

ORIGINAL

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

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Walton, Indiana)

)
) MM Docket No.
) RM-

RECEIVED

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

MAR 20 1992

Federal Communications Commission
Office of the Secretary

PETITION FOR RULE MAKING

J.B. Ladd, by his counsel, hereby petitions to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, to allot Channel 229A to Walton, Indiana, as its first local service. Mr. Ladd will file an application for a new FM broadcast station at Walton and, if authorized, will construct the station.

1. Walton is listed in the 1980 U.S. Census with a population of 1,202 persons. Walton is located in Cass County, which has a 1980 U.S. Census population of 40,936.

2. The proposed allotment of Channel 229A to Walton complies with the distance separation requirements of Section 73.207 of the Commission's Rules, according to the attached Engineering Statement of Paul Dean Ford, P.E.

No. of Copies rec'd
List A B C D E

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3. The FCC channel study (p. 7 of the Engineering Statement) contains a listing for the addition of Channel 229A to Rochester, Indiana, which would conflict with the Walton proposal. Upon further investigation of this petition, counsel discovered that the petition for rule making filed by Dowagiac Broadcasting Company, Inc. ("Dowagiac") on January 8, 1991, has not been accepted by the Commission. The Commission returned the petition on May 1, 1991, citing various procedural and substantive deficiencies. On May 31, 1991, Dowagiac filed a petition for reconsideration, which is still pending.

4. Mr. Ladd urges that the instant petition to allot Channel 229A to Walton not be unduly delayed pending the outcome of the Dowagiac petition. The Dowagiac petition has not been accepted and therefore deserves no comparative consideration at this time. However, even on a comparative basis, Mr. Ladd's petition would provide a first local service to Walton whereas the Dowagiac proposal would merely substitute channels at Rochester to enable Station WDOV(FM), Dowagiac, Michigan, to increase its facility to 6 kW. The provision of a first local service constitutes a higher allotment priority than the proposed power increase for Station WDOV(FM) as a Class A facility. Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

5. Accordingly, Mr. Ladd urges the Commission to issue a Notice of Proposed Rule Making in the normal course of proces-

sing rather than delaying its issuance pending the disposition of the Dowagiac petition for reconsideration.^{1/}

Respectfully submitted,

J.B. LADD

By: Mark N. Lipp
Lawrence Roberts
Mark N. Lipp

MULLIN, RHYNE, EMMONS AND TOPEL, P.C.
1000 Connecticut Avenue, NW, Suite 500
Washington, D.C. 20036
(202) 659-4700

Its Counsel

March 20, 1992

^{1/} Since the Dowagiac petition has not been accepted by the Commission, and since the Walton proposal does not require any other station to change channels, Mr. Ladd is not required to serve a copy of this petition. See Section 1.401(d) of the Commission's Rules.

Disclaimer

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Affidavit and Engineering Statement (continued).....

Public Library, the 1980 U.S. Census population of Walton, IN is 1202.

A site was assumed at the following coordinates that meets all spacing requirements of the Rules and provides a minimum of 70 dBu over the entire City of Walton, Indiana:

40-41-00 86-12-30

J. B. Ladd requests the allotment of FM Channel 229A to Walton, Cass County, Indiana and will file application for the facility when the allotment is made.

The proposed station will encompass the entire City of Walton within its proposed predicted 3.16 mV/m contour.

FM Channel 229A can be allotted to Walton, Cass County, Indiana in accordance with all F.C.C. Separation Requirements and without disruption to the Table of Allotments.

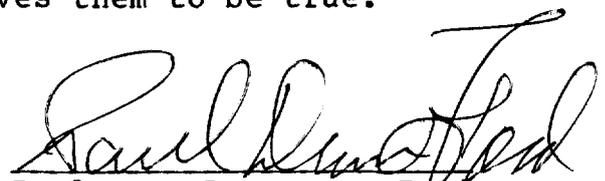
Attached is a copy of a computer print out from Dataworld, Inc., showing clearance of all pertinent allotments, from the Walton, Indiana reference coordinates. A large area is available for a tower site while still observing all separation requirements.

Affidavit and Engineering Statement (continued).....

