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WASHINGTON OFFICE
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January 24, 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Stop Code - 1170
Washington, D.C. 20554

JAN 26 1995

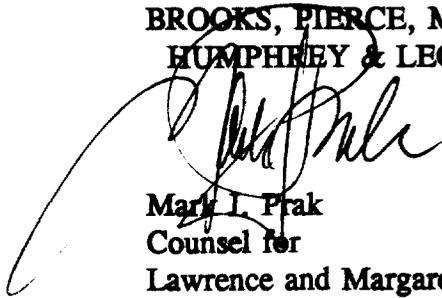
Dear Mr. Caton:

Transmitted herewith is an original and four copies of Petition for Rulemaking of Lawrence and Margaret Loesch.

If any questions should arise during the course of your consideration of this application, it is respectfully requested that you communicate with this office.

Very truly yours,

**BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD**


Mark J. Prak
Counsel for
Lawrence and Margaret Loesch

MJP:bhr

Enclosures

br/caton3.ltr

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**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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In the Matter of)
)
Amendment of the Table of)
Allotments FM Broadcast)
Stations Section 73.202(b))
of the Rules)
(Edenton, Columbia and Pine)
Knoll Shores, North Carolina))

MM Docket No. _____

**To: The Chief
Policy and Rules Division
Mass Media Bureau**

RECEIVED
JAN 26 1995

**PETITION FOR RULEMAKING
OF LAWRENCE AND MARGARET LOESCH**

Lawrence F. Loesch and Margaret A. Loesch, licensees of Radio Station WERX-FM, Edenton, North Carolina ("WERX"), by their attorney and pursuant to Section 1.401 of the Rules, hereby submit their petition for rulemaking requesting the Commission to amend the FM Table of Allotments.

WERX desires to change its present allotment and city of license from Channel 273C2 at Edenton, North Carolina, to Channel 273C1 at Columbia, North Carolina.

WERX's proposal would result in a preferential arrangement of allotments from the standpoint of the public interest. If WERX is permitted to operate as proposed, an additional 28,299 persons will receive 60 dBu service from the station. See Engineering Statement of Bromo Communications attached as Exhibit A at p. 2. Further particulars relating to WERX's proposal are set forth in the Engineering Statement attached as Exhibit A.

WERX previously proposed this allotment as a counterproposal in another rulemaking

proceeding. See MM Docket No. 93-214 (DA §94-355; Released: May 2, 1994). The staff there denied Loesch's proposal to allot 273C1 for 273C2 at Edenton. Nevertheless, WERX has now determined that the staff erred and that the allotment proposed should be allowed from a public interest standpoint.

CONCLUSION

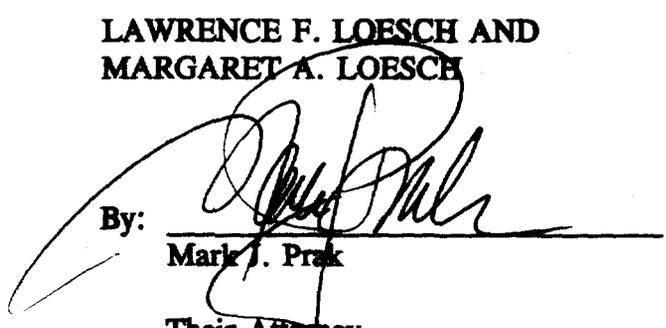
WERX respectfully submits that the public interest would be best served by amending the FM Table of Allotments as follows:

City	Present	Proposed
Edenton, N.C.	261C2, 273C2	261C2
Columbia, N.C.	289C1	273C1, 289C1
Pine Knoll Shores, N.C.	272A	224A

This the 22nd day of January, 1995.

