

General Office  
(816) 465-7225  
Memphis, Missouri 63555

# KMEM 96.7 FM

R.F.D. 1, Highway 136  
P.O. Box 121

RECEIVED

PETITION FOR RULEMAKING

FEB 10 1992

CHANNEL 263C3

for KMEM-Memphis, MO

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Utilizing the present \*geographic coordinates of the antenna and transmitter site of station KMEM (FM) Memphis, MO an FM Spacing Study was made by \*\*Data World seeking a class C3 allocation which may be dropped in at that location.

Channel 263C3 was found to meet the minimum spacing required by section 73.202(b) of the Commission's rules.

The FCC has already ruled in MM Docket No. 90-284 (see attached) that channel 263A can be allotted to Memphis at Station KMEM (FM)'s licensed site.

KMEM now requests the allotment of 263 as a C3 so that it can better serve the population of northeast Missouri and Southeast Iowa.

KMEM strongly feels it is in the public interest to provide wider area coverage of Scotland County and the surrounding rural areas. KMEM has served these areas for almost ten years, under Boyer Broadcasting ownership since June of 1990. KMEM is committed to public affairs programming and local news and sports coverage. A C3 would enable KMEM to expand its coverage in adjacent counties of Knox, Schuyler, Sullivan, Clark, and Putnam counties in Missouri, none of which currently have an AM or FM radio station. A C3 would also enable KMEM to expand news coverage in southeast rural Iowa.

If the Commission does grant 263 C3 to KMEM, Boyer Broadcasting will promptly file for a construction permit and will promptly act if the construction permit is granted.

Maps, spacing studies and MM Docket No. 90-284 are attached.

CERTIFICATION

I, Denise Boyer, as Vice President of Boyer Broadcasting Co. represent the ownership and management of KMEM-Memphis, MO. The information presented is to the best of my belief and knowledge true and correct.

Denise Boyer

January 30, 1992

Denise Boyer  
PO Box 121  
Memphis, MO 63555  
816-465-7225

No. of Copies rec'd  
List ABCDE

015

\*The geographic coordinates of station KMEM are: 40-29-59 92-59-08

\*\*Data World, of Bethesda, Maryland is commonly considered a highly reliable source of data for broadcasters and is utilized by many consulting engineering firms. Data World's data is derived from direct research at the FCC.

BOYER BROADCASTING CO.  
MEMPHIS, MO

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FM Spacing Study

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Job title: KMEM FREQUENCY SEARCH  
Channel 263C3  
FM Translators excluded.  
Coordinates: 40-29-59 92-09-58  
Safety zone: 45 km ( 27 miles).

