

ORIGINAL

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

ORIGINAL  
FILE

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments, )  
FM Broadcast Stations )  
(Manitowoc, Wisconsin) )

RM \_\_\_\_\_

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

RECEIVED

JUL 16 1992

PETITION FOR RULE MAKING

Federal Communications Commission  
Office of the Secretary

1. CUB Radio, Inc. ("CUB") hereby petitions for rule making to amend the FM Table of Allotments in Section 73.202(b) of the Commission's Rules and Regulations to substitute Channel 221C3 for Channel 221A at Manitowoc, as follows:

<u>City</u>	<u>Existing</u>	<u>Proposed</u>
Manitowoc, WI	221A	221C3

2. Channel 221A is currently occupied by Station WLTU(FM), Manitowoc, an operating station licensed to CUB. Concurrent with the change in the Table of Allotments, CUB requests that its license for WLTU be modified to specify operation on Channel 221C3, subject to the filing and grant of an appropriate application for a construction permit for new facilities.<sup>1/</sup>

3. The existing WLTU transmitter site does not meet all of the mileage separation requirements under Section 73.207(a) of

<sup>1/</sup> Because the proposed allotment of Channel 221C3 is mutually exclusive with WLTU's existing Class A allotment, CUB's license may be modified without making Channel 221C3 available for competing applications.

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the Rules, but CUB has identified an alternative reference point that does comply.<sup>2/</sup> The proposed reference point for the Channel 221C3 allotment at Manitowoc is:

**44° 08' 57" north latitude, 87° 40' 03" west longitude**

Since a fully spaced reference point has been specified, the requested change in the Table of Allotments is consistent with Commission policy.<sup>3/</sup>

4. The proposed reference point is 10.18 km. from the reference point for Manitowoc and thus is close enough to allow a Class C3 station to provide the required 3.16 mV/m service over all of Manitowoc.<sup>4/</sup>

5. CUB previously proposed the substitution of Channel 221C3 for Channel 221A at Manitowoc in a Petition for Rule Making filed on April 29, 1992. That petition was returned by letter of May 8, 1992, from the Allocations Branch because of short-spacing to the reference point for the proposed substitution of Channel 221B1 for Channel 221A at Sun Prairie, Wisconsin, in MM Docket No. 91-104, as well as to the reference point for the Channel 222C3 allotment to be utilized by WJMQ(FM) at Clintonville, Wisconsin. The instant filing specifies an alternate transmitter

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<sup>2/</sup> No other changes in the Table are required or proposed to accommodate the upgrade at Manitowoc.

<sup>3/</sup> See Tahlequah, OK, MM Docket No. 90-617, DA 82-456, 4/22/92.

<sup>4/</sup> See the attached Engineering Statement. CUB may not necessarily move its transmitter to the proposed reference point, nor is it required to do so. Melbourne, Florida, 5 FCC Rcd 1031, 1032 (1990). CUB will, however, file information on Form 301 for Class C3 operation that conforms with the Commission's rules.

site that is not short-spaced to the Sun Prairie Class B1 reference point. The Clintonville spacing is no longer a problem because WJMQ has completed the construction of facilities on its new channel, filed a license application,<sup>5/</sup> and downgraded itself to Class A status, thereby reducing the separation requirement to the point where CUB's proposal is now in compliance.

6. There are two situations where the proposed Manitowoc reference point does not comply with Section 73.207(a). One is to WAUN(FM), Channel 224A, Kewaunee, Wisconsin. CUB will submit an amendment to this petition to provide the written consent of WAUN to relocate its transmitter to a fully spaced site.

7. The proposed reference point for Channel 221C3 at Manitowoc is also short-spaced to the site proposed by Station WGBW(FM), Green Bay, Wisconsin, in BPED-920228MK. That application remains ungranted and so must be treated as only a site preference for WGBW that does not preclude a grant of CUB's proposal to upgrade WLTU.<sup>6/</sup> The public interest would be better served by the additional service area to be gained by WLTU as the result of the upgrade.

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<sup>5/</sup> FCC File No. BLH-920601KG, covering BPH-91120ID.

<sup>6/</sup> Homerville, Lakeland and Statesville, Georgia, 6 FCC Rcd 5802 (1991); Dunn, Fuquay-Varina, Hope Mills, Topsail Beach, and Williamston, North Carolina, 4 FCC Rcd 2301 (1989); Ephrata, Washington, 4 FCC Rcd 307 (1989); Roland and Heavener, Oklahoma, 3 FCC Rcd 2684 (1977); Freedom and Morgan Hill, California, 26 RR 2d 1057 (1987); Rockport, Texas, 4 FCC Rcd. 8075 (1989).