Respectfully submitted,

LAWRENCE F. LOESCH AND
MARGARET A. LOESCH

By: 

Mark J. Prak

Their Attorney

Brooks, Pierce, McLendon,
Humphrey & Leonard, L.L.P.
Post Office Box 1800
209 Fayetteville Street Mall
Raleigh, North Carolina 27602
(919) 839-0300

EXHIBIT A

**ENGINEERING STATEMENT
REQUESTED RULE MAKING
FILED BY LAWRENCE & MARGARET LOESCH
REQUESTING CHANNEL 273 C1
COLUMBIA, NORTH CAROLINA
DECEMBER 1994**

**BROMO
COMMUNICATIONS, INC.
P. O. Box 1588
Clayton, Georgia 30525-1588
(706) 782-7222**

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**ENGINEERING STATEMENT
REQUESTED RULE MAKING
FILED BY LAWRENCE & MARGARET LOESCH
REQUESTING CHANNEL 273 C1
COLUMBIA, NORTH CAROLINA
DECEMBER 1994**

This Engineering Statement supports the Petition for Rule Making filed on behalf of Lawrence & Margaret Loesch ("Loesch"), licensees of WERX-FM, Edenton, North Carolina. Loesch wishes to upgrade from the present Channel 273C2, licensed to Edenton, North Carolina, to Channel 273C1 licensed to Columbia, North Carolina¹

Exhibit #1 is an allocation study indicating that the reference coordinate of North Latitude 35° 42' 48" and West Longitude 76° 08' 34" clears all Class C1 allocation constraints but one, application BPH 920720MA at Pine Knoll Shores, North Carolina. Exhibit #2 is a Usable Area Map indicating coverage of Columbia, North Carolina, the proposed city of license. The alternate channel of 290A was found for Pine Knoll Shores, North Carolina. The lone applicant's site at North Latitude 34° 42' 38" and West Longitude 76° 37' 52" clears all allocation constraints on the proposed new channel. (See Exhibit #3)

¹ This instant Petition for Rule Making answers questions raised by the Commission's staff in connection with a counter proposal previously filed in MM Docket Number 93-214.

The removal of WERX from Edenton, North Carolina will leave the city with two other services:

WBXB	261C2	50 KW
WZBO	1260 kHz	1 KW (Day)

The city of Columbia presently has only one licensed service:

WRSF	C1	100 KW
------	----	--------

The re-allotment of WERX to Columbia would make the second aural service licensed to that city. Additionally, the new Columbia station would be a Class C1 facility offering wide area coverage.

Presently WERX has an equivalent maximum Class C2 station. If permitted to upgrade to Class C1, 28,299 additional persons will be served by the WERX 60 dBu contour:

		<u>Population</u>
Present	WERX Class C2	91,878
Proposed	WERX Class C1	120,177

All population counts are based on the 1990 Census taken from the PL 94-171 files.

If ordered to Class C1, WERX will timely file Federal Communications Commission Form 301 requesting the expanded facility.

Exhibit #4 is a portion of the Fairfield NW quadrangle illustrating the proposed C1 reference site. This proposed site is approximately 1.8 kilometers

south of the community of Gum Neck, North Carolina. This site map is included to demonstrate the proposed site is on high dry land suitable of tower construction. The community of Gum Neck has residences, churches, cemeteries and roads consistent with dry non-swamp land.

The Federal Aviation Administration is not being made a party to this requested Rule Making. It is not required that the hypothetical allocation reference clear all Federal Aviation Administration constraints. Although the maximum height for a Class C1 facility is 299 meters height above average terrain, it is not required to an applicant to build a structure that tall. From the proposed site to the city of Columbia reference coordinates of 35° 55' 06" North Latitude and 76° 14' 54" West Longitude there is only a distance of 24.66 kilometers. Using 100,000 Watts, and a center of radiation of 60 meters, the hypothetical 70 dBu city grade contour extends 25.22 kilometers or past the city of Columbia reference location. If a tower is constructed less that 200 feet (61 meters) and is more than 20,000 feet from the nearest airport then the structure can be built without further Federal Aviation Administration authorization.

