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LAW OFFICES

**BIRCH, HORTON, BITTNER AND CHEROT**

A PROFESSIONAL CORPORATION

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

1155 CONNECTICUT AVENUE, N.W. • SUITE 1200 • WASHINGTON, D.C. 20036 • (202) 659-5800 • TELECOPIER (202) 659-1027

DEBRA B. ADLER\*  
THOMAS L. ALBERT\*\*†  
J. GEOFFREY BENTLEY\*  
RONALD G. BIRCH\*\*  
WILLIAM H. BITTNER\*\*  
KATHRYN A. BLACK  
DOUGLAS L. BLANKENSHIP  
PHILIP BLUMSTEIN  
CORY R. BORGESON  
STEPHANIE R. BOSTON  
WILLIAM BUMPERS\*  
JOHN J. BURNS  
GERALDINE M. CARR\*  
SUZANNE CHEROT\*\*  
JOSEPH M. CHOMSKI\*\*

KIM DUNN  
ERIC A. EISEN\*\*†  
RALPH V. ERTZ  
JOSEPH W. EVANS\*\*  
PAUL J. EWERS  
STEPHEN K. GARDNER\*  
WILLIAM W. GARNER\*  
JOHN W. GRIGGS\*\*  
WILLIAM R. HORN\*  
HAL R. HORTON\*\*  
STEPHEN H. HUTCHINGS  
MARC W. JUNE  
MINDY R. KORNBERG\*\*  
STANLEY T. LEWIS  
LESLIE C. LONGENBAUGH

L. MERRILL LOWDEN  
MICHAEL J. PARISE  
TIMOTHY J. PETUMENOS  
ELIZABETH A. PHILLIPS  
STEVEN PRADELL  
MICHAEL V. REUSING  
ELISABETH H. ROSS\*\*  
JONATHAN B. RUBINI  
E. BUDD SIMPSON  
STEPHEN F. SORENSEN  
SHERIDAN STRICKLAND\*\*  
JONATHAN K. TILLINGHAST  
MOLLY WARD†  
D. KEVIN WILLIAMS  
T. HENRY WILSON

OF COUNSEL  
JAMES D. NORDALE

1127 WEST SEVENTH AVENUE  
ANCHORAGE, ALASKA 99501  
(907) 276-1550  
TELECOPIER (907) 276-2822

KEY BANK BUILDING  
100 CUSHMAN STREET, SUITE 311  
FAIRBANKS, ALASKA 99701  
(907) 452-1666  
TELECOPIER (907) 456-5055

ONE SEALASKA PLAZA, SUITE 301  
JUNEAU, ALASKA 99801  
(907) 586-2890  
TELECOPIER (907) 586-9814

November 25, 1991

Ms. Donna Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20036

Attention: Chief, Allocations Branch, Policy and Rules, Division, Mass Media Bureau

Re: Table of FM Allotments (Section 73.202(b)) at  
Hinesville, Georgia

Dear Ms. Searcy:

On behalf of Bullie Broadcasting Corporation ("Bullie"), permittee of FM broadcast station WHVL at Hinesville, Georgia, I am submitting with this letter an original and four copies of a Petition for Rule Making requesting substitution of Channel 284C3 for Channel 284A in the Table of FM Allotments at Hinesville, Georgia, and, pursuant to Section 1.420(g) of the Rules, modification of Bullie's outstanding construction permit for WHVL(FM) to specify operation on Channel 284C3 in accordance with the proposed substitution.

This petition was originally submitted on June 17, 1991. It was returned on July 10, 1991, because it was deemed to be contingent on the outcome of a contested proceeding, MM Docket No. 89-418, in which the Commission proposed substitution of Channel 279A for Channel 285A at Metter, Georgia, and a concomitant modification of the authorization for WHCG(FM), Metter. On August 9, 1991, Bullie filed a Petition for Reconsideration of the rejection of its Petition for Rulemaking. The Petition for Reconsideration is still pending. On October 10, 1991, the staff released a Report and Order in MM Docket No. 89-418 in which it made the proposed channel substitution of 279A for Channel 285A at Metter, effective today, November 25, 1991. Milan, Metter, Swainsboro and Wrens, Georgia, \_\_\_ FCC Rcd \_\_\_, DA 91-1244 (Ass't Chief, Allocations Branch).