8. CUB is aware that it must submit a detailed showing that its proposal will not preclude the establishment of noncommercial FM service on Channels 218, 219, and 220 and will not cause interference to reception of television signals on Channel 6. Further materials demonstrating compliance with this requirement will be submitted by amendment to this petition.

9. A showing of compliance with applicable mileage separation standards, with the exceptions discussed above, is made by the attached Engineering Statement prepared by Lyle Robert Evans, Broadcast Consultant,

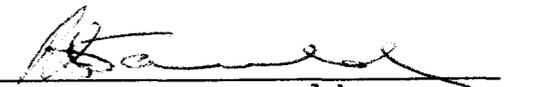
10. The rule making petition filed by CUB on April 29, 1992, included a statement signed by CUB's president committing to file an appropriate application on Form 301 for upgraded facilities for WLTU upon grant of its petition and to construct the upgraded facilities when a construction permit is issued. That commitment remains in effect.

11. Inasmuch as the proposal in this petition will result in a significant increase in WLTU's service area and improved service to the public, CUB submits that a grant would be in the public interest, and the Commission should initiate a rule making proceeding promptly.

Arent Fox Kintner  
Plotkin & Kahn  
1050 Connecticut Ave., N.W.  
Washington, DC 20036-5339  
(202) 857-6024

July 16, 1992

Respectfully submitted,

  
Peter Tannenwald

Counsel for CUB Radio, Inc.

APPENDIX I

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

ENGINEERING STATEMENT

IN THE MATTER OF: )  
AMENDMENT OF SECTION 73.202(B), ) RM-  
TABLE OF ALLOTMENTS, )  
FM BROADCAST STATIONS, )  
(MANITOWOC, WISCONSIN) )

TO: THE COMMISSION

PREPARED FOR:  
CUB RADIO, INC.

JULY 15<sup>TH</sup>, 1992

PREPARED BY:  
LYLE ROBERT EVANS  
BROADCAST CONSULTANT  
1391 NORTH ROAD  
GREEN BAY, WISCONSIN 54313  
(414) 494-6061

STATE OF WISCONSIN)  
COUNTY OF BROWN )  
CITY OF GREEN BAY )

LYLE ROBERT EVANS, BEING FIRST DULY SWORN STATES:

THAT HE IS A ELECTRONIC COMMUNICATIONS CONSULTANT WITH  
OFFICES AT 1391 NORTH ROAD, GREEN BAY, WISCONSIN, 54313.

THAT HIS QUALIFICATIONS ARE A MATTER OF RECORD BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION IN WASHINGTON, D.C.

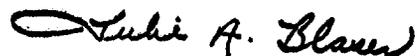
THAT HE HAS PREPARED NUMEROUS AM, FM, MICROWAVE RADIO,  
TELEVISION AND TRANSLATOR APPLICATIONS WHICH HAVE BEEN  
PROCESSED TO GRANT BY THE FEDERAL COMMUNICATIONS COMMISSION.

THAT ALL CALCULATIONS AND/OR MEASUREMENTS AND EXHIBITS  
IN THE ACCOMPANYING REPORT WERE MADE BY HIM PERSONALLY OR  
UNDER HIS DIRECTION, AND THAT ALL FACTS CONTAINED HEREIN  
ARE TRUE OF HIS PERSONAL KNOWLEDGE OR BELIEF, AND ON SUCH  
STATEMENTS MADE ON BELIEF, THEY ARE BELIEVED TO BE TRUE.



AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15<sup>TH</sup> DAY OF JULY,  
1992.



NOTARY PUBLIC

JULIE A. BLASER, Notary Public  
My Commission Expires May 30, 1993

DATE OF COMMISSION EXPIRATION: \_\_\_\_\_

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20054

IN THE MATTER OF: )  
AMENDMENT OF SECTION 73.202(B), ) RM-  
TABLE OF ALLOTMENTS, )  
FM BROADCAST STATIONS, )  
(MANITOWOC, WISCONSIN) )  
TO: THE COMMISSION

ENGINEERING STATEMENT

This Engineering Statement concerns the above captioned Petition For Rule Making, to which this Statement is Appendix 1.

