

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

RECEIVED

93-224

SEP 24 1993

In the Matter of )
Amendment of Section 73.202(b) )
Table of Allotments, )
FM Broadcast Stations )
(Farmington, Missouri) )

MM Docket No. 93-224
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM-8291

To: Chief, Allocations Branch

COMMENTS AND COUNTERPROPOSAL

Wayne E. Tate and David E. Smith Communications, Inc. ("David Smith") hereby submit their comments and counterproposal in response to the Commission's Notice of Proposed Rulemaking ("Notice") in the above-referenced proceeding. As set forth below, the parties respectfully request that the following changes be made to the FM Table of Allotments in lieu of the change proposed in the Notice:

Table with 3 columns: City, Present, Proposed. Rows include Ironton, MO; Centerville, MO; Herrin, IL.

Discussion

1. Wayne Tate is the permittee of WVZA at Herrin, Illinois. Mr. Tate currently has pending at the Commission a proposal to upgrade WVZA from Channel 224A to Channel 224B1.

See, Petition for Rulemaking, filed August 19, 1993. In order to

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accomplish the WVZA upgrade, the channel used by station KYLS at Ironton, Missouri must be changed. In the pending proposal of Mr. Tate, it is requested that Channel 258A be allocated to Ironton in lieu of its current allocation, Channel 224A.

2. David Smith, the licensee of KYLS, has consented to this change of channels. However, it requests that its new allocation on Channel 258 be upgraded to a C3, as proposed in this counterproposal. The allocation of Channel 258 at Ironton, as either a Class A or C3 facility, would be mutually exclusive with the proposal of KREI, Inc. in the above-referenced rulemaking proceeding, therefore necessitating the instant counterproposal.<sup>1/</sup>

3. In addition, David Smith requests the allotment of a new channel, 224A, at Centerville, Missouri. The allocation of this channel is made possible by the change in channels of KYLS to either 258A or 258C3. This new allocation will provide a first local service to Centerville, Missouri. As Centerville is the county seat of Reynolds county, which currently has no local broadcast origination service, it is presumptively in the public interest.<sup>2/</sup>

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<sup>1/</sup> If for any reason the upgrade of KYLS is not protected, David Smith would willingly consent to the modification of its license to specify channel 258A, as initially specified by Mr. Tate in his August 19 Petition. The engineering report submitted with that Petition demonstrates that the Class A channel will work at Ironton.

<sup>2/</sup> An engineering statement confirming the availability of these channels, is attached hereto.

- 3 -

4. Mr. Tate commits to file for his upgrade promptly upon grant of the allotment, and to construct it upon grant of the construction permit application. David Smith commits to file for the upgrade for KYLS upon approval of the new allotment, and to promptly construct the new facilities upon grant of a construction permit application. David Smith will also submit an application for the new Centerville, Missouri channel, and will promptly construct the station there if awarded the construction permit.

Therefore, for the reasons set forth above, the Commission should accept and adopt this counterproposal.

Respectfully submitted,

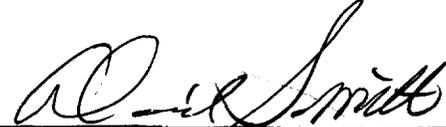
WAYNE E. TATE

By 

David D. Oxenford  
Fisher, Wayland, Cooper  
& Leader  
1255 23rd Street, N.W.  
Suite 800  
Washington, D.C. 20554

His Attorney

DAVID E. SMITH COMMUNICATIONS, INC.

By 

David Smith, President  
David E. Smith Communications, Inc.  
KFTW Radio  
Box 71, Highway 00  
Fredericktown, Missouri 63645  
(314) 783-6461

September 24, 1993

SUBSCRIPTION AND VERIFICATION

I, David Smith, hereby verify the foregoing "Comments and Counterproposal." I have read the document. To the best of my knowledge, information and belief, there is good ground to support the relief requested in that document. This filing is not interposed for reasons of delay. I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.



---

David Smith, President  
David E. Smith communications, Inc.  
KFTW Radio  
Box 71, Highway 00  
Fredericktown, Missouri 63645  
(314) 783-6461

Date:

9/23/93

Engineering Statement:  
September 20, 1993

On behalf of Wayne E. Tate of Marion, Illinois we have prepared this engineering statement and the attached exhibits in support of his Counterproposal to the allocation of channel 258C3 at Farmington, Missouri (RM-8291.)

Mr. Tate proposes the following changes in the table of allocations.

<u>Location</u>	<u>Present</u>	<u>Proposed</u>	<u>Coordinates</u>
Ironton, MO	224A	258C3	37-34-23 90-41-35 <sup>1</sup>
Centerville, MO	None	224A	37-26-00 90-58-00 <sup>2</sup>
Herrin, IL	224A	224B1	37-45-00 89-14-45 <sup>3</sup>

Wayne E. Tate, supported by the ownership of KYLS at Ironton, Missouri, proposes that channel 258C3 be allocated to Ironton, Missouri instead of to Farmington, Missouri as proposed in RM-8291. He proposes that the channel be reserved for KYLS. **Exhibit #E1** details that channel 258 can be allocated to Ironton without site restriction.

Further, Wayne E. Tate proposes that channel 224 be allocated as a new class A channel to Centerville, Missouri which is without a local service. **Exhibit #E2**, confirms the availability of channel 224 at Centerville assuming that the allocation at Ironton of channel 224 is changed to channel 258.

Further, Wayne E. Tate, owner of WVZA at Herrin, Illinois proposes that the allocation of channel 224A at Herrin be changed to 224B1 and that it be reserved for WVZA. Attached **Exhibit #E3**, confirms

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<sup>1</sup> - KYLS Tower site

<sup>2</sup> - Centerville city center coordinates

<sup>3</sup> - Site restricted 18.75 km west-south west of Herrin

the availability of a fully spaced class B1 site which would provide the required 70 dBu city service signal to the entire city of Herrin.