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FOC MAIL BRANCH

BOYER BROADCASTING CO.  
MEMPHIS, MO

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FM Spacing study

Title: KMEM FREQUENCY SEARCH  
Channel 263C3 (100.5 MHz)  
Database: DW 01/29/92

Latitude: 40-29 59  
Longitude: 92-09 58  
Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	R	q.
City of License	License	St FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(m)	(m)
KRUI-FM LIC	STUDENT BROADCASTERS INC	*209A	.10	41-39-29	21.8	138.8			12
IOWA CITY	IA BLED-840417BX	89.7	27	91-32-40	202.2	126.8	CL	AR	
Network: AP; Was KRUI 02/27/89									
WCBU LIC	BRADLEY UNIVERSITY	*210B	25.5	40-37-44	85.4	220.3			17
PEORIA	IL BLED-821206AN	89.9	199	89-34-12	267.1	203.3	CL	AR	
Network: NPR									
KZOX CP	K L T M RADIO INCORPORAT	260A	3	39-42-34	196.2	91.35			42
MACON	MO BPH-870601MA	99.9	52	92-27-50	16.0	49.35	CL	AR	
CP Granted 03/01/88; Call Granted 05/07/88; Affiliated with KLTI(AM)									
WKAI CP	SHARP BROADCASTING COMPA	261A	3.08	40-26-57	92.1	123.9			42
MACOMB	IL BPH-900518IF	100.1	141	90-42-22	273.1	81.94	CL	AR	
CP Granted 09/09/91 per FCC release #21206 dated 09/13/91;									
CP Granted 09/09/91 per FCC release #21206 dated 09/13/91; Application for lic									
10/15/91; Ant: Elec. Res. Inc. FML-3E									
KLYF LIC	PALMER BROADCASTING PART	262C	100	41-48-33	320.7	189.6			76
DES MOINES	IA BLH-5820	100.3	518BT	93-36-53	139.7	13.56	CL	SE	
Affiliated with WHO (AM)									
KMEM ORD	BOYER BROADCASTING COMPA	263A		40-29-59	.0				42
MEMPHIS	MO DOC-90-284	100.5		92-09-58	.0	-142	SH	ORT	
ORDERED FROM 244A									
KKCA ORD	KFAL INCORPORATED	263A		38-51-58	174.2	182.3			42
FULTON	MO DOC-87-493	100.5		91-57-14	354.4	40.29	CL	AR	
ORDERED FROM 249A; Network: LF; Affiliated with KFAL(AM)									
WYMG LIC	SAGA COMM OF ILLINOIS IN	263B	50DA	39-39-40	115.3	212.9			11
JACKSONVILLE	IL	100.5	-150	89-55-18	296.7	1.885	CL	SE	
Was WBAI 05/16/85; Affiliated with WLDS(AM)									
KKRQ LIC	HEARTLAND MEDIA INCORPOR	264C1	100	41-45-26	20.8	149.7			44
IOWA CITY	IA BLH-821227AK	100.7	162	91-31-31	201.2	5.661	CL	SE	
Network: ABC; Affiliated with KXIC(AM)									
KMZU LIC	KANZA INCORPORATED	264C1	98.6	39-21-59	220.3	164.4			44
CARROLLTON	MO BPH-900103IC	100.7	302	93-24-12	39.5	20.38	CL	AR	
Network: ABC; License Granted 06/27/91 per FCC release #21152 dated 07/03/91;									
Affiliated with KAOL(AM)									
KPCR-FM LIC	PIKE COUNTY BROADCASTING	265A	3	39-21-57	146.0	151.6			42
BOWLING GREEN	MO	100.9	90	91-10-45	326.6	109.6	CL	AR	
Deletion proposed; ORDERED TO 231C3; Affiliated with KPCR(AM)									

BOYER BROADCASTING CO.  
MEMPHIS, MO

FM Spacing study

Title: KMEM FREQUENCY SEARCH  
Channel 263C3 (100.5 MHz)

Latitude: 40-29-59  
Longitude: 92-09-58

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WAHI	CP	GOOD NEWS BROADCASTERS I	266A	1	40-16-03	103.7	106.2	42
AUGUSTA		IL BPH-870908NC	101.1	47	90-57-10	284.5	64.21	CLEAR

Deletion proposed; CP Granted 08/05/91 per FCC release #21181 dated 08/09/91;  
Call Granted 09/06/91 per FCC release #166 dated 09/06/91

