

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

**ORIGINAL
FILE**

In the Matter of) MM Docket No. 92-71
)
Amendment of section 73.202(b)) RM-7926
Table of Allotments)
FM Broadcast Stations)
(Longwood, North Carolina))

RECEIVED

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TO: Chief, Allocations Branch

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

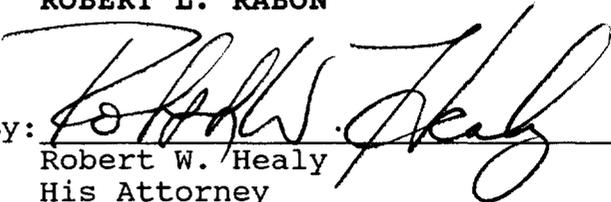
COMMENTS AND COUNTERPROPOSAL
OF
ROBERT L. RABON

Robert L. Rabon ("Rabon"), by his attorneys, hereby submits his Comments and Counterproposal in the above-captioned proceeding. In support thereof, it is stated as follows:

Rabon's Counterproposal as detailed in the attached engineering study is simply to change the reference point of the proposed Longwood, North Carolina allotment. Rabon submits that grant of this Counterproposal will serve the public interest in that it will allow more efficient utilization of the Loris allotment, (Cf. 47 U.S.C. § 307(b)), while still permitting Longwood to have a first service allotment.

Respectfully submitted,

ROBERT L. RABON

By: 
Robert W. Healy
His Attorney

SMITHWICK & BELENDIUK, P.C.
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June 8, 1992

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COMMENTS AND COUNTERPROPOSAL
MM DOCKET #92-71
ROBERT L. RABON
LORIS, SOUTH CAROLINA
June 1992

Technical Exhibit
TE-1

Bromo Communications, Inc.
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(912) 638-5608

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COMMENTS AND COUNTERPROPOSAL
MM DOCKET #92-71
ROBERT L. RABON
LORIS, SOUTH CAROLINA
June 1992

TECHNICAL STATEMENT

1. This Technical Statement and attached exhibits were prepared on behalf of Robert L. Rabon ("Rabon"), permittee of a new Class A radio station at Loris, South Carolina. Rabon submits these Comments and Counterproposals in response to the Commission's Notice of Proposed Rule Making in MM Docket #92-71.

BACKGROUND

2. When Rabon originally filed his application for the Loris, South Carolina facility, his application reflected the then Channel 290A allotment at Loris. As a result on the outcome of MM Docket #89-326 and 89-327 (hereinafter referred to as the "Consolidated Docket"), the Loris allocation was changed from Channel 290A to Channel 235A. This change was to allow the upgrading of a station at North Myrtle Beach, South Carolina.

3. Rabon had been issued a permit during the pendency of the consolidated docket which was specifically conditioned on its outcome. The site Rabon proposed in BPH-870918MA for

Channel 290A was not the allocation site for Channel 235A. Thus, Rabon was faced with locating another transmitter site for his Loris facility after waiting well over a year for the consolidated proceeding to conclude.

4. Since Rabon had not been a permittee at the time the consolidated docket was released for comment, Rabon was not entitled to any reimbursement for expenses in modifying his permit to specify the new channel and/or site. Upon the effective date of the Channel 235A allocation to Loris, Rabon set forth to secure a new transmitter site which would allow the facility to operate as a maximum 6.0 kilowatt Class A radio station.

5. Having located an optimum site for the new station, and in the process of initial preparations for filing a Modification of Construction Permit Application, Rabon was alerted to the conflict between his proposed site and the reactivated request to allot Channel 237A at Longwood, North Carolina. The reference location for Channel 237A at Longwood was the community reference coordinates.

DISCUSSION

6. While Rabon recognizes that the proposed Loris site is a preferred location, it will allow the Loris facility to service a much larger number of persons. From the Channel 235A allocation site, only 51,793 persons would receive

service from the hypothetical station.¹ However, 70,393 persons would receive service from the Loris facility if constructed at the Rabon site.² This would be an increase of 18,600 persons.

7. In an effort to accommodate its proposed site for Loris while not precluding new service to Longwood, Rabon notes that it is feasible to site restrict the reference coordinates for the Longwood Channel 237A allotment to a location that would not conflict with the Rabon site. Even with the herein proposed restriction, there is still ample area for any prospective Longwood applicants on Channel 237A.

8. Rabon therefore suggests that Channel 237A be allotted to Longwood, North Carolina, at reference coordinates North Latitude 33° 55' 50" and West Longitude 78° 26' 40". These coordinates represent a site restriction of 12.0 kilometers southeast of the community. Exhibit #1 visually demonstrates the usable area for Channel 237A at Longwood, North Carolina, with the requisite site restriction to protect the Rabon application site on Channel 235A at Loris, South Carolina. Exhibit #2 is an allocation study

¹ Based on 1990 census figures from PL-94-171 files.

