

**99.3** *WAEZ*  
*FM*

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VIA FEDERAL EXPRESS

November 25, 1994

Mr. William F. Caton  
Acting Secretary  
Office of the Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D. C. 20554

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NOV 28 1994

FCC MAIL ROOM

Re: Jefferson City, Cumberland Gap,  
Elizabethton, Tennessee  
**COMMENTS - In response to  
NOTICE OF PROPOSED RULEMAKING  
MM Docket No. 94-116**

Dear Mr. Caton:

Enclosed please find an original and four (4) copies of  
Comments submitted in the above-referenced proceeding filed by  
Eaton P. Govan, III and Berton B. Cagle, Jr., the original  
Petitioner.

Should you or your staff have any questions concerning this  
matter, please do not hesitate to contact us for clarification.

Respectfully,

*Eaton P. Govan III*

Eaton P. Govan, III  
General Manager

With enclosures

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

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NOV 28 1994

FCC WASHINGTON

In the Matter of: )  
)  
Amendment of Section 73.202(b) )  
Table of Allotments. )  
FM Broadcast Stations. )  
)  
Jefferson City, Tennessee )  
Channel 257A )  
Cumberland Gap, Tennessee )  
Channel 256A )  
Elizabethton, Tennessee )  
Channel 257C3 )  
Elizabethton, Tennessee )  
Channel 257C2 )

MM Docket No. 94-116

RM-8507

To: Chief, Allocations Branch

COMMENTS

Comes now, Eaton P. Govan, III, and Berton B. Cagle, Jr., licensee of both WEZG(FM), formerly WUSK-FM, Jefferson City, Tennessee (Channel 257A), and WAEZ(FM), formerly WUSJ-FM, Elizabethton, Tennessee (Channel 257C3), also being the original Petitioners, and herewith submit their Comments in the above-referenced proceeding, as follows:<sup>1</sup>

1. On October 5, 1994, the Commission released a Notice of Proposed Rule Making in the above-referenced proceeding, proposing

<sup>1</sup> On September 12, 1994, the call sign of WUSK-FM, Jefferson City, was changed to WEZG(FM), Jefferson City, and the call sign of WUSJ-FM, Elizabethton, was changed to WAEZ(FM), Elizabethton.

the substitution of Channel 256A for Channel 257A at Jefferson City, the reallocation of Channel 256A from Jefferson City to Cumberland Gap, Tennessee, and modification of petitioners' authorization to specify Cumberland Gap as Station WEZG's community of license. Additionally, the Commission proposed the substitution of Channel 257C2 for Channel 257C3 at Elizabethton, Tennessee, and modification of the petitioners' license for Station WAEZ(FM) to specify operation on Channel 257C2.

2. Although the original petition for rule making was signed by the petitioner and the engineering certified by Bouldin Engineering, the petitioners failed to include an affidavit verifying that the statements contained in their petition were accurate to the best of their knowledge. In a footnote to the Notice of Proposed Rule Making, the Commission requested that the petitioners rectify this omission in their comments. Accordingly, the petitioners hereby attest that they have read and are fully aware of the Petition for Rulemaking and each of the associated exhibits submitted in the above-referenced proceeding and that the statements contained therein are accurate and true to the best of their knowledge, information, and belief. Further, an additional copy of the Petition with an accompanying affidavit signed by the petitioners is included herewith as Exhibit 1.

3. In Paragraph 3 of the Notice of Proposed Rule Making, the Commission requested additional information to assist in

determining whether Cumberland Gap is a "community" for allotment purposes. The Notice further stated, "Generally, if a community is incorporated or is listed in the U.S.Census, that is sufficient to demonstrate its status." Cumberland Gap, Tennessee, was incorporated as a city under the provisions of the laws of the State of Tennessee by an act of the General Assembly (Private Chapter No. 210 of 1907) that was approved by Governor Malcolm Patterson on April 1, 1907. A copy of the Charter of the Town of Cumberland Gap, Tennessee, certified true by Riley C. Darnell, Tennessee Secretary of State, is attached hereto as Exhibit 2. The Town of Cumberland Gap does, indeed, have identifiable population groupings and definable boundaries. The town is governed by a Mayor and a Board of Aldermen. Cumberland Gap, Tennessee, has a Town Hall located on Cumberland Avenue (Telephone 615-869-3860), a police department, several churches, retail commercial establishments including restaurants, motels, gift shops, service stations, and general merchandise shops, and is served by a United States Post Office (Zip Code 37724). The 1990 U. S. Census listed the population of Cumberland Gap, Tennessee as 210 persons. Therefore, the Petitioners believe that Cumberland Gap, Tennessee, is a *bona fide* community for allotment purposes.