>> End of channel 263C3 study <<

BOYER BROADCASTING CO.  
MEMPHIS, MOPage 3  
January 29, 1992

## FM Spacing study

Title: KMEM FREQUENCY SEARCH  
Channel 263C3 (100.5 MHz)  
Database: FCC 12/24/91Latitude: 40-29 59  
Longitude: 92-09 58  
Safety zone: 45 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of	License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)
								(km)
KRUI-FM LIC	Student Broadcasters, In	IA	*209A	.10	41-39-29	21.8	138.8	12
Iowa City		IA		89.7	27	91-32-40	202.2	126.8 CLEAR
WCBU LIC	Bradley University	IL	*210B	25.5	40-37-44	85.4	220.3	17
Peoria		IL		89.9	198	89-34-12	267.1	203.3 CLEAR
ALLOC			260A		39-44-12	197.1	88.64	42
Macon		MO	DOC-83-1296	99.9	92-28-18	16.9	46.64	CLEAR
EFFECTIVE 3-11-85 FCFS-4-PN; Filing window 06/13-07/12/85 **CLOSED**								
WKAI-FM CP	Sharp Broadcasting Compa	IL	261A	3.10	40-26-57	92.1	123.9	42
Macomb		IL	BPH-900518IF	100.1	141	90-42-22	273.1	81.94 CLEAR
KLYF LIC	Palmer Broadcasting Limi	IA	262C	100	41-48-33	320.7	189.6	176
Des Moines		IA	BLH-5820	100.3	518BT	93-36-53	139.7	13.56 CLOSE
ALLOC			262C		41-48-33	320.7	189.6	176
Des Moines		IA	100.3		93-36-53	139.7	13.56	CLOSE
Coordinates updated from LIC record BLH5820								
ALLOC			263A		40-29-59	.0		142
Memphis		MO	DOC-90-284	100.5	92-09-58	.0	-142	SHORT
Effective 02-03-92-Reserved for KMEM per D90-284								
KKCA LIC	Kfal, Inc.	MO	263A	6	38-51-58	174.2	182.3	142
Fulton		MO	BMLH-900718KB	100.5	91	91-57-15	354.4	40.28 CLEAR
ALLOC			263A		38-51-58	174.2	182.3	142
Fulton		MO	DOC-87-493	100.5	91-57-14	354.4	40.29	CLEAR
Site Restricted-Effective 09-18-89-RSVD for KKCA Per D87-493								
ALLOC			263B		39-39-40	115.3	212.9	211
Jacksonville		IL	100.5		89-55-18	296.7	1.885	CLOSE
Coordinates updated from LIC record BLH851226KC								
WYMG LIC	Saga Communications of I	IL	263B	50DA	39-39-40	115.3	212.9	211
Jacksonville		IL	BLH-851226KC	100.5	150	89-55-18	296.7	1.885 CLOSE
KKRQ LIC	Iowa City Broadcasting C	IA	264C1	100	41-45-26	20.8	149.7	144
Iowa City		IA	BLH-821227AK	100.7	162	91-31-31	201.2	5.661 CLOSE
ALLOC			264C1		41-45-26	20.8	149.7	144
Iowa City		IA	100.7		91-31-31	201.2	5.661	CLOSE
Coordinates updated from LIC record BLH821227AK								
KMZU LIC	Kanza, Inc.	MO	264C1	99	39-21-59	220.3	164.4	144
Marrollton		MO	BLH-900917KA	100.7	302	93-24-12	39.5	20.38 CLEAR

BOYER BROADCASTING CO.  
MEMPHIS, MO

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FM Spacing study

Title: KMEM FREQUENCY SEARCH  
Channel 263C3 (100.5 MHz)

Latitude: 40-29-59  
Longitude: 92-09-58

Call City of License	Auth Licensee name St FCC File no.	Chan ERP-kW Freq EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
ALLOC Carrollton	MO DOC-89-96	264C1 100.7	39-22-05 93-29-40	222.4 41.6	169.4 25.35	144 CLEAR
Effective 12-28-89-Reserved for KMZU per D89-96						
KPCR-FM LIC Bowling Green	Pike County Broadcasting MO BLH-6773	265A 100.9	3 90	39-21-57 91-10-45	146.0 326.6	151.6 109.6
*To Channel 231C3 per D90-131-From channel 231A per D86-103						
WAHI Augusta	CP Good News Broadcasters, IL BPH-870908NC	266A 101.1	1 47	40-16-03 90-57-10	103.7 284.5	106.2 64.21
The horizontal Haat must be less than or equal to the maximum haat.						

>> End of channel 263C3 study <<

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

MM Docket No. 90-284

In the Matter of

Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (New Sharon and Albia, Iowa and Memphis, Missouri)	RM-7224 RM-7301 RM-7487
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**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: December 10, 1991; Released: December 19, 1991

By the Assistant Chief, Allocations Branch:

1. This proceeding began with the issuance of a *Notice of Proposed Rule Making*, 5 FCC Rcd 3526 (1990), proposing the allotment of Channel 260C3 to New Sharon or Albia, Iowa, as either community's first local FM transmission service. In response to the *Notice*, First Christian Reformed Church ("First Christian"), proponent of the New Sharon allotment, filed comments stating its intention to apply for the channel if allotted to New Sharon. H&H Broadcasting Corporation ("H&H"), proponent of the Albia allotment, filed comments and a counterproposal.<sup>1</sup> First Christian and H&H filed reply comments. Boyer Broadcasting Company, Inc. ("Boyer"), licensee of Station KMEM(FM), Channel 244A, Memphis, Missouri, filed reply comments and an untimely counterproposal.<sup>2</sup>

2. In its comments, First Christian submits that Albia has an AM station, while New Sharon has no local aural transmission service. Therefore, under the third FM priority of first local service,<sup>3</sup> the New Sharon allotment should be preferred over Albia. In addition, First Christian states New Sharon has a population of 1,225.<sup>4</sup> New Sharon was incorporated in 1873 and has a council-mayor government. New Sharon has two schools, eight churches, two

parks, a medical clinic, two dozen local civic organizations, nearly 100 retail businesses and many additional home industries.