Wayne E. Tate and the KYLS ownership have declared that they will immediately apply to upgrade their respective facilities when the requested allocations have been made.

**Table of Exhibits:**

**Exhibit #E1**

Page #1	C3 channel study at Ironton, Missouri
Page #2	C3 graphic with tabular display
Page #3	C3 area to locate map

**Exhibit #E2**

Page #4	Class A channel study at Centerville
Page #5	Class A graphic and tabular study
Page #6	Class A area to locate map

**Exhibit #E3**

Page #7	B1 channel study for Herrin, Illinois
Page #8	" "
Page #9	B1 graphic with tabular display
Page #10	B1 area to locate map
Page #11	70 dBu coverage map

**Exhibit #E4**

Statement of qualifications of  
Douglas L. Vernier as preparer

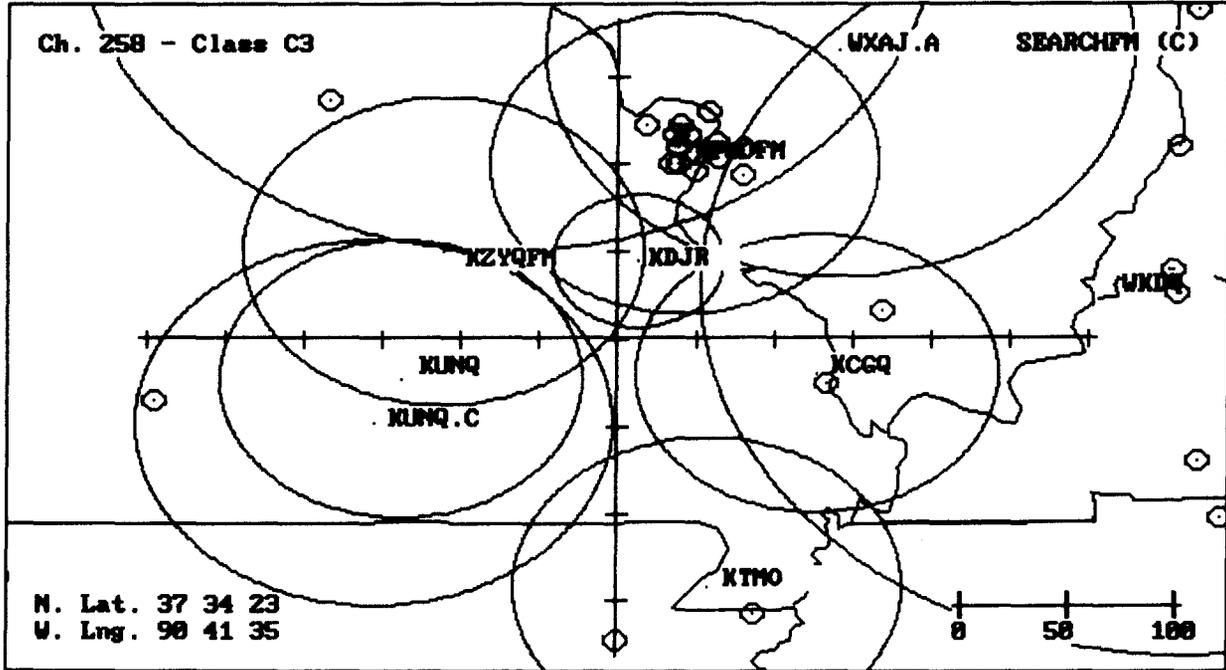
DOUG VERNIER BROADCAST CONSULTANT  
1600 PICTURESQUE DR. CEDAR FALLS IA. 50613

Wayne E. Tate  
Fully Spaced class C3 site at Ironton, MO

REFERENCE	CLASS C3	DISPLAY DATES
37 34 23 N	Current rules spacings	DATA 08-25-93
90 41 35 W	CHANNEL 258 - 99.5 MHz	SEARCH 09-19-93

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD258 AD	258C3 37 38 45	Farmington 90 32 14	MO 0.000 kW	59.6 0M	15.96 9.9	153.0 95.1	-137.04 *
	KREI Inc.				RM8291		930708
>PRM-Site Restriction 18.2 km Southwest							
KZYQFM CPM CN	259C3 38 04 14	St. James 91 39 53	MO 25.000 kW	302.8 100M	101.82 63.3	99.0 61.5	2.82 <
	John E. Hoehn				BMPH930127IC		
KDJR LI CN	261A 38 01 25	De Soto 90 34 02	MO 2.000 kW	12.5 122M	51.22 31.8	42.0 26.1	9.22
	Jefferson Communications, Inc				BLH910131KB		
KCGQ LI CN	257A 37 22 07	Gordonville 89 35 34	MO 4.200 kW	103.1 118M	99.94 62.1	89.0 55.3	10.94
	Target Media, Incorporated				BLH900629KB		
KUNQ.C CP CN	257C2 37 04 55	Houston 92 02 31	MO 30.000 kW	245.5 192M	131.39 81.7	117.0 72.7	14.39
	Broadcasters of Texas County,				BPH911209IE		
KFUOFM LI CN	256C 38 34 24	Clayton 90 19 30	MO 100.000 kW	16.2 313M	115.63 71.9	96.0 59.7	19.63
	The Lutheran Church-Missouri				BLH881115KB		
KUNQ LI HN	257A 37 19 45	Houston 91 53 55	MO 3.000 kW	255.8 91M	110.05 68.4	89.0 55.3	21.05
	Broadcasters of Texas County,				BLH5047		
>*To channel 257C2 per D90-619							
WKDQ LI CY	258C 37 52 57	Henderson 87 32 27	KY 100.000 kW	83.0 300M	280.01 174.0	237.0 147.3	43.01
	Bristol Broadcasting Company,				BLH881025KC		