4. Exhibit 3, attached hereto, shows the area encompassed by the 1 mV/m (60 dBu) of WEZG(FM) at the currently authorized location and facilities and the area which would be encompassed by

the 1 mV/m (60 dBu) contour of the proposed maximized Class A facilities at Cumberland Gap. The area within the 60 dBu contour of WEZG(FM) at the present location and facilities is approximately 2007 square kilometers while the area within the 60 dBu contour at the proposed location and facilities would be 2826 square kilometers.

The population within the 60 dBu contours of the present and the proposed facilities of WEZG(FM) were calculated from 1990 United States Census Data counting to block level using the linear interpolation method. The proposed reallocation of Channel 256A to Cumberland Gap will move the station away from the Knoxville urbanized area, thus the population encompassed by the 1 mV/m (60 dBu) contour would decline from the present 109,566 to 66,527 persons.

An exhibit, Exhibit 4, has been prepared and attached hereto showing the area served by a 1 mV/m (60 dBu F(50,50)) or greater signal from the present location and facilities of WAEZ(FM) and the area that would receive new service if the authorization for WAEZ(FM) was upgraded from Channel 257C3 to Channel 257C2 as proposed. As stated in the original Petition, the coverage area would increase from 4,570 to 8,033 square kilometers. Additionally, the population within the 1 mV/m contour of WAEZ(FM), calculated from 1990 United States Census Data counting to block level using the linear interpolation method, would

increase from 355,187 to 448,953 persons. Thus, new service to 93,766 persons would be provided by WAEZ(FM) operating on the proposed higher powered channel.

5. A study of FM Broadcast facilities providing coverage of 1 mV/m (60 dBu) or greater to the areas served by the present and proposed sites of WEZG(FM) was made; the results of which are shown on Exhibit 5 attached hereto. It was found that the area served by the present 1 mV/m (60 F(50,50)) of WEZG(FM) is also entirely encompassed by the 60 dBu contour of at least six (6) other FM Broadcast stations. Three (3) additional FM Broadcast stations provide a 60 dBu or greater signal to more than half of the 60 dBu service area of WEZG(FM). A total of at least Seventeen (17) FM Broadcast stations provide a 60 dBu or greater signal to some portion of the 60 dBu service area of WEZG(FM).

The proposed 60 dBu contour of WEZG(FM) at Cumberland Gap is also served by many of the same FM Broadcast stations that presently share coverage areas with WEZG(FM); however the proposed coverage area at Cumberland Gap is at a greater distance from the transmitter sites of many of the other stations, especially the high-powered Class C (100 kW) stations. While a total of Eightteen (18) other FM stations would provide a 1 mV/m or greater signal to some of the proposed 60 dBu service area of WEZG(FM), the proposed 60 dBu contour area of WEGZ(FM) would be total encompassed by only

one other FM Broadcast station (Station WIMZ-FM, Knoxville, Tennessee). Four (4) other FM Broadcast stations would provide a signal strength of 60 dBu or greater to fifty percent (50%) or more of the area inside the proposed 1 mV/m contour of WEZG(FM). Each remaining FM Broadcast stations would provide a 1 mV/m signal to less fifty percent (50%) of the proposed 60 dBu service area of WEZG(FM).

6. In that this proposal is contingent upon Station WTFM(FM) at Kingsport, Tennessee, receiving a license to operate at the site specified in an application for construction permit (BPH-930121ID), the Petitioners wish to advise the Commission that construction appears to be nearing completion at the proposed WTFM(FM) site. A six-bay directional antenna array and coaxial line have been mounted on the tower and a micro-wave (STL) antenna has been mounted at the building site. The Petitioners are told that program testing and operation from the new site is expected to begin in December, 1994.

7. Eaton P. Govan, III, and Berton B. Cagle, Jr., Petitioners, restate their belief that there are compelling public interest justifications and ample Commission precedents for granting the Proposed Rule Making and their intention, pursuant to the Rules of the Commission, to file applications for Construction Permits to avail themselves of the facilities proposed thereby. If

awarded the permits, the Petitioners pledge to promptly construct the facilities. The Petitioners have both the experience and financial qualifications to construct and operate the facilities sought.

