

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	MB Docket No.
Amendment of Section 73.202(b))	RM- _____
FM Table of Allotments)	
FM Broadcast Stations)	
(Connerville, OK))	
)	

**PETITION FOR RULE MAKING TO AMEND FM TABLE OF ALLOTMENTS
USING TRIBAL PRIORITY**

The Chickasaw Nation ("Chickasaw Nation"), a federally recognized Native American Tribe, hereby requests the allotment of Channel 247 at Connerville, Oklahoma, as that community's first local tribal-owned transmission service and a Tribal Allotment. Chickasaw is simultaneously filing an FCC Form 301 application for this proposal and, if its application is granted, Chickasaw will construct the facility as authorized.

The attached Channel Study (Attachment A) shows that Channel 247 can be allotted at Connerville, Oklahoma consistent minimum distance separation requirements of Section 73.207 of the Commission's Rules, (Attachment A), and that a principal community (70 dBu) signal can be provided to the entire community of Connerville, Oklahoma from the proposed reference coordinates of 34 degrees 25 minutes 55.668 seconds North Latitude, 96 degrees 38 minutes 12.12 seconds West Longitude (NAD27).

The Chickasaw Nation requests that this petition and the simultaneously filed FCC Form 301 application be processed under the Commission's Tribal Priority. *See Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, First Report and Order, 25 FCC Rcd 1583 (2010), *modified*, Second Report and Order, 26 FCC Rcd 2556, *modified*, Third Report and Order, 26 FCC Rcd 17642 (2011). In support of this request, Chickasaw Nation states the following:

- a. The Chickasaw Nation is a federally recognized Native American Tribe.
- b. More than 50 percent of the proposed radio station's principal community contour (70 dBu) will be within the boundaries of the Chickasaw Nation. The proposed station's principal community contour will serve more than 2,000 people living within the tribal boundaries. The tribal population living within the proposed station's service contour (60dBu) is more than 50 percent of the total population in the service contour. The proposed station's principal community contour will not cover more than 50 percent of another Native American Tribe's Tribal Lands. (Attachment B)

- d. The proposed radio station will be the first local transmission service at Connerville, Oklahoma. Furthermore, the community of Connerville, Oklahoma is Census Designated Place (CDP) as identified by the U.S. Census Bureau, which meets the standards as a community of license for a radio station.

For the foregoing reasons, the Chickasaw Nation respectfully requests that the Commission amend the FM Table of Allotments, 47 C.F.R. Section 73.202(b), as follows:

<u>CITY, STATE</u>	<u>CHANNEL</u>
Connerville, Oklahoma	247

Respectfully submitted,

THE CHICKASAW NATION

By: Bill Anoatubby
Bill Anoatubby, Governor
P.O. Box 1548
Ada, OK 74821-1548

ATTACHMENT A.

Broadcast Engineering Services of Bonny Doon, Inc.
Don Mussell NCE-CBT
New Class A
Connerville, OK

REFERENCE		DISPLAY DATES
34 24 59.9 N.	CLASS = A	DATA 06-02-17
96 43 52.8 W.	Current Spacings to 3rd Adj.	SEARCH 06-11-17
----- Channel 247 - 97.3 MHz -----		

Call	Channel	Location	Azi	Dist	FCC	Margin
KKNG-FM	LIC-N 247A	Blanchard	OK 317.0	116.10	115.0	1.1
AL6900	RSV-A 247A	Blanchard	OK 312.7	116.36	115.0	1.4
Proposed allotment						
KLAK	LIC 248C2	Tom Bean	TX 165.8	107.72	106.0	1.7
KYAL-FM	LIC 246C	Muskogee	OK 47.9	166.76	165.0	1.8
KICM	LIC-Z 249C2	Healdton	OK 263.8	67.12	55.0	12.1
KTCK-FM	LIC 244C	Flower Mound	TX 212.8	129.07	95.0	34.1
KEGL	LIC 246C	Fort Worth	TX 186.2	203.93	165.0	38.9
KMOD-FM	LIC 248C	Tulsa	OK 16.0	205.65	165.0	40.7
KKEN	LIC 246A	Duncan	OK 275.7	114.09	72.0	42.1
AL3736	VAC 247A	Bogata	TX 125.7	162.53	115.0	47.5
NEW DROP IN						
1656651	APP 247A	Bogata	TX 125.7	162.53	115.0	47.5
One Step Application						
1656962	RSV-A 247A	Bogata	TX 125.7	162.53	115.0	47.5
One Step Application						

RSV-R = reserved - needs protection, RSV-A = allocation

ATTACHMENT B.