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 1600 PICTURESQUE DR. CEDAR FALLS IA. 50613



Wayne E. Tate  
 Fully Spaced class C3 site at Ironton, MO

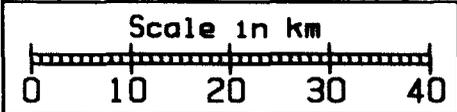
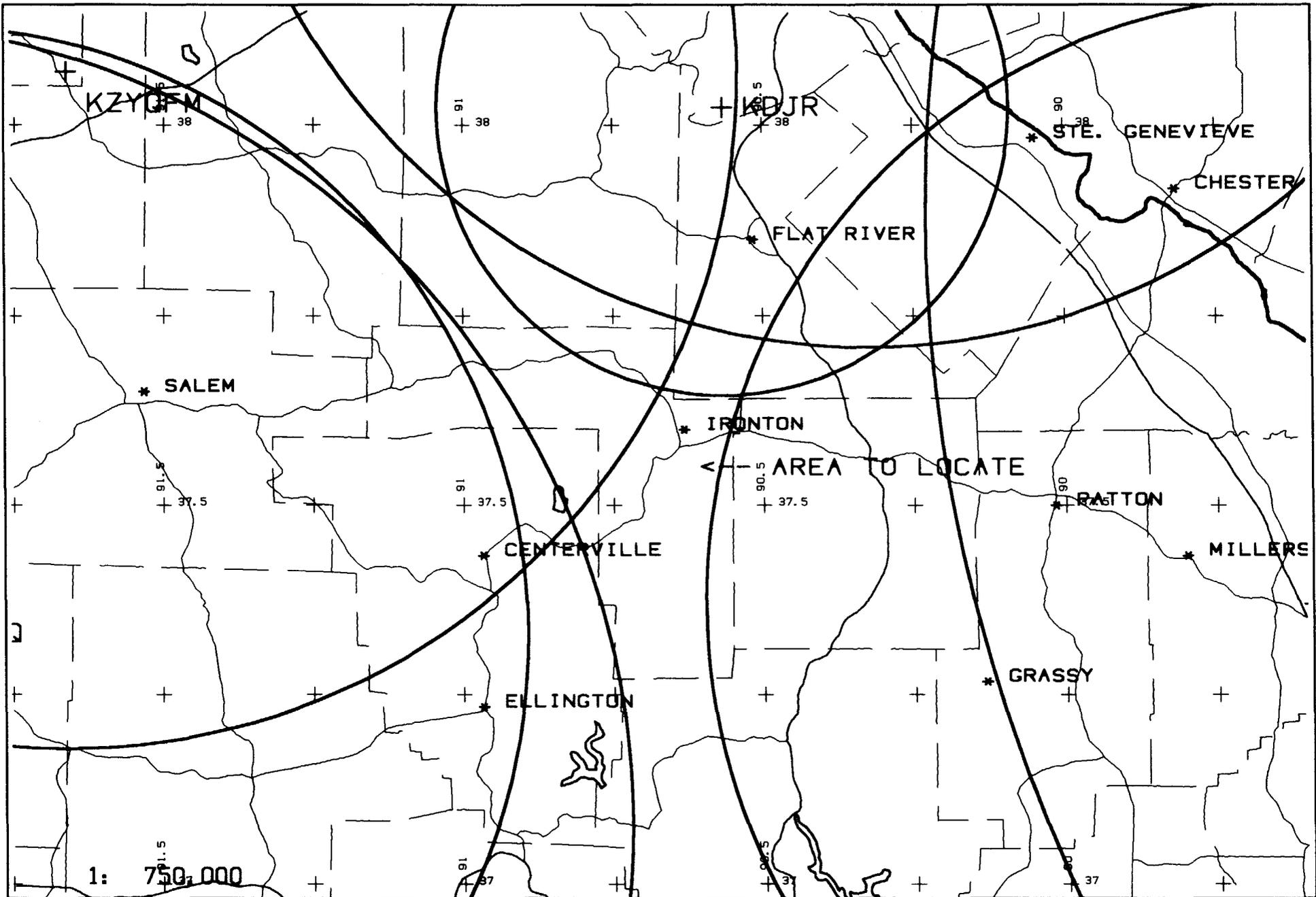
Search 09-19-93

Data 08-25-93

Current rules spacings

----- CHANNEL 258 - 99.5 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KZYQFM	259C3	St. James	MO	302.8	101.82	99.0	2.82 <
KDJR	261A	De Soto	MO	12.5	51.22	42.0	9.22
KCGQ	257A	Gordonville	MO	103.1	99.94	89.0	10.94
KUNQ.C	257C2	Houston	MO	245.5	131.39	117.0	14.39
KFUOFM	256C	Clayton	MO	16.2	115.63	96.0	19.63
KUNQ	257A	Houston	MO	255.8	110.05	89.0	21.05
WKDQ	258C	Henderson	KY	83.0	280.01	237.0	43.01
WQCY	258B	Quincy	IL	348.2	272.11	211.0	61.11
WXAJ.A	259B	Hillsboro	IL	30.5	213.51	145.0	68.51
KTMO	255C	Kennett	MO	164.4	166.09	96.0	70.09



