

DOCKET FILE COPY ORIGINAL RECEIVED

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

JAN 22 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of)	MM Docket No. 92-302
)	
JOHN M. GIANNETTINO)	File No. BPH-910719MA
)	
JOHN T. PRITCHARD)	File No. BPH-910722MI
)	
For Construction Permits For a)	
New FM Station on Channel 276C3)	
at Burlington, Iowa)	

TO: Administrative Law Judge
Richard L. Sippel

SUPPLEMENT TO "CONTINGENT
PETITION FOR LEAVE TO AMEND, AND FOR OTHER RELIEF"

John T. Pritchard, by his attorney, hereby supplements his **Contingent Petition For Leave to Amend, and For Other Relief**, filed January 12, 1993, to include the attached **Engineering Exhibit**.

Pritchard's **Contingent Petition** contained a preliminary demonstration of his compliance with the recently amended provisions of Section 73.3555 of the Commission' Rules, but noted that a formal engineering study was in preparation, and that the results thereof would be filed as a supplement to his petition.

There is attached hereto the promised **Engineering Exhibit**. That Exhibit shows that, in addition to the four aural broadcast stations licensed to Burlington, Iowa, the principal city contours of six aural broadcast stations licensed to nearby communities overlap the principal city contour of the proposed

No. of Copies rec'd 0+6
List A B C D E

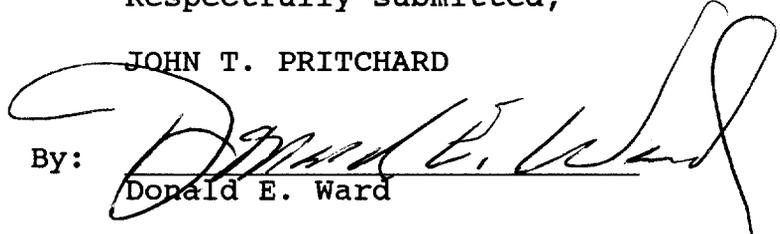
Burlington FM station.¹ Thus, grant of the instant application coupled with relief of Pritchard from the condition that he divest his interest in Station KKMI(FM) (pursuant to Ruarch) would leave him in control of two aural stations in a "radio market" of eleven, or just 18% of the market's stations.

Since this is well within the "less than 50%" limit established by the rule, grant of the relief requested in Pritchard's **Contingent Petition** is fully consistent with the Commission's rules and policies, and, contingent upon the Judge's approval of the pending **Settlement Agreement**, it is respectfully urged that the relief requested in that **Contingent Petition** be granted.

Respectfully submitted,

JOHN T. PRITCHARD

By:


Donald E. Ward

1201 Pennsylvania Avenue, N.W.
Fourth Floor
Washington, D. C. 20004
(202) 626-6290

His Attorney

January 22, 1993

¹ Pritchard's preliminary study had identified five such stations.

ENGINEERING EXHIBIT

This Engineering Statement and the attached exhibits have been prepared on behalf of John T. Pritchard, applicant for a construction permit to build a new broadcast FM station to operate on Channel 276C3 in Burlington, Iowa (BPH-910722MI), by B. Benjamin Evans of Evans Associates, Consulting Communications Engineers in Thiensville, Wisconsin. The purpose of this exhibit is to demonstrate that Pritchard's proposed common control of the new Burlington station and KKMI(FM) in Burlington complies with the requirements of the Commission's multiple ownership rules, as amended in MM Docket 91-140.

John T. Pritchard is a principal of KKMI(FM), Burlington, Iowa. The predicted city grade (3.16 mv/m) contour of Pritchard's proposed new FM facility at Burlington overlaps the city grade contour of KKMI(FM). Therefore, a determination of the number of stations in the market, in accordance with Section 73.3555, Paragraph (a)(3)(ii) of the FCC Rules, must be made.

A study conducted by this affiant has determined that there are 9 licensed commercial AM and FM stations whose predicted city grade contours overlap, in whole or in part, the combined city grade contours of KKMI(FM) and the proposed new Burlington FM station. Therefore, the total number of stations in the market is 11. A map showing the contours of the 11 stations is attached as Figure 1, the contour of each AM station being the 5 mv/m contour, and of each FM station, the 3.16 mv/m contour.

