

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

Dr. Thomas Kerley Requests }
FM Channel 268 C at: }
Cloudcroft, New Mexico }

PETITION FOR RULEMAKING
DOCKET FILE COPY ORIGINAL

RECEIVED
OCT 7 1996
FCC MAIL ROOM

PETITION

With this document, petitioner, Dr. Thomas Kerley, hereby requests amendment of the FM Table of Commercial FM Allotments, Section 302(b), to be amended to include FM channel 268C (101.5 MHz) at Cloudcroft, New Mexico as that community's first FM allotment and first commercial broadcast facility. The enclosed engineering exhibits indicate the proposed allocation meets all Commission requirements for minimum spacing separation to all existing and proposed FM stations in both the United States and Mexico. Submitted herewith also is the statement of Dr. Thomas Kerley certifying that, if allotted, he will file a form 301 application for a new construction permit during the filing window assigned to the allotment.

CITY OF LICENSE - CLOUDCROFT, NEW MEXICO

Cloudcroft, New Mexico is an incorporated community with a 1990 census of 636 persons (Source: U.S. Census Department) located approximately 20 km east/northeast of Almagordo, New Mexico in the Sacramento Mountain area. Although fewer than 1,000 persons permanently reside in Cloudcroft, the community is at the base of the SnowCanyon Ski Area and during the winter ski season, the area is temporary home to thousands of visitors making use of the ski area.

No. of Copies rec'd 2
List A B C D E
MMB

ENGINEERING STUDY

Included with this petition are Exhibits: E - 1, E - 2, and E - 3. Exhibit E - 1 is a separation study conducted utilizing a current database which indicates the proposed allotment of channel 268C at Cloudcroft meets the Commission's minimum spacing requirements for each licensed, proposed, and allotted but currently unused FM channel in both the United States and Mexico.

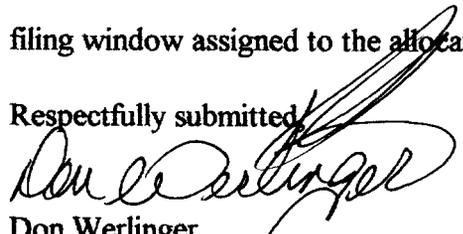
Exhibit: E - 2 is a wide area map the scale of which is 1" = 120 km, indicating the proposed allocation site and showing protected allocations in both the U.S. and Mexico. This map too, indicates proper separation as indicated above.

Exhibit: E - 3 is an immediate area map the scale of which is 1" = 20 km, indicating the proposed City of License, (Cloudcroft, New Mexico) and the proposed allotment site of channel 268C (N 32° - 57' - 42", W 105° - 44' - 28"). This exhibit indicates a wide area open for location of a transmitter site; however, it should be noted that the geographic coordinates indicated above are that of an existing communications tower which is available as a transmitter/antenna location for the proposed allocation.

APPLICATION CERTIFICATION

Included as Exhibit: E - 4 is the certification of Dr. Thomas Kerley that, if allocated as proposed, he will file the appropriate FCC form 301 application within the filing window assigned to the allocation.

