

ORIGINAL

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	MM Docket No. 92-11
)	
Amendment of Section)	RM-7881
73.202(b),)	
Table of Allotments,)	
FM Broadcast Stations,)	
(Inglis, Florida))	

ORIGINAL
FILE

To: Chief, Allocations Branch

PETITION FOR RECONSIDERATION

Chapman S. Root Revocable Trust ("Root"), by its attorneys and pursuant to Section 1.106(b)(1) of the Commission's Rules, hereby petitions for reconsideration of the Report and Order in this proceeding, released on June 4, 1992, which allocated Channel 282A to Inglis, Florida. In support whereof, the following is shown:

Root is the licensee of WEZY-FM, Channel 231 Lakeland, Florida. For the past several years, Root has been trying to improve its sub-Class C facilities while opposing an effort by Edens Broadcasting, Inc., the licensee of WRBQ-FM, Channel 284, Tampa, Florida, to short-space toward WEZY-FM while upgrading WRBQ-FM's sub-Class C facilities. See Edens Broadcasting, Inc., 6 FCC Rcd 4327 (1991), aff'd sub nom. Edens Broadcasting, Inc. v. FCC, No. 91-1387 (D.C. Cir., June 17, 1992).

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List A B C D E

For some time, Root has tried to resolve the conflict through an engineering solution that would allow both WEZY-FM and WRBQ-FM to maximize their facilities. At present, the FCC's standard for IF interference protection requires that the two stations, if they retain full Class C status, be separated by 48 kilometers. See Section 73.207(b) of the Commission's Rules. Root's proposal solution to the IF spacing problem is for WRBQ-FM to switch from Channel 284C to Channel 283C, thereby eliminating any spacing requirements between WRBQ-FM and WEZY-FM.

Root proposed such a channel switch as a counterproposal in the Bonita Springs rulemaking (MM Docket No. 88-512). It was rejected there because a Channel 283C allotment at Tampa would be short-spaced to co-channel station WFYV, Atlantic Beach, Florida by 12 kilometers out of a total of 290 kilometers. See Amendment of Section 73.202(b) (Bonita Springs, Cape Coral, Tampa and Fort Meyers Beach, Florida), 6 FCC Rcd 6966 (Alloc. Branch 1991). However, Root believes that problem could be addressed through an appropriate site restriction on WRBQ-FM.^{1/}

^{1/} Root has discussed this channel switch proposal with Clear Channel Communications, Inc., the proposed new owner of WRBQ-FM. However, unless and until Clear Channel is approved by the FCC to acquire the station and consummates the proposed purchase of the station, Clear Channel is not in a position to enter into any commitment concerning the station. Accordingly, Root contemplates further discussions after Clear Channel acquires WRBQ-FM, hopefully followed by
(continued...)

The allotment of Channel 282A to Inglis would conflict with the allotment of Channel 283C to Tampa. Root conducted a channel search for Inglis to find an alternative channel that would not conflict with Channel 283C at Tampa. It found only one available channel, which is Channel 242A. However, Channel 242A is the subject of a pending petition for allocation, for a neighboring community named Yankeetown.

The proponent of the Inglis allocation is a woman named Lucille Ann Lacy. Her address is 3507-A Van Tassel, Amarillo, Texas 79121, and her telephone number is (806) 355-4554. The proponent of the Yankeetown allocation is a man named William R. Lacy. His address and telephone number are the same as Lucille Ann Lacy's. The Yankeetown allocation request was filed on February 5, 1992, during the comment period for the Inglis rulemaking.

Attached as Exhibit A is an engineering study by Lohnes & Culver which shows that the Inglis and Yankeetown proposals are essentially identical in terms of service to

1/ (...continued)
a joint filing that addresses the Atlantic Beach spacing issue and any other spacing issues presented by such a joint filing. Such a joint filing would also demonstrate the public interest benefits from the WRBQ-FM channel switch, including expanded coverage and first and second nighttime coverage by WEZY-FM and WRBQ-FM. The present pleading is intended simply to prevent the Commission from allowing the Inglis allotment to become final, thereby precluding a channel switch by WRBQ-FM.

the public. In terms of both area and population that would be served, there is approximately 90% overlap between the Inglis proposal of Lucille Ann Lacy and the Yankeetown proposal of William R. Lacy. Not only are Inglis and Yankeetown separated by a very short distance, they are both tiny communities. The 1990 population of Inglis was only 1,241 people and the 1990 population of Yankeetown was only 602 people.^{2/}

Clearly, the Inglis and Yankeetown allocation proposals by the Lacys represent an attempt to abuse the Commission's processes. The Lacys are trying to increase their odds of applying for an FM permit without facing a competing application.^{3/} In the process, they are tying up valuable spectrum and hindering bona fide efforts to improve service to the public. Root respectfully requests that the Commission withdraw the allocation of Channel 282A to Inglis, as that allocation would interfere with the Channel switch proposal for WRBQ-FM. Instead, the Commission could allocate Channel 242A to Inglis or to Yankeetown. There is

^{2/} Root will assume for purposes of this Petition that both Inglis and Yankeetown can be considered communities for allotment purposes. However, if one of them is not a community, that would stand as a further basis for a grant of the relief requested here.

