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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D. C. 20554

In the Matter of	)	MM Docket No. 94-113
	)	
Amendment of Section 73.202(b),	)	RM-8514
Table of Allotments,	)	RM-_____
FM Broadcast Stations,	)	
(Cape Girardeau	)	
and Miner, Missouri	)	

To: Chief, Allocations Branch

**COMMENTS AND COUNTERPROPOSAL**

Stephen W. Sikes ("Sikes"), hereby submits his comments and counterproposal in response to the Commission's Notice of Proposed Rule Making, DA 94-1050 (released October 3, 1994) ("Notice"), in the above-captioned proceeding. As set forth below, Sikes respectfully requests that the following change be made to the FM Table of Allotments in lieu of the change proposed in the Notice:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Miner, Missouri	- - -	229A

Kevin G. Greaser ("Petitioner") currently has a proposal pending at the Commission to amend the FM Table of Allotments by allotting Channel 230A to Cape Girardeau, Missouri. This allotment can be accomplished in accordance with the Commission's rules and would provide a third local FM broadcast service to that community.

Sikes proposes, instead, the allotment of Channel 229A to

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Miner, Missouri.<sup>1</sup> Miner is an incorporated community with a 1990 population of 1,218. It has a mayor and four aldermen, its own police department, a volunteer fire department, and a water treatment plant. Miner's principal businesses include the Sikeston Factory Outlet Mall (containing 44 stores), Marnor Aluminum, James Trailer Co., D&B Trailer Manufacturing, Inc., and four motels.

Moreover, operation on Channel 229A from Miner will provide the requisite city grade signal to all of Miner, and will provide the community with its first local broadcast service which entitles it to a greater priority under Section 307(b) of the Communications Act than the provision of an additional FM service to Cape Girardeau.<sup>2</sup> Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

Sikes commits to file for the new facility upon grant of the allotment, and to construct the new facilities promptly upon grant of his application for a construction permit.

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<sup>1</sup> The attached engineering statement confirms that the proposed substitution would be in compliance with all applicable Commission rules.

<sup>2</sup> According to Section 73.202 of the Commission's rules and Broadcasting and Cable Yearbook (1994), the following stations are presently licensed to Cape Girardeau, Missouri: Station KGMO(FM), Station KEZS-FM, KRCU(FM) (noncommercial educational), Station KAPE(AM), Station KCMQ(AM), and Station KZIM(AM).

WHEREFORE, In light of the foregoing, Stephen W. Sikes respectfully submits that the Commission should accept and adopt this counterproposal.

Respectfully submitted,

STEPHEN W. SIKES

By   
Harry C. Martin  
Andrew S. Kersting

His Counsel

Reddy, Begley, Martin & McCormick  
1001 22nd Street, N.W.  
Suite 350  
Washington, D.C. 20037

November 25, 1994

ENGINEERING STATEMENT

The following engineering statement and attached exhibits have been prepared for Stephen B. Sikes and are in support of his comments regarding a Notice of Proposed Rulemaking in MM Docket 94-113, RM-8514.

The original Petition for Rulemaking was filed by Kevin G. Greaser and requested the allotment of channel 230A to Cape Girardeau, Missouri as that community's third FM broadcast service. Stephen B. Sikes wishes to offer an alternative proposal as follows:

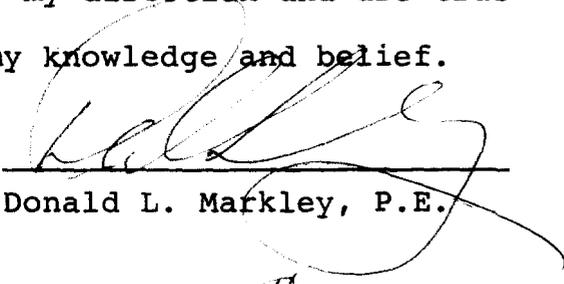
<u>City</u>	<u>Existing</u>	<u>Proposed</u>
Miner, Missouri	---	229A

As shown on the attached channel study, channel 229 could be assigned to the community of Miner, Missouri with the transmitter site located Southwest of the city. The distance from the city to the site studied would permit a city grade signal to be placed over the entire community of Miner.

There are currently no broadcast facilities allocated or licensed to Miner, Missouri. Therefore, this allocation would be a first local FM broadcast service. The community of Miner is incorporated and has its own local government

including a city hall with a governmental structure composed of a mayor and alderman. Miner has its own fire department and its own police department and had a 1990 population of 1,218. The city includes numerous businesses including several motels and restaurants associated with the heavy transient traffic passing through the community of Miner on Interstate Highway 55. Because of its location on that highway, it is anticipated that the city will experience considerable growth in the future which could be well served by an FM station.

The preceding statement and attached exhibits have been prepared by me or under my direction and are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Donald L. Markley, P.E.

Subscribed and sworn to before me this 17<sup>th</sup> Day of November, 1994.

\_\_\_\_\_  
Notary Public

My commission expires:

Single Channel Study For: Miner, MO On Ch. 229 A - 93.7 Mhz.

States Searched: MO,IL,KY,TN,MS,AR  
 Run Date: 11-17-1994

36° 50' 00" N.  
 89° 35' 00" W.

CHANNEL	ALLOTMENT OR STATION	CLASS	CALCULATED - KM. (MI.)	REQUIRED KM.	BEARING Deg. T.
226	NO CONFLICT				
227	USED Paducah	KY C1	88.8 ( 55.2)	75	76.6
227 WKYQ	CP Paducah	KY C1	89.6 ( 55.7)	75	74.2
227 WKYQ	LIC Paducah	KY C1	88.8 ( 55.2)	75	76.6
228 KBKG	LIC Corning	AR A	101.7 ( 63.2)	72	242.0
228	USED Corning	AR A	101.7 ( 63.2)	72	242.0
229 KSDFM	LIC St. Louis	MO C1	203.5 (126.5)	200	341.4
229	USED St. Louis	MO C1	203.5 (126.5)	200	341.4
229 WTKB-FM	LIC Atwood	TN A	125.7 ( 78.1)	115	140.5
229	USED Atwood	TN A	129.4 ( 80.4)	115	140.4
230	VACANT Gosnell	AR A	101.6 ( 63.1)	72	199.5
230 NEW	APP Gosnell	AR A	96.2 ( 59.8)	72	195.8
230 NEW	APP Gosnell	AR A	103.0 ( 64.0)	72	199.8
231	NO CONFLICT				
232	NO CONFLICT				
282	NO CONFLICT				
283	NO CONFLICT				

\*-Short Spaced

Only listings with clearances less than 32 Km. are shown.

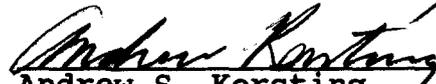
This study utilized a copy of the FCC FM Database as published monthly by the National Technical Information Service. D. L. Markley & Associates, Inc. believes this information to be accurate and current. However, D. L. Markley & Associates, Inc. does not assume any responsibility for any erroneous or incomplete data furnished as part of that database.

**CERTIFICATE OF SERVICE**

I, Andrew S. Kersting, hereby certify that on this 25th day of November, 1994, copies of the foregoing **COMMENTS AND COUNTERPROPOSAL** were mailed first class, postage prepaid, to the following:

Ms. Kathleen Scheuerle\*  
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Federal Communications Commission  
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Andrew S. Kersting

\* HAND DELIVERED