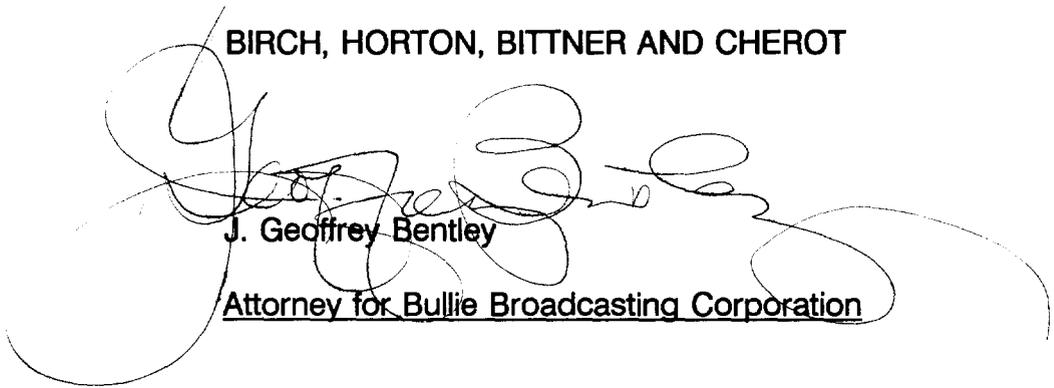
Ms. Donna Searcy  
November 25, 1991  
Page 2

Inasmuch as the Commission has approved the Metter, Georgia, channel substitution on which Bullie's upgrade proposal is premised, and that order has become effective and has not been stayed, Bullie's rulemaking petition may be resubmitted without any apparent obstacle to acceptance.

If there are any questions about this matter, please direct them to me.

Sincerely,

BIRCH, HORTON, BITTNER AND CHEROT



J. Geoffrey Bentley

Attorney for Bullie Broadcasting Corporation

JGB/tmh  
Enclosure

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

NOV 25 1991

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

Amendment of Section 73.202(b) )  
Table of FM Allotments )  
(Hinesville, Georgia) )

MM Docket No.

RM No.

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

Pursuant to Section 1.401 of the Commission's rules, Bullie Broadcasting Corporation ("Bullie"), hereby requests that the Commission amend the Table of Allotments for FM broadcast stations, Section 73.202(b) of the Commission's rules, to upgrade Channel 284A, allotted to Hinesville, Georgia, to Channel 284C3.

Bullie is the holder of a construction permit for WHVL(FM), a new FM station on Channel 284A at Hinesville, Georgia (File No. BPH-890504MN). Bullie was granted this construction permit by Administrative Law Judge Joseph Chachkin in a Memorandum Opinion and Order in MM Docket No. 90-519, released February 1, 1991 (FCC 91M-406). Bullie desires to upgrade its authorized Class A facility to Class C3 status. As a Commission permittee, Bullie is eligible to request such a modification of its permit, because the requested modification is mutually exclusive with Bullie's existing

authorization. See Section 1.420(g)(3). Accordingly, concomitantly with its Petition for Rulemaking, Bullie asks that its permit be modified to authorize construction and operation of WHVL(FM) on the substituted higher-class channel.

Bullie's proposal will further the public interest by permitting a more efficient use of spectrum resources, and by providing expanded service to a greater area and population than may currently be served by a station on Channel 284A at Hinesville. Commission policy favors enhanced service by existing licensees. Amendment of the Commission's Rules Regarding the Modification of FM and Television Station Licenses, 98 FCC 2d 916, 920 (1984). The Commission also advocates improvement of facilities by existing stations. Modification of FM Broadcast Rules to Increase the Availability of Commercial FM Broadcast Assignments, 94 FCC 2d 152, 170 (1983).

As demonstrated in the attached engineering study, to comply with the separation requirements of Section 73.206 of the Rules, a Channel 284C3 facility licensed to Hinesville must be located approximately twelve (12) kilometers due west of Hinesville. The attached Engineering Exhibit of William Culpepper & Associates, Inc. demonstrates that, at specified reference coordinates, Channel 284C3 may be used at Hinesville in accordance with all applicable minimum mileage separation requirements and also meet the minimum signal requirements of Section 73.315 of the Rules. The Engineering Exhibit includes a map showing the usable transmitter site area for Channel 284C3 at Hinesville. No obstacle appears to constrain Bullie from utilizing Channel 284C3 at a site that meets all of the minimum spacing requirements.

If the WHVL(FM) permit is modified as proposed in this petition, Bullie will promptly file an application on FCC Form 301 to implement the change and, when authorized, will construct the new Class C3 facilities.