**The Chickasaw Nation
New Allocation for
Connerville, Oklahoma**

**Demonstration of Compliance with Local Ownership Rules
and
Tribal Priority compliance Rules**

Attached are a table and maps demonstrating The Chickasaw Nation's ("TCN") compliance with the Commission's multiple ownership rules.

The submitted application for the proposed allocation is permissible under the Commission's multiple ownership rules because of the following:

- 1) This new allocation is located in a non-Arbitron, unrated market and is not a part of any other market in Oklahoma.
- 2) None of the existing TCN operating stations in semi-distant adjacent areas have an FM 70 dBu contour that overlap the 70 dBu contour of the proposed new allocation. In addition, none of the existing TCN AM facilities in semi-distant adjacent areas have 5 mV/m overlap with the proposed allocation.
- 3) As the attached 70 dBu FM contour map shows, TCN has one currently operating station that overlaps the proposed new allocation's 70 dBu contour. The addition of the proposed new FM facility will not exceed the Commission's limits. As the attached 5 mV/m AM contour map shows, TCN has one currently operating AM station that overlaps the proposed allocation 70 dBu contour. Therefore, TCN submits that there is overlap with one FM and one AM facility, and the number does not exceed the FCC limits on cross-ownership in an unrated market, and is therefore in compliance with FCC duopoly rules.
- 4) 93% percent of the area within the proposed station's principal Community contour is over The Chickasaw Nation's Tribal Lands, There are 2343 persons residing within the proposed 70 dbu Contour.
- 5) All data and information contained herein is true and accurate to our belief and knowledge. All data related to AM and FM facilities was derived from the FCC CDBS system.

Connerville Allocation
Duopoly Study - Stations of Interest

AM Broadcast Stations
(5 mV/m Overlap)

