

FCC MAIL SECTION

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Federal Communications Commission  
Office of the Secretary

December 29, 1989

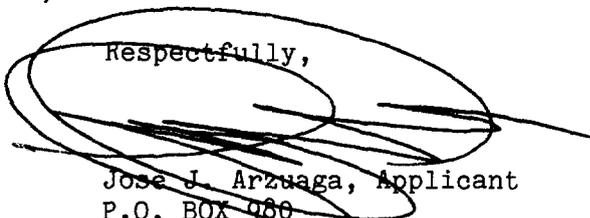
Ms. Donna Searcy, Secretary  
Federal Communications Commission  
1919 M. Street N.W.  
Washington, DC 20554

Dear Ms. Searcy:

Enclosed please find herewith an application for a Rule Making at Frederiksted, Saint Croix on a frequency of 101.1 MHz Channel 266A.

If you have any questions concerning this matter please communicate with us, I remain,

Respectfully,

  
Jose J. Arzuaga, Applicant  
P.O. BOX 980  
QUEBRADILLAS, PR 00742-0980  
(809) 895-4198

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

FEDERAL MAIL SECTION  
 JAN 4 9 19 AM '90

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 RM-8020

In the Matter of )  
 )  
 Amendment of Section 73.202(b) )  
 Table of FM Assignments )  
 Frederiksted, Saint Croix )

Directed to: Chief, Mass Media Bureau

PETITION FOR RULE MAKING

JAN 4 - 1990

Federal Communications Commission  
 Office of the Secretary

Comes now Jose J. Arzuaga and respectfully requests that the Commission institute a Rule Making proceeding for the purpose of making the following amendment to Section 73.202(b) of the Commission's Rules:

<u>Location</u>	<u>Add</u>	<u>Delete</u>
Frederiksted, Saint Croix	266A	None

In support of this request, Arzuaga states as follows:

Attachment A, an engineering statement, prepared by Jose J. Arzuaga, demonstrates that the requested assignment may be made in compliance with all current Commission allocation standards, including separation requirements. By granting this request, the Commission need make no other amendment to the FM Table Assignments. Operation on Channel 266A licensed to Frederiksted may instituted without affecting any existing stations and will result in the allocation of a first fulltime aural transmission service; Frederiksted has only one daytime AM Station, WRRR 1290 KHz 500W-D.

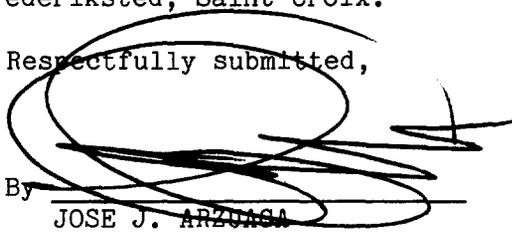
Pursuant to Section 1.401(d) of the Rules, a draft Notice of proposed Rule Making is shown at Attachment B.

Petitioner will apply for Channel 266A if it is assigned, and authorized, will build the station promptly.

WHEREFORE, THE PREMISES CONSIDERED, it is respectfully requests that the Commission amend Section 73.203(b) of its Rules to allocate FM Channel 266A to Frederiksted, Saint Croix.

Respectfully submitted,

By

  
JOSE J. ARZUAGA

Jose J. Arzuaga  
P.O. Box 980  
Quebradillas, PR 00742

December 29, 1989

## ENGINEERING STATEMENT

This engineering statement is in support of a petition for Rule Making by Jose J. Arzuaga to assign FM Channel 266A (101.1 MHz) to Frederiksted, Saint Croix.

The allotment study, Figure 1, shows that from a site located at Frederiksted all minimum mileage separations are met with adjacent channels.

CERTIFICATION

The undersigned, Jose J. Arzuaga, hereby certifies that he prepared the enclosed engineering report.

That his qualifications are a matter of record with the Federal Communications Commission at Washington, D.C.

That the calculations and exhibits contained and described in this report were made under his personal supervision and direction; that all of the facts and data contained in the attached report are true and correct to the best of his knowledge; and that any statements made and shown as being made on information and belief are believed to be true and correct as therein appearing.