^{3/} The Commission's records indicate that Lucille Ann Lacy already holds FM construction permits for KARX(FM), Claude, Texas and KARU(FM), Raymondville, Texas. The Commission may want to review its records of these proceedings to determine whether similar tactics were employed in those instances.

no public interest justification for a separate allotment to each of these two tiny, adjacent communities. Rather, the public interest would be harmed by the waste of spectrum. Accordingly, the allocation of Channel 282A to Inglis should be withdrawn, and Channel 242A should be allotted to either Inglis or to Yankeetown.

Respectfully submitted,

CHAPMAN S. ROOT REVOCABLE TRUST

By: Thomas J. Hutton
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July 6, 1992

EXHIBIT A

**ENGINEERING STATEMENT
IN SUPPORT OF A PETITION
FOR RECONSIDERATION OF THE
ALLOTMENT OF CHANNEL 282-A
TO INGLIS, FL**

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Prepared by
Lohnes and Culver Washington, D.C.
July 1992

**ENGINEERING STATEMENT
IN SUPPORT OF A PETITION
FOR RECONSIDERATION OF THE
ALLOTMENT OF CHANNEL 282-A
TO INGLIS, FL**

INTRODUCTION

This statement was prepared on the behalf of Chapman S. Root Revocable Trust, licensee of FM broadcast station WEZY-FM, Lakeland, Fl. It presents technical information in support of a petition for reconsideration of the Commission's action in MM Docket 92-11.

The facts presented herein are directly related to the allotment of FM channel 282A to Inglis, Fl. in MM Docket 92-11, and to the allotment of FM channel 242A to Yankeetown, Fl., in MM Docket 92-60.

NEW ALLOTMENTS

Pursuant to a petition filed by Lucille Ann Lacy of Amarillo, Tx. the Allocations Branch of the Commission adopted, on January 21, 1992, a Notice of Proposed Rule Making to assign channel 282A to Inglis, Fl. On March 20, 1992, in response to a petition filed by William R. Lacy of Amarillo Tx., the Allocations Branch adopted a Notice of Proposed Rule Making to assign FM channel 242A to Yankeetown, Fl.

The office of the undersigned has examined the proposed allotments to Inglis and Yankeetown, Fl. and submits the following information for the Commission's consideration.

COMMUNITIES AND REFERENCE LOCATIONS

Attached to this statement as Figure 1 is a portion of a detailed U.S.G.S. topographic map showing the communities of Inglis and Yankeetown Fl. Also shown on the map are the reference point

locations for the assignment of channels 282A and 242A to Inglis and Yankeetown.

The communities of Inglis and Yankeetown are in Levy County, Fl., separated by approximately 2.8 miles (4.8 kilometers). The reference locations plotted from the geographic coordinates contained in the Notices of Proposed Rule Making are separated by 2.38 miles (3.8 kilometers).

PREDICTED CONTOURS

Attached to this statement as Figure 2 is a map showing the locations of the predicted 70 and 60 dBu contours of potential operations at Inglis on channel 282A and Yankeetown on channel 242A.

The contours were predicted in accordance with the method outlined in Section 73.313 of the Commission's Rules using the reference locations of the two allotments. Computer generated terrain data was used and maximum facilities of 6kW at 100 meters AAT were assumed.

Both Inglis and Yankeetown are well within either 70 dBu (city grade) contour. The 70 dBu contour of the potential Yankeetown operation overlaps approximately 82% of the potential Inglis 70 dBu contour and the 60 dBu contour of the potential Yankeetown operation overlaps approximately 89% of the potential Inglis 60 dBu contour. Due to the proximity of the communities and the reference allotment locations, potential operations at Inglis and Yankeetown will serve essentially the same area.