CH 258C3 Proposal - (KYL) Ironton  
N. Lat. 37 34 23 W. Lng. 90 41 35

AREA TO LOCATE  
DOUG VERNIER - 09/93

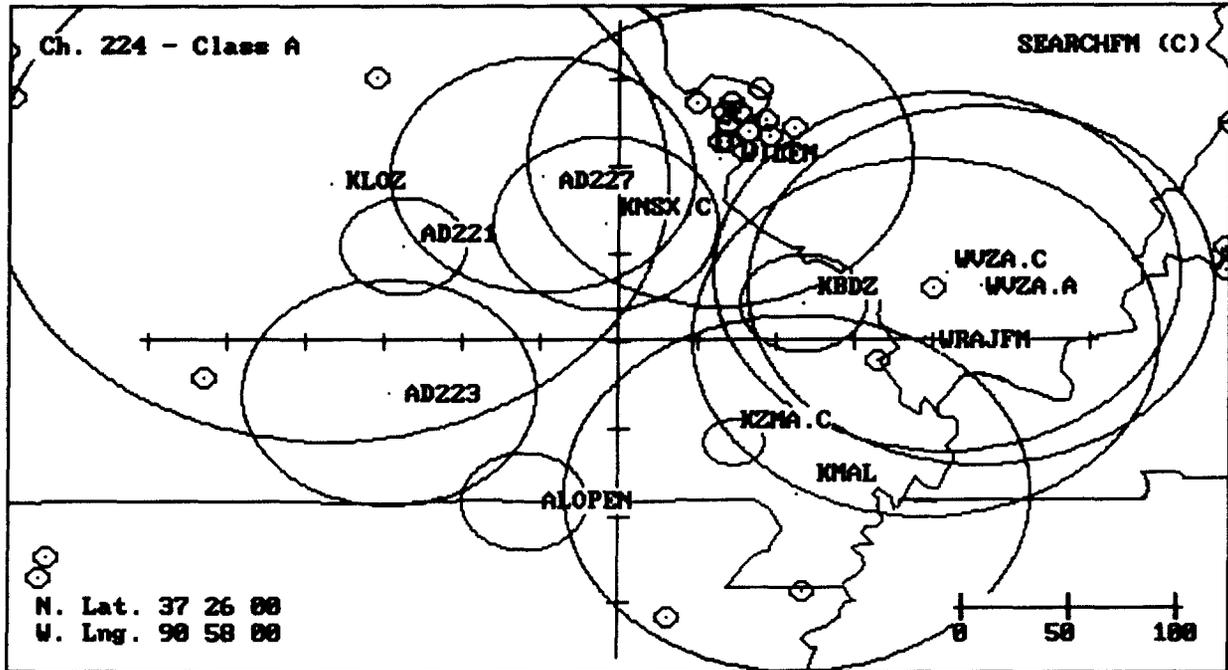
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1600 PICTURESQUE DR. CEDAR FALLS IA. 50613

Wayne E. Tate  
Proposed allocation at Centerville

REFERENCE		CLASS A	DISPLAY DATES
37 26 00 N		Current rules spacings	DATA 08-25-93
90 58 00 W		CHANNEL 224 - 92.7 MHz	SEARCH 09-19-93

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
NEW RM	224A 37 26 00	Centerville 90 58 00	MO 6.000 kW	0.0 100M	0.00 0.0	115.0 71.5	-115.00 *
Counterproposal by Wayne Tate							
KYLS LI CN	224A 37 34 23	Ironton 90 41 35	MO 0.640 kW	57.3 204M	28.74 17.9	115.0 71.5	-86.26 *
Mid-America Communications, I BLH840113AK							
KLOZ LI CN	224C2 38 20 27	Eldon 92 35 33	MO 31.000 kW	305.2 189M	174.93 108.7	166.0 103.2	8.93
CTC Communications, Inc. BLH890828KE							
KMAL LI CN	224A 36 33 08	Malden 89 58 42	MO 3.000 kW	138.0 55M	131.54 81.8	115.0 71.5	16.54
Tri-County Broadcasting Co., BLH791105AC							
KNSX.C CP CN	227C2 38 06 16	Steelville 91 02 30	MO 8.500 kW	354.9 356M	74.78 46.5	55.0 34.2	19.78
Twenty-One Sound Communicatio BPH910822JU							
WILFM LI CY	222C 38 28 56	St. Louis 90 23 53	MO 100.000 kW	23.2 300M	126.69 78.7	95.0 59.0	31.69
Heritage Media Corp. BLH890707KC							
AD227 AD	227C1 38 22 54	Steelville 91 23 21	MO 0.000 kW	340.6 OM	111.62 69.4	75.0 46.6	36.62
Twenty-One Sound Communicatio RM7139 920616							
WRAJFM LI HN	224A 37 26 45	Anna 89 15 00	IL 3.000 kW	89.5 88M	151.93 94.4	115.0 71.5	36.93
Union Broadcasting, Inc. BLH2860							
>*To Channel 243C2 per D87-599							
AD223 AD	223A 37 08 07	Mountain Grove 92 14 59	MO 0.000 kW	253.8 OM	118.49 73.6	72.0 44.8	46.49
Turtle Broadcasting Company o RM7866							
>PRM							

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 1600 PICTURESQUE DR. CEDAR FALLS IA. 50613