CUB Radio, Inc., the Petitioner, Licensee of Station WLTU(FM), Manitowoc, Wisconsin, retained the services of Lyle Robert Evans, Broadcast Consultant, to conduct engineering studies and prepare necessary Statements and Attachments to support the Petition of CUB Radio, Inc., to amend Section 73.202(b) of the Commission's Rules and Regulations, to allot FM Channel 221C3 to Manitowoc, Wisconsin, and modify the License of of station WLTU(FM), Manitowoc, to specify operation as a Class C3 station.

The transmitting antenna geographic coordinates specified on the WLTU(FM) Station License, FCC File Number: BLH-860117KB are; 44°-07'-31" North Latitude, 87°-37'-41"

West Longitude.

Attachment E-A to this Statement is a FM Channel 221C3 Distance Separation Study with these coordinates as base.

A review of Attachment E-A displays an allotment of FM Channel 221C3 at the Station WLTU(FM) licensed site coordinates "Short-Spaced" to minus 400 kilohertz adjacent Channel 219A assignment at Sheboygan, Wisconsin, occupied by Station WSHS(FM), FCC File Number BPED-860624MA; to co-Channel 221A Construction Permit BPH-900419MV at Beulah, Michigan; to plus 400 kilohertz adjacent assignment 224A at Kewaunee, Wisconsin, occupied by Station WAUN(FM).

These "Short-Spacings" in contravention with Minimum Distance Separation Requirements for FM Allotments, set forth in 47 Code of Federal Regulations, Section 73.207.

In addition, a "Short-Spacing" exists to a pending application for modified facilities filed with the Commission by minus 600 kilohertz assignment Station WGBW(FM), operating on Channel 218A. This CUB Radio, Inc., Rule Making takes preference over the WGBW(FM) "site preference" application.

To allot FM Channel 221C3 to Manitowoc, Wisconsin, and comply with Commission minimum distance separation requirements for FM allotments, it is necessary to restrict the transmitter site of a Class C3 operation by Station

WLTU(FM) to a location Northwest of Manitowoc, Wisconsin; and relocate the antenna/tower of Station WAUN(FM) approximately 3.0 kilometers north of its current, licensed, location.

Station WAUN(FM) has agreed to such a relocation and is selecting an illustrative site.

A restricted transmitting antenna/tower location for a Class C3 operation by Station WLTU(FM), has been selected, consistent with Commission minimum distance separation requirements between FM radio broadcast stations, set forth in 47 Code of Federal Regulations, Section 73.207, contingent on the WAUN(FM) antenna relocation.

Station WJMQ(FM) Clintonville, Wisconsin, has filed with the Commission an Application For License to cover the facilities authorized by Construction Permit BPH-911220ID. This license application bears FCC File Number: BLH-920601KG.

This illustrative transmitting antenna site location is 6.69 kilometers (4.32 miles) distant, at a bearing of 356.2 degrees True from the Manitowoc, Wisconsin, reference coordinates, set forth in the National Atlas as: 44°-05'-12" North Latitude, 87°-39'-42" West Longitude.

Attachment E-B to this Statement, a FM Channel 221C3 Distance Separation Study with illustrative, restricted transmitting antenna coordinates; 44°-08'-57"

North Latitude, 87°-40'-03" West Longitude, as base, evidences the proposed illustrative site in complete compliance with all Commission minimum distance separation requirements for FM radio broadcast stations.

The geographic coordinates of the most distant point on the City of Manitowoc Corporate Boundary (City-Limits) from this illustrative site have been determined to be; 44°-03'-29" North Latitude, 87°-39'-12" West Longitude.

This distance from the specified illustrative antenna/tower site location to this most distant point has been calculated to be 10.18 kilometers (6.33 miles) at a bearing of 132.5 degrees True.

A typical "full-facility" Class C3 operation (25.0 kilowatt radiated from an antenna radiation center 100.0 meters above average terrain) by Station WLTU(FM) at this illustrative site shall provide the requisite 70 dBu (3.16 mV/m) "Principal Community" signal to all Manitowoc.

The allotment of Channel 221C3 to Manitowoc, Wisconsin, or a typical "maximum-facility" Class C3 operation by Station WLTU(FM) from the illustrative antenna/tower site geographic coordinates proposed, shall not preclude any new Reserved Band Station operation, at any location, on FM Channels 220, 219, or 218.

The inter-relationship of assignments, applications and allotments on FM Channels 215, 216, 217,

218, 219, 220, 221, 222, and 223, already preclude any Reserved Band channel changes relating to the proposed allotment of FM Channel 221C3 at Manitowoc, Wisconsin.

