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April 26, 1995

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APR 26 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**Re: Petition for Rule Making: FM Table of Allotments
(Rose Hill and Trenton, North Carolina)
and
Request for Modification of License of WBSY(FM)**

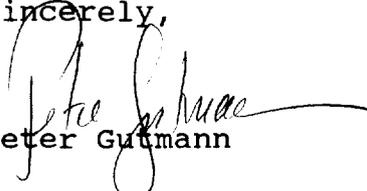
Dear Mr. Caton:

Transmitted herewith on behalf of Duplin County Broadcasters are the original and four copies of a Petition for Rule Making and Request for Modification of Station License. As stated therein, the petitioner requests that its channel be reallocated from Rose Hill to Trenton, North Carolina and upgraded from Class A to Class C2, and that its license for FM station WBSY be modified to specify operation on the new channel (284C2 at Trenton).

It is respectfully noted that presently pending before the Commission is an application to assign the license of WBSY from Duplin County Broadcasters, petitioner herein, to RMB Broadcasting, Inc. (File No. BALH-950323GH). This petition and request for modification is being filed at this time by the licensee/assignor with the understanding that the assignee will continue to prosecute it following consummation of the assignment of license.

Should any question arise concerning this petition and request for modification, please communicate directly with this office.

Sincerely,


Peter Gutmann

Enclosures

cc w/encl.: William J. Pennington, III, Esquire
(Counsel for RMB Broadcasting, Inc.)
Jeff Wilson

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APR 26 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No.
Table of Allotments) RM-
FM Broadcast Stations)
(Rose Hill and Trenton)
North Carolina)

Directed to: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**PETITION FOR RULE MAKING AND
REQUEST FOR MODIFICATION OF STATION LICENSE**

Duplin County Broadcasters (hereinafter "DCB"), licensee of FM Station WBSY at Rose Hill, North Carolina, hereby petitions the Commission to institute a rule making proceeding seeking the reassignment of Channel 284 from Rose Hill, North Carolina to Trenton, North Carolina and upgrading the channel classification from Class A to Class C2, by changing the Table of Allotments as follows:

COMMUNITY	ALLOTMENTS	
	EXISTING	PROPOSED
Rose Hill, NC	284A	None
Trenton, NC	None	284C2

In addition, it is requested that the Commission modify the license of FM Station WBSY to specify operation on Channel 284C2 at Trenton, North Carolina. The instant petition meets all the Commission's criteria outlined for a change in community of

license. This proposed change in allotment will not deprive Rose Hill of its only local transmission service. The new allotment at Trenton will result in a net service benefit for the affected communities. See, Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7097 68 RR 644, 650 (1990). In support whereof, the following is shown:

1. Attached as Exhibit E-1 is an FM channel spacing study which demonstrates that the proposed allotment of FM Channel 284C2 to Trenton is mutually exclusive with the existing allotment of FM Channel 284A at Rose Hill. This study shows that, but for the use of Channel 284A at Rose Hill, the proposed reassignment of Channel 284 could be made to Trenton, and the Commission's minimum channel spacing requirements could be met for that channel's allocation to the community as a Class C2 facility. The exhibit also shows a short spacing to the presently authorized site of Station WMSQ(FM) on Channel 285A at Havelock, North Carolina. As a result of the Report & Order in MM Docket No. 89-326, Station WMSQ(FM) was ordered to move to Channel 286C2. The proposed use of Channel 284C2 at Trenton meets all of the Commission's applicable spacing requirements for the allocation point of Channel 286C2 at Havelock as well as the coordinates of the pending application seeking to upgrade Station WMSQ(FM).

2. At present, there is one AM Broadcast Station licensed to Rose Hill. Station WEGG(AM), also owned by Duplin County

Broadcasters, operates with 250 watts daytime only on 710 kilohertz. Station WEGG(AM) will remain licensed to Rose Hill, and continue to provide that community with local service after the reallocation of Channel 284 to Trenton. Thus, Rose Hill will not lose local broadcast service under the proposed plan.

2. Trenton has no licensed AM or FM Stations nor unused FM channel allotments.

3. The application of the Commission's FM allotment priorities and policies to the communities of Rose Hill and Trenton demonstrates that the proposal will result in a preferential arrangement of allotments. See, Revision of FM Assignments, Policies and Procedures, 90 FCC 2d 88, 92 (1982). The proposed allocation of Channel 284C2 to Trenton would not provide (1) first aural service, or (2) second aural service; but would provide (3) first local service to Trenton. In addition, the Petitioner submits that evaluation of (4), other public interest matters, also results in a preferential arrangement of allotments. Revision of FM Assignments, supra.

4. Trenton, the county seat of Jones County, North Carolina, had a 1990 population of 284 persons. Trenton is not located in or near any urbanized areas as determined by the United States Census Bureau. Jones County had a 1990 population of 9,414 persons. Rose Hill had a 1990 population of 1,287 persons. Duplin County, where Rose Hill is located, had a 1990 population of 39,995 persons. At present, no community located in Jones County has local broadcast service.

5. All FM channel spacing requirements can be met for the allotment of Channel 284C2 to Trenton. Exhibit E-2 depicts the areas where a tower location can be found for the use of Channel 284C2 at Trenton. This area to locate is large enough to find a suitable tower site where the complete city of license could receive 70 dBu service.

6. Channel 284, if reassigned to Trenton and upgraded in classification to Class C2, will serve approximately 9.2 times as many persons within the station's proposed 60 dBu service contour than it presently does as a Class A facility. Attached as Exhibit E-3 is a study which contrasts the number of persons and area within the station's present 60 dBu service contour with that which would be experience if reassigned to Trenton and allowed to upgrade to Class C2 classification. This significant difference in persons and area is relevant when evaluating public interest concerns involving a petition such as the one presented here.