Respectfully submitted,


Don Werlinger,
Technical Consultant

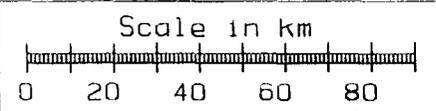
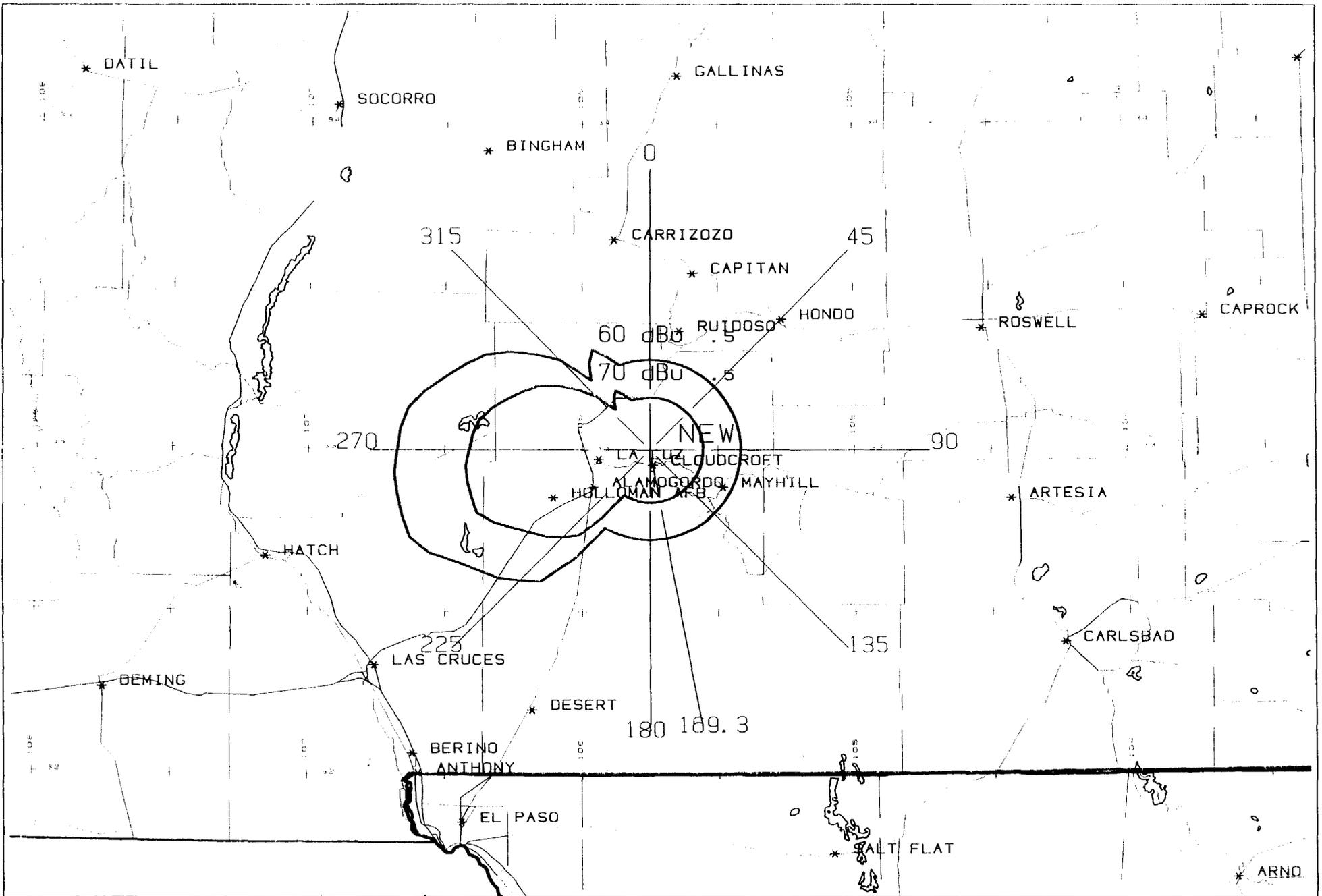


Exhibit: E-1
 Dr. Tom Kerley Seeks: Allocation of Channel 258C (101.5 mHz)
 at Cloudcroft, New Mexico as its first FM allocation

