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May 17, 1993

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MAY 17 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

Re: Athens, Ohio  
Petition for Rulemaking

Dear Ms. Searcy:

Transmitted herewith, on behalf of James Phillips, are an original and five copies of a Petition for Rulemaking for FM Channel 240A, Athens, Ohio.

If there are any questions with respect to this matter, please communicate with the undersigned.

Sincerely,



Arthur V. Belendiuk  
Counsel for  
**JAMES PHILLIPS**

AVB/ml.B0517  
Enc.

cc: Mr. Jim Phillips

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

In the matter of: :  
Amendment of Section 73.202(b) :  
Table of Allotments :  
FM Broadcast Stations :  
(Athens, Ohio) :  
Ch. 240A, 95.9 mHz. :  
James Phillips :  
414 Washington St. :  
Defiance, Ohio :  
Petitioner :

RM-

MM Docket

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MAY 27 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

James Phillips requests the Commission to allot Ch. 240A, 95.9 mHz. to Athens, Ohio as that community's second commercial FM allotment. If the channel is assigned, James Phillips proposes to apply for permission to build an FM station at Athens, Ohio.

THE COMMUNITY: Athens, (21,265 pop. 1990 Census) is the county seat of Athens County (pop. 59,549), located in southeastern Ohio about 70 miles from Columbus. It is a college community, the location of Ohio University (18,000 students). The city also is the location of the state operated Southeastern Psychiatric Hospital.

An incorporated city, the city is governed by a mayor council government. Other major employers are T.S. Trim (auto parts) McBee Systems (office equipment) and a regional headquarters for Columbia Gas. It is the retail center for Athens County with two malls inside the city limits.

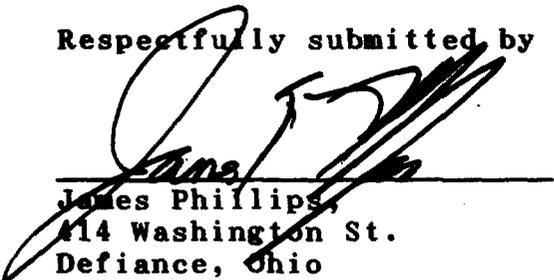
OTHER MEDIA: This proposal would be the second commercial allotment for the city. Presently licensed to Athens is Class A station WXTQ, and AM daytime station WATH. There is a second Class IV channel in Athens, WOUB, operated by Ohio University, which also operates non-commercial WOUB (FM) and WOUB-TV. WAIS (AM) and WSEO (FM) (Class A) are licensed to Nelsonville, (a small city northwest of Athens) and cover parts of the city of Athens. A third AM station, WYNO, Nelsonville, has been silent for two years.

The Athens Messenger publishes daily and sundays; Continental Cable operates the cable system.

**CHANNEL 240A:** Please see Table I. This channel meets all minimum distance requirements of the Commission's rules if a site is used 7 to 8 Km east of the Athens post office. Table I is calculated using the coordinates of the Athens post office, and shows a short spacing to third adjacent WHOK-FM Lancaster of 6 km.

The Petitioner has conducted a preliminary engineering survey from a site that meets all of the minimum distance requirements, and it is possible to provide city grade coverage over all of the city.

Respectfully submitted by



James Phillips,  
414 Washington St.  
Defiance, Ohio

TABLE I

James Phillips  
Defiance, Ohio

Requests: Ch. 240 A, 95.9 MHz.  
Athens, Ohio.

From: Athens Post Office, 39 19' 56" N; 82 05'45" W

	Minimum	Actual	Margin
<u>Co-Channel:</u>	<u>Ch. 240, 95.9 MHz.</u>		
WNPQ, New Philadelphia, Oh. (A)	115 KM.	150 KM.	35 KM.
<u>FIRST ADJACENT:</u>	<u>Ch. 241, 96.1 MHz.</u>		
WKWS, Charleston, W.Va. (B)	113 KM.	117 KM.	+4 KM.
	<u>Ch. 239, 95.7 MHz.</u>		
WEEL, Shadyside, Ohio (B-1)	96 KM.	141 KM.	+45 KM.
WCLR, Piqua, Oh. (B)	113	212	+99
<u>SECOND ADJACENT:</u>	<u>Ch. 242, 96.3 MHz.</u>		
WLVQ, Columbus, Oh. (B)	69 KM.	107 KM.	+38 KM.
	<u>Ch. 238, 95.5 MHz.</u>		
WHOK-FM Lancaster, Ohio (B)	69 KM.	63 KM.	-6 KM.
<u>THIRD ADJACENT:</u>	<u>Ch. 243, 96.5 MHz.</u>		
WRKP, Moundsville, W.Va. (A)	31 KM.	128 KM.	+97 KM.
	<u>Ch. 237, 95.3 MHz.</u>		
WDJK, Xenia, Oh (A)	31 KM.	169 KM.	+138 KM.

IF BEAT FREQUENCIES

There are no assignments within 30 kilometers on either 106.5 or 106.7 MHz.