputy Chief, Policy and Rules Division:

1. The Commission has before it for consideration the *Notice of Proposed Rule Making*, 4 FCC Rcd 8143 (1989), issued in response to a petition filed by JBC, Inc. (petitioner), proposing the substitution of FM Channel 243C3 for Channel 243A at Breux Bridge, Louisiana. Petitioner also requested modification of its construction permit (BPH-851115NL) for Channel 243A to specify operation on Channel 243C3. Petitioner filed supporting comments in which it reaffirmed its interest in the channel. No other comments were received.

2. We believe the public interest would be served by the substitution of Channel 243C3 for Channel 243A at Breux Bridge, Louisiana, since it would provide the community with its first wide coverage FM station. The substitution can be made in compliance with the minimum distance separation requirements of Section 73.207 of the Commission's Rules at petitioner's specified site located 18.9 kilometers (11.7 miles) west of the community.<sup>1</sup> In accordance with Section 1.420(g) of the Commission's Rules, we are modifying the construction permit for Channel 243A to specify operation on Channel 243C3.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective December 6, 1990, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED for the community listed below, to read as follows:

Community	Channel No.
Breux Bridge, Louisiana	243C3

4. IT IS FURTHER ORDERED, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the construction permit for Channel 243A, Breux Bridge, Louisiana, IS MODIFIED to specify operation on Channel 243C3, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the permittee shall file with the Commission a minor change application for construction permit (Form 301), specifying the new facility.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to Section 1.1301 of the Commission's Rules.

5. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

6. For further information concerning this proceeding, contact Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

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Kathleen B. Levitz  
Deputy Chief  
Policy and Rules Division  
Mass Media Bureau

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FCC MAIL ROOM

**FOOTNOTE**

<sup>1</sup> The coordinates for Channel 243C3 are 30-13-00 and 92-05-00. Since this allotment is made as a result of a petition for rule making filed prior to October 2, 1989, the permittee may avail itself of the provisions of Section 73.213(c) of the Commission's Rules. See 47 CFR § 73.213(c).

ENGINEERING EXHIBIT FOR  
TRI-CITY BROADCASTING, INC.  
MORGAN CITY, LOUISIANA

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This engineering exhibit was prepared in support of a petition for rulemaking being filed by Tri-City Broadcasting, Inc., licensee of KFXV, Morgan City, LA, to amend 47 CFR 73.202 as follows.

Presently, Morgan City, Louisiana is allotted FM channel 244A. Petitioner proposes that the allotment of channel 244C2 be substituted for channel 244A at Morgan City and that the license of KFXV (FM), be modified to specify operation on 244C2 rather than 244A. One other allocation is affected by this proposal: channel 243A at Breaux Bridge, LA, used by KFTE. The Breaux Bridge allocation was changed to 243C3 in MM Docket 89-507 and KFTE has been ordered to the new channel. Therefore, the apparent KFTE short-spacing is not an issue, since channel 243C3 has been substituted for 243A at Breaux Bridge, and this proposal is fully spaced to that substitution's reference coordinates. No other allocation changes are necessary to implement this proposal.

KFXV will file an FCC form 301 to modify its facilities as soon as the allocation is changed.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Morgan City, LA	244A	244C2

The proposed 244C2 reference point at Morgan City is at north latitude 29-39-19 and west longitude 91-01-57, which is not the present KFXV transmitter site. However, the

petitioner has reasonable assurance that a site near these coordinates is available for use by KFXV. There would be no lost 60 dBu coverage from KFXV operating on channel 244C2 from this site, which is 17 KM from its existing 244A site. A substantial new 60 dBu service area will be created, which is in the public interest.

The attached tabulation and site area map shows that this proposal complies with the required minimum spacings per 47 CFR 73.207, Table A.

This engineering exhibit was prepared by me and is true and correct to the best of my knowledge and belief.

June 28, 1991

  
Mark A. Mueller

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FEDERAL COMMUNICATIONS COMMISSION