On the basis of the information presented herein, it is requested that the Commission Amend the FM Table of Allotments by adding the following:

Walton, Indiana 229A

Paul Dean Ford, being first duly sworn upon oath, deposes and says that he is a Consulting Engineer at West Terre Haute, Indiana; Registered as a Professional Engineer in the State of Indiana; that he has been retained by J. B. Ladd to prepare this engineering portion of an FM allotment petition to the Federal Communications Commission; that he has personally prepared this report requesting the allotment of FM Channel 229A to Walton, Cass County, Indiana; that all facts contained therein are true of his own knowledge, except where stated to be on information or belief, and as to those facts, he believes them to be true.


Paul Dean Ford

Subscribed and sworn to before me this 6th day of March, 1992.


Eleanor J. Ford, Notary Public,
State of Indiana, County of Vigo

My commission expires August 7th, 1995.

Paul Dean Ford
West Terre Haute, Indiana

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February 25, 1992

FM Spacing Study

Job title: J.B. LADD
Channel 229A
FM Translators excluded.
Coordinates: 40-41-00 86-12-30
Safety zone: 75 km (46 miles).

This study utilized a copy of the Dataworld Database. Paul Dean Ford believes this information to be accurate and current; however, Paul Dean Ford does not assume any responsibility for any erroneous or incomplete data furnished as part of that database.

Paul Dean Ford
 West Terre Haute, Indiana
 FM Spacing study

Page 1
 February 25, 1992

Title: J.B. LADD
 Channel 229A (93.7 MHz)
 Database: DW 01/29/92

Latitude: 40-41-00
 Longitude: 86-12-30
 Safety zone: 75 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)

WKLK	LIC	HORIZON BROADCASTING INC	226B	12.6	39-46-03	170.2	103.2	69
INDIANAPOLIS		IN BMLH-910503KB	93.1	312	86-00-12	350.4	34.18	CLEAR

Was WEAG 08/14/87;
 License Granted 12/13/91 per FCC release #21279 dated 12/19/91;
 Ant: Elec. Res. Inc. SHP-2AE; Affiliated with WIBC(AM)

WBTU	LIC	FORT WAYNE MEDIA LIMITED	227B	50	41-23-55	44.9	113.0	69
KENDALLVILLE		IN BLH-850806KA	93.3	150	85-15-08	225.5	44.02	CLEAR

Network: ABC MBS; Affiliated with WAWK(AM)

WWWO	LIC	VIKING COMMUNICATIONS IN	228A	1.55	40-25-16	113.6	72.24	72
HARTFORD CITY		IN BLH-880129KC	93.5	139	85-25-40	294.1	.245	CLOSE

WWWO	CP	VIKING COMMUNICATIONS IN	228A	3.04DA	40-25-16	113.6	72.24	72
HARTFORD CITY		IN BPH-900823IB	93.5	139	85-25-40	294.1	.245	CLOSE

CP Granted 04/22/91 per FCC release #21102 dated 04/26/91; Was WVBH 10/02/89

WKHY	LIC	U S BROADCASTING INCORPO	228A	3	40-23-13	243.1	72.40	72
LAFAYETTE		IN	93.5	66	86-58-10	62.6	.399	CLOSE

Network: AP; Was WXUS 11/19/87

WQKC	CP	S.C.I. BROADCASTING INCO	229B	25	38-58-27	179.0	189.8	178
SEYMOUR		IN BMPH-910815IE	93.7	213	86-10-05	359.0	11.80	CLOSE

CP Granted 12/13/91 per FCC release #21279 dated 12/19/91;
 Was WZZB 05/24/91 per FCC release #158 dated 05/17/91;
 Affiliated with WZZB(AM)

WQKC	LIC	S.C.I. BROADCASTING INCO	229B1	10	38-58-33	171.7	191.5	143
SEYMOUR		IN BLH-7272	93.7	58	85-53-21	351.9	48.54	CLEAR

Was WZZB 05/24/91 per FCC release #158 dated 05/17/91;
 Affiliated with WZZB(AM)

WFCJ	LIC	MIAMI VALLEY CHRISTIAN B	229B	50	39-39-36	124.6	197.4	178
MIAMISBURG		OH BLH-870514KA	93.7	150	84-18-50	305.9	19.36	CLEAR

WJFM	LIC	FETZER BROADCASTING SERV	229B	320	42-37-56	14.2	223.5	178
GRAND RAPIDS		MI	93.7	238	85-32-16	194.6	45.54	CLEAR

Network: CBS

NEW	CP	WEISS BCG OF NOBLESVILLE	230A	3	39-59-32	173.6	77.22	72
NOBLESVILLE		IN BPH-880301MQ	93.9	100	86-06-27	353.7	5.218	CLOSE