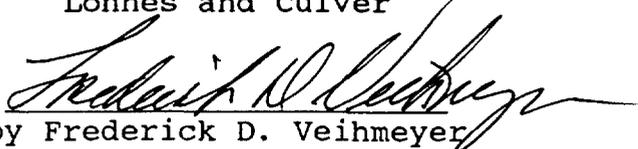
POPULATION DATA

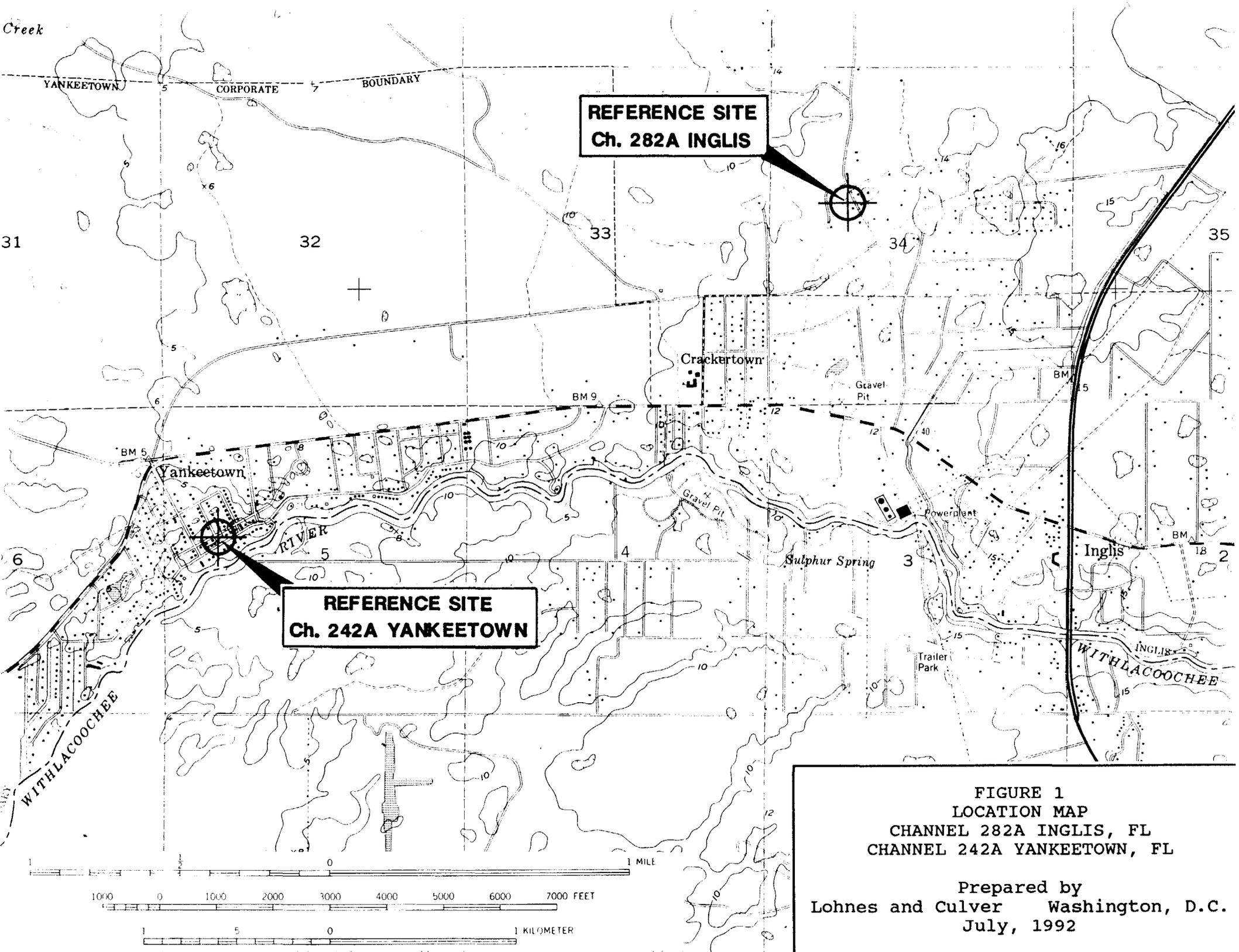
A computer generated population analysis of the 60 dBu service areas of potential operations on channel 282A at Inglis and on channel 242A at Yankeetown using 1990 census data developed the

following statistics. The total population of Yankeetown is 602 and the total population of Inglis is 1,241. The 60 dBu service area for the potential operation at Inglis covers a population of 46,570 while the 60 dBu service area for the potential operation at Yankeetown covers a population of 41,990.

The 60 dBu overlap area or the area common to both operations represents approximately 90% of the population in the potential service areas.

