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September 11, 1992

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

92-86/

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

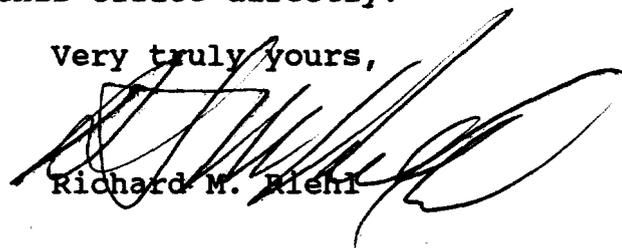
Re: Petition for Reconsideration of  
Report and Order DA92-1128  
Paradise and Fort Bragg, CA

Dear Ms. Searcy:

On behalf of Henry Radio Co. please find enclosed an original and four copies of a Petition for Reconsideration with respect to the above-referenced Report and Order. In this regard, the Petition for Reconsideration simply seeks a change in the reference point for newly allotted Channel 228B at Fort Bragg, California. The proposal in no way conflicts with the allocation of Channel 244B1 at Paradise, California and the Commission is urged not to stay the effective date of that allocation as a result of the filing of this Petition.

Should you have any further questions concerning this matter please contact this office directly.

Very truly yours,



Richard M. Riehl

RMR/das

Enclosure

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 92-86
Table of Allotments	)	RM - 7961
FM Broadcast Stations	)	
	)	
Paradise and Fort Bragg,	)	
California	)	

To: Chief, Mass Media Bureau

PETITION FOR RECONSIDERATION

Henry Radio Company ("HRC"), licensee of Station KLLK-FM(Channel 244B) Fort Bragg, California, by its attorneys and pursuant to Section 405 of the Communications Act and Section 1.429 of the Rules, hereby requests the Commission to Reconsider its Report and Order in the above-captioned proceeding (DA 92-1128 Released September 9, 1992). Reconsideration is limited solely to request a change in the reference point for Channel 228B - the channel substituted for Channel 244B at Fort Bragg - to N 39°21'46", W 123°28'31") in order to afford greater flexibility in the use of Channel 228B in terms of transmitter location and land area coverage. In support of this request, the following is respectfully submitted:

1. In the Notice of Proposed Rulemaking ("NPRM") in this proceeding, 7 FCC Rcd 2408 released April 17,1992, it was noted that Channel 228B could be utilized at KLLK-FM's presently authorized transmitter location and indicated that this would be the reference point for the substituted allocation of

Channel 228B at Fort Bragg. 1/ The Report and Order (¶ 3.) confirmed this reference point.

2. However, unlike Channel 244B that is constrained to the East by the Channel 244 allocation at Paradise, California and is thus limited to a location along the Pacific Coast, the substitute Channel 228B has no such allocation constraints. Therefore, in order to more fully utilize Channel 228B over the land area of Mendocino County, a reference point approximately 30.5 km east of Fort Bragg is essential. Attached hereto is the Engineering Report of Mr. Brian Henry. This Report establishes that a reference point for Channel 228B at N 39°21'46", W 123°28'31" places Fort Bragg well within the predicted 70 dbu contour of a full Class B station and thus would comply with all of the Commission's allocation requirements. 2/

#### CONCLUSIONS

3. The foregoing establishes that the reference point for substituted channel 228B at Fort Bragg, California can be moved approximately 30.5 km East of Fort Bragg without being short spaced to any other allocation while at the same time continuing to meet all allocation requirements for the

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1/ No party either commented adversely on this substitute allocation or counter-proposed an alternative use for Channel 228B or relevant adjacent channels.

2/ HRC, without the assistance of counsel, filed comments in support of the proposed substitution of Channel 228B for Channel 244B at Fort Bragg. HRC was unaware that it could have requested a different reference point in its supporting comments, otherwise it would have done so at that time.

assignment of this Channel at Fort Bragg. Further, such an Eastern reference point would permit greater service to the land area of Mendocino County and would thus clearly serve the Public Interest.

ACCORDINGLY, the Commission is requested to establish:

N 39°21'46", W 123°28'31"

as the reference point for the Channel 228B allocation at Fort Bragg, California. 3/

Respectfully submitted,

HENRY RADIO COMPANY

By

  
Richard M. Riehl, Its Attorney

Haley, Bader & Potts  
2000 M Street N.W.  
Suite 600  
Washington, D.C. 20036  
(202) 331-0606

September 11, 1992

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3/ Inasmuch as this requested modification of the Report and Order does not conflict with the allocation at Paradise and the Paradise allocation does not involve a change in Channel, this Petition should not invoke the automatic Stay provisions of § 1.420(f) of the Rules. Further, HRC represents that it consents to the immediate implementation of the allocation of Channel 244B1 at Paradise, California as set forth in the subject Report and Order.