CLOUDCROFT, NEW MEXICO
 D. WERLINGER - 11/95

Exhibit: E - 2

Petition for Rulemaking - Channel 268C, Cloudcroft, NM

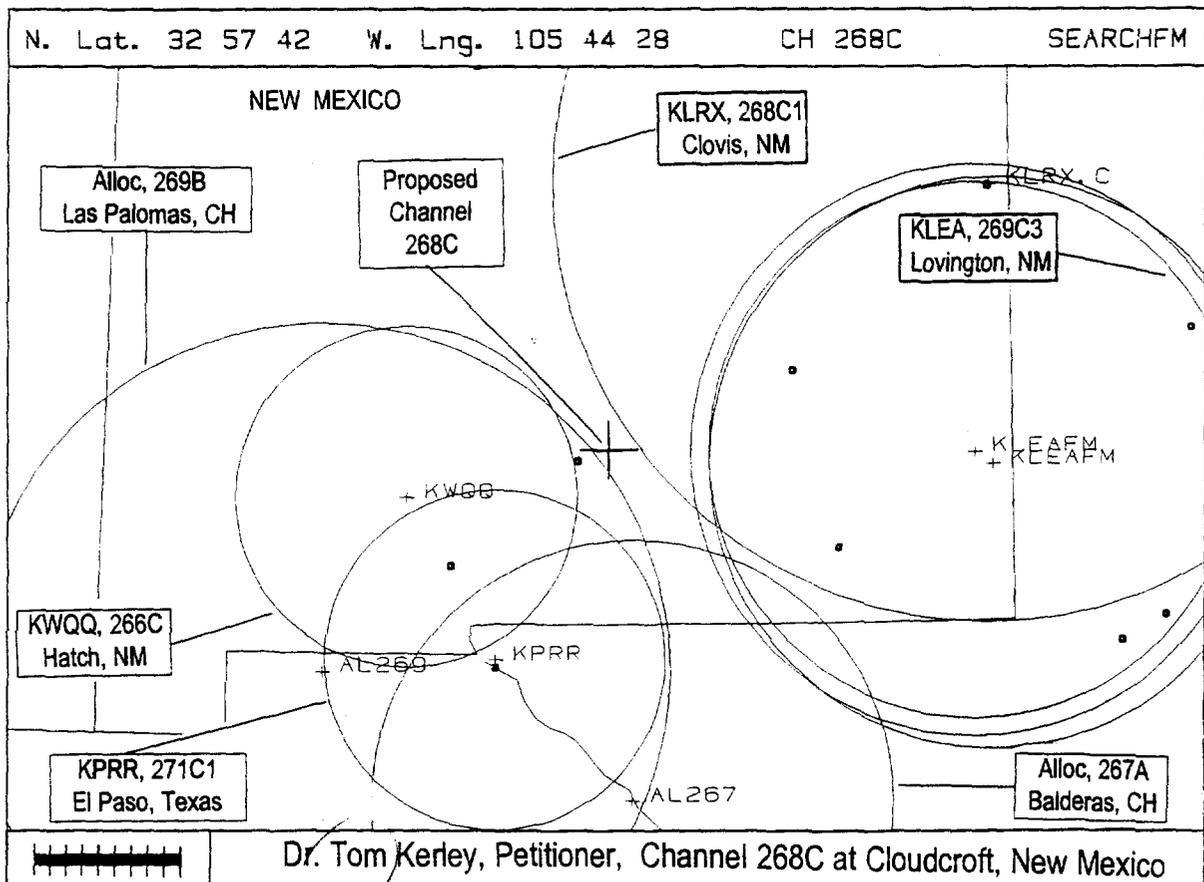
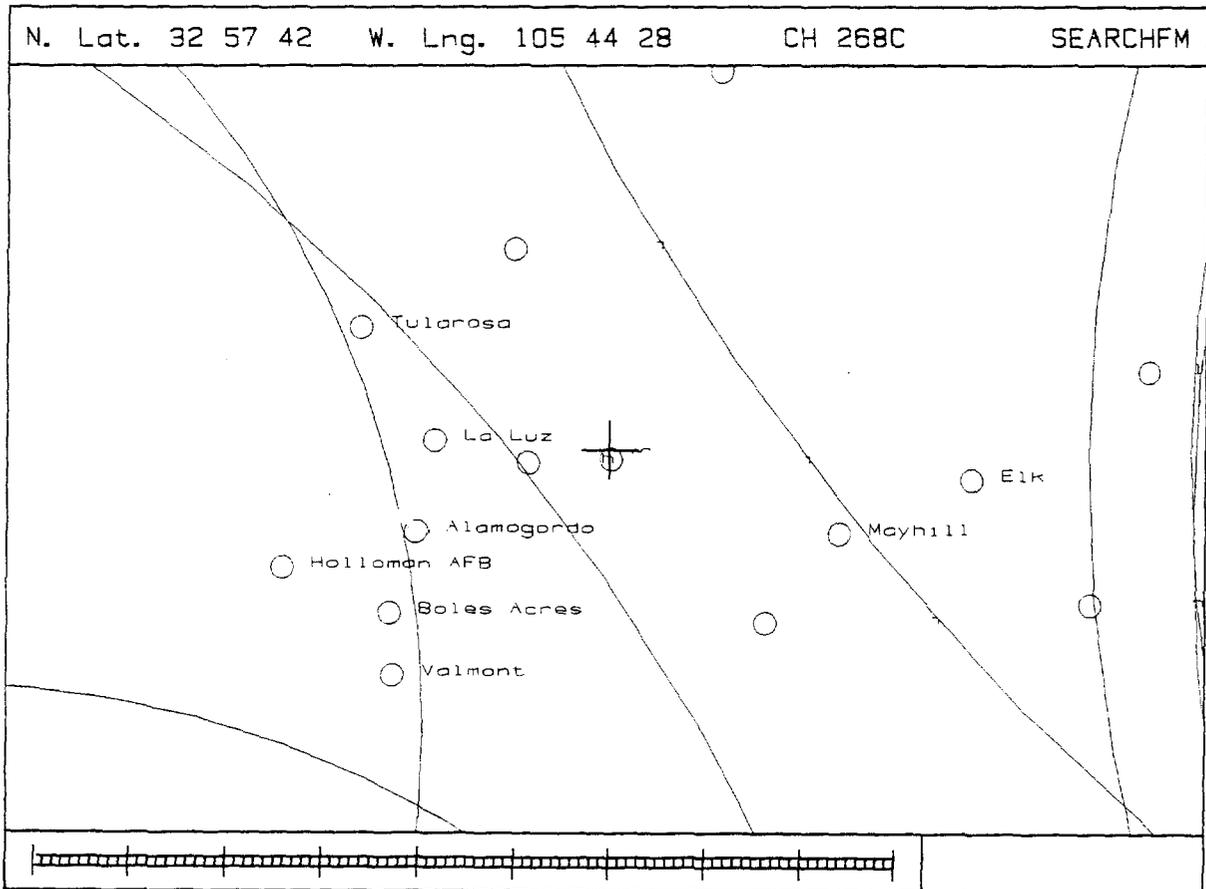