ALLOCATION STUDY

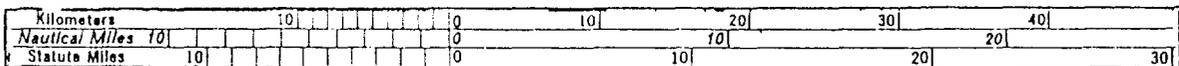
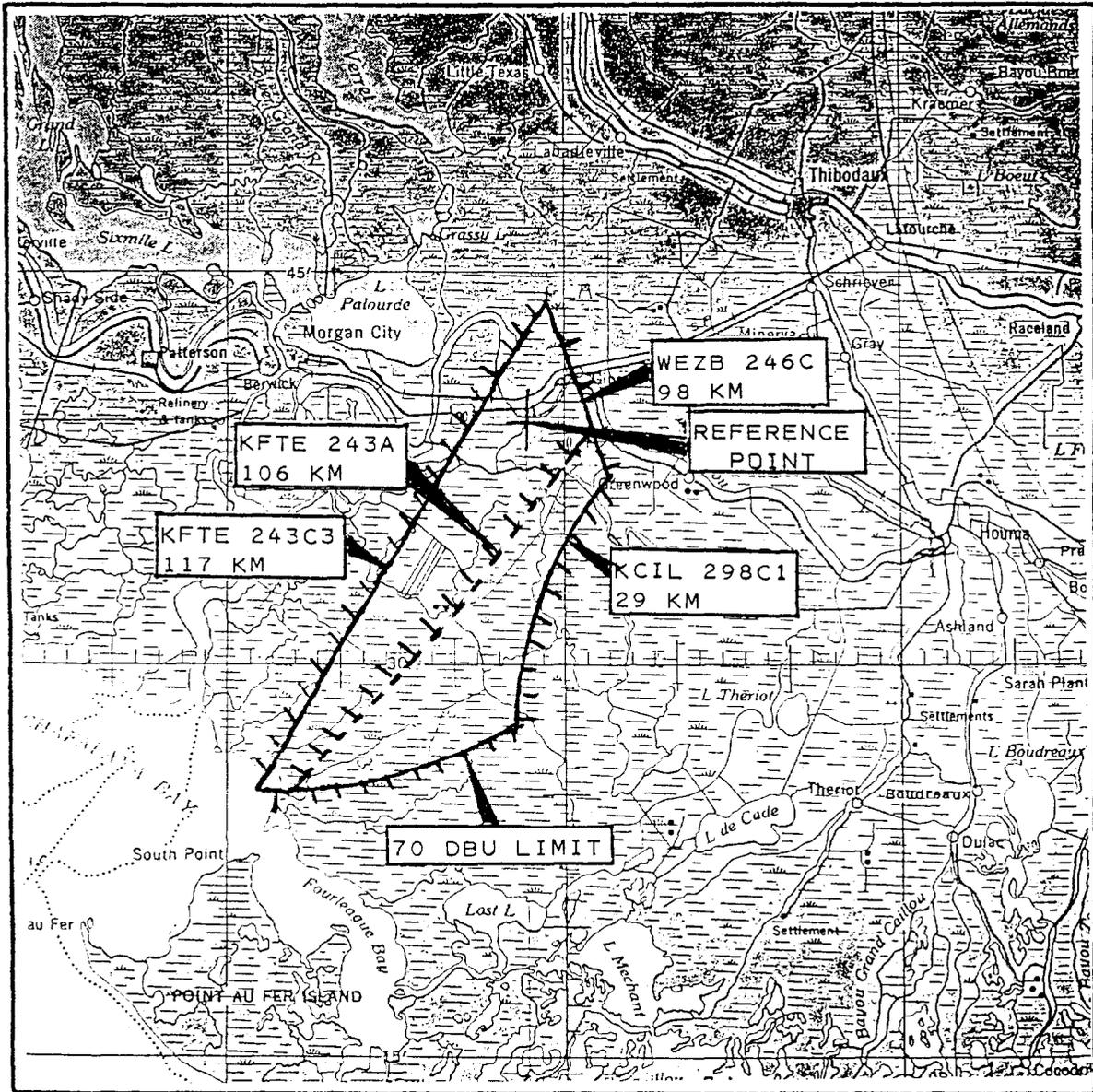
CHANNEL 244C2

MORGAN CITY, LOUISIANA

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LA GRANGE



SCALE 1:500000

FIGURE

FM Channel Search for: Morgan City, LA  
Coordinates used: 29 39 19 - 91 1 57

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NOTE: All distances are in Kilometers. Any stations which  
clear by more than 100 KM are not included in list.

POSTAL BRANCH

Study for channel 244 -C ( 96.7 ) at Morgan City, LA.

CH#	Call File	Location	Class	Actual	FCC	Notes
-----Spacing-----						
241	( 96.1 MHz )					
	KIEZ ORD	242A;BRUSLY	LA C2	92.9	58	Class C2
242	( 96.3 MHz )					
	KIEZ DEL	TO 241C2;BRUSL	LA A	77.9	55	Class C2
	KIEZ DEL	TO 241C2;BRUSL	LA A	77.9	55	Class C2
243	( 96.5 MHz )					
	KFTE DEL	TO 243C3;BREAU	LA A	101.2	89	TO 243C3
	KFTE ORD	243A;BREAUX BR	LA C3	119.0	117	Class C2
244	( 96.7 MHz )					
	KFXV LIC	MORGAN CITY	LA A	17.3	115	SUBJECT
	WFFFFM LIC	COLUMBIA	MS A	211.5	166	Class C2
	WQFXFM LIC	GULFPORT	MS A	215.1	166	Class C2
245	( 96.9 MHz )					
	KZMZ LIC	ALEXANDRIA	LA C	208.0	108	Class C2
246	( 97.1 MHz )					
	WEZB LIC	NEW ORLEANS	LA C	101.8	98	Class C2
247	( 97.3 MHz )					
	KMDL LIC	KAPLAN	LA C2	102.9	58	Class C2
297	( 107.3 MHz )					
	ALL	BAKER	LA A	104.3	15	Class C2
	NEW APP	BAKER	LA A	106.6	15	Class C2
	NEW APP	BAKER	LA A	108.1	15	Class C2
	NEW APP	BAKER	LA A	108.1	15	Class C2
	NEW APP	BAKER	LA A	108.1	15	Class C2
	NEW APP	BAKER	LA A	108.1	15	Class C2
	NEW APP	BAKER	LA A	108.1	15	Class C2
	NEW APP	BAKER	LA A	108.1	15	Class C2
298	( 107.5 MHz )					
	KCIL LIC	HOUMA	LA C1	36.4	29	Class C2
	KCIL CP	HOUMA	LA C1	62.0	29	Class C2