The most recent applicable FCC Rules and Regulations have been used in preparation of this Engineering Statement and associated Attachments. It is believed to conform to the Commission's FM Technical Standards.

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ATTACHMENT E-A

Page 1 of 2

CHANNEL STUDY

LOCATION: MANITOWOC, WISCONSIN  
 SERVICE: COMMERCIAL FM  
 CHANNEL: 221  
 FREQUENCY: 92.1 MHZ.  
 ZONE: II  
 CLASS: C3  
 COORDINATES: 44°-07'-31" N.L., 87°-37'-41" W.L. (WLTU LICENSED COORDINATES)  
 PETITIONER: CUB RADIO, INC.  
 CALL SIGN: WLTU(FM)  
 FCC FILE: BLH-860117KB  
 DATE: JULY 14, 1992

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP(KW) EAB(MT)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
WGBW LIC	GREEN BAY WI	BLED-1286	218A 91.5	3.00 35.05	44-31-53 87-55-16	332.6	50.80 8.80	42.0 CLEAR
WGBW CP	GREEN BAY WI	BPED-900116MI	218C3 91.5	16.00 100.00	44-31-23 87-55-09	332.3	49.91 6.91	43.0 CLEAR
WGBW APP	GREEN BAY WI	BMPED-920228MK	218A 91.5	0.71 226.00	44-21-32 87-59-07	312.3	38.58 -3.42	42.0 SHORT
WSHS CP	SHEBOYGAN WI	BPED-860624MA	219A 91.7	0.10 24.08	43-46-37 87-43-08	190.7	39.37 -2.63	42.0 SHORT
WJCH LIC	JOLIET IL	BLED-860505KF	220B 91.9	50.00 150.57	41-24-55 88-16-18	189.9	305.55 160.55	145.0 CLEAR
WMAD-FM LIC	SUN PRAIRIE WI	BLH-790530AM	221A 92.1	1.75 121.92	43-10-25 89-15-26	231.2	168.60 26.60	142.0 CLEAR
WMAD-FM PRM	SUN PRAIRIE WI	DOC. NO: 91-104	221B1 92.1		43-12-30 89-26-30	235.1	178.16 3.16	175.0 CLEAR
NEW CP	BEULAH MI	BPH-900419MV	221A 92.1	1.65 135.03	44-38-44 86-01-42	65.6	139.88 -2.12	142.0 SHORT
WLTU LIC	MANITOWOC WI	BLH-860117KB	221A 92.1	1.69 127.71	44-07-31 87-37-41	00.0	00.00 -142.00	142.0 SHORT
WJMQ ORD	CLINTONVILLE WI	BPH-911220ID	222A 92.3	6.00 91.44	44-34-00 88-44-36	289.9	101.50 12.50	89.0 CLEAR

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ATTACHMENT E-A

CHANNEL STUDY

LOCATION: MANITOWOC, WISCONSIN  
 SERVICE: COMMERCIAL FM  
 CHANNEL: 221  
 FREQUENCY: 92.1 MHZ.  
 ZONE: II  
 CLASS: C3  
 COORDINATES: 44°-07'-31" N.L., 87°-37'-41" W.L. (WLTU LICENSED COORDINATES)  
 PETITIONER: CUB RADIO, INC.  
 CALL SIGN: WLTU(FM)  
 FCC FILE: BLH-860117KB  
 DATE: JULY 14, 1992

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP(KW) EAH(MT)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
WBWI-FM LIC	WEST BEND WI	BLH-831212AK	223B 92.5	19.50 158.19	43-25-45 88-17-53	214.9	94.26 23.26	71.0 CLEAR
WAUN LIC	KEWAUNEE WI	BLH-841210LL	224A 92.7	3.00 100.00	44-29-50 87-35-12	4.6	41.46 -0.54	42.0 SHORT
WRVM CP	SURING WI	BPH-910211IA	274C1 102.9	100.00 299.00	44-59-30 88-23-55	327.6	114.05 90.05	24.0 CLEAR
WLZR-FM CP	MILWAUKEE WI	BPH-890125IA	275B 103.1	50.00 132.89	43-02-49 87-58-52	193.4	123.12 106.12	17.0 CLEAR

-----END CHANNEL 221C3 STUDY-----

NOTE: # The allotment whose indicated distance separation status is followed by a pound sign (#) is the allotment the Petitioner proposes a to reclassify from A to C3.