² The Rabon counterproposal is that the reference point for Channel 235A at Loris, South Carolina, be changed to the proposed Rabon application site located at North Latitude 33° 59' 40" and West Longitude 78° 46' 16".

from the proposed Longwood allocation site and demonstrates that Channel 237A meets all present \$73.207 spacing requirements.

9. Therefore, Rabon requests, that should the Commission deem Longwood, North Carolina, as worthy of an FM allotment, that it allocate the channel as noted below:

Longwood, North Carolina

Present

None

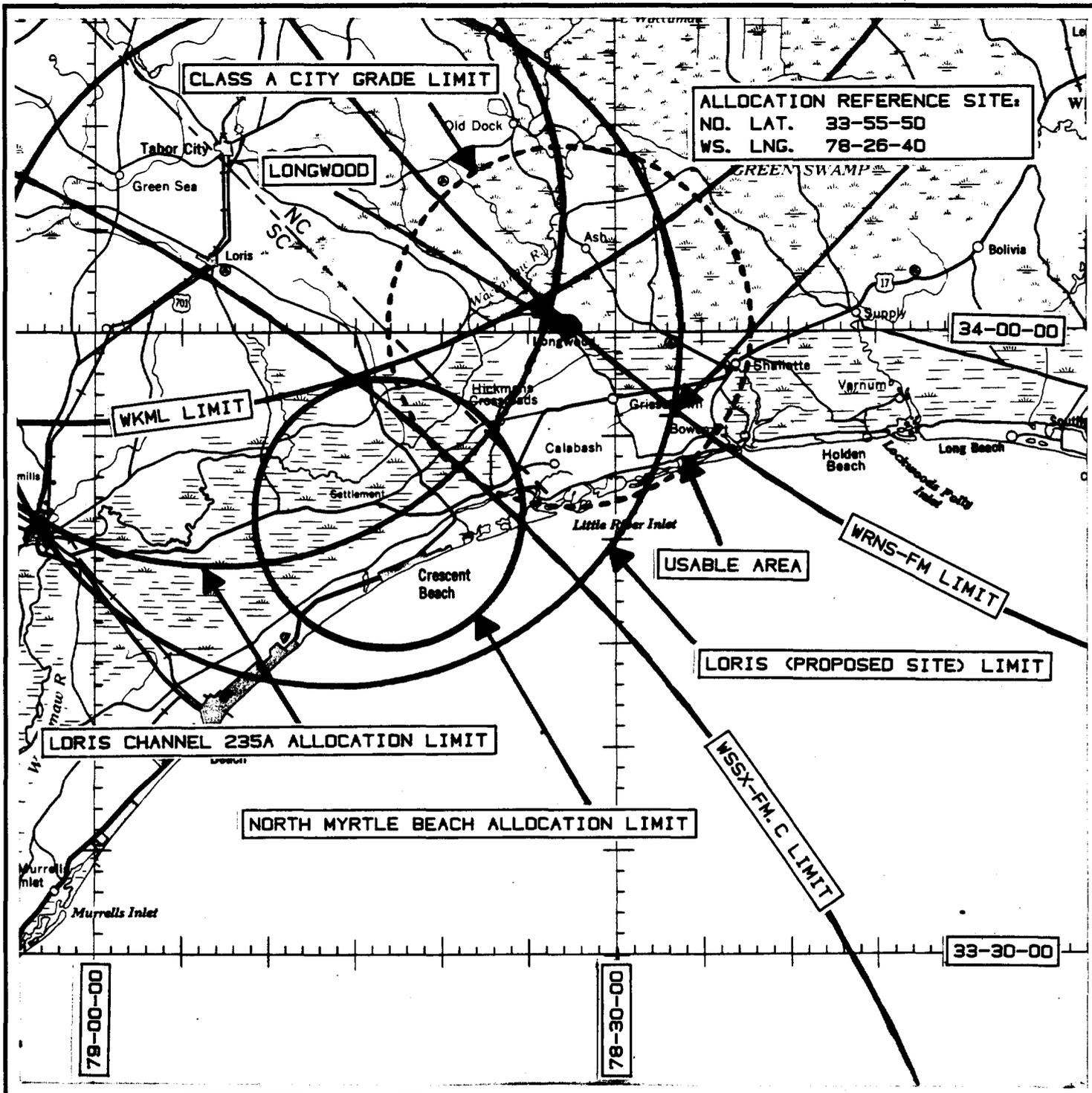
Proposed

237A

*

* With the requested site restriction of 12.0 kilometers southeast of the community.

10. The foregoing was prepared on behalf of Robert L. Rabon by Bromo Communications, Inc., his Technical Consultants and is true and accurate to the best of our belief and knowledge. Should questions arise during consideration of these comments, we would welcome the opportunity to discuss the matter by phone at (912) 638-5608.