CP Granted 12/20/91 per FCC release dated 01/15/92

WLIT-FM	LIC	WLIT INC SUB 19 INCORPOR	230B	4	41-52-44	318.6	178.7	113
CHICAGO		IL BLH-830301AG	93.9	482	87-38-10	137.6	65.71	CLEAR

Was WLAK 01/16/89

FM Spacing study

Title: J.B. LADD
Channel 229A (93.7 MHz)

Latitude: 40-41-00
Longitude: 86-12-30

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)
WQTX	ORD	JUDITH A SELBY	231A	6DA	40-58-51	66.7	84.99	31
ROANOKE		IN BMPH-890711IC	94.1	100	85-16-48	247.3	53.99	CLEAR
ORDERED FROM 286A; TDF; Was WHOR 12/04/89								
WGFA-FM LIC	IROQUOIS	COUNTY BROADCASTAS	231B	26	40-47-48	276.0	131.1	69
WATSEKA	IL	BLH-860902KC	94.1	112BT	87-45-11	95.0	62.08	CLEAR
Network: ABC; Affiliated with WGFA(AM)								
WNZE	LIC	NOVA BROADCASTING INCORP	232A	3	41-19-06	353.1	71.05	31
PLYMOUTH		IN BLH-5368	94.3	67	86-18-41	173.0	40.05	CLEAR
Deletion proposed; ORDERED TO 232B1; Affiliated with WTCA(AM)								
WNZE	CP	NOVA BROADCASTING INCORP	232B1	11.3	41-31-41	357.1	93.93	48
PLYMOUTH		IN BPH-910308IA	94.3	150	86-15-53	177.1	45.93	CLEAR
ORDERED FROM 232A; CP Granted 07/29/91 per FCC release #21177 dated 08/02/91; Affiliated with WTCA(AM)								
WJMK	LIC	INFINITY BCG CORP OF ILL	282B	4.10	41-52-44	318.6	178.7	15
CHICAGO	IL	BLH-870506KJ	104.3	480	87-38-10	137.6	163.7	CLEAR
Network: US2; Affiliated with WJJD(AM)								
WAJC	LIC	BUTLER UNIVERSITY	283B	48	39-50-37	178.1	93.29	15
INDIANAPOLIS		IN BLEB-791129AF	104.5	104	86-10-19	358.1	78.29	CLEAR
Network: AP NPR								

>> End of channel 229A study <<

Paul Dean Ford
 West Terre Haute, Indiana
 FM Spacing study

Title: J.B. LADD
 Channel 229A (93.7 MHz)
 Database: FCC 12/24/91

Latitude: 40-41-00
 Longitude: 86-12-30
 Safety zone: 75 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)

ALLOC			226B		39-46-03	170.2	103.2	69
Indianapolis	IN		93.1		86-00-12	350.4	34.18	CLEAR

Coordinates updated from LIC record BLH850320KK

WKLR	LIC	Horizon Broadcasting, In	226B	12.5	39-46-03	170.2	103.2	69
Indianapolis	IN	BLH-850320KK	93.1	312	86-00-12	350.4	34.18	CLEAR

WKLR	APC	Horizon Broadcasting, In	226B	12.5	39-46-03	170.2	103.2	69
Indianapolis	IN	BMLH-910503KA	93.1	312	86-00-12	350.4	34.18	CLEAR

ALLOC			227B		41-23-55	44.9	113.0	69
Kendallville	IN		93.3		85-15-08	225.5	44.02	CLEAR

Coordinates updated from LIC record BLH850806KA

WBTU	LIC	FORT WAYNE MEDIA LIMITED	227B	50	41-23-55	44.9	113.0	69
Kendallville	IN	BLH-850806KA	93.3	150	85-15-08	225.5	44.02	CLEAR

ALLOC			228A		40-25-16	113.6	72.24	72
Hartford City	IN		93.5		85-25-40	294.1	.245	CLOSE

Coordinates updated from LIC record BLH880129KC;

Proposed to Canada as B1 on 910128-Accepted by Canada 910415

WWWO	LIC	Viking Communications, I	228A	1.55	40-25-16	113.6	72.24	72
Hartford City	IN	BLH-880129KC	93.5	139	85-25-40	294.1	.245	CLOSE