Wayne E. Tate  
 Proposed allocation at Centerville

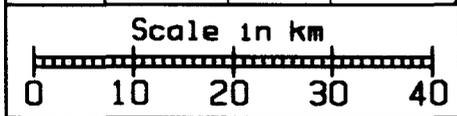
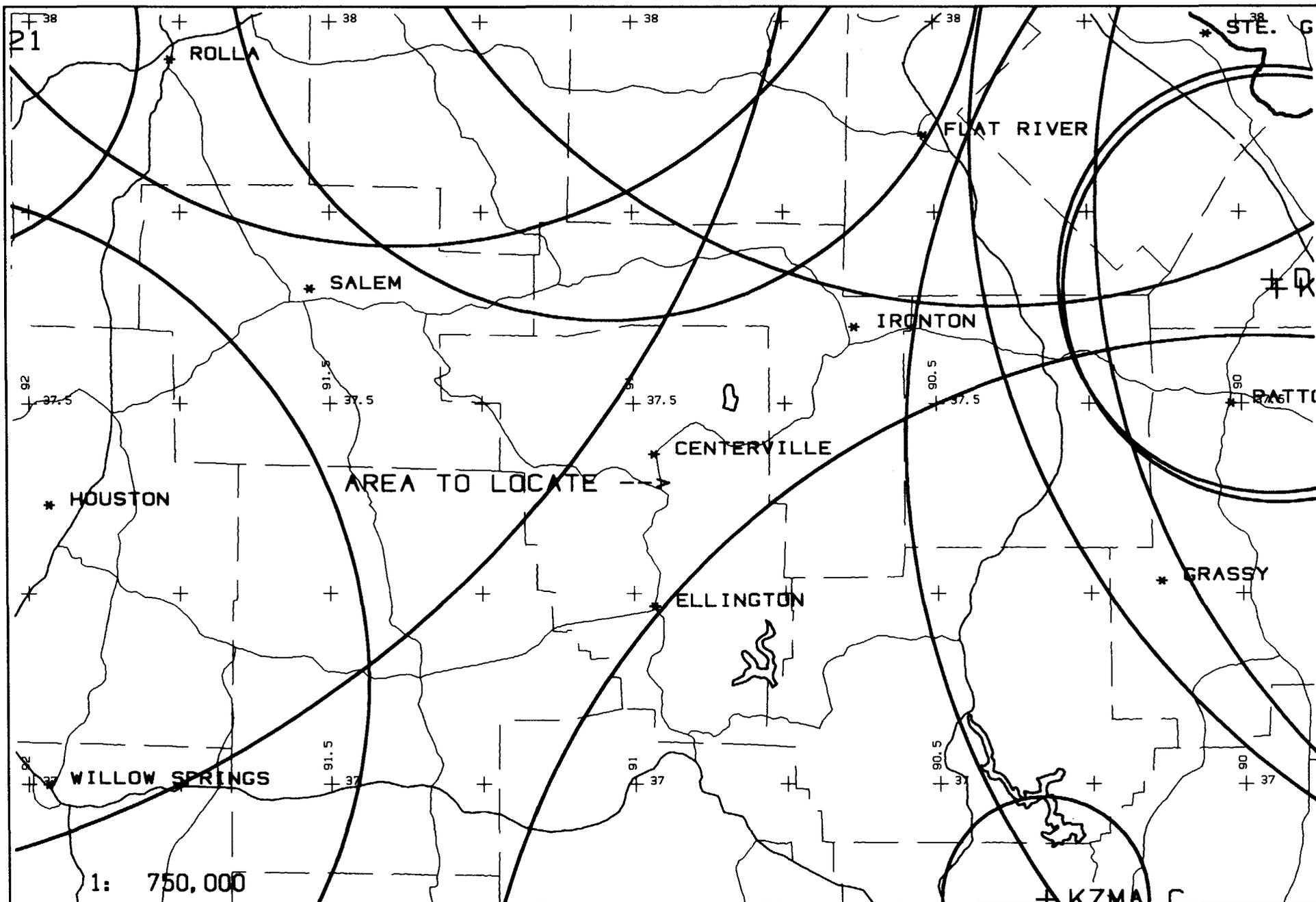
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Data 08-25-93

Current rules spacings

----- CHANNEL 224 - 92.7 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
KLOZ	224C2	Eldon	MO	305.2	174.93	166.0	8.93
KMAL	224A	Malden	MO	138.0	131.54	115.0	16.54
KNSX.C	227C2	Steelville	MO	354.9	74.78	55.0	19.78
WILFM	222C	St. Louis	MO	23.2	126.69	95.0	31.69
AD227	227C1	Steelville	MO	340.6	111.62	75.0	36.62
WRAJFM	224A	Anna	IL	89.5	151.93	115.0	36.93
AD223	223A	Mountain Grove	MO	253.8	118.49	72.0	46.49
WVZA.C	224A	Herrin	IL	74.7	167.26	115.0	52.26
DE226	226A	Perryville	MO	74.3	93.56	31.0	62.56
KBDZ	226A	Perryville	MO	75.2	93.91	31.0	62.91
WVZA.A	224A	Herrin	IL	78.8	182.95	115.0	67.95
KZMA.C	278C2	Poplar Bluff	MO	139.0	86.14	15.0	71.14
ALOPEN	222A	Thayer	MO	204.0	112.93	31.0	81.93
AD221	221A	Dixon	MO	299.5	121.92	31.0	90.92



Proposed CH 224 at Centerville, MO  
N. Lat. 37 26 00 W. Lng. 90 58 00

AREA TO LOCATE  
DOUG VERNIER - 09/93

DOUG VERNIER BROADCAST CONSULTANT  
1600 PICTURESQUE DR. CEDAR FALLS IA. 50613

Wayne E. Tate  
Fully Spaced Site at Herrin, IL

REFERENCE		CLASS B1	DISPLAY DATES
37 45 00 N			DATA 08-25-93
89 14 45 W		Current rules spacings	SEARCH 09-19-93
----- CHANNEL 224 - 92.7 MHz -----			