This reference site is a purely hypothetical since in reality the actual Class C1 site may be selected using the provisions of §73.215. In this event, existing towers such as the present WERX tower will be considered as Class C1 locations. The present WERX Class C2 tower is 703 feet above ground level and has Federal Aviation Administration approval. If Loesch desired to use the

present C2 tower for the expanded C1 station, \$73.215 would allow its use with the utilization of either a directional antenna or reduced non-directional power.

Please note that the hypothetical reference is approximately 2.2 kilometers south of a "landing strip" found on the Fairfield NW quadrangle. This landing strip is not found on aeronautical charts and has no instrument approach. This private landing strip is therefore afforded no Federal Aviation Administration protection.

In conclusion, Loesch requests that §73.202 reflect the following:

	<u>Present</u>	<u>Proposed</u>
Edenton	261C2, 273C2	261C2
Columbia	289C1	273C1, 289C1
Pine Knoll Shores	272A	290A

All of the information contained herein is true and correct to the best of our knowledge and belief. All data relating to authorized, applied or proposed facilities (FM Stations) was extracted from the NTIA database as updated on June 27, 1994. We assume no liability for omissions or errors in that database. Should any questions arise during consideration of this proposal, we would welcome the opportunity to discuss the matter by telephone at 706 782.7222.



Clifford G. Moor

12/29/94

Date

Bromo Communications, Inc.

