

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 93-17
Table of Allotments	)	RM-8170
FM Broadcast Stations	)	
(Rosendale, New York)	)	

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

**PETITION FOR RECONSIDERATION**

State University of New York ("SUNY"), by its counsel, petitions for reconsideration of the Memorandum Opinion and Order in MM Docket No. 93-17, RM-8170 (July 2, 1997) ("MO&O"), insofar as the Commission upheld the decision of the Staff not to modify the license of SUNY's noncommercial educational station WFNP, Rosendale, New York, to specify operation on the newly allotted FM Channel 273A at Rosendale, as requested by SUNY pursuant to Section 1.420(g). The Staff's decision is found in Memorandum Opinion and Order in MM Docket No. 93-17, RM-8170, 11 FCC Rcd 3607 (1996).

The Commission's MO&O did not address one aspect of SUNY's Application for Review that, based entirely on the record of this proceeding, can provide the relief that SUNY requests consistent with both the Commission's interpretation of Section 1.420(g)<sup>1/</sup> and the

1/ SUNY reserves the right to appeal to the Court of Appeals the Commission's decision with respect to the issues raised by SUNY in its Application for Review, including what SUNY regards as the Commission's inconsistent application of Section 1.420 of the Rules.

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reasonable interests of various now-pending applicants for Channel 273A at Rosendale. SUNY thus urges that the Commission reserve Channel 273A for noncommercial educational use, grant the modification of license requested by SUNY to operate Station WFNP as a full-time noncommercial educational station on Channel 273A at Rosendale, allot Channel 255A at Rosendale as a non-reserved allotment, and direct the other pending applicants for the new channel at Rosendale to modify their applications to specify Channel 255A.

#### Procedural Issues

SUNY's request for reconsideration is consistent with Section 1.106 of the Rules. Although SUNY does not rely on new facts *per se*, it does rely on facts in the record that were not addressed by the Commission in its MO&O, and these facts provide a basis for resolution of this matter that will preserve intact the Commission's interpretation of Section 1.420, permit the institution of new, full-time noncommercial educational service in Rosendale, and provide the other applicants for the non-reserved channel an alternative channel to pursue. The result is clearly in the public interest, thus satisfying the requirements of Section 1.106. Warren Price Communications, Inc., 7 FCC Rcd 4344 (1992) ("although LIMBC has failed to rely on new or changed circumstances as required by Section 1.106(b)(2), reconsideration may be granted where 'consideration of the facts relied on is required in the public interest.'")

#### The Facts

The basis for the Commission's decision in the MO&O was its determination that, if a noncommercial educational FM station seeks to upgrade its station on a frequency in the non-

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SUNY hopes, however, that the resolution of this matter proposed herein can spare the Commission and the parties from further legal processes.

reserved portion of the FM band pursuant to Section 1.420, it must request that the new frequency be reserved and demonstrate that channels in the reserved portion of the FM band are not available due to TV Channel 6 interference or preclusion by a foreign allotment. Thus, the Commission determined that it would not upgrade Station WFNP to a non-reserved Channel 273A despite SUNY's statement that it intended to continue to operate Station WFNP as a noncommercial educational station.

In this proceeding, however, SUNY stated that it would accept reservation of Channel 273A for noncommercial educational purposes if that were necessary to accomplish the channel change. Also, the record in this proceeding contains an engineering showing that, due to Channel 6 interference concerns, no frequency in the reserved FM band could be used by SUNY in Rosendale. Finally, the record shows that an alternative channel 255A would be available for other interested parties (although, in the rulemaking proceeding itself, there were no other valid expressions of interest by such parties). Thus, as shown in greater detail below, the requirements of Section 1.420 and the Commission's policies in this area are fully satisfied.

SUNY Statement of Acceptance of Reservation. SUNY stated before both the Staff and the Commission its willingness to have Channel 273A reserved for noncommercial educational use. For example, in its "Consolidated Reply" of January 26, 1996 to the Chief, Allocations Branch, at page 3, SUNY noted that, if it had received fair notice of the Staff's view that WFNP's upgrade required Channel 273A to be reserved for noncommercial educational use, SUNY would have so requested based on a showing of Channel 6 preclusion.<sup>2/</sup> SUNY also

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<sup>2/</sup> On the issue of fair notice, SUNY points out that the Notice of Proposed Rule Making in this proceeding, DA93-99 (released February 17, 1993) ("NPRM"), merely requested SUNY to clarify whether it wanted the channel reserved or not and instructed SUNY as to the

pointed directly to a Channel 6 preclusion study provided in this proceeding by Sacred Heart University ("SHU"). SUNY stated that "if it would assist the staff in resolving this case, SUNY would urge it on reconsideration to reserve the frequency and modify WFNP's license, based on the Channel 6 study submitted by SHU."

In its Application for Review, at page 11 n.10, SUNY reiterated this statement. It said that, "[i]f the Commission would modify SUNY's license for Station WFNP(FM) to Channel 273A, SUNY would accept a condition on its license restricting the station's use to noncommercial educational purposes, thereby resolving the staff's concern about removing the only local noncommercial educational service."