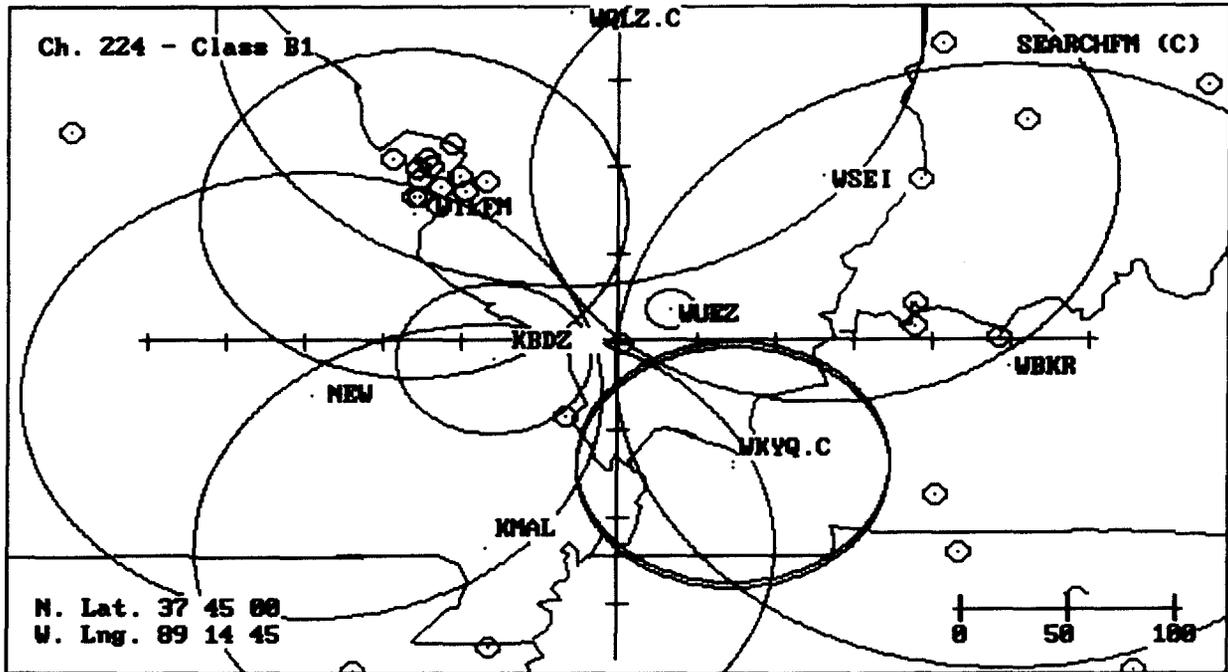
CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WVZA.C	224A	Herrin	IL	46.9	12.94	143.0	-130.06 *
CP CN	37 49 47	89 08 19	6.000 kW	99M	8.0	88.9	
	Herrin Broadcasting, Inc.				BPH890405ME		
WVZA.A	224A	Herrin	IL	89.0	27.42	143.0	-115.58 *
AP CN	37 45 15	88 56 05	3.300 kW	132M	17.0	88.9	
	Herrin Broadcasting, Inc.				BMPH930804IB		
WRAJFM	224A	Anna	IL	180.6	33.76	143.0	-109.24 *
LI HN	37 26 45	89 15 00	3.000 kW	88M	21.0	88.9	
	Union Broadcasting, Inc.				BLH2860		
>*To Channel 243C2 per D87-599							
KYLS	224A	Ironton	MO	261.3	129.20	143.0	-13.80 *
LI CN	37 34 23	90 41 35	0.640 kW	204M	80.3	88.9	
	Mid-America Communications, I				BLH840113AK		
WBKR	223C	Owensboro	KY	94.7	193.98	193.0	0.98 <
LI CY	37 36 29	87 03 15	100.000 kW	320M	120.6	119.9	
	Owensboro Broadcasting Compan				BLH870121KD		
WSEI	225B	Olney	IL	44.1	146.75	145.0	1.75 <
LI CN	38 42 00	88 04 49	50.000 kW	88M	91.2	90.1	
	V.L.N. Broadcasting, Inc.				BMLH820720AD		
KMAL	224A	Malden	MO	206.1	148.00	143.0	5.00
LI CN	36 33 08	89 58 42	3.000 kW	55M	92.0	88.9	
	Tri-County Broadcasting Co.,				BLH791105AC		
NEW	224A	Centerville	MO	257.0	155.99	143.0	12.99
RM	37 26 00	90 58 00	6.000 kW	100M	96.9	88.9	
	Counterproposal by Wayne Tate						
KBDZ	226A	Perryville	MO	259.6	62.17	48.0	14.17
LI CN	37 38 56	89 56 21	1.600 kW	190M	38.6	29.8	
	Donze Communications, Inc.				BLH910131KC		
DE226	226A	Perryville	MO	260.9	62.64	48.0	14.64
DE	37 39 39	89 56 50	0.000 kW	0M	38.9	29.8	
	O. L. Turner						

DOUG VERNIER BROADCAST CONSULTANT  
1600 PICTURESQUE DR. CEDAR FALLS IA. 50613

## CLASS B1

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WKYQ.C CP CN	227C1 37 02 56	Paducah 88 36 52	KY 100.000 kW	144.3 279M	95.81 59.5	77.0 47.9	18.81
		Bristol Broadcasting Company,			BPH901029IE		
WUEZ LI CN	278A 37 55 55	Christopher 88 57 28	IL 6.000 kW	51.5 100M	32.41 20.1	12.0 7.5	20.41
		Brandt Broadcasting, Inc.			BLH910206KD		
WKYQ LI CN	227C1 37 00 53	Paducah 88 36 46	KY 89.000 kW	145.5 110M	99.01 61.5	77.0 47.9	22.01
		Bristol Broadcasting Company,			BLH810701AQ		
WILFM LI CY	222C 38 28 56	St. Louis 90 23 53	MO 100.000 kW	308.8 300M	129.68 80.6	105.0 65.3	24.68
		Heritage Media Corp.			BLH890707KC		
WQLZ.C CP CN	224B1 39 38 38	Taylorville 89 30 51	IL 11.500 kW	353.7 147M	211.53 131.5	175.0 108.8	36.53
		USA Radio Partnership			BPH920929IC		
>From Channel 224A Per D90-510							