The 11 commercial radio stations in the relevant radio market are as follows:

Proposed FM, Burlington, IA - 103.1 MHz, 12 KW 145 m HAAT
KKMI(FM), Burlington, IA - 3.0 KW 81 m HAAT
KGRS(FM), Burlington, IA - 100 KW 131 m HAAT
KBKB-FM, Fort Madison, IA - 50 KW 142 m HAAT
KILJ-FM, Mount Pleasant, IA - 3.3 KW 91 m HAAT
KBUR(AM), Burlington, IA - 1490 KHz, 0.76 KW Unlimited
KCPS(AM), Burlington, IA - 1150 KHz, 0.5 KW Day
WCAZ(AM), Carthage, IL - 990 KHz, 1 KW Day
KBKB(AM), Fort Madison, IA - 1360 KHz, 1 KW Day
KOKX(AM), Keokuk, IA - 1310 KHz, 1 KW Day
KILJ(AM), Mount Pleasant, IA - 1130 KHz, 0.25 KW Day

Engineering Statement - Page 2
John T. Pritchard

The grant of Pritchard's application for the new Burlington FM station will result in common control of two of the 11 (18%) commercial radio broadcast stations in the market, significantly below the less-than-50% limit stated in Section 73.3555. Therefore, Pritchard's proposal is in compliance with the Commission's multiple ownership rules.

All contours shown on the attached map are based on theoretical calculations. For each AM station, the daytime contour is shown. For AM and FM stations licensed as directional, the radiations or effective radiated powers at the pertinent azimuths were used in the calculations. M3 ground conductivities were assumed for AM stations. For FM stations, antenna heights above average terrain at the pertinent azimuths were based on the NGDC 30-second terrain database.

AFFIDAVIT

COUNTY OF OZAUKEE }
STATE OF WISCONSIN } SS:

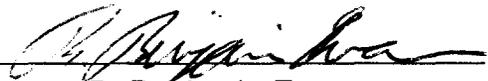
B. BENJAMIN EVANS, being duly sworn upon oath deposes and says:

That his qualifications are a matter of record with the Federal Communications Commission;

That he is a Consulting TeleCommunications Engineer in Wisconsin, and is a partner in the firm of Evans Associates;

That this firm has been retained by John T. Pritchard to prepare this engineering exhibit;

That he has either prepared or directly supervised the preparation of all technical information contained in this engineering statement, and that the facts stated in this engineering statement are true of his knowledge, except as to such statements as are herein stated to be on information and belief and as to such statements he believes them to be true.


B. Benjamin Evans

Subscribed and sworn to before me this 12th day of January, 1993.