Bullie makes its proposal based on the assumption that FM station WHCG, Channel 285A at Metter, Georgia, will comply with the Commission's Report and Order, in MM Docket No. 89-418, \_\_\_ FCC Rcd \_\_\_\_, DA 91-1244, released October 10, 1991, to change its frequency to Channel 279A and that FM station WKUB, Channel 285A at Blackshear, Georgia, will comply with the Commission's Memorandum Opinion and Order in MM Docket No. 86-294, 4 FCC Rcd 1608 (1989), to change its frequency to Channel 286C2.<sup>\*/</sup>

For the foregoing reasons, Bullie respectfully requests that the Commission find that the public interest would be served by the upgrade of Channel 284A at Hinesville, Georgia, to Channel 284C3 and issue a Notice of Proposed Rulemaking reflecting this

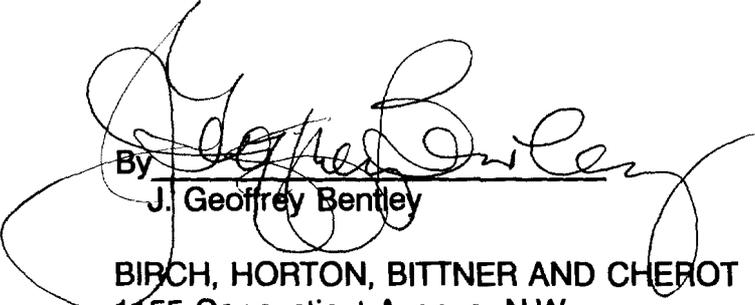
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<sup>\*/</sup> The Engineering Exhibit was prepared in June 1991, prior to the adoption of the Report and Order in MM Docket No. 89-418, and should be read in light of that subsequent action.

proposed change. Bullie further requests that the Commission modify Bullie's construction permit for WHVL(FM) to specify operation on Channel 284C3.

Respectfully submitted,

**BULLIE BROADCASTING, INC.**

By 

**J. Geoffrey Bentley**

**BIRCH, HORTON, BITTNER AND CHEROT**  
1155 Connecticut Avenue, N.W.  
Suite 1200  
Washington, D.C. 20036  
(202) 659-5800

November 25, 1991

Its Attorney

BULLIE BROADCASTING CORPORATION

HINESVILLE, GEORGIA

PETITION FOR RULE MAKING TO SUBSTITUTE  
CHANNEL 284C3 FOR CHANNEL 284A AT HINESVILLE, GEORGIA

ENGINEERING EXHIBIT

JUNE 1991

William Culpepper & Associates, Inc.  
227 Farr's Bridge Road  
Greenville, South Carolina 29611

BULLIE BROADCASTING CORPORATION  
HINESVILLE, GEORGIA

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BULLIE BROADCASTING CORPORATION

HINESVILLE, GEORGIA

DECLARATION

I declare, under penalty of perjury, that I have prepared the attached Exhibit for BULLIE BROADCASTING CORPORATION, Permittee for an FM Broadcast Station on channel 284A at Hinesville, Georgia, and that all of the facts therein, except for facts of which the Federal Communications Commission may take official notice, are true to the best of my knowledge and belief; and that I am a Registered Professional Engineer in the State of Georgia.

Executed on June 8, 1991.



William A. Culpepper  
227 Farr's Bridge Road  
Greenville, South Carolina 29611  
803-246-3401