3. H&H's counterproposal proposes the allotment of Channel 260C3 to New Sharon and Channel 244C3 to Albia in order to provide both communities with their first local FM transmission service. In order to allot Channel 244C3 at Albia, H&H proposes the substitution of Channel 246A for Channel 244A for Station KMEM(FM) in Memphis, Missouri, and the modification of its license accordingly. H&H states its willingness to reimburse Station KMEM(FM) for all reasonable expenses required for the change in frequency. Boyer, in its reply comments, expresses its objection to moving to another Class A channel, but offers no reasons for its objection.

4. In their reply comments, First Christian and H&H support the counterproposal which provides an alternative that would provide both communities with their first local FM transmission service. Both reaffirm their interest in Class C3 allotments at New Sharon and Albia.

5. A Commission engineering analysis indicated that Channel 246A would be short-spaced to the proposed allotment for Station KTDI, Channel 247C2, Huntsville, Missouri (RM-7490), filed in MM Docket No. 90-527. See 5 FCC Rcd 6590 (1990). However, we determined that Channel 263A can be substituted for Channel 244A at Memphis in lieu of Channel 246A. Therefore, we issued an *Order to Show Cause*, 6 FCC Rcd 5213 (1991) ("Order"), ordering Boyer to show cause why its license should not be modified to specify operation on Channel 263A in lieu of Channel 244A. In response to the *Order*, Boyer filed comments. H&H and First Christian filed replies to Boyer's comments.<sup>5</sup>

6. In its comments, Boyer submits that there is no technical impediment associated with the change of Station KMEM(FM) from Channel 244A to Channel 263A. However, Boyer argues it will "incur economic harm" by the proposed change, and opposes the change absent reimbursement. Boyer notes "H&H's willingness to reimburse it for reasonable costs incurred and has no objection to the change if either or both petitioners provide reimbursement. However, Boyer requests a 60-day delay to confer with both petitioners regarding a reimbursement agreement, or that any final order be conditioned upon the payment by First Christian and H&H of expenses incurred in the change.

7. In its reply, H&H argues there is no reason for a 60-day delay since it is well established that the party granted a construction permit for the Albia channel would be responsible for reimbursement expenses to

<sup>1</sup> Public Notice was given September 5, 1990, Report No. 1825 (RM-7487).

<sup>2</sup> Boyer proposes the substitution of either Channel 263C3 and/or Channel 282C3 for Channel 242A at Memphis and the modification of its authorization for Station KMEM(FM) accordingly. Boyer's counterproposal was submitted in reply comments and is, therefore, untimely. See Commission Rule 1.420(d) and paragraph 3(a) to the *Notice*. Accordingly, Boyer's counterproposal will not be considered in this proceeding. However, we will consider Boyer's proposal in a separate *Notice of Proposed Rule Making*.

<sup>3</sup> The allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982), are:

- (1) First full-time aural service;
- (2) Second full-time aural service;
- (3) First local service;
- (4) Other public interest matters.

[Co-equal weight given on priorities (2) and (3)]

<sup>4</sup> Population figure taken from the 1980 Census.

<sup>5</sup> The *Order* did not specifically provide for the filing of responsive comments. However, in the absence of any objections, we will consider these comments because they are directly responsive to issues raised by Boyer.

Boyer, citing to *Circleville, Ohio*, 8 FCC 2d 159, 163 (1967). H&H reiterates its willingness to reimburse Boyer for reasonable costs for Station KMEM(FM)'s change in frequency. H&H argues, however, that it has no assurance of receiving a construction permit for Channel 244C3 at Albia, as a filing window for the channel has not opened. Hence, no negotiations can take place until a construction permit is awarded. H&H concludes that Boyer's request is premature and should be denied.

