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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

TELECOPIER NUMBER  
202-828-4130

LAW OFFICES  
HENRY E. CRAWFORD  
SUITE 900  
1150 CONNECTICUT AVENUE, N.W.  
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November 15, 1996

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: 

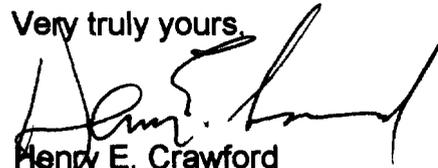
In the Matter of Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations Live Oak Broadcasting Three Rivers, Texas MM Docket No.:
---

Dear Mr. Caton:

Transmitted herewith on behalf of Live Oak Broadcasting are an original and four (4) copies of a "Petition for Reinstatement" as directed to the Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours,



Henry E. Crawford  
Counsel for  
Live Oak Broadcasting

cc: The Allocations Branch

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NOV 15 1996

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C. FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of ) MM Docket No. \_\_\_\_\_  
)  
Amendment of Section 73.202(b) ) RM No. \_\_\_\_\_  
Table of Allotments )  
FM Broadcast Stations )  
Three Rivers, Texas )

To: The Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR REINSTATEMENT**

Live Oak Broadcasting ("Live Oak"), by counsel, respectfully submits its *Petition for Reinstatement* in response to the *Letter Ruling of the Allocations Branch Dated November 6, 1996* ("Letter Ruling")<sup>1</sup> issued by John A. Karousos, Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau ("Bureau") on November 6, 1996. In support thereof, the following is stated:

1. On September 20, 1996, Live Oak filed its Petition for Rulemaking.<sup>2</sup> Subsequently, on November 6, 1996, the Bureau issued its Letter Ruling returning the Petition for failing to meet the minimum distance separation requirements of 47 CFR §73.207(b)(1). According to the Letter Ruling:

...the request is short-spaced to the pending proposal to substitute Channel 265A for Channel 281A at George West, Texas.

Letter Ruling, ¶2.

<sup>1</sup> Attached hereto as Exhibit 1. The Letter Ruling was not received in the office of undersigned counsel until November 14, 1996. Out of an abundance of caution, this Petition is being filed within 24 hours of receiving the Letter Ruling.

<sup>2</sup> Attached hereto as Exhibit 2.

2. The proposed substitution referred to by the Commission in the Letter Ruling was initiated by Bennet Broadcasting, Inc. ("Bennet"), then licensee of Station KAMV, in MM Docket No. 91-180.<sup>3</sup> However, Bennet eventually withdrew his proposal and that withdrawal was approved by the Commission in Order to Show Cause, 7 FCC Rcd 2109, n. 3 (Acting Chief, Allocations Branch 1992).<sup>4</sup>

3. In view of the withdrawal of the Bennet proposal, the Live Oak proposal is not short-spaced and its Petition for Rulemaking should be reinstated.

**WHEREFORE**, in accordance with the above, Live Oak Broadcasting respectfully requests that its September 20, 1996 Petition for Rulemaking seeking the assignment of Channel 265A to Three Rivers, Texas be reinstated *nunc pro tunc*.

November 15, 1996

Law Offices of

Henry E. Crawford, Esq.  
1150 Connecticut Avenue, N.W.  
Suite 900  
Washington, D.C. 20036  
(202) 862-4395

Respectfully Submitted,

Live Oak Broadcasting

By:   
Henry E. Crawford

His Attorney

---

<sup>3</sup> Memorandum Opinion and Order, 10 FCC Rcd 9360, 9363 ¶15. (Comm. 1995)

<sup>4</sup> As stated in the Order to Show Cause: "Bennet's request for dismissal of its counterproposal and related pleadings is in accordance with Section 1.420(j) of the Commission's Rules. We hereby grant the withdrawal request." Id.

**Live Oak Broadcasting  
Petition for Reinstatement  
November 15, 1996**

**EXHIBIT 1**



Federal Communications Commission  
Washington, D.C. 20554

NOV 06 1996

Henry E. Crawford, Esq.  
1150 Connecticut Avenue, N.W.  
Suite 900  
Washington, D.C. 20036

Dear Mr. Crawford:

This is in response to the petition for rule making which you submitted on behalf of Live Oak Broadcasting on September 20, 1996, requesting the allotment of Channel 265A at Three Rivers, Texas.

