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Before the

FEDERAL COMMUNICATIONS COMMISSION

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Washington, D.C. 20554

In the Matter of)	MM DOCKET NO. 92-244
)	
Amendment of Section 73.202(b))	RM-8027
Table of Allotments)	
FM Broadcast Stations)	
(Charlotte Amalie, Virgin Islands)))	

TO: Chief, Allocations Branch
Policy & Rules Division
Mass Media Bureau

COMMENTS OF ASOCIACION PUERTORRIQUENA DEL ESTE
DE LOS ADVENTISTAS DEL SEPTIMO DIA

Asociacion Puertorriquena del Este de los Adventistas del Septimo Dia, licensee of FM station WZOL, Luquillo, Puerto Rico ("WZOL"), by counsel and pursuant to Section 1.405 of the Commission's rules, hereby submits its Comments in response to the Comments and Counterproposal filed in the above-identified proceeding by Paradise Broadcasting Corporation ("Paradise") on January 4, 1993. For the reasons set forth below, WZOL supports Paradise's counterproposal.

This proceeding originated with the petition filed by Calypso Communications ("Calypso"), permittee of unbuilt FM station WNVX on Channel 246B, Charlotte Amalie, Virgin Islands. Calypso seeks to escape the problem of being short-spaced to an allotment for Channel 247 at Tortola, British Virgin Islands and requested that it be permitted to use Channel 267B at Charlotte Amalie to avoid interference with the Tortola station.

Paradise is the permittee of unbuilt FM station WDCM on Channel 222B, Cruz Bay, Virgin Islands. Paradise also suffers

CH 4

from shortspacing to allotments in Tortola on Channels 219 and 222. In its counterproposal, Paradise requested the use of Channel 267B for WDCM so that WDCM could commence to provide service without interfering with the Tortola stations. If the Commission adopted Paradise's counterproposal, WDCM would vacate Channel 222B and presumably that channel would be deleted from the Table of Allotments.

It is the deletion of Channel 222B at Cruz Bay which is of particular interest to WZOL. Operating on Channel 221A at Luquillo, Puerto Rico, WZOL is shortspaced to WDCM. To make matters worse, WZOL has lost the future use of its transmitter site. This has necessitated an application for authority to move the transmitter site to a new location approximately seven kilometers east-southeast of the present site (File No. BPH-930208II). Although this site is an ideal location for providing service to the eastern end of Puerto Rico, it is also closer to WDCM than the present site. In order to avoid exacerbating the interference problem with WDCM, WZOL has proposed to operate with power at less than full Class A facilities should allow and to use a directional antenna in order to protect WDCM by way of contour protection pursuant to Section 73.215 of the Commission's rules.

However, the protection of WDCM has a price. The alteration of the WZOL service contours to protect WDCM causes them to shrink -- and not only in the obvious direction toward WDCM. This shrinkage in the service area means that the population served within the service contour is obviously

smaller than it would be if the antenna were omnidirectional at full Class A power. Attached hereto is a technical statement which demonstrates that if WZOL did not have to protect a station on Channel 222B at Cruz Bay, it could operate at full Class A power. 1/

Operating with full Class A facilities, WZOL could serve an area with a population calculated to be 809,813 as compared to the population within the service area of the facilities proposed in the pending application of 307,833.

The additional population which would receive new service from the expanded operation of WZOL is an important factor to consider in this proceeding. The Commission's priorities for FM allotments are the following: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88 (1982). Gains in population served is an element of the fourth priority (other public interest matters). See, Stamps and Camden, Arkansas, 3 F.C.C.Rcd. 3644 (1988); Chippewa Falls, Wisconsin and Red Wing, Minnesota, 4 F.C.C.Rcd. 6323 (1989). Thus in addition to benefits pertaining to any of the higher priorities which could be achieved by adopting any counterproposal which moves WDCM off of Channel 222B at Cruz Bay and deletes that channel from

1/ The Tortola allotments on Channel 219 and Channel 222 would not bar WZOL from operating at full Class A power. The proposed WZOL site is not short-spaced to either of them under the CCIR separation standards. See, Planning Standards for FM Sound Broadcasting at VHF, CCIR, XVIIth Plenary Assembly, Dusseldorf, 1990; Reference Document 10/372; Recommendation 412-4 (Mod F).

the Table, there is the element of substantial additional population receiving a new service from the increase in facilities for WZOL.

