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July 25, 1997

BY HAND DELIVERY

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

96-186

Re: **Petition for Reconsideration filed by Randolph Broadcasting, Inc. of the Report and Order; FCC 97-215; MM Docket No. 96-196**

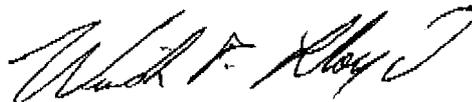
Dear Mr. Caton:

Transmitted herewith, on behalf of Randolph Broadcasting, Inc., are a facsimile of an original and eleven copies of a Petition for Reconsideration to be filed in the above-referenced matter.

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

Very truly yours,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



Winston P. Lloyd
Counsel to Randolph Broadcasting, Inc.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUL 25 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Assessment and Collection)
of Regulatory Fees for)
Fiscal Year 1997)
)

MD Docket No. 96-196

96-196

To: The Commission

PETITION FOR PARTIAL RECONSIDERATION
SUBMITTED BY RANDOLPH BROADCASTING, INC.

This Petition for Partial Reconsideration of the Commission's *Report and Order*, FCC 97-215 (Released: June 26, 1997) ("*R&O*") in the above-entitled rule making proceeding is submitted on behalf of Randolph Broadcasting, Inc. ("Randolph"), licensee of WKXR(AM), Asheboro, North Carolina. Randolph submits the Petition for the Commission to reconsider its calculation of the Fiscal Year 1997 regulatory fee for WKXR(AM).

The Commission's new methodology for assessing regulatory fees for radio stations is based partially on the number of people served by the radio station. *R&O*, at ¶ 47. In calculating the AM fee, the Commission relied on methodology developed by the National Association of Broadcasters ("NAB") and DataWorld MediaXpert Service ("DataWorld"). *R&O*, at ¶ 50, n. 23. According to the methodology specified in the *R&O*, signal coverage for AM stations must be calculated using the 1 mV/m field strength contour. *Id.* However, DataWorld confirmed in conversations with

Randolph, through counsel, that it calculated signal coverage by reference to the 0.5 mV/m field strength contour.

As a result of this miscalculation, DataWorld calculated the population served by WKXR(AM) to be 659,835 persons. This corresponds with the population within WKXR(AM)'s 0.5 mV/m field strength contour. Using the 1 mV/m field strength contour specified by the Commission, WKXR(AM)'s population coverage is far less -- approximately 200,000 persons. Thus, the miscalculation by DataWorld resulted in a fee of \$1,400, which is more than two times the \$690 fee paid by WKXR in 1996.

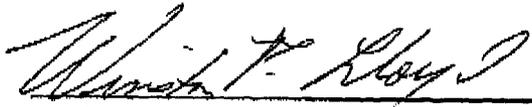
In the *R&O*, the Commission attempted to link regulatory fees for radio to the class of station and the population served. Stations with small populations, and thus, small revenue bases, would not be required to pay a large fee. However, using the 0.5 mV/m contour exaggerates the coverage area of smaller stations, particularly where the station is located outside of a larger metropolitan area.

For instance, WKXR's 0.5 mV/m contour encompasses the more populous cities of Greensboro and Winston-Salem, where WKXR's signal is almost non-existent. The station has little or no audience in these areas, and draws little or no revenue from the greater populations of these cities. On the other hand, WKXR's 1 mV/m contour excludes these cities and better approximates the station's actual population coverage.

Therefore, Randolph Broadcasting, Inc. respectfully requests that the Commission recalculate the regulatory fee for station WKXR(AM), using the number of people within the coverage area of the station as determined by reference to the 1 mV/m field strength contour, as required in the *R&O*.

Respectfully submitted, this the 25th day of July, 1997.

RANDOLPH BROADCASTING, INC.

By: 

Mark J. Prak
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Counsel to Randolph Broadcasting, Inc.

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