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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Robert S. Stone, Esq.
McC Campbell & Young
2021 Plaza Tower
P.O. Box 550
Knoxville, TN 37901-0550

Dear Mr. Stone:

This is in response to the petition for rule making which you submitted on behalf of B & H Broadcasting Company ("B&H"), permittee of Station KXRC (FM), Channel 297A, Clarendon, Arkansas. B&H requests the substitution of Channel 297C3 for Channel 297A and modification of its permit accordingly. In order to accommodate its request, B&H also requests the substitution of Channel 289A for Channel 296A at Bald Knob, Arkansas, and the concomitant modification of the license of Capps Radio Company ("Capps") for Station KKSJ (FM).

B&H's proposal is premised upon the Commission's denial of Capps' petition for rule making which requested the substitution of Channel 296C3 for Channel 296A at Bald Knob. Capps also requested the substitution of Channel 281A for Channel 297A at Clarendon and modification of the construction permit for Station KXRC (FM) to accommodate its request in conformity with the minimum distance separation requirements of Section 73.207 (b) (1) of the Commission's Rules.¹ See Report and Order (MM Docket No. 90-651), 7 FCC Rcd 7435 (1991).

As you are aware, Capps' modification proposal was ultimately granted and the license for Station KKSJ (FM) modified accordingly to specify operation on Channel 296C3. Additionally, the construction permit for Station KXRC (FM) was modified to specify operation on Channel 281A at Clarendon. See Memorandum Opinion and Order (MM Docket No. 90-651), 7 FCC Rcd. ____ (adopted August 31, 1992).

1 The distance between Capps' reference site for Channel 296C3 at Bald Knob at coordinates 35-11-10 and 91-46-13, and the site specified in the construction permit issued for Station KXRC (FM), Channel 297A, Clarendon, at coordinates 34-37-19 and 91-22-46 is 72.1 kilometers (44.8 miles) whereas a minimum distance of 89 kilometers (55.3 miles) is required between first adjacent Class A and C3 channels.

Therefore, your petition for rule making is not acceptable for consideration.

Sincerely,

Michael C. Ruger
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

NVJoyner:AB:PRD:MMB

bcc: Dockets Branch via Secty's Office, Rm. 222 (2 cys.)

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