8. In its reply, First Christian argues that the relief Boyer requests circumvents established Commission procedures set forth in *Gouverneur and Ogdensburg, New York*, 45 RR 2d 763, 764 (1979). Thus, determination of reimbursements costs can only be made "eventually, at the conclusion of both the rulemaking and subsequent application proceedings, at which time the beneficiary of the channel change can be determined." First Christian concludes that Boyer's request for present relief should be denied.

9. Based on the information above, we believe that each of the petitioners has shown that the public interest would be served by a grant of their requests. Further, we find that each of the allotment requests can be accommodated and thus comparative consideration of the competing proposals is not necessary. A Commission engineering analysis reveals that Channel 244C3 can be allotted to Albia in lieu of Channel 260C3, thereby permitting the allotment of a Class C3 channel to each community. Therefore, we will allot Channel 244C3 at Albia and Channel 260C3 at New Sharon, since this action would provide both Albia and New Sharon with their first local FM transmission service. In order to obtain the allotment at Albia, we will also change Station KMEM(FM), Memphis, Missouri, from Channel 244A to Channel 263A. Channel 244C3 can be allotted to Albia in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction.<sup>6</sup> Channel 260C3 can be allotted to New Sharon with a site restriction of 17.4 kilometers (10.8 miles) south to avoid short-spacings to the construction permit for Station KFMH, Channel 259C1, Muscatine, Iowa, and Station KLYF, Channel 262C, Des Moines, Iowa.<sup>7</sup> Channel 263A can be allotted to Memphis at Station KMEM(FM)'s licensed site.<sup>8</sup>

10. Pursuant to Commission policy, reimbursement of Station KMEM(FM) by the ultimate permittee of Channel 244C3, Albia, for the reasonable costs of changing its frequency will be required and governed by *Circleville, Ohio, supra*. We believe any delay to negotiate a reimbursement agreement is premature at the allotment stage, as at this time, no applications have been filed for the Albia channel. However, once a permit has been granted, we expect parties to negotiate in good faith, subject to Commission review in the event of disagreement. See *Mayfield and Wickliff, Kentucky*, 48 RR 2d 1232 (1981). Finally, we note that Station KMEM(FM) need not take steps to change frequency until it is assured that it will receive payment. See *Churchville and Luray, Virginia*, 5 FCC Rcd 1106 (1990), *recon. denied*, 6 FCC Rcd 1313 (1991).

11. 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 **February 3, 1992**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

City	Channel No.
Albia, Iowa	244C3
New Sharon, Iowa	260C3
Memphis, Missouri	263A

12. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Boyer Broadcasting Company, Inc. for Station KMEM(FM), Channel 244A, Memphis, Missouri, IS MODIFIED to specify operation on Channel 263A in lieu of Channel 244A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in Station KMEM(FM)'s license, BLH-820412AN, except the channel as specified above. Any other changes, except those so specified under Section 73.1620 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with license BLH-820412AN, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

13. IT IS FURTHER ORDERED. That the Secretary shall send a copy of this *Report and Order* by Certified Mail. Return Receipt Requested, to the following:

Boyer Broadcasting Company, Inc. P.O. Box 135 Memphis, Missouri 63555	Eugene T. Smith, Esq. 715 G Street, S.E. Washington, D.C. 20003
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14. The window period for filing applications for Channel 244C3 at Albia, Iowa, and for Channel 260C3 at New Sharon, Iowa, will open on **February 4, 1992**, and close on **March 5, 1992**.

15. IT IS FURTHER ORDERED, That the proposal filed by H&H Broadcasting Corporation (RM-7301) IS DISMISSED.

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

17. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 634-6530. Questions relating to the window application

<sup>6</sup> The coordinates for Channel 244C3 at Albia are North Latitude 41-04-42 and West Longitude 92-48-12.