7. Because Channel 284C2 would not be available to a third party for use at Trenton, the Petitioner's license may be modified to specify operation on the higher class channel pursuant to Section 1.420(g) of the Commission's Rules.

8. Should the Commission reassign Channel 284 to Trenton and allow for the upgrade of the channel's classification to Class C2 status, the Petitioner will immediately tender for filing with the Commission an application seeking operation with the upgraded facilities from the new community of license. If

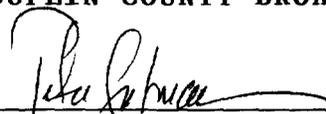
granted a construction permit covering these facilities changes, the licensee will immediately construct the changes to the station.

9. In summary, the reassignment of Channel 284 from Rose Hill to Trenton, and the requested upgrading of the allotment to Class C2 classification, would allow the station to serve a significantly greater number of persons while allowing Trenton to obtain a first local broadcast service. The reassignment of Channel 284 from Rose Hill to Trenton would not leave Rose Hill void of any local service. As set forth herein, the Petitioner, also is the licensee of AM station WEGG at Rose Hill, and that station will remain licensed to that community. It is clear that the reassignment of Channel 284 from Rose Hill to Trenton meets all of the criteria set forth in Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7097 68 RR 2d 644, 650 (1990) and is in the public interest and thus should be granted.

WHEREFORE, Duplin County Broadcasters respectfully requests that the Commission, (i) reassign Channel 284 from Rose Hill, North Carolina to Trenton, North Carolina; (ii) upgrade Channel 284 to Class C2 classification, and; (iii) modify the existing WBSY(FM) license to outline operation on Channel 284 at Trenton, North Carolina with Class C2 facilities.

Respectfully submitted,

DUPLIN COUNTY BROADCASTERS



Peter Gutmann
Its Attorney

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(202) 296-0600

April 25, 1995

TRENTON NC

REFERENCE								DISPLAY
35	4	0	N		CLASS C2			SEARCH DATE
77	22	0	W					04-13-95

----- CHANNEL 284 -104.7 MHz -----

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN	
WBSY	284A	Rose Hill	NC	249.8	65.31	166.0	-100.69	*
WMSQ	285A	Havelock	NC	112.4	41.77	106.0	-64.23	***1
WUOY.C	283A	Wilmington	NC	209.3	108.99	106.0	2.99	<
WMSQ.A	286C2	Havelock	NC	113.6	66.01	58.0	8.01	
ALOPEN	286C2	Havelock	NC	113.6	66.11	58.0	8.11	
ALOPEN	285C2	Hertford	NC	34.1	144.51	130.0	14.51	
WKIK	284C1	Crewe	VA	347.2	239.40	224.0	15.40	
WKJE.A	285C2	Hertford	NC	40.3	155.94	130.0	25.94	
WCCG.A	283A	Hope Mills	NC	264.3	137.11	106.0	31.11	
WCCG.C	283A	Hope Mills	NC	264.1	137.36	106.0	31.36	
WNBR	231C3	Oriental	NC	98.6	49.27	17.0	32.27	
AD285	285C3	Calabash	NC	223.8	153.53	117.0	36.53	
WFXK	282C1	Tarboro	NC	329.7	125.00	79.0	46.00	
WKJE.C	285A	Hertford	NC	36.6	153.83	106.0	47.83	
DE285	285A	Tabor City	NC	233.4	170.67	106.0	64.67	
WYNA	285A	Tabor City	NC	233.4	170.67	106.0	64.67	
WNVZ	283B	Norfolk	VA	23.5	238.71	169.0	69.71	

***1 AS PART OF THE REPORT AND ORDER IN MM DOCKET NO. 89-326 WMSQ(FM) WAS ORDERED TO MOVE FROM CHANNEL 285A TO CHANNEL 286C2. THUS THERE IS NO SHORT SPACING WITH THE PROPOSED USE OF CHANNEL 284C2 AT TRENTON, NORTH CAROLINA.

EXHIBIT E-2

AREA TO LOCATE TOWER SITE FOR CHANNEL 284C2

TRENTON, NORTH CAROLINA

CHARLOTTE
SECTIONAL AERONAUTICAL CHART
SCALE 1:500,000

WKIK CH. 284C1
CREWE, VA
224.0 KM

ALLOCATION CH. 286C2
HAVELOCK, NC
58.0 KM

TRENTON CITY LIMITS

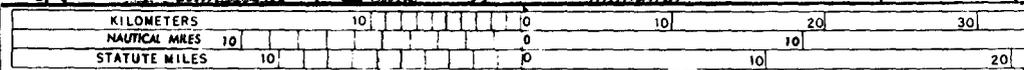
WUOY CH. 283A
WILIMINGTON, NC
106 KM

MCAS NEW RIVER
356 NCA

RESTRICTED
R-5306-C

RESTRICTED
R-5306-D

MOREHEAD
269 MRH



34-30-00
WARNIN

DIFFERENCE IN POPULATION WITHIN 60 dBu SERVICE CONTOURS

1. Persons within present WBSY(FM) 60 dBu service contour operating as a Class A facility at Rose Hill, North Carolina.
- 36,354 Persons -

Area within present WBSY(FM) 60 dBu service contour operating as Class A facility at Rose Hill, North Carolina.
- 1,878.63 Sq. KM -

2. Persons within proposed WBSY(FM) 60 dBu service contour when operating as a Class C2 facility at Trenton, North Carolina.
- 336,401 Persons -

Area within present WBSY(FM) 60 dBu service contour when operating as a Class C2 facility at Trenton, North Carolina.
- 8,324.83 Sq. KM -