Proposed to Canada as B1 on 910128-Accepted by Canada 910415

WWWO	CP	Viking Communications, I	228A	3DA	40-25-16	113.6	72.24	72
Hartford City	IN	BPH-900823IB	93.5	139	85-25-40	294.1	.245	CLOSE

ERP/HAAT combination exceeds value for international agreements;

Proposed to Canada as B1-Accepted by Canada 910415;

DA: oddball ODD900823IB @ 0 deg

ALLOC			228A		40-23-13	243.1	72.40	72
Lafayette	IN		93.5		86-58-10	62.6	.399	CLOSE

Coordinates updated from LIC record BLH860127KB

WKHY	LIC	U.S. Broadcasting, Inc.	228A	3	40-23-13	243.1	72.40	72
Lafayette	IN	BLH-860127KB	93.5	66	86-58-10	62.6	.399	CLOSE

PRM	ADD	Dowagiac Broadcasting Co	229A		41-03-02	353.8	41.02	115
Rochester	IN		93.7		86-15-39	173.8	-74.0	SHORT

Reconsideration

WQKC	APC	S.C.I. Broadcasting, Inc	229B	25	38-58-27	179.0	189.8	178
Seymour	IN	BMPH-910815IE	93.7	213	86-10-05	359.0	11.80	CLOSE

Application Returned 910808

Paul Dean Ford
 West Terre Haute, Indiana
 FM Spacing study

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 February 25, 1992

Title: J.B. LADD
 Channel 229A (93.7 MHz)

Latitude: 40-41-00
 Longitude: 86-12-30

Call City of	Auth License	Licensee name St FCC File no.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
WQKC Seymour	CP	S.C.I. Broadcasting, Inc IN BMPH-891025ID	229B 93.7	37 60	38-58-33 85-53-21	171.7 351.9	191.5 13.54	178 CLOSE
WQKC Seymour	LIC	S.C.I. Broadcasting, Inc IN BLH-7272	229B1 93.7	10 58	38-58-33 85-53-21	171.7 351.9	191.5 48.54	143 CLEAR
ALLOC Seymour		IN	229B 93.7		38-58-33 85-53-21	171.7 351.9	191.5 13.54	178 CLOSE
Coordinates updated from LIC record			BLH7272					
ALLOC Miamisburg		OH	229B 93.7		39-39-36 84-18-50	124.6 305.9	197.4 19.36	178 CLEAR
Coordinates updated from LIC record			BLH870514KA					
WFCJ Miamisburg	LIC	Miami Valley Christian B OH BLH-870514KA	229B 93.7	50 150	39-39-36 84-18-50	124.6 305.9	197.4 19.36	178 CLEAR
WJFM Grand Rapids	LIC	Fetzer Broadcasting Serv MI BLH-800616AK	229B 93.7	320 238	42-37-56 85-32-16	14.2 194.6	223.5 45.54	178 CLEAR
GRANDFATHERED AT 320KW @ 238M HAAT.								
ALLOC Grand Rapids		MI	229B 93.7		42-37-56 85-32-16	14.2 194.6	223.5 45.54	178 CLEAR
Coordinates updated from LIC record			BLH800616AK					
ALLOC Noblesville		IN DOC-84-231	230A 93.9		40-03-12 86-00-42	166.6 346.7	71.92 -.08	72 SHORT
# 50; Filing window 01/19-03/01/88 **CLOSED**								
NEW Noblesville	APC	Bible Broadcasting Netwo IN BPH-880301ML	230A 93.9	2 122	40-00-55 85-58-58	165.5 345.6	76.61 4.615	72 CLOSE
Pet for Leave to Amend & Amendment 910503 Accepted & App Denied Per Initial; Decision Released 910619; DOC-90-94; Cut-off 12/09/88; Initial Decision to Deny								
NEW Noblesville	APC	Ben L. Umberger IN BPH-880301PD	230A 93.9	3 100	40-00-55 85-58-58	165.5 345.6	76.61 4.615	72 CLOSE
App Denied Per Initial Decision Released 910619; DOC-90-94; Cut-off 12/09/88; Initial Decision to Deny								
NEW Noblesville	APC	Weiss B/Casting of Noble IN BPH-880301MQ	230A 93.9	3 100	39-59-32 86-06-27	173.6 353.7	77.22 5.218	72 CLOSE
Pet for Leave to Amend & Amendment 910517 Accepted & App Denied Per Initial; Decision Released 910619; DOC-90-94; Cut-off 12/09/88; Initial Decision to Grant								