<sup>7</sup> The coordinates for Channel 260C3 at New Sharon are North

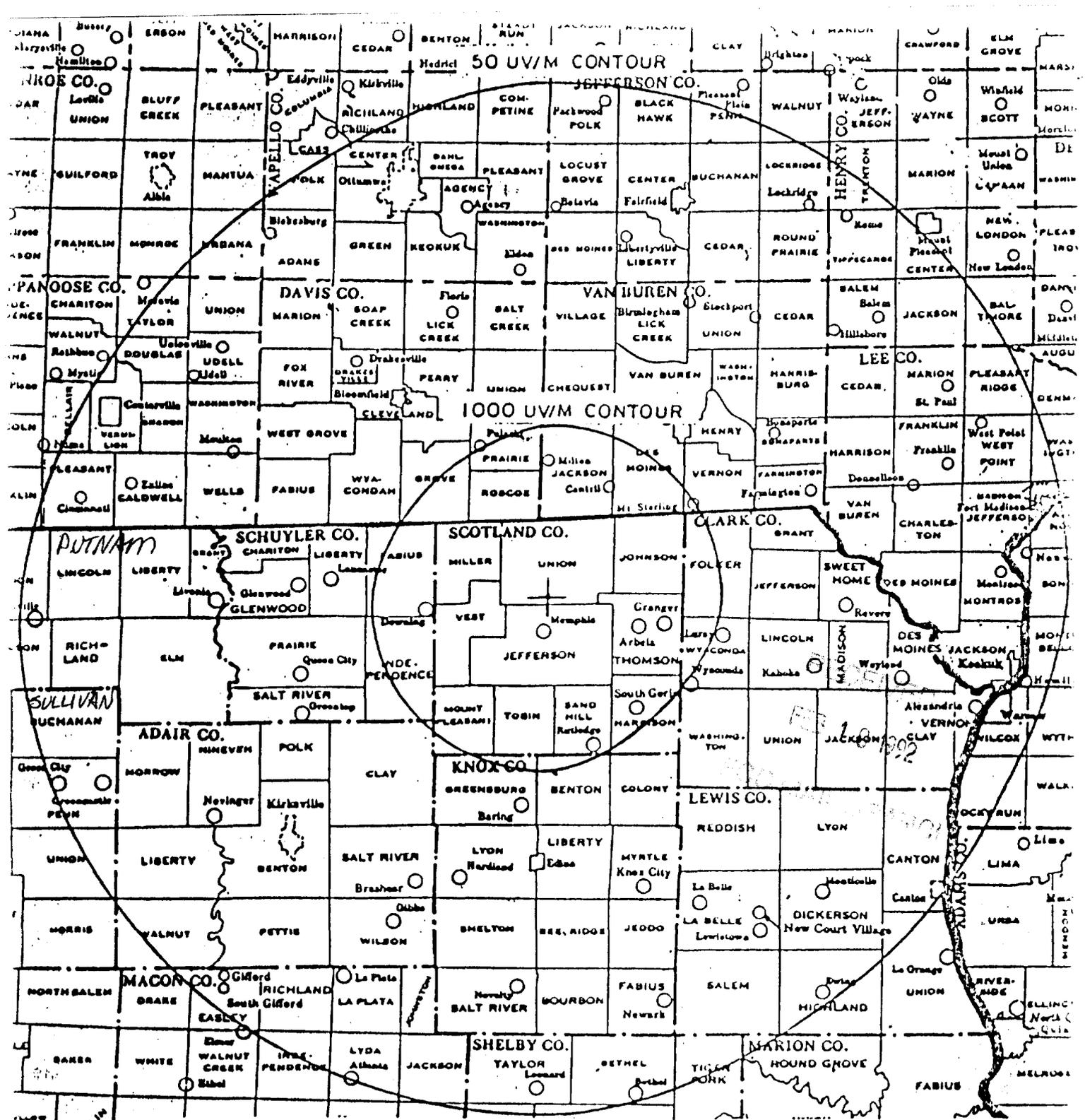
Latitude 41-18-49 and West Longitude 92-40-20.

<sup>8</sup> The coordinates for Channel 263A at Memphis are North Latitude 40-29-59 and West Longitude 92-09-58.

filing process should be addressed to the Audio Services  
Division, FM Branch, Mass Media Bureau (202)  
632-0394.

FEDERAL COMMUNICATIONS COMMISSION

Michael C. Ruger  
Assistant Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau



COVERAGE MAP FOR RADIO STATION KMEM  
 CHANNEL NO. 244 - 96.7 MC 3,000 WATTS (H&V)  
 MEMPHIS, MISSOURI  
 RALPH J. BITZER, CONSULTING RADIO ENGINEER, 818 OLIVE STREET, ST. LOUIS, MO