BULLIE BROADCASTING CORPORATION

HINESVILLE, GEORGIA

NARRATIVE

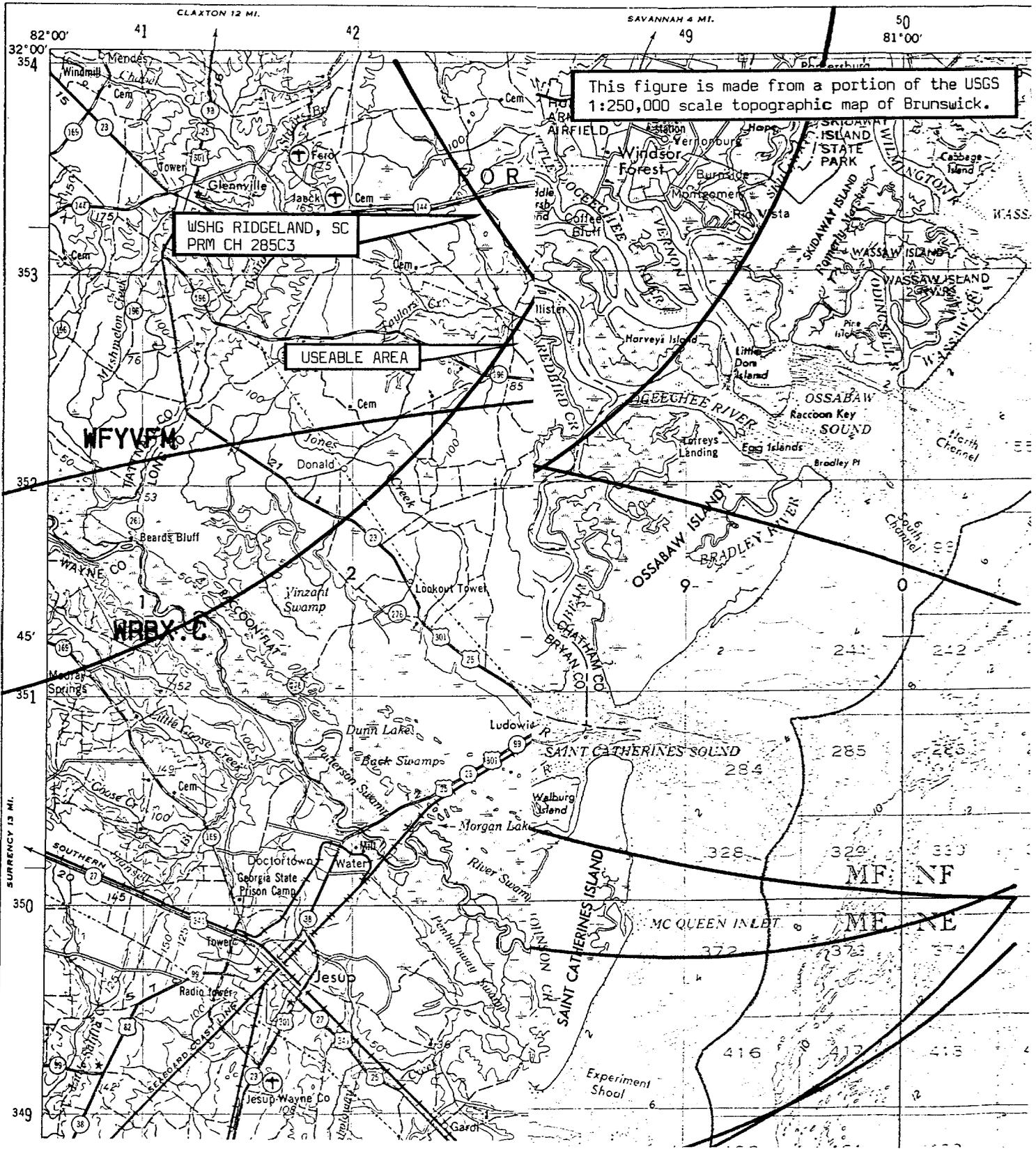
This Exhibit supports the attached Petition of BULLIE BROADCASTING CORPORATION, permittee for channel 284A at Hinesville, Georgia, to modify the FM Table of Allotments at Hinesville by substituting channel 284C3 for channel 284A.

A tabulation of distances from a reference point to existing facilities, authorizations, applications and known rule makings on Channel 284 and the first, second, third, fifty-third and fifty-fourth adjacent channels, is included in this Exhibit. The reference point is at 31°52'18" North and 81°43'46" West. This reference point meets the requirements of §73.207, and a Class C3 facility operating there can easily meet the requirements of §73.315 regarding minimum signal strength over the principal community.

A Usable Area Study, included in this exhibit as Figure 1, shows that the requirements of both §73.207 and §73.315 can be met over a substantial area, thus providing reasonable assurance that a suitable site will be available if channel 284C3 is allotted to Hinesville. The Useable Area Study shows the preclusion to the proposed rule making to upgrade WSHG at Ridgeland, South Carolina by allotting channel 285C3 to Ridgeland.

The licensed facilities of WHCG, channel 285A at Metter, Georgia and WKUB, channel 285A at Blackshear, Georgia, conflict with this petition, however, WHCG has been ordered to change frequency to channel 279A as a result of MM Docket 89-418. (See ORDERS TO SHOW CAUSE, adopted November 5, 1990, and released December 3, 1990.) WKUB has been ordered to channel 286C2 as a result of MM Docket 86-294.





This figure is made from a portion of the USGS 1:250,000 scale topographic map of Brunswick.

WSHG RIDGELAND, SC  
PRM CH 285C3

USEABLE AREA

**WILLIAM CULPEPPER & ASSOCIATES, Inc.**  
Applied Scientists in Broadcast and Communications  
227 Farr's Bridge Road • Greenville, SC 29611  
803-246-3401

**FIGURE 1**  
USEABLE AREA STUDY  
BULLIE BROADCASTING CORPORATION  
HINESVILLE, GEORGIA