Title: J.B. LADD FM Spacing study

Latitude: 40-41-00

Channel 229A (93.7 MHz)

Longitude: 86-12-30

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)

NEW	APC	Broadcast Communications	230A	3	39-59-32	173.6	77.22	72
Noblesville		IN BPH-880301MZ	93.9	100	86-06-27	353.7	5.218	CLOSE

Amended 891113-App Denied Per Initial Decision Released 910619; DOC-90-94;
Cut-off 12/09/88; Initial Decision to Deny

ALLOC			230B		41-52-44	318.6	178.7	113
Chicago		IL	93.9		87-38-10	137.6	65.71	CLEAR

Coordinates updated from LIC record BLH830301AG

WLIT-FM LIC	Viacom Broadcasting Inc.		230B	4	41-52-44	318.6	178.7	113
Chicago		IL BLH-830301AG	93.9	482	87-38-10	137.6	65.71	CLEAR

ALLOC			231A		40-55-00	67.4	68.39	31
Roanoke		IN DOC-88-284	94.1		85-27-30	247.9	37.39	CLEAR

Effective 4-11-91-Rsvd for WQTX per D88-284

WQTX	APC	Judith A. Selby	231A	6DA	40-58-51	66.7	84.99	31
Roanoke		IN BMPH-890711IC	94.1	100	85-16-48	247.3	53.99	CLEAR

From channel 286A per D88-284-Amended 910617; Canada as B1 on 911011;
ERP exceeds maximum allowed under international agreement-Proposed to;
DA: oddball ODD890711IC @ 0 deg

WGFA-FM LIC	Iroquois County Broadcas		231B	26	40-47-48	276.0	131.1	69
Watseka		IL BLH-860902KC	94.1	112	87-45-11	95.0	62.08	CLEAR

ALLOC			231B		40-47-48	276.0	131.1	69
Watseka		IL	94.1		87-45-11	95.0	62.08	CLEAR

Coordinates updated from LIC record BLH860902KC

WNZE	LIC	Community Service Broadc	232A	3	41-19-06	353.1	71.05	31
Plymouth		IN BLH-5368	94.3	67	86-18-41	173.0	40.05	CLEAR

*To Channel 232B1 per D90-203; Class B1 with respect to Canada

ALLOC			232B1		41-30-18	355.7	91.51	48
Plymouth		IN DOC-90-203	94.3		86-17-25	175.7	43.51	CLEAR

Site restricted-Effective 7-1-91-Reserved for WNZE per D90-203

WNZE	CP	Community Service Broadc	232B1	11.5	41-31-41	357.1	93.93	48
Plymouth		IN BPH-910308IA	94.3	150	86-15-53	177.1	45.93	CLEAR

WJMK	LIC	Infinity B/C Corp. of IL	282B	4.10	41-52-44	318.6	178.7	15
Chicago		IL BLH-870506KJ	104.3	480	87-38-10	137.6	163.7	CLEAR

WBUU	LIC	Butler University	*283B	48	39-50-37	178.1	93.29	15
Indianapolis		IN BLED-791129AF	104.5	104	86-10-19	358.1	78.29	CLEAR

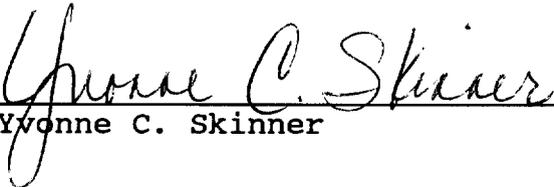
COMMERCIAL CHANNEL OPERATING EDUCATIONAL

>> End of channel 229A study <<

CERTIFICATE OF SERVICE

I, Yvonne C. Skinner, a secretary in the firm of Mullin, Rhyne, Emmons and Topel, P.C., do hereby certify that on this 20th day of March, 1992, that I have caused a copy of the attached "PETITION FOR RULE MAKING" to be delivered to the office of the following:

Ms. Nancy V. Joyner
Allocations Branch
Federal Communications Commission
2025 M Street, N.W., Room 8314
Washington, D.C. 20554


Yvonne C. Skinner