THEREFORE, Eaton P. Govan, III, and Berton B. Cagle, Jr., respectfully request that the Federal Communications Commission amend the Table of Allotments, FM Broadcast Stations, Section 73.202(b), as proposed, to substitute Channel 256A for Channel 257A at Jefferson City, Tennessee, to reallocate Channel 256A from Jefferson City to Cumberland Gap, Tennessee, and modify Petitioners' authorization to specify Cumberland Gap as the community of license for Station WEZG(FM), formerly WUSK-FM. In addition, Petitioners request the substitution of Channel 257C2 for Channel 257C3 at Elizabethton, Tennessee, and the modification of the license of Station WAEZ(FM), formerly WUSJ-FM, to specify operation on the higher powered channel.

Respectfully submitted,

**EATON P. GOVAN, III & BERTON B. CAGLE, JR.**

By: *Eaton P. Govan III*  
Eaton P. Govan, III

Dated: November 23, 1994

**EATON P. GOVAN, III & BERTON B. CAGLE, JR.**  
P. O. Box 5188  
Johnson City, Tennessee 37603  
615-926-3121



## LIST OF EXHIBITS

- Exhibit 1 Original Petition With Certification
- Exhibit 2 Charter of Cumberland Gap
- Exhibit 3 WEZG(FM) Present & Proposed Contours
- Exhibit 4 WAEZ(FM) Present & Proposed Contours
- Exhibit 5 Other Stations

EATON P. GOVAN, III & BERTON B. CAGLE, JR.  
**COMMENTS**  
MM Docket No. 94-116

**Original Petition  
With Certification**

**EXHIBIT 1**

**Eaton P. Govan, III & Berton B. Cagle, Jr.  
COMMENTS  
MM Docket No. 94-116**

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 )  
)  
Jefferson City, Tennessee )  
WUSK-FM Channel 257A )  
Cumberland Gap, Tennessee )  
Channel 256A )  
Elizabethton, Tennessee )  
WUSJ-FM Channel 257C3 )  
Elizabethton, Tennessee )  
Channel 257C2 )

RECEIVED

NOV 28 1994

FCC

MM Docket No:

To: Chief, Allocations Branch

PETITION FOR RULEMAKING

Comes now, Eaton P. Govan, III, and Berton B. Cagle, Jr., ("Petitioner"), licensee of both WUSK-FM, Jefferson City, Tennessee (Channel 257A), and WUSJ-FM, Elizabethton, Tennessee (Channel 257C3), pursuant to the provisions of Section 1.401 and Section 1.420(g)(i) of the Commission's Rules (47 CFR 1.401 and 47 CFR 1.420(g)(i)), requesting that the FM Table of Allotments in Section 73.202(b) of the Federal Communications Commission's Rules and Regulations be

**PETITION FOR RULEMAKING**

**Eaton P. Govan, III & Berton B. Cagle, Jr.**

**WUSK-FM, Jefferson City, Tennessee**

**WUSJ-FM, Elizabethton, Tennessee**

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amended to change the allotment of WUSK-FM from Channel 257A to Channel 256A; to move the allotment from Jefferson City, Tennessee, to Cumberland Gap, Tennessee; and to upgrade the allotment of WUSJ-FM, Elizabethton, Tennessee, from Channel 257C3 to Channel 257C2 as follows:

<u>LOCATION</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Jefferson City, Tennessee	257A	-----
Cumberland Gap, Tennessee	-----	256A
Elizabethton, Tennessee	257C3	257C2

There are compelling public interest justifications and ample Commission precedents for granting this rulemaking request, and, in support thereof, the following is shown:

**CONTINGENCY**

In January, 1993, Holston Valley Broadcasting Company, Inc., licensee of WTFM-FM, Kingsport, Tennessee, filed an application, and on January 6, 1994, the Commission granted a Construction Permit (File Number BPH-930121ID), to move the WTFM-FM transmitter/antenna site to a new location 41.66 kilometers east (Bearing 104.59° True) of the present site. Relocating the WTFM-FM transmitter site as

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WUSK-FM, Jefferson City, Tennessee

WUSJ-FM, Elizabethton, Tennessee

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authorized by the Construction Permit will create adequate spacing pursuant to 47 C.F.R. Section 73.207 for the re-allotment of WUSK-FM to Channel 256A at Cumberland Gap, Tennessee (See Exhibit 1). The Petitioner request that the instant Petition be granted following licensing of the WTFM-FM, Kingsport, Tennessee, antenna/transmitter site at the location authorized by the Construction Permit.