BROMO COMMUNICATIONS INC
 (706) 782-7222 - (202) 429-0600

CHANNEL 273 - C1
 COLUMBIA, NORTH CAROLINA

REFERENCE
 35 42 48 N
 76 08 34 W

CLASS C1
 Current rules spacings
 CHANNEL 273 -102.5 MHz

DISPLAY DATES
 DATA 06-27-94
 SEARCH 07-13-94

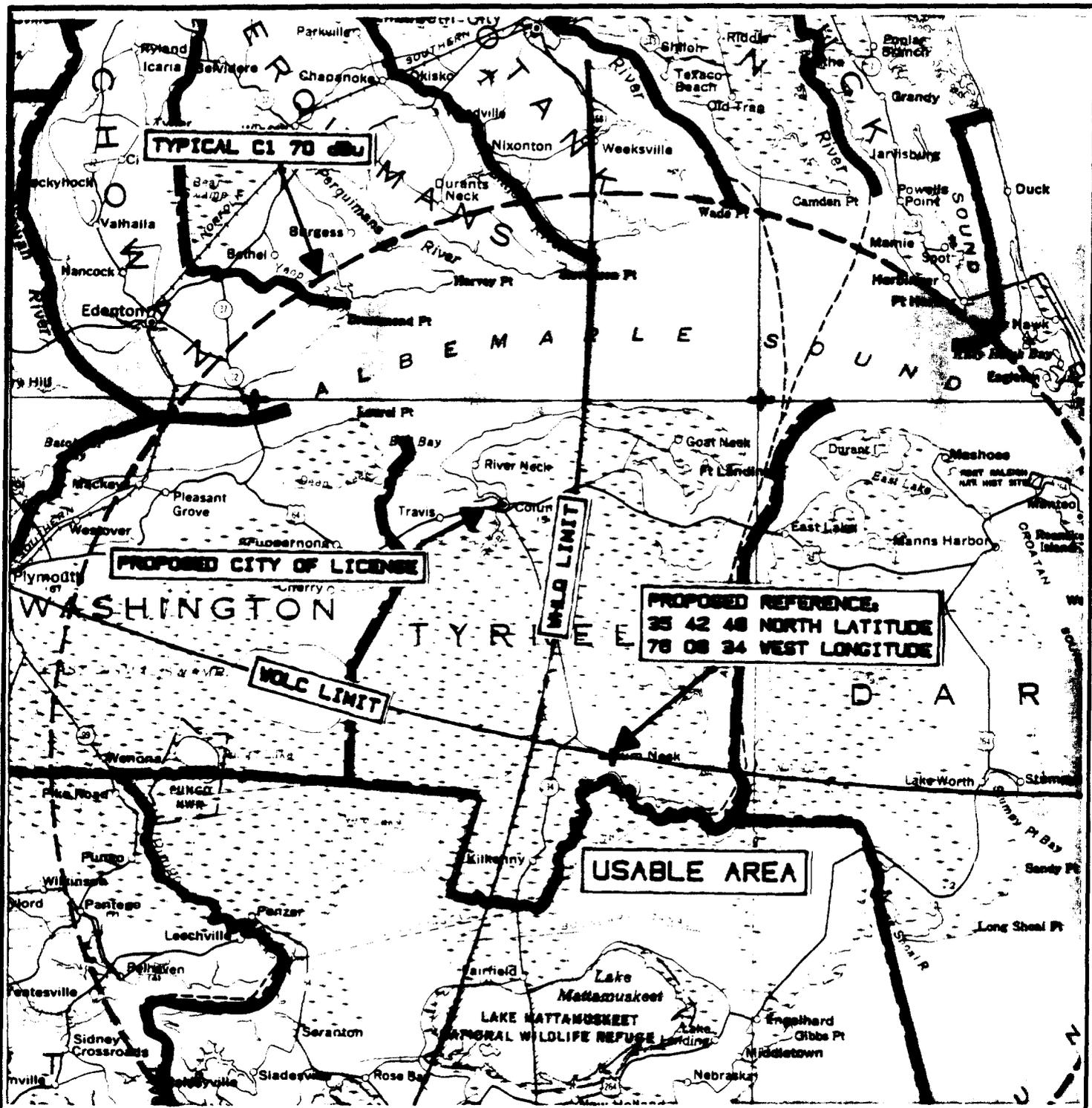
CALL TYPE	CH# LAT	CITY LNG	STATE	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WERXFM	273C2	Edenton	NC	321.0	29.25	224.0	-194.75 *
LI CN	35 55 05	76 20 48	26.000 kW	210M	18.2	139.2	
		Lawrence F. Loesch & Margaret				BLH920820KB	
AP272	272A	Pine Knoll Shores	NC	201.8	119.81	133.0	-13.19 *
AP CN	34 42 38	76 37 52	6.000 kW	100M	74.5	82.7	
		WMBL Inc.				BPH920720MA	921207
ALOPEN	272A	Pine Knoll Shores	NC	201.8	120.02	133.0	-12.98 *
AL N	34 42 33	76 38 00	0.000 kW	0M	74.6	82.7	
		WO= 920619					920720
>Site Restricted-Effective 6-18-92							
WOLC	273B	Princess Anne	MD	9.3	269.72	270.0	-0.28 *
LI CN	38 06 43	75 39 14	50.000 kW	152M	167.6	167.8	
		Maranatha, Inc.				BLH7539	
WHLQ	273A	Louisburg	NC	282.6	206.91	200.0	6.91
LI CN	36 07 12	78 22 48	6.000 kW	100M	128.6	124.3	
		Franklin Broadcasting Company				BLH920108KA	
WIKS	270C1	New Bern	NC	239.1	110.51	82.0	28.51
LI CN	35 12 07	77 11 15	100.000 kW	299M	68.7	51.0	
		WIKS-FM, Inc.				BLH870306KD	

C1 ALLOCATION STUDY

EXHIBIT #1
 LAWRENCE & MARGARET LOESCH
 WERX-FM
 REQUESTS 273 C1
 COLUMBIA, NORTH CAROLINA

DECEMBER 1994

BROMO
 COMMUNICATIONS
 BROADCAST
 TECHNICAL CONSULTANTS

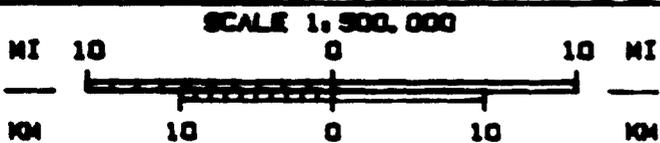


C1 USABLE AREA AND 70 dBu

USABLE AREA IS ENLARGED BY .5 KM ROUNDING FACTOR.
 MAP IS USGS 1:500,000 SCALE NORTH CAROLINA.

