

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In re)
)
Amendment of § 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Farmersville, Leonard, and)
Blue Ridge, Texas))

MM Docket No. 96-10
RM-8738, RM-_____

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To: The Acting Chief, Allocations Branch,
Mass Media Bureau

AMENDMENT TO PETITION FOR RULE MAKING AND COMMENTS

Thomas S. Desmond, by counsel, hereby amends his February 8, 1996 Petition for Rule Making seeking the allotment of Channel 260A to the community of Leonard, Texas. By this filing, Mr. Desmond also comments on the Notice of Proposed Rule Making in MM Docket No. 96-10 DA 96-104 (released February 13, 1996)(“NPRM”) proposing to allot Channel 260C3 to Farmersville, Texas.

1. Mr. Desmond originally proposed the allotment of Channel 260A to Leonard. Upon reflection, Mr. Desmond believes that the community of Blue Ridge, Texas is more deserving of a local service than Leonard. Accordingly, Mr. Desmond amends his Petition to substitute Blue Ridge for Leonard as his proposed community of allotment.

2. Blue Ridge currently lacks a local service. Blue Ridge is incorporated. According to the 1990 Census, Blue Ridge has a population of 531. The City Government has three employees, a City Hall, its own Post Office and Zip Code,¹ and a volunteer Fire Department. Blue

¹75424.

04

Ridge has its own telephone exchange.² The telephone directory lists six places of worship.³ The Blue Ridge Independent School District (which includes Blue Ridge and surrounding areas) has a combined elementary and middle school and a high school. The school facilities are within Blue Ridge proper. They have a total enrollment of approximately 425. The School District has approximately 60 employees.

3. The local telephone directory lists 30 area businesses

Blue Ridge Automotive	Blue Ridge Cuttery
Blue Ridge Flower Shop	Blue Ridge Food Mart
Blue Ridge Ostrich Ranch	Blue Ridge Real Estate
Blue Ridge Senior Citizen Center	Freda & Me (Wedding Consultant)
The Magnolia Hair Salon	McDonald Custom Welding
Highway 78 Service Center	Verona Water Supply
Elastex (Plastics Equipment)	Edward J. Tripp Company (Auctioneers)
Cooper Paint & Body	Jewell Auto Sales
Pauline's Hair Salon	Rosa Beauty Shop
RV Cleaning Service	Fielder-Baker Funeral Home
Desert General Store	Tiger One Stop (Food Store)
Cross Creek Farms (Fish Hatchery)	Jenkins Insulation (Contractor)
Shinn Insurance Agency	M&P Cattle Co. (Livestock Dealer)
Sky Tex Aerial Photo	Cafe 78
Cattleman's Cafe	LD's Restaurant.

4. Blue Ridge clearly satisfies the demographic criteria for licensable communities.

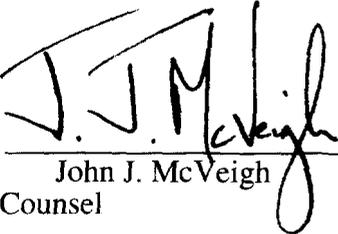
Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 101 (1982). Based on spacing requirements, Channel 260A at Blue Ridge (or Leonard) is mutually exclusive with Channel 260C3 at Farmersville. Blue Ridge may not be larger than Farmersville, but it is a dynamic community, clearly important to its surroundings, and worthy of a local service. Exhibit A hereto, the Engineering Statement of Stephan M. Kramer, P.E., shows that the Commission may allot Channel 260A to Blue Ridge in conformity with spacing and city-grade-service rules.

²752 in the 214 area code.

³Church of Christ, First Baptist Church, Pike Baptist Church, United Methodist, Valdosta Baptist, and West Shady Grove Baptist. Some of these churches are located in nearby, unincorporated areas. The local telephone directory also lists an office of the Federal Aviation Administration in Blue Ridge.

5. For the above reasons, Mr. Desmond requests the allotment of Channel 260A to the community of Blue Ridge, Texas.

THOMAS S. DESMOND

By 
John J. McVeigh
Its Counsel

BERNSTEIN AND MCVEIGH
1818 N Street Northwest, Suite 700
Washington, D.C. 20036
(202) 296-1800

Date: April 3, 1996

EXHIBIT A

Engineering Statement

This Engineering Statement was prepared on behalf of Tom Desmond in support of Rulemaking Comments to allocate Channel 260A to Blue Ridge, Texas.

The community of Blue Ridge, Texas is within Collin County, and is located approximately 67 kilometers northeast from Dallas. The 1990 Census lists the population at 521 persons, and the total Collin County population at 264,036 persons. The city of Blue Ridge is an incorporated community with identifiable boundaries, and is served by an independent school district, volunteer fire department, post office, as well as at least 30 independent businesses and churches.