**BACKGROUND**

Jefferson City is situated just to the northeast of Knoxville, Tennessee, a growing urban area which is the 70th largest radio market in the nation according to the ranking of radio markets by Arbitron, Inc. Jefferson City is within the Arbitron Metro Survey Area of Knoxville. This forces WUSK-FM to compete with many higher powered Knoxville radio stations for audience share and advertising revenues.

Because of the intense competition from the Knoxville stations, over the last several years WUSK-FM has experienced a loss of listenership and community support and a declining financial status. The station was in receivership in 1985 when Defuniak Communications, Inc., purchased the facility. In subsequent years Defuniak tried several programming format changes, changed the station's call sign three times, and operated under a Limited Management Agreement (LMA)

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**WUSK-FM, Jefferson City, Tennessee**

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with an adjacent channel station (WNOX-FM, Loudon, Tennessee) in an attempt to attract an audience in the Knoxville market. However, a survey of the radio audience in Jefferson County, the county in which Jefferson City lies, showed that less than One (1%) Percent of the county's residents listened to the WUSK-FM (then WNDD-FM). Annual losses in excess of \$200,000.00 were sustained.

Recently, because of the poor financial performance, Defuniak Communications, Inc., sold the station and co-located WJFC-AM to Eaton P. Govan, III, and Berton B. Cagle, Jr., for substantially less than Defuniak had originally paid for the stations.

**MOVE AWAY FROM URBANIZED AREA**

The Petitioner now proposes to move the allotment of WUSK-FM to Cumberland Gap, Tennessee, moving the allotment away from the Knoxville urban area to give the facility an opportunity for stability without the burden of intense competition from the higher class, "big city" stations which dominate the listening audience and advertising revenues at the present location.

**FIRST, LOCAL, AURAL, SERVICE FOR CUMBERLAND GAP, TENNESSEE**

A grant of this request would provide a much needed first, local, aural service to the community of Cumberland Gap, Tennessee. The Petitioner proposes that the Commission amend the FM Table of

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**WUSK-FM, Jefferson City, Tennessee**

**WUSJ-FM, Elizabethton, Tennessee**

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Allotments to move the allotment of WUSK-FM from Jefferson City to Cumberland Gap as that community's first, local, aural service.

According to the 1990 U. S. Census, the population of Cumberland Gap, Tennessee was 210 while Clairborne County, the county in which Cumberland Gap lies, has a population of 21,137 persons. Cumberland Gap is situated along the Tennessee state line thus the proposed facility would also serve a substantial portion of Bell County, Kentucky, and Lee County, Virginia. Bell County has a population of 31,506 and Lee County's population is 9,231 persons. It is obvious that the Cumberland Gap area has a sizable population and that the citizens of Cumberland Gap would benefit from a first, local, aural service.

**LARGER SERVICE AREA FOR WUSJ-FM**

The proposed re-allotment of Station WUSK-FM would allow Station WUSJ-FM, Elizabethton, Tennessee, to upgrade from Class C3 to Class C2 which would provide independent public interest benefits flowing from the WUSK-FM move. As is shown on Exhibit 5, attached hereto, changing the allotment of WUSK-FM from Channel 257A to Channel 256A and moving the allotment to Cumberland Gap would create adequate distance separation in accordance with Section 73.207 for the higher class facility for WUSJ-FM.

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**Eaton P. Govan, III & Berton B. Cagle, Jr.**

WUSK-FM, Jefferson City, Tennessee

WUSJ-FM, Elizabethton, Tennessee

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**ENGINEERING CONSIDERATIONS**

As can be seen from Exhibit 1, the proposed re-allotment of Channel 257A at Jefferson City to Channel 256A at Cumberland Gap would be consistent with the minimum distance separation of the Commission's Rules (47 CFR Section 73.207) following licensing of the new transmitter/antenna location of WTFM-FM, Kingsport, Tennessee, which was authorized by a Construction Permit (File Number BPH-930121ID) granted by the Commission on January 6, 1994.

**MUTUALLY EXCLUSIVE WITH PRESENT WUSK-FM ALLOTMENT**

The allotment of Channel 256A at Cumberland Gap, Tennessee, as is hereby proposed is mutually exclusive with the present allotment of WUSK-FM, Jefferson City, Tennessee (Channel 257A).

The reference coordinates for the proposed allocation of Channel 256A at Cumberland Gap, Tennessee, are:

36° 36' 56" North Latitude  
83° 31' 00" West Longitude

With a site restriction of 13 kilometers to the east, there would be a large area in which to choose a suitable antenna location while meeting the Commission's minimum distance separation requirements (See Exhibit 2).