We have reviewed your proposal and find that it is unacceptable for rule making. Our engineering analysis indicates that Channel 265A cannot be allotted to Three Rivers, consistent with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules. Using the coordinates provided in the petition (28-27-48 and 98-10-54), the request is short-spaced to the pending proposal to substitute Channel 265A for Channel 281A at George West, Texas.

Based on the above explanation, we are returning your petition.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Karousos", written over a horizontal line.

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

Enclosures

**Live Oak Broadcasting  
Petition for Reinstatement  
November 15, 1996**

**EXHIBIT 2**

LAW OFFICES  
HENRY E. CRAWFORD  
SUITE 900  
1150 CONNECTICUT AVENUE, N.W.  
WASHINGTON, D.C. 20036  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

September 20, 1996

**BY HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: 

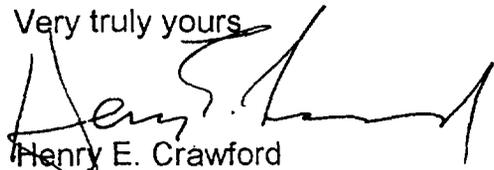
In the Matter of Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations Live Oak Broadcasting Three Rivers, Texas
MM Docket No.:

Dear Mr. Caton:

Transmitted herewith on behalf of Live Oak Broadcasting are an original and four (4) copies of a "Petition for Rulemaking" as directed to the Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours

  
Henry E. Crawford  
Counsel for  
Live Oak Broadcasting

cc: The Allocations Branch

BEFORE THE  
**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C.

In the Matter of ) MM Docket No. \_\_\_\_\_  
)  
Amendment of Section 73.202(b) ) RM No. \_\_\_\_\_  
Table of Allotments )  
FM Broadcast Stations )  
Three Rivers, Texas )

To: The Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RULEMAKING**

Live Oak Broadcasting ("Live Oak"), by counsel, hereby petitions the Federal Communications Commission for the initiation of a rulemaking proceeding to amend the FM Table of Allotments, Section 73.202 of the Commission's Rules, to assign FM Channel 265A to the community of Three Rivers, Texas, as follows:

City	Present	Proposed
Three Rivers, Texas	None	265A

1. As indicated in the attached Engineering Statement (attached hereto as Exhibit 1), Channel 265A can be assigned to Three Rivers in complete compliance with the Commission's distance separation requirements as contained 47 CFR §73.207. Additionally, the Commission's city coverage service requirements are satisfied and there is a wide area available for placing an appropriate transmitter.

2. Three Rivers is a city located in Live Oak County, Texas.

According to the 1994 Rand McNally Commercial Atlas, Three Rivers has a population of 9,556. Three Rivers is located along Interstate 37, approximately half way between Corpus Christi, Texas and San Antonio, Texas. At present, the community is not receiving community service from any aural service.

Therefore, the public interest will be served by the assignment of Channel 265A to Three Rivers, Texas.

3. If the Commission assigns Channel 265A to Three Rivers, Texas, Live Oak will apply for a construction permit and will construct a new Class A facility upon award of that permit.

**WHEREFORE**, in accordance with the above, Live Oak Broadcasting respectfully requests that Channel 265A be assigned to Three Rivers, Texas.

September 20, 1996

Law Offices of

Henry E. Crawford, Esq.  
1150 Connecticut Avenue, N.W.  
Suite 900  
Washington, D.C. 20036  
(202) 862-4395

Respectfully Submitted,

Live Oak Broadcasting

By: 

Henry E. Crawford

His Attorney

CERTIFICATE OF SERVICE

I, Henry E. Crawford, do hereby certify that copies of the foregoing  
Petition for Rulemaking have been served by United States mail, postage  
prepaid this 20th day of September, 1996 upon the following:

\*Sharon P. McDonald  
Allocations Branch, Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., 5th Floor  
Washington, D.C. 20554

\*Hand Delivered

  
Henry E. Crawford

Live Oak Broadcasting  
Three Rivers, Texas  
Exhibit 1  
September 20, 1996

**Exhibit 1**

Live Oak Broadcasting  
PETITION FOR RULEMAKING  
FM CHANNEL 265A  
Three Rivers, Texas

September 1996

(c) 1996  
F. W. Hannel, PE  
All Rights Reserved

STATE OF ILLINOIS            )  
                                  )  
COUNTY OF PEORIA            )            SS:

F. W. Hannel, after being duly sworn upon oath, deposes and states:

He is a registered Professional Engineer, by examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding Bachelor of Science and Master of Science degrees, both in Electrical Engineering;

His qualifications are a matter of public record and have been accepted in prior filings and appearances requiring scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him personally or under his supervision and direction and;

The facts stated herein are true, correct, and complete to the best of his knowledge and belief.