EXHIBIT #2
 LAWRENCE & MARGARET LOESCH
 WERX-FM
 REQUESTS 273 C1
 COLUMBIA, NORTH CAROLINA

DECEMBER 1994



BROMO BROADCAST TECHNICAL CONSULTANTS
COMMUNICATIONS

BROMO COMMUNICATIONS INC
 (706) 782-7222 - (202) 429-0600

Alternate Channel
 for Pine Knoll Shores

REFERENCE
 34 42 38 N
 76 37 52 W

CLASS A
 Current rules spacings
 CHANNEL 290 -105.9 MHz

DISPLAY DATES
 DATA 06-27-94
 SEARCH 07-13-94

CALL TYPE	CH# LAT	CITY LNG	STATE	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WSFLFM LI CN	293C1 35 02 27	New Bern 77 21 11 Caravelle B/C GRP of Coastal	NC	299.0 279M	75.49 46.9	75.0 46.6	0.49 <
WRSF LI CN	289C1 35 53 18	Columbia 76 13 50 Jones, Eastern of the Outer Ba	NC	15.6 187M	135.65 84.3	133.0 82.7	2.65 <
WRDU LI CN	291C 35 45 36	Wilson 78 11 04 Voyager Communications V, Inc	NC	309.5 411M	183.16 113.8	165.0 102.6	18.16
WXQRFM CP CN	288C2 34 31 10	Jacksonville 77 26 52 Marine Broadcasting Corporati	NC	254.2 242M	77.84 48.4	55.0 34.2	22.84

PINE KNOLL SHORES ALTERNATE

EXHIBIT #3
 LAWRENCE & MARGARET LOESCH
 WERX-FM
 REQUESTS 273 C1
 COLUMBIA, NORTH CAROLINA

DECEMBER 1994

BROMO BROADCAST
 TECHNICAL CONSULTANTS
 COMMUNICATIONS

FAIRFIELD NW QUADRANGLE
NORTH CAROLINA
7.5 MINUTE SERIES (TOPOGRAPHIC)

5786 SE
IRVING PANI

10' 395 396 2 850 000 FEET 398 76°07'30" 35°45'

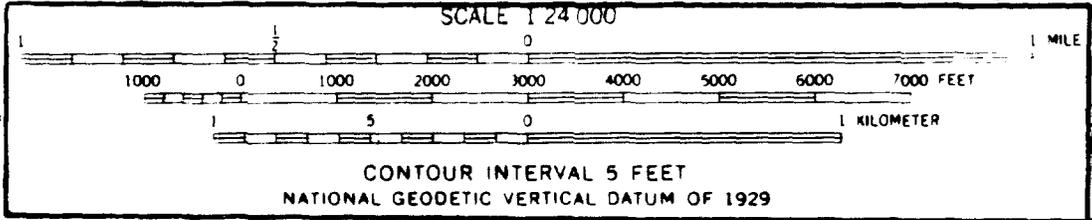


EXHIBIT #4
LAWRENCE & MARGARET LOESCH
VERX-FM
REQUESTS 273 C1
COLUMBIA, NORTH CAROLINA

DECEMBER 1994

76 10 00

76 07 30

Gum Neck

Cedar Grove Ch

PROPOSED REFERENCE
35 42 48 NORTH LATITUDE
76 08 24 WEST LONGITUDE

35 42 30

730 000
FEET

42'30"

BROMO BROADCAST
TECHNICAL CONSULTANTS
COMMUNICATIONS