DOUG VERNIER BROADCAST CONSULTANT  
 1600 PICTURESQUE DR. CEDAR FALLS IA. 50613



Wayne E. Tate  
 Fully spaced class B1 site

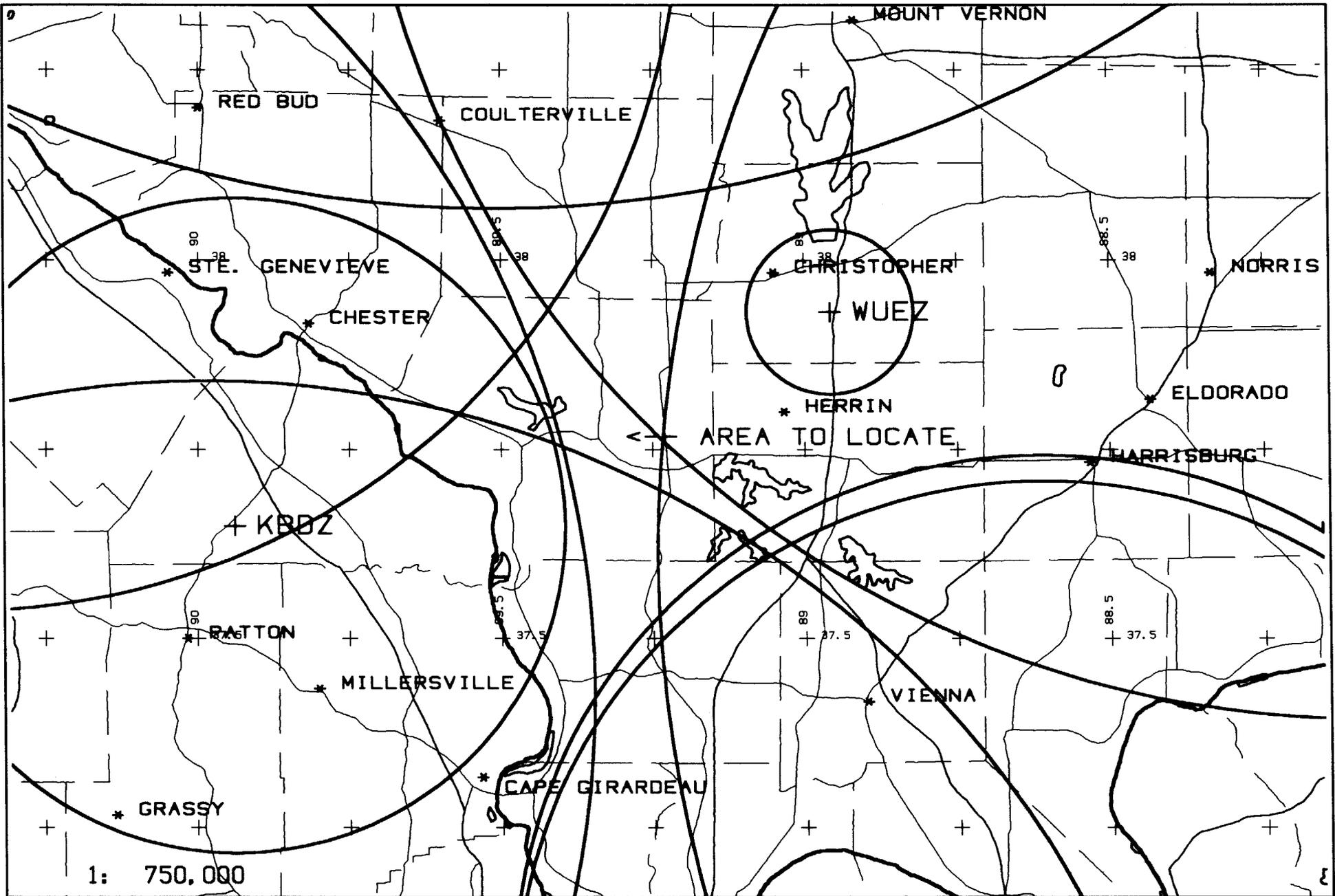
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Current rules spacings

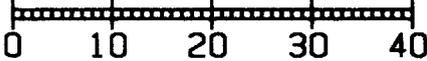
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 CHANNEL 224 - 92.7 MHz  
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CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WBKR	223C	Owensboro	KY	94.7	193.98	193.0	0.98 <
WSEI	225B	Olney	IL	44.1	146.75	145.0	1.75 <
KMAL	224A	Malden	MO	206.1	148.00	143.0	5.00
NEW	224A	Centerville	MO	257.0	155.99	143.0	12.99
KBDZ	226A	Perryville	MO	259.6	62.17	48.0	14.17
DE226	226A	Perryville	MO	260.9	62.64	48.0	14.64
WKYQ.C	227C1	Paducah	KY	144.3	95.81	77.0	18.81
WUEZ	278A	Christopher	IL	51.5	32.41	12.0	20.41
WKYQ	227C1	Paducah	KY	145.5	99.01	77.0	22.01
WILFM	222C	St. Louis	MO	308.8	129.68	105.0	24.68
WQLZ.C	224B1	Taylorville	IL	353.7	211.53	175.0	36.53