If the Commission adopts a counterproposal involving the deletion of Channel 222B at Cruz Bay, WZOL hereby states its intention to promptly apply for full Class A omnidirectional facilities, and upon Commission approval, to promptly construct them.

WHEREFORE, WZOL respectfully urges the Commission to adopt one of the counterproposals in this proceeding which would result in the move of WDCM to a different channel and the deletion of Channel 222B at Cruz Bay, Virgin Islands.

Respectfully submitted,

ASOCIACION PUERTORRIQUENA DEL ESTE
DE LOS ADVENTISTAS DEL SEPTIMO DIA

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March 4, 1993

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**Engineering Statement On Behalf of
Asociacion Puertorriquenna del Este de los Adventistas del Septimo Dia
Licensee of WZOL(FM), Channel 221A, Luquillo, Puerto Rico**

March 4, 1993

**Asociacion Puertorriquena del Este de los Adventistas del Septimo Dia
Luquillo, Puerto Rico**

This Engineering Statement was prepared on behalf of Asociacion Puertorriquena del Este de los Adventistas del Septimo Dia, herein referred as "applicant", licensee of station WZOL(FM), Channel 221A, Luquillo, Puerto Rico. The instant statement supports WZOL's comments in the rulemaking proceeding involving WDCM(FM), Channel 222B, Cruz Bay, Virgin Islands.

Attached as Table 1 is a channel allocation study for the proposed site, which shows that the proposal meets the full distance separation requirements to all domestic FM stations but WDCM.¹ The proposed increase in short-spacing with WDCM involves 47 CFR 73.215(a)(4), which specifies that stations seeking processing under 47 CFR 73.215 in Puerto Rico and the Virgin Islands may not extend their 60 dBu contour beyond their present locations toward the 60 dBu contour of the short-spaced station.² Consequently, the applicant proposed a directional antenna to limit extension of WZOL's 60 dBu contour, clockwise in an arc beginning at approximately 80 degrees True. Maximum ERP was specified as 1.1 kilowatts, horizontal and vertical.

WDCM, as allotted on Channel 222B for Cruz Bay, is approximately 12 kilometers from a third-adjacent Class C allotment and 13 kilometers from a co-channel Class B1 allotment to Tortola, in the British Virgin Islands. Obviously, WDCM cannot operate a facility in such proximity to these allotments. To avoid this potential conflict with Channels 219A and 222B1, Paradise Broadcasting Corporation, the permittee for WDCM, has requested that the Commission substitute Channel 267B for Channel 222B.³ This change, if effectuated, would remove the only restriction to WZOL for operation with maximum Class A facilities.

As a full Class A facility in Puerto Rico, 47 CFR 73.211(b)(3) states that stations located in Puerto Rico and the Virgin Islands have a Class contour distance

¹ WORO, Channel 223B, Corozal, is located 68.9 kilometers from the proposed site for WZOL. Under the Commission's rounding procedure, this spacing meets the required 69.0 kilometer separation for second-adjacent Class A and Class B facilities.

² Memorandum Opinion and Order, FCC Docket 87-121.

³ The request of Paradise Broadcasting Corporation was submitted in response to RM-8027, assigned MM Docket 92-244, which would substitute Channel 267B for Channel 246B, as allotted to Charlotte Amalie.

**Asociacion Puertorriquena del Este de los Adventistas del Septimo Dia
Luquillo, Puerto Rico**

As a full Class A facility in Puerto Rico, 47 CFR 73.211(b)(3) states that stations located in Puerto Rico and the Virgin Islands have a Class contour distance of 42 kilometers. The proposed WZOL facility has a reference HAAT of 279 meters. Thus, WZOL may operate with a non-directional ERP of 4.6 kilowatts.

With respect to the two channel allotments, Channels 219B and 222B1, in the British Virgin Islands, a study was performed to determine interference protection. Based on the procedures described in the International Radio Consultative Committee (CCIR) Planning Standards for FM Sound Broadcasting at VHF,⁴ RF protection ratios for tropospheric interference to stereophonic service will not be exceeded between the hypothetical 4.6 kilowatt facility at any location on land within United Kingdom territory. Operation will not result in objectionable interference to the British Virgin Island allotments. Therefore, if WZOL proposes a full Class A facility in lieu of its present proposal, a substantial improvement in coverage is provided.