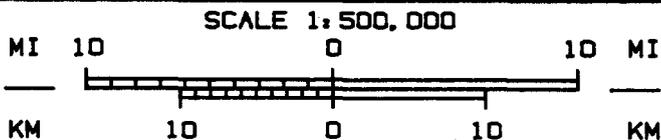


USABLE AREA CHANNEL 237A

MAP IS A PORTION OF THE 1:500,000 SCALE CHARLOTTE AND SAVANNAH SECTIONAL AERONAUTICAL CHARTS.

EXHIBIT #1
COMMENTS & COUNTERPROPOSAL
MM DOCKET #92-71
ROBERT L. RABON
LORIS, SOUTH CAROLINA

June 1992



BROMO
COMMUNICATIONS
 BROADCAST TECHNICAL CONSULTANTS
 St Simons Island, Georgia Washington, D.C.

ALLOCATION STUDY FOR LONGWOOD, NORTH CAROLINA
 USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE
 33 55 50 N
 78 26 40 W

CLASS A
 Current rules spacings
 CHANNEL 237 - 95.3 MHz

DISPLAY DATES
 DATA 04-29-92
 SEARCH 06-03-92

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-M1	R-KM R-M1	MARGIN (KM)
AD237 PRM	237A 33 55 50	Longwood 78 26 40	NC 0.000 kW	0.0 0M	0.00 0.0	115.0 71.5	-115.00 *
Longwood Broadcasters							
AP235 AP CN	235A 33 59 40	Loris 78 46 16	SC 6.000 kW	283.2 100M	31.01 19.3	31.0 19.3	0.01 <
Robert L. Rabon PROPOSED							
WRNSFM LI CY	236C 35 06 18	Kinston 77 20 15	NC 100.000 kW	38.0 457M	165.24 102.7	165.0 102.6	0.24 <
Beasley Broadcasting Downeast BLH850322KB							
ALOPEN AL N	235A 34 05 26	Loris 78 52 59	SC 0.000 kW	293.7 0M	44.23 27.5	31.0 19.3	13.23
89-326 >Site Restricted-Effective 3-2-92							
WKML LI DEN	239C 34 46 53	Lumberton 79 02 42	NC 100.000 kW	329.7 321M	109.36 68.0	95.0 59.0	14.36
Beasley B/C of Eastern NC., I BLH860304KH							
WNMB.A AP CN	290C3 33 51 18	North Myrtle Beach 78 43 05	SC 16.000 kW	251.7 113M	26.66 16.6	12.0 7.5	14.66
Ogden Broadcasting of South C BPH920305IF							
WSSXFM CP CN	236C 32 47 44	Charleston 79 50 27	SC 100.000 kW	225.9 305M	180.93 112.4	165.0 102.6	15.93
Faircom Charleston, Inc. BPH900803JN							

ALLOCATION STUDY CHANNEL 237A

EXHIBIT #2
 COMMENTS & COUNTERPROPOSAL
 MM DOCKET #92-71
 ROBERT L. RABON
 LORIS, SOUTH CAROLINA

June 1992

BROMO
 COMMUNICATIONS
 BROADCAST TECHNICAL CONSULTANTS
 St Simons Island, Georgia Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

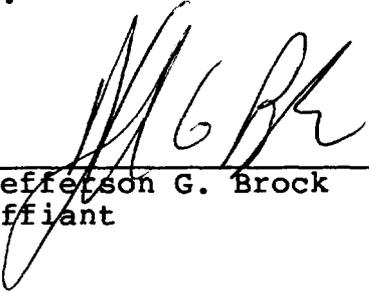
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Robert L. Rabon to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

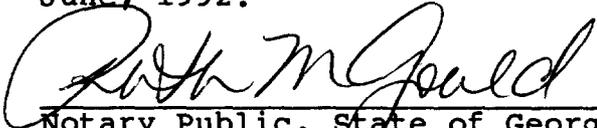
The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 4th day of June, 1992.

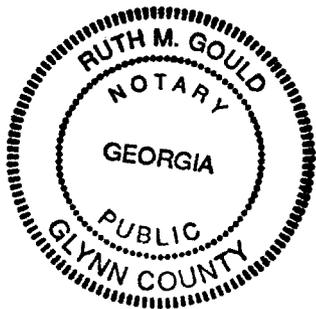


Jefferson G. Brock
Affiant

Sworn to and subscribed before
me this the 4th day of
June, 1992.



Notary Public, State of Georgia
My Commission Expires: August 21, 1995



CERTIFICATE OF SERVICE

I, Patricia A. Neil, a secretary in the law firm of Smithwick, & Belendiuk, P.C., certify that on this 8th day of June, 1992, copies of the foregoing were mailed, postage prepaid, to the following:

Mark N. Lipp, Esquire
Mullin, Rhyne, Emmons & Topel
1000 Connecticut Avenue, N.W.
Suite 500
Washington, D.C. 20036
Counsel for Longwood Broadcasters


Patricia A. Neil