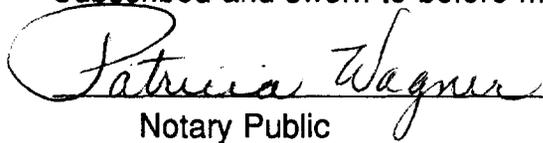
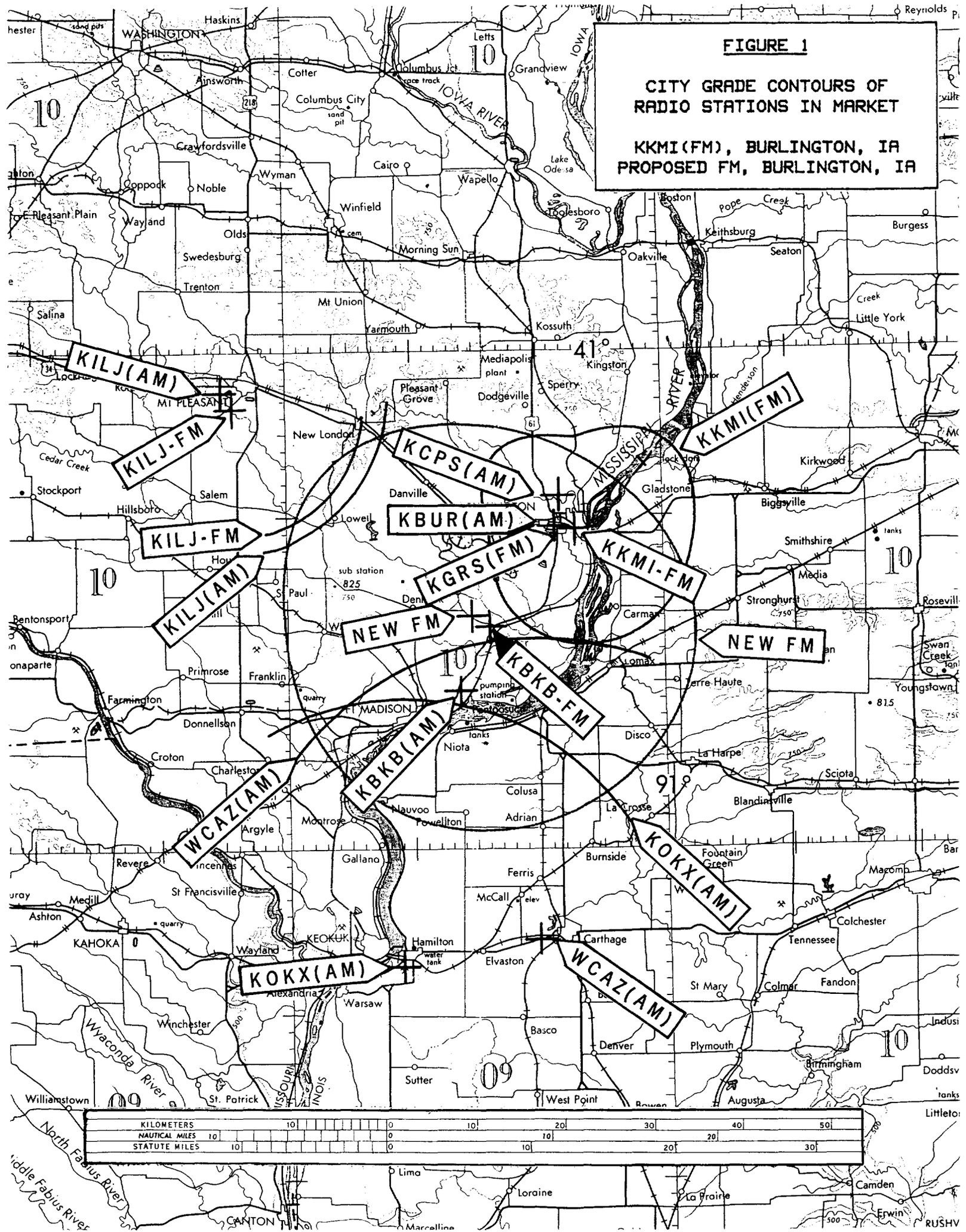

Notary Public My Commission expires May 15, 1994.

FIGURE 1

**CITY GRADE CONTOURS OF
RADIO STATIONS IN MARKET**

**KKMI(FM), BURLINGTON, IA
PROPOSED FM, BURLINGTON, IA**



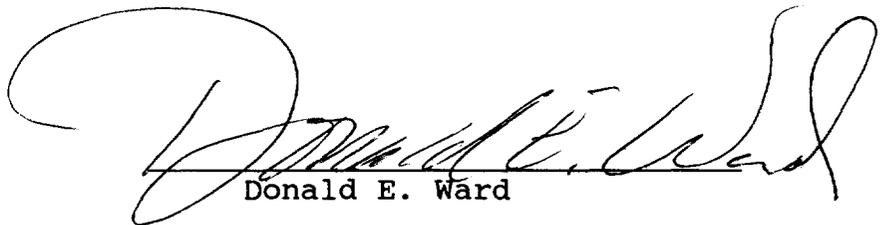
CERTIFICATE OF SERVICE

I, Donald E. Ward, do hereby certify that I have this 22nd day of January, 1993, caused to be served, by first class United States mail, postage prepaid, a copy of the foregoing "SUPPLEMENT TO 'CONTINGENT PETITION FOR LEAVE TO AMEND, AND FOR OTHER RELIEF'" to the following:

Hon. Richard L. Sippel*
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 214
Washington, D.C. 20554

Gary Schonman, Esq.*
Hearing Branch, Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 7212
Washington, D.C. 20554
Counsel for Mass Media
Bureau

David D. Oxenford, Esq.
Fisher, Wayland, Cooper and Leader
1255 23rd Street N.W., Suite 800
Washington, D.C. 20037


Donald E. Ward

* By Hand