⁴ Draft Recommendation 412-4 (Mod F), Table I, Document 10/1031-E, CCIR, XVIIth Plenary Assembly, Dusseldorf, 15 December 1989.

Asociacion Puertorriquena del Este de los Adventistas del Septimo Dia
Luquillo, Puerto Rico

Table 1

Study Name : WZOL ALLOCATION STUDY

Channel : 221A

Coordinates : N 18 19 54.0 W 65 41 11.0

Separations : FM Zone 1 - Commercial

Call City	File - number State	Chan Status	ERP HAAT	Latitude Longitude	Bear Zone	Dist Clear	Req'd (km)
WEGMFM HORMIGUEROS	BLH 850620KQ PR	221A LIC	3.00 580	18 11 15.0 67 7 4.0	264.2 1	152.21 37.21	115.0 Comment
WEGMFM HORMIGUEROS	BPH 910903IF PR	221A CP	2.00 1106	18 19 6.0 67 10 42.0	269.7 1	157.72 42.72	115.0 Comment
WEGMFM HORMIGUEROS	BPH 910523IA PR	221A APP	6.00 577	18 11 20.0 67 7 4.0	264.2 1	152.19 37.19	115.0 Comment
WZOL LUQUILLO	BLH 7306 PR	221A LIC	3.00 110	18 21 48.0 65 44 24.0	301.9 1	6.66 -108.34	115.0 SHORT
WZOL LUQUILLO	BPH 920914JD PR	221A CP	6.00 213	18 21 48.0 65 44 24.0	301.9 1	6.66 -108.34	115.0 SHORT c
WZOL LUQUILLO	BMPH 920107IG PR	221A APP	4.00 568	18 19 54.0 65 41 10.0	90.0 1	.03 -114.97	115.0 SHORT c
D92-244 CRUZ BAY	RM 8182 VI	222B PDEL		18 20 17.0 64 43 40.0	89.4 1	101.33 -11.67	113.0 SHORT
WDCM CRUZ BAY	BMPH 901214IH VI	222B CPM	48.0 1302	18 20 17.0 64 43 40.0	89.4 1	101.33 -11.67	113.0 SHORT c
WORD COROZAL	BLH 900530KC PR	223B LIC	50.0 1197	18 15 9.0 66 19 58.0	262.8 1	68.90 -.10	69.0 SHORT c

End of Study

Asociacion Puertorriquena del Este de los Adventistas del Septimo Dia
Luquillo, Puerto Rico

A F F I D A V I T

COUNTY OF FAIRFAX)
) SS:
COMMONWEALTH OF VIRGINIA)

JOHN C. KEAN, being duly sworn upon oath deposes and says:

That he is employed as a Senior Engineer by the firm of Moffet, Larson & Johnson, Inc., consulting telecommunications engineers;

That this firm has been retained by Asociacion Puertorriquena del Este de los Adventistas del Septimo Dia to prepare this engineering statement;

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.

John C. Kean

Subscribed and sworn to before me this 4th day of March, 1993.

Notary Public

Asociacion Puertorriquena del Este de los Adventistas del Septimo Dia
Luquillo, Puerto Rico

A F F I D A V I T

COUNTY OF FAIRFAX)
) SS:
COMMONWEALTH OF VIRGINIA)

CHARLES G. PERRY III, being duly sworn upon oath deposes and says:

That he has a Bachelor's degree in Electrical Engineering from the University of Tennessee and that he is a registered professional engineer in the State of Virginia;

That he is employed as a Senior Engineer by the firm of Moffet, Larson & Johnson, Inc., consulting telecommunications engineers;

That this firm has been retained by Asociacion Puertorriquena del Este de los Adventistas del Septimo Dia to prepare this engineering statement;

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.

Charles G. Perry, III

Subscribed and sworn to before me this 4th day of March, 1993..

Notary Public

CERTIFICATE OF SERVICE

I, Donald E. Martin, hereby certify this 4th day of March, 1993 that I have caused a copy of the foregoing document to be sent to each of the following named persons by United States mail with first class postage prepaid:

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