The proposed maximized Class A facilities at Cumberland Gap will provide a predicted 60 dBu (1 mV/m) signal to the population

**PETITION FOR RULEMAKING**

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**WUSJ-FM, Elizabethton, Tennessee**

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encompassed by an area of approximately 2,500 square kilometers. The distance to the 70 dBu F(50,50) contour for the proposed facility was computed using the procedure contained in Section 73.313 of the Rules and is plotted on Exhibit 3. Clearly, Channel 256A at the proposed geographic coordinates would provide full "city-grade" (70 dBu) coverage to the entirety of Cumberland Gap, Tennessee. Exhibit 4 "Terrain Profile" demonstrates that "line of site" would exist from the antenna through the principal city and there are no major obstructions in the intervening path from the proposed coordinates to the city of Cumberland Gap.

**RADIO SERVICE TO JEFFERSON CITY PRESERVED**

WJFC-AM (1480 kHz) is also licensed to Jefferson City, Tennessee and is co-owned with WUSK-FM by the Petitioner. Upon a grant of this Petition, WJFC-AM would continue to operate at the present location serving Jefferson City. Hence, the instant proposal would not remove the only radio service licensed to Jefferson City, Tennessee.

Additionally, the present antenna location of WUSK-FM is within the "city-grade" (70 dBu) contour of six other FM Broadcast Stations (See Chart A below) while only two FM Stations provide a 70 dBu or

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WUSJ-FM, Elizabethton, Tennessee

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greater field strength over the proposed coordinates at Cumberland Gap.

**CHART A**

**FM Stations Providing 70 dBu or Greater Signal Levels**

**AT PRESENT WUSK-FM ANTENNA LOCATION**

<u>STATION</u>	<u>LOCATION</u>	<u>CLASS</u>	<u>DISTANCE (KM)</u>
WUOT-FM	Knoxville, Tennessee	C	33.12
WEZK-FM	Knoxville, Tennessee	C	32.37
WUSK-FM	Jefferson City, Tennessee	A	0.00
WOKI-FM	Oak Ridge, Tennessee	C	59.97
WMYU-FM	Sevierville, Tennessee	C1	30.22
WIMZ-FM	Knoxville, Tennessee	C	14.48
WIVK-FM	Knoxville, Tennessee	C	30.23

**AT PROPOSED LOCATION**

<u>STATION</u>	<u>LOCATION</u>	<u>CLASS</u>	<u>DISTANCE (KM)</u>
WXJB-FM	Harrogate, Tennessee	A	6.86
WIMZ-FM	Knoxville, Tennessee	C	56.50

It is obvious that, Cumberland Gap is served with a "city-grade" signal (70 dBu or greater) by far fewer stations than is Jefferson City.

A study of all the present and proposed allotments and assignments on Channel 257, on the three immediately upper adjacent channels, the three immediately lower adjacent channels, and on channels 203 and

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**WUSK-FM, Jefferson City, Tennessee**  
**WUSJ-FM, Elizabethton, Tennessee**  
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204 (IF channels removed 10.8 and 10.6 MHz respectively from 99.3 MHz) demonstrates that the allotment of WUSJ-FM, Elizabethton, could be upgraded from Class C3 to Class C2 consistent with all the minimum distance separation requirements of the Commission upon the proposed re-allotment of Station WUSK-FM (See Exhibit 5). Upgrading WUSJ-FM from Class C3 to Class C2 would increase the coverage area within the 1.0 mV/m contour from 4570 to 8033 square kilometers providing new service (60 dBu F(50,50) or greater) to the population within over 3560 square kilometers.

The reference coordinates for the upgraded Channel 257C2 at Elizabethton, Tennessee, are:

36° 20' 30" North Latitude  
82° 14' 00" West Longitude

These geographic coordinates are located in the center of the city of Elizabethton, Tennessee; therefore, no terrain obstructions would exist. Clearly, the entire principal city would be encompassed by the "city-grade" (70 dBu) contour of Channel 257C2 at the proposed coordinates. Exhibit 6 shows that numerous sites exist for locating a transmitter/antenna.

The proposed Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations involves only WUSK-FM, Jefferson City, Tennessee,

**PETITION FOR RULEMAKING**

**Eaton P. Govan, III & Berton B. Cagle, Jr.**

**WUSK-FM, Jefferson City, Tennessee**

**WUSJ-FM, Elizabethton, Tennessee**

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and WUSJ-FM, Elizabethton, Tennessee, which are both owned by the Petitioner. No other station would lose service or receive prohibited interference if the instant Petition were granted. No other person or community has expressed any interest in facilities that would be mutually exclusive with this request.