Exhibit: E - 3

Dr. Tom Kerley
Seeks: FM Rulemaking to Allot FM Channel 268C
To Cloudcroft, NM as its first FM Allocation

Reference							Display Date
32 57 42 N							Data 06-30-95
105 44 28 W							Search 11-02-95
			Class = C				
			Current Spacings				
-----Channel 268 - 101.5 MHz-----							
Call	Channel	Location	Dist	Azi	FCC	Margin	
AL 269 AL 31 43 00	269B 107 36 20	Los Palmos	CH	223.2	232.2	215	8.73
KLRX CP 34 24 31	268C1 103 11 15	Clovis	NM	286.0	55.0	270	16.55
KWQQ LIC 32 41 35	266C 107 04 06	Hatch	NM	127.8	256.8	105	23.30
KPRR LIC 31 47 34	271C 106 26 47	El Paso	TX	147.1	208.3	105	42.58

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

APPLICATION CERTIFICATION

Exhibit: E - 4

My name is Dr. Thomas Kerley. My address is: 39 Haynes Canyon Road, High Rolls, New Mexico 88325. I am the petitioner seeking allocation of commercial FM Channel 268C (101.5 mHz) at Cloudcroft, New Mexico. If and when the proposed allocation is made and a filing window for applications assigned to the allocation, I, or a company formed by me will file an FCC form 301 request seeking a construction permit for the channel. Said application will be filed within the assigned filing window for the channel.



Dr. Thomas Kerley, Petitioner

Date 5/10/96



Notary Public, State of New Mexico

June 23, 1999
Commission Expiration Date