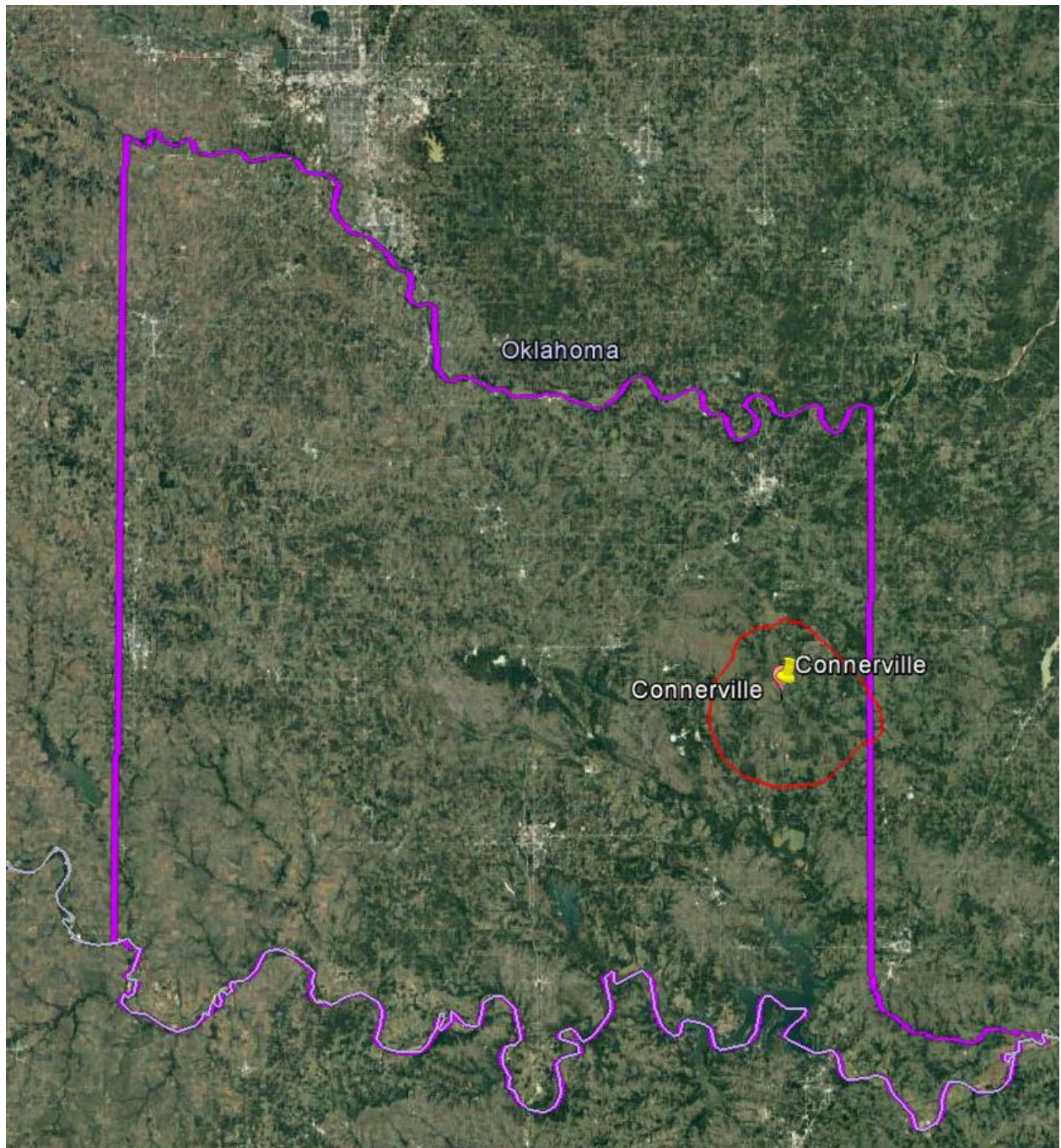
<u>Facility ID</u>	<u>Call Sign</u>	<u>Location</u>	<u>Freq</u>	<u>Power</u>	<u>Coordinates</u>
33259	KADA	Ada	1230	1kw	34-47-06 / 96-40-44

This facility is owned and operated by TCN

FM Broadcast Stations
(70 dbu overlap)