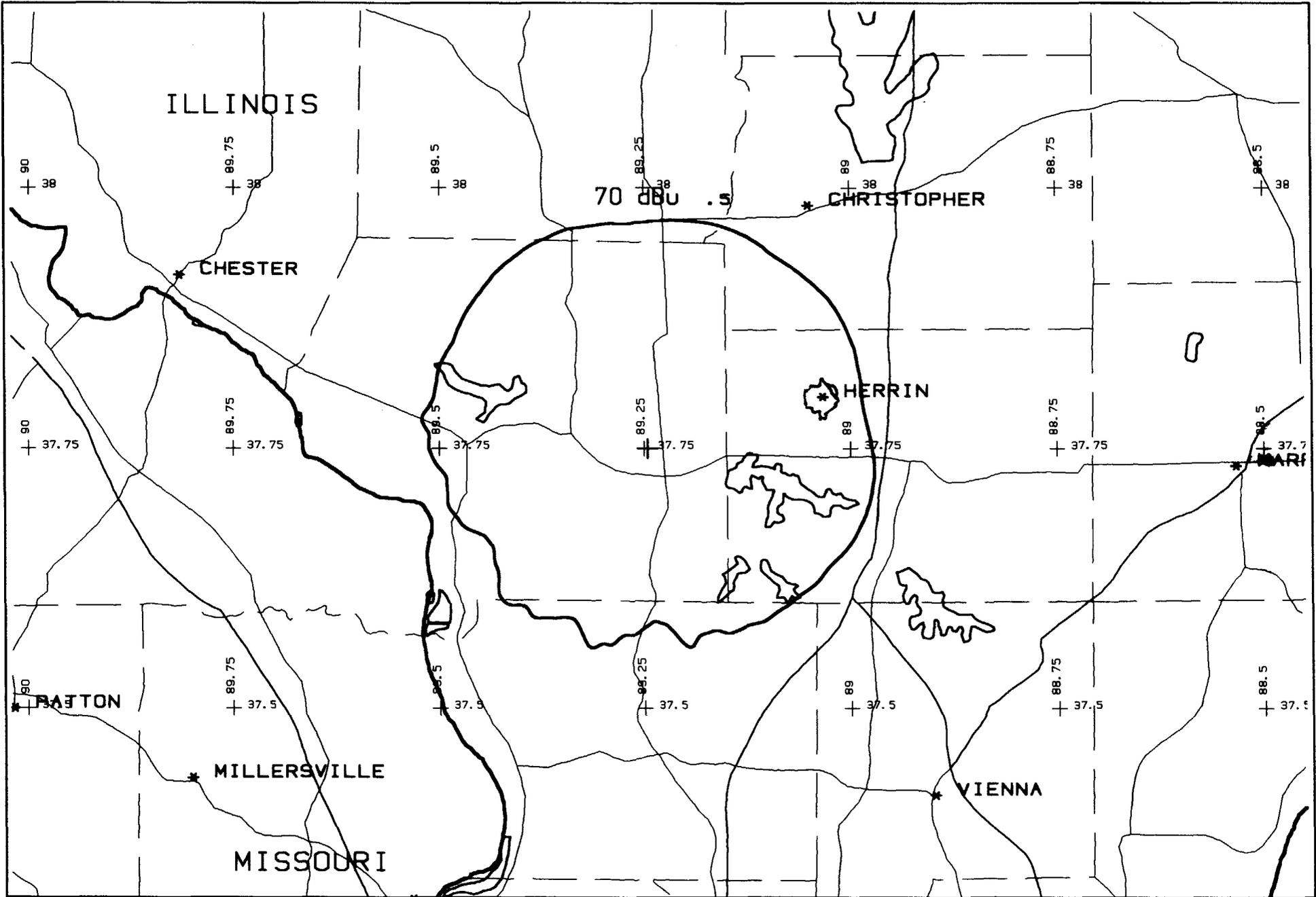
1: 750,000

Scale in km



CH 224B1 Proposal - Wayne E. Tate  
 N. Lat. 37 45 00 W. Lng. 89 14 45

AREA TO LOCATE  
 DOUG VERNIER - 09/93



ILLINOIS

\* CHESTER

\* CHRISTOPHER

\* HERRIN

\* BAYTON

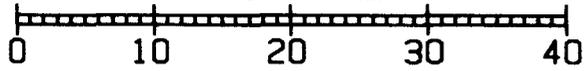
\* MILLERSVILLE

\* VIENNA

MISSOURI

70 DBU .5

Scale in km



CH 224B1 25kW - Wayne E. Tate  
 N. Lat. 37 45 00 W. Lng. 89 14 45

70 DBU SERVICE  
 DOUG VERNIER - 09/93

Statement of qualifications of the preparer:

I, Doug Vernier, declare that I have studied engineering at the University of Michigan and received degrees from the University in Broadcast Telecommunications; that I have been active in broadcast consulting for over 20 years;

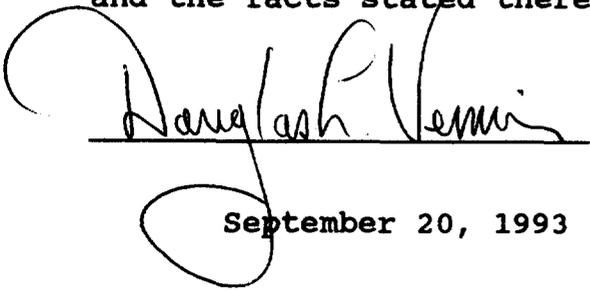
That, I am certified as a Professional Broadcast Engineer # 50258 by the Society of Broadcast Engineers, Indianapolis, Indiana.

That, I have held a Federal Communications Commission, First Class Radiotelephone License continually since 1964. In 1985, this license was reissued by the Commission as a lifetime General Radiotelephone license no. PG-16-16464;

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

That, I have been retained by the petitioner, Wayne E. Tate of Marion, Illinois to prepare the attached application and the technical exhibits appended hereto;

That, I do swear that the technical information contained in same and the facts stated therein are true of my knowledge.

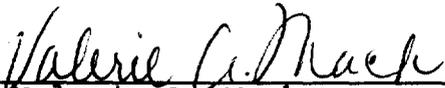
  
\_\_\_\_\_  
Douglas L. Vernier

September 20, 1993

CERTIFICATE OF SERVICE

I, Valerie A. Mack, a secretary to the law firm of Fisher, Wayland, Cooper and Leader, hereby certify that I have on this 24th day of September, 1993, mailed by first class United States mail, postage prepaid, a copy of the foregoing "COMMENTS AND COUNTERPROPOSAL" to the following:

John E. Fiorini III  
James K. Edmundson  
Gardner, Carton & Douglas  
1301 K Street, N.W.  
Suite 900, East Tower  
Washington, D.C. 20005

  
\_\_\_\_\_  
Valerie A. Mack

\*Hand Delivered