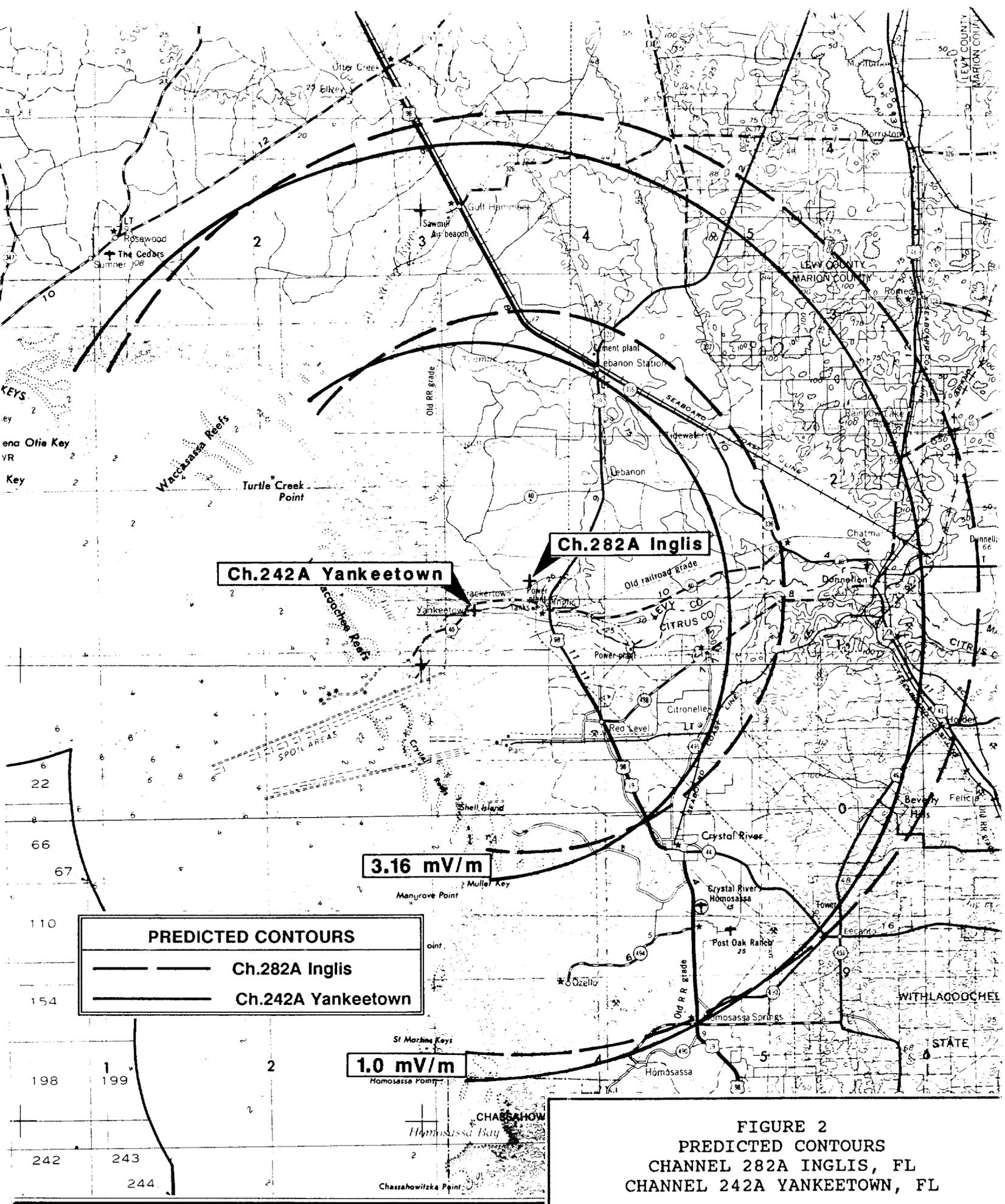
Respectfully submitted,
Lohnes and Culver


by Frederick D. Veihmeyer



**FIGURE 1
LOCATION MAP
CHANNEL 282A INGLIS, FL
CHANNEL 242A YANKEETOWN, FL**

**Prepared by
Lohnes and Culver Washington, D.C.
July, 1992**



Ch.242A Yankeetown

Ch.282A Inglis

3.16 mV/m

1.0 mV/m

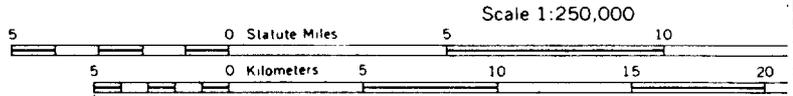
PREDICTED CONTOURS

— — — Ch.282A Inglis

— — — Ch.242A Yankeetown

FIGURE 2
PREDICTED CONTOURS
CHANNEL 282A INGLIS, FL
CHANNEL 242A YANKEETOWN, FL

Prepared by
 Lohnes and Culver Washington, D.C.
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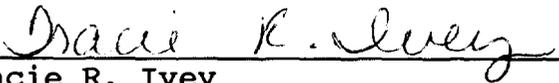
CERTIFICATE OF SERVICE

I, Tracie R. Ivey, do hereby certify that a copy of the foregoing "PETITION FOR RECONSIDERATION" was delivered by either hand delivery or first-class United States mail, postage prepaid, to the following:

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