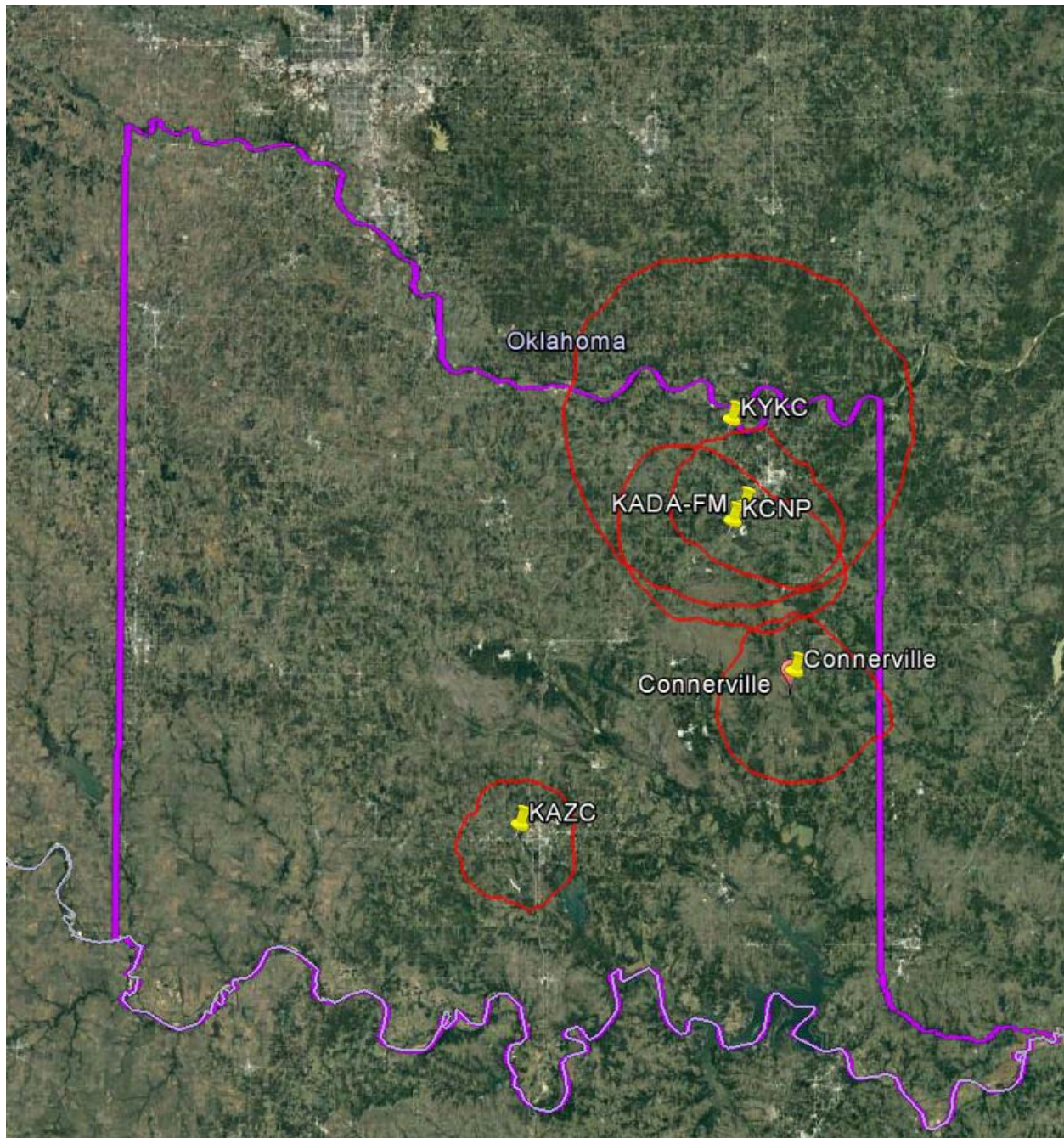
<u>Facility ID</u>	<u>Call Sign</u>	<u>Location</u>	<u>Ch</u>	<u>Power</u>	<u>HAAT</u>	<u>Coordinates</u>
88713	KCNP	Ada	208	5.8kw	177	34-41-01 / 96-45-44

This facility is owned and operated by TCN
This facility is a non-commercial educational station