The requested coordinates for the proposed Blue Ridge allocation are:

N.L. 33 - 17 - 52

W.L. 96 - 24 - 05

Figure 1.0 presents the allocation analysis. As shown, Channel 260A can be created for Blue Ridge, Texas consistent with FCC technical standards without a site restriction.

STEPHAN M. KRAMER, P.E. AND ASSOCIATES
 BROADCAST AND FAA CONSULTING ENGINEERS
 10500 BIGHORN TRAIL, SUITE 100 FRISCO, TX 75034 (214) 529-5123

Figure 1.0
 FM Allocation Analysis - Channel 260A

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Tom Desmond
 New Blue Ridge, Texas

FM Study for: TOM DESMOND	FCC Database	33-17-52
Location: BLUE RIDGE, TX	Channel Class: A	96-24-05
Call City, State	Chan Class Freq kW Latitude Dist.	Required
Status Proponent	File Number HAAT Longitude Azm.	Clear (km)

>>>>>> Study For Channel 260 99.9 MHz <<<<<<<<

KJMZ	DALLAS, TX	260 C	100.3	56.	32-35-05	94.52	95	
OP	GCI TEXAS II, INC.	BPH-9507061A	529	96-57-46	213.7	-0.08	CLOSE	
KJMZ	DALLAS, TX	262 C	100.3	89.	32-35-07	95.16	95	
LIC	GCI TEXAS II, INC.	BLH-5136	390	96-58-06	214.0	+0.16	CLOSE	
KPLX	FORT WORTH, TX	258 C	99.5	100.	32-34-54	95.87	95	
LIC	RADIO METROPLEX, INC.	BMLH-650211KR	511	96-58-32	214.2	+0.87	CLOSE	
WACDFM	WACO, TX	260 C	99.9	90.0	31-20-15	233.6	226	73.215
LIC	SBG COMMUNICATIONS OF	BLH-901116KD	506	97-18-37	201.7	+7.6	CLOSE	
KLUR	WICHITA FALLS, TX	262 C1	99.9	100.	33-54-04	289.4	280	
LIC	SAM F. BEARD & PANELA	BLH-6738	253	98-32-21	289.2	+9.4	CLOSE	
KTSH	TISHOMINGO, OK	259 C3	99.7	25.	34-11-15	103.1	89	
OP	BALLARD BROADCASTING	BPH-940921JE	100	96-43-20	343.2	+14.1	CLOSE	
KTCSEFM	FORT SMITH, AR	260 C	99.9	100.	35-04-20	252.8	226	
LIC	SIG CHIEF BROADCASTING	BLH-871231KC	565	94-40-50	38.4	+26.8	CLEAR	

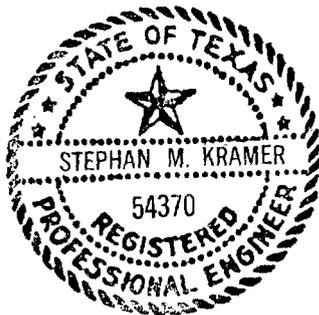
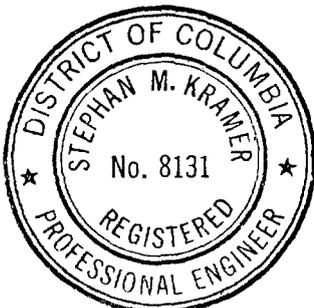
Engineering Affidavit

State of Texas)
) ss:
County of Collin)

Stephan M. Kramer, being duly sworn, deposes and states that he is a Registered Professional Engineer licensed in Texas and the District of Columbia, that he holds a B.S. Degree in Electrical Engineering from the University of Akron, and that he is a qualified and experienced Communications Consulting Engineer whose expert testimony and works are a matter of record with the Federal Communications Commission having received numerous application grants. He further states Tom Desmond retained the firm of Stephan M. Kramer, P.E. and Associates to prepare the attached Engineering Statement.

The deponent further indicates the Engineering Statement was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.

This declaration is made under penalty of perjury under the laws of the United States.



Stephan M. Kramer, P.E. 03-25-96

Stephan M. Kramer, P.E.
Texas P.E. # 54370
District of Columbia P.E. # 8131

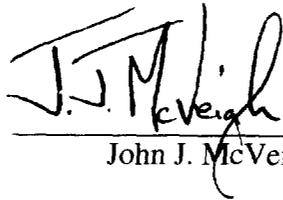
CERTIFICATE OF SERVICE

I hereby certify that I have sent copies of the foregoing "Amendment to Petition for Rule Making and Comments" by first-class United States Mail to:

James P. Riley, Esq.
Anne Goodwin Crump
Fletcher, Heald et al.
1300 North Seventeenth Street,
Eleventh Floor
Rosslyn, Virginia 22209

and by hand delivery to:

Ms. Pamela Blumenthal
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street Northwest, Suite 500
Washington, D.C. 20554



John J. McVeigh