ATTACHMENT E-A; CONCLUDED

ATTACHMENT E-B

CHANNEL STUDY

LOCATION: MANITOWOC, WISCONSIN  
 SERVICE: COMMERCIAL FM  
 CHANNEL: 221  
 FREQUENCY: 92.1 MHZ.  
 ZONE: II  
 CLASS: C3  
 COORDINATES: 44°-08'-57" N.L., 87°-40'-03" W.L. (ILLUSTRATIVE SITE COORDINATES)  
 PETITIONER: CUB RADIO, INC.  
 CALL SIGN: WLTU(FM)  
 FCC FILE: BLH-860117KB  
 DATE: JULY 14, 1992

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP(KW) EAH(MT)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
WGBW LIC	GREEN BAY WI	BLED-1286	218A 91.5	3.00 35.05	44-31-53 87-55-16	334.5	47.03 5.03	42.0 CLEAR
WGBW CP	GREEN BAY WI	BPED-900116MI	218C3 91.5	16.00 100.00	44-31-23 87-55-09	334.2	46.13 3.13	43.0 CLEAR
WGBW APP	GREEN BAY WI	BMPED-920228MK	218A 91.5	0.71 226.00	44-21-32 87-59-07	312.6	34.64 -7.36	42.0 SHORT
WSHS CP	SHEBOYGAN WI	BPED-860624MA	219A 91.7	0.10 24.08	43-46-37 87-43-08	185.7	41.52 -0.48	42.0 SHORT
WJCH LIC	JOLIET IL	BLED-860505KF	220B 91.9	50.00 150.57	41-24-55 88-16-18	189.2	307.63 162.63	145.0 CLEAR
WMAD-FM LIC	SUN PRAIRIE WI	BLH-790530AM	221A 92.1	1.75 121.92	43-10-25 89-15-26	229.8	167.82 25.82	142.0 CLEAR
WMAD-FM PRM	SUN PRAIRIE WI	DOC. NO: 91-104	221B1 92.1		43-12-30 89-26-30	233.8	177.09 2.09	175.0 CLEAR
NEW CP	BEULAH MI	BPH-900419MV	221A 92.1	1.65 135.03	44-38-44 86-01-42	67.1	141.67 -0.33	142.0 SHORT
WLTU LIC	MANITOWOC WI	BLH-860117KB	221A 92.1	1.69 127.71	44-07-31 87-37-41	130.1	04.12 -137.88	142.0 SHORT
WJMQ ORD	CLINTONVILLE WI	BPH-911220ID	222A 92.3	6.00 91.44	44-34-00 88-44-36	298.4	97.45 8.45	89.0 CLEAR

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ATTACHMENT E-B

CHANNEL STUDY

LOCATION: MANITOWOC, WISCONSIN  
 SERVICE: COMMERCIAL FM  
 CHANNEL: 221  
 FREQUENCY: 92.1 MHZ.  
 ZONE: II  
 CLASS: C3  
 COORDINATES: 44°-08'-57" N.L., 87°-40'-03" W.L. (ILLUSTRATIVE SITE COORDINATES)  
 PETITIONER: CUB RADIO, INC.  
 CALL SIGN: WLTU(FM)  
 FCC FILE: BLH-860117KB  
 DATE: JULY 14, 1992

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP(KW) EAH(MT)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
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WAUN LIC	KEWAUNEE WI	BLH-841210LL	224A 92.7	3.00 100.00	44-29-50 87-35-12	9.5	39.20 -2.80	42.0 SHORT
WRVM CP	SURING WI	BPH-910211IA	274C1 102.9	100.00 299.00	44-59-30 88-23-55	328.2	110.13 86.13	24.0 CLEAR
WLZR-FM CP	MILWAUKEE WI	BPH-890125IA	275B 103.1	50.00 132.89	43-02-49 87-58-52	191.7	125.02 108.02	17.0 CLEAR

-----END CHANNEL 221C3 STUDY-----

NOTES: \* The allotment whose indicated distance separation status is followed by an asterisk (\*) complies with applicable FCC minimum distance separation requirements by utilization of "5/4" rounding.

- The application whose indicated distance separation status is followed by a minus(-) sign is a pending Reserved Band Modification that is already "Short-Spaced" to the existing Station WLTU licensed Class A facility.

# The allotment whose indicated distance separation status is followed by a pound sign (#) is the allotment the Petitioner proposes a to reclassify from A to C3.

ATTACHMENT E-B; CONCLUDED