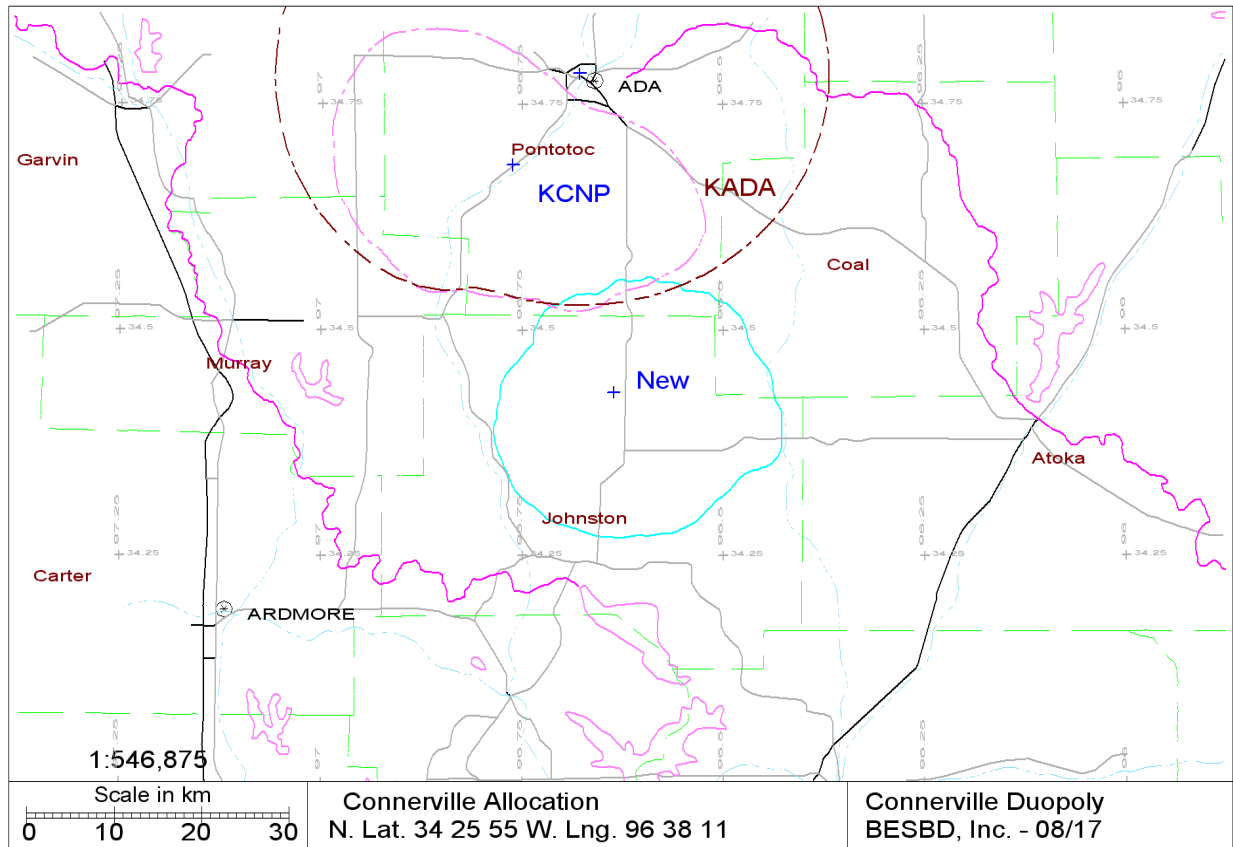
Chickasaw Nation Boundary and Proposed Connerville Allocation 70 dbu Contour

93% contained within the Chickasaw Nation Boundary



Chickasaw Nation FM stations and Connerville Allocation – 70 dbu Contours

Chickasaw Nation Border shown in Purple



The Chickasaw Nation existing and Proposed contours

KADA(AM) 5 MV/m and KCNP (NCE-FM) 70 dbu

Overlap with new (Connerville) 70 dbu

**AFFIDAVIT AND QUALIFICATIONS OF
DONALD E. MUSSELL JR.**

State of Hawaii)
Kilauea)
County of Kauai)

Donald E. Mussell Jr. affirms that he is a consulting radio and electronics engineer; that he is Certified as a Broadcast Engineer, Class 1, by the National Association of Radio and Telecommunications Engineers, Inc., License #E1-00619, issued in 1985;

That he is recognized as a Broadcast Technologist by the Society of Broadcast Engineers, License # 22301, and a member of the Society of Broadcast Engineers since 1980;

That he held a First Class Radiotelephone License from 1975 until 1985, when it was replaced by a lifetime General Class Radiotelephone license (PG-12-20588), issued by the Federal Communications Commission in January of 1985;

That he has submitted many applications to the Federal Communications Commission for broadcast and auxiliary broadcast construction permits and licenses, and that his experience in Radio and Television broadcast engineering extends over four decades;

That he declares, under penalty of perjury, that the foregoing engineering exhibits were prepared by him or under his direction and supervision; and that the statements contained therein are true and correct to the best of his belief and knowledge.

A handwritten signature in black ink, appearing to read 'Donald E. Mussell Jr.', with a stylized, cursive script.

Donald E. Mussell Jr. NCE-CBT
Consulting Engineer
September 8, 2017