  
\_\_\_\_\_  
JOSE J. ARZUAGA

**ATTACHMENT A**

December 29, 1989

FM Spacing Study

Title: FREDERIKSTED  
Channel 266A (101.1 MHz)  
Database: FCC 11/28/89

Latitude: 17-43-28  
Longitude: 64-53-03  
Safety Zone: 26 km

Call Auth Licensee name Chan BRP-KW Latitude BR-TO DIST. REQ.  
City of License St FCC File no. Freq. EAH-m Longitude -from (km) (km)

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WVID LIC Centro Colegial Cristian \*212B1 14.5 18-17-34 286.5 241.1 12  
ANASCO PR BLED-820628AP 90.3 143 67-04-55 104.9 229.1 CLEAR  
  
WIDA-FM LIC Christian Broadcasting C \*213B 25DA 18-06-48 289.5 131.0 15  
Carolina PR BLED-830811AI 90.5 579 66-03-07 109.1 116.0 CLEAR  
  
WXYX LIC RAAD Broadcasting Corp. 264B 50 18-17-29 294.8 151.3 69  
Bayamon PR BLH-840323AA 100.7 238 66-11-03 114.4 82.30 CLEAR  
  
WRIO LIC Family Broadcasting Grou 266A 50 18-01-40 780.5 190.5 178  
Ponce PR BMPH-860609KA 101.1 13 66-39-14 99.5 12.54 CLOSE  
  
WRIO APC Family Broadcasting Grou 266B 34 18-06-15 282.6 198.9 178  
Ponce PR BMPH-8067161A 101.3 539 66-43-08 102.0 20.89 CLEAR  
AMENDED 870130-APP DIS 880711-PR1 FOR RECON 880H19-RECON DENIED 890222;  
PET FOR RECON 890315  
  
WKSA-FM LIC Radio Noroeste Broadcast 268B 50 18-26-36 288.8 252.4 69  
Isabela PR BLH-860808KA 101.5 129 67-08-50 108.1 183.4 CLEAR

**ATTACHMENT B**

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

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket No. \_\_\_\_\_  
Table of Assignments, ) RM- \_\_\_\_\_  
FM Broadcast Stations. )  
(Frederiksted, Saint Croix) )

NOTICE OF PROPOSED RULE MAKING

Adopted: \_\_\_\_\_ ; Released: \_\_\_\_\_

By the chief, Policy and Rules Division:

1. The Commission has under consideration a petition for rule making filed by Jose J. Arzuaga ("Petitioner"), proposing the assignment of Class A Channel 266A to Frederiksted, Saint Croix, as That Community's first FM Service. Petitioner submitted information in support of the proposal and expressed his interest in filing for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that ths assignment could provide a First fulltime Service to Frederiksted, Saint Croix, the Commission believes it is appropriate to invite comments on the proposal to amend the FM Table of Assignments (Section 73.202(b) of the Commission's Rules) with respect to the following community:

<u>City</u>	<u>Channel No.</u>
Frederiksted, Saint Croix	266A

3. The Commission's authority to institute Rule Making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph \_\_\_\_ of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before \_\_\_\_\_, and reply comments on or before \_\_\_\_\_, and are advised to read the Appendix for the proper procedures. A copy of such comments should be served to the petitioner, as follows:

JOSE J. ARZUAGA  
P.O. BOX 980  
QUEBRADILLAS, PR 00742

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, 73.202(b) of the Commission's Rules. See, Certification that Section 603 and 604 of the Regulatory Flexibility Act do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 Fed. Reg. 111549, published February 6, 1981.

6. For further information concerning this proceeding, contact Roy Staart, Mass Media Bureau, (202) 632-6460. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court reviews, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An ex parte contact is a message (spoken or written) concerning the merits of a pending Rule Making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is direct, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Bradley Holmes  
Chief, Policy and Rules Division  
Mass Media Bureau

Attachment: Appendix