**PETITIONER'S INTENTION TO APPLY**

If this proposed amendment to the Table of Allotments is adopted by the Commission, the Petitioner intends, pursuant to the Rules of the Commission, to file applications for Construction Permits to avail themselves of the facilities proposed hereby. An Application for Construction Permit (FCC Form 301) will be filed to move the transmitter/antenna site and change the operating frequency of WUSK-FM. An application will also be filed for a construction permit to upgrade the class of WUSJ-FM from Class C3 to Class C2. If awarded the permits, the Petitioner pledges to promptly construct the facilities proposed hereby. The Petitioner has both the experience and financial qualifications to construct and operate the facilities sought.

**PETITION FOR RULEMAKING**

**Eaton P. Govan, III & Berton B. Cagle, Jr.**

**WUSK-FM, Jefferson City, Tennessee**

**WUSJ-FM, Elizabethton, Tennessee**

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**SUMMARY**

As indicated above, the amendment of Section 73.202(b) of the Commission's Rules to move the allotment of WUSK-FM from Jefferson City to Cumberland Gap and to change the allocation from Channel 257A to Channel 256A would provide new service to a substantial area and population.

Additionally, the proposed upgrade of WUSJ-FM from Class C3 to Class C2 would provide new radio service to the population within approximately 3560 square kilometers.

A grant of this Petition would be consistent with the Commission's policies and rules:

1. Channel 256A at Cumberland Gap, Tennessee is mutually exclusive with Channel 257A at Jefferson City, Tennessee.
2. Moving WUSK-FM to Cumberland Gap would not deprive Jefferson City of its only radio station.
3. WUSK-FM would become the first radio service licensed to Cumberland Gap.
4. The proposed move would place the allotment of WUSK-FM farther away from Knoxville, Tennessee, so this proposal should not be perceived as a "big city move-in".

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WUSK-FM, Jefferson City, Tennessee

WUSJ-FM, Elizabethton, Tennessee

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5. WUSK-FM at the proposed geographic coordinates would provide full "city-grade" service to Cumberland Gap.
6. The proposed re-allotment of WUSK-FM would allow spacing for WUSJ-FM to upgrade from Class C3 to Class C2.
7. All of the Commission's mileage and distance separation requirements (Section 73.207) have been addressed and this proposal can be accommodated without jeopardizing any other present or proposed facility.
8. An amendment to the Table of Allotments as requested by this petition, if granted, would provide for efficient utilization of the FM Broadcast spectrum.
9. This Petition is consistent with Modification of FM and TV Authorizations (MM Docket 88-525), 4 FCC Rcd. 4870 (1989), recon. granted in part, 5 FCC Rcd. 7094 (1990).

The Petitioner intends to apply for the proposed facilities, if granted, and if awarded Construction Permits, to promptly construct and operate the facilities.

WHEREFORE, in view of the foregoing facts, Eaton Govan, III and Berton B. Cagle, Jr. ("Petitioner"), requests that the Table of Allotments FM Broadcast Stations (47 CFR Section 73.202(b)) be

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**WUSK-FM, Jefferson City, Tennessee**

**WUSJ-FM, Elizabethton, Tennessee**

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amended to change the allotment of WUSK-FM from Channel 257A to Channel 256A and to move the allotment from Jefferson City, Tennessee to Cumberland Gap, Tennessee. Further, the Petitioner requests that the allotment of WUSJ-FM, Elizabethton, Tennessee, be upgraded from Class C3 to Class C2.

Respectfully submitted,

**EATON P. GOVAN, III & BERTON B. CAGLE, JR.**

By:

  
Eaton P. Govan, III

Dated: February 16, 1994

**EATON P. GOVAN, III & BERTON B. CAGLE, JR.**

**P. O. Box 5188**

**Johnson City, Tennessee 37603**

# LIST OF EXHIBITS

- Exhibit 1 Channel Spacing Study - Channel 256A
- Exhibit 2 Area To Locate Channel 256A
- Exhibit 3 City-Grade Contour Plot & Data
- Exhibit 4 City Radial Terrain Profile
- Exhibit 5 Channel Spacing Study - Channel 257C2
- Exhibit 6 Area To Locate Channel 257C2

## PETITION FOR RULEMAKING

Eaton P. Govan, III & Berton B. Cagle, Jr.  
WUSK-FM, Jefferson City, Tennessee  
WUSJ-FM, Elizabethton, Tennessee