September 16, 1995

---

F. W. Hannel, P.E.

F. W. Hannel, PE  
911 Edward Street  
Henry, Illinois 61537  
(309) 364-3903  
Fax (309) 364-3775  
Email fwhannel@aol.com  
fwhannel@msn.com

Live Oak Broadcasting  
PETITION FOR RULEMAKING  
FM CHANNEL 265A  
Three Rivers, Texas

September 1996

ENGINEERING STATEMENT

This firm has been retained by Live Oak Broadcasting to prepare this Engineering Statement in support of its Petition For Rulemaking seeking the assignment of FM Channel 265A to the community of Three Rivers, Texas.

The community of Three Rivers, Texas, is located in Live Oak County. The community has a population of 1,889 persons (1994 Rand McNally Commercial Atlas), and Live Oak County has a population of 9,556 persons, (1994 Rand McNally Commercial Atlas). The city is located along Interstate 37, approximately half way between Corpus Christi, Texas, and San Antonio, Texas. The community is effectively isolated and is not receiving community service from any aural service. The Commission has proposed one channel for assignment to the community, however, that proceeding has been the subject of an ongoing dispute at the allotment stage, and the community is without service at this time.

Attached as Exhibit E-1 is an FM Channel study conducted from the reference co-ordinates listed in the US Atlas, N43-28-57, W110-45-42), and this exhibit clearly shows that the assignment of FM Channel 265A can be made to the community without imposition of any site restrictions. There is a wide area

that will accommodate a transmitter that will provide the community of Three Rivers, Texas, with the required city grade illumination while remaining within the mileage separation requirements of Section 73.207 of the Commission's Rules.

In view of the foregoing, it is respectfully requested that the Commission amend the FM Table of Allotments as follows:

Community	Present	Proposed
Three Rivers, Texas	----	265A

The allotment of the channel as is proposed in this rulemaking petition will provide the Community of Three Rivers, Texas, with its first local aural service, a substantial public interest benefit to the community and its environs.

Live Oak Broadcasting

PETITION FOR RULEMAKING  
FM Channel 265A  
Three Rivers, Texas

September 1996

Exhibit E-1  
FM Channel Study  
N28-27-48 W98-10-54

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
ALC	Piedras Negras	CI	265	B		243.0	240.0	276.8°	3.0
ALC	Victoria	TX	265	A	U	116.4	115.0	71.9°	1.4
ALC	George West	TX	265	A	A	15.7	115.0	155.3°	-99.3
KEPG	Victoria	TX	265	A	L	116.4	115.0	71.9°	1.4
ALC	Fredericksburg	TX	266	C	U	165.0	165.0	337.7°	-0.0
KONOEM	Helotes	TX	266	C	A	165.0	165.0	337.7°	-0.0
KONOEM	Fredericksburg	TX	266	C	D	165.0	165.0	337.7°	-0.0
KONOEM	Fredericksburg	TX	266	C	L	165.0	165.0	337.7°	-0.0

All Distances in Kilometers

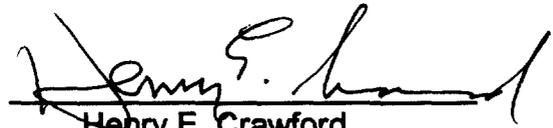
**CERTIFICATE OF SERVICE**

I, Henry E. Crawford, do hereby certify that copies of the foregoing  
Petition for Reinstatement have been served by United States mail, postage  
prepaid this 15th day of November, 1996 upon the following:

\*John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., 5th Floor  
Washington, D.C. 20554

\*Pamela Blumenthal  
Allocations Branch, Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W., 5th Floor  
Washington, D.C. 20554

\*Hand Delivered

  
Henry E. Crawford