Engineering Showing of Channel 6 Preclusion. In its April 12, 1993 counterproposal in the original rulemaking proceeding in this docket, SHU provided an Engineering Statement showing that reservation of a channel was warranted. In its "Opposition to Petition for Reconsideration," filed January 11, 1996, SHU reiterated this point. SHU stated, at pages 10-11, that "the Rosendale reference coordinates are located within the Grade B contour of TV Channel 6 Station WRGB, Schenectady, New York. The furthest removed channel from the Channel 6 band (Channel 220) would cause interference to more than 3,000 persons in violation of Section

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showing required for reservation. The NPRM did not state or imply that, without reservation, Station WFNP could not be upgraded. SUNY also notes that the Commission's decision in Sioux Falls, South Dakota, 51 Fed. Reg. 4169 (1986), did in fact modify the license of a noncommercial educational FM station to a non-reserved channel. The Commission has now limited that holding to various facts contained in that case. However, the Sioux Falls decision itself does not state that its holding was so limited. Based on the NPRM and on Sioux Falls, SUNY had every reasonable right to believe that Section 1.420(g) allowed upgrades on non-reserved channels. SUNY believes that the Court of Appeals would agree.

73.525(e).” That Opposition contained a new Engineering Statement, a copy of which is attached hereto, making that demonstration.

Availability of an Alternative Channel at Rosendale. Finally, the record fully supports that an alternative channel, Channel 255A, is available at Rosendale. In its original Petition for Rulemaking, dated January 4, 1993, SUNY demonstrated that both Channels 273A and 255A were available for use at Rosendale. In the NPRM, *supra* at ¶3, the Staff confirmed that "should another party express an interest in providing Rosendale with an additional local service, Channel 255A is available for allotment." As noted in the attached Engineering Statement of SUNY's consulting engineer, Channel 255A is still available.

Technically, Section 1.420 would not require SUNY to show the availability of an alternative channel in support of its upgrade because there were no valid counterproposals to its petition for rulemaking. However, if necessary, the FCC can accommodate applicants who pursued Channel 273A when the Staff opened a filing window.<sup>3/</sup> This approach would provide a resolution of this matter that would not prejudice those who filed applications for Channel 273, even though they were on notice that SUNY was challenging the Commission's failure to modify the WFNP license.<sup>4/</sup>

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3/ SUNY should point out that, when it filed its original petition for reconsideration of the Staff's decision not to modify Station WFNP's license to specify Channel 273A, it also separately filed an "Emergency Request for Stay of FM Application Window," so as to avoid other applicants unnecessarily undertaking the burdens of filing applications, and complicating the balancing of interests, pending the resolution of SUNY's concerns.

4/ SUNY prefers and believes it is entitled to use Channel 273A for WFNP, making Channel 255A available for the other applicants. However, if necessary, SUNY would accept modification of the WFNP license to Channel 255A, allowing the other applicants to prosecute their pending applications without having to amend to change channels.

The Public Interest

As SUNY showed in its Application for Review, the public interest would be served by the upgrade of its Station WFNP on Channel 273A. Station WFNP currently shares time on its existing channel with Station WRHV, Poughkeepsie, New York. The upgrade would permit both stations to provide full-time noncommercial educational service to their communities and avoid the inevitable consequence of the share time arrangement--listener confusion over varying formats and the inability of either station to maximize its service to the public. As pointed out herein, these benefits can be achieved consistent with the Commission's now-articulated interpretation of Section 1.420(g) and precedent, and without material prejudice to those other parties who filed applications for Channel 273A. There is an opportunity here worthy of Solomon. The Commission should avail itself of that opportunity.

Conclusion

For the foregoing reasons, the Commission should reconsider its decision in the MO&O. It should reserve Channel 273A at Rosendale for noncommercial educational use, modify Station WFNP's license to specify operation on Channel 273A, allot Channel 255A at Rosendale on a non-reserved basis, and direct the other applicants for Channel 273A to specify Channel 255A.

Respectfully submitted,

STATE UNIVERSITY OF NEW YORK

By: Todd D. Gray  
Todd D. Gray  
Its Counsel

Dow, Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, N.W.  
Suite 800  
Washington, D.C. 20036-6802  
202-776-2571

August 1, 1997

**ATTACHMENT A**

**ENGINEERING STATEMENT REGARDING CHANNEL 6 PRECLUSION**

**(From SHU "Opposition to Petition for Reconsideration" dated January 11, 1996)**

**ENGINEERING STATEMENT IN SUPPORT OF  
OPPOSITION TO PETITION FOR RECONSIDERATION**

**AMENDMENT TO SECTION 73.202(b)  
TABLE OF ALLOTMENTS**

**STATE UNIVERSITY OF NEW YORK**

**ADD CH 273A (DELETE CH 204A)**

**AT**

**ROSENDALE, NEW YORK**

**JANUARY 1996**

**SUMMARY**

The following engineering statement has been prepared on behalf of **Sacred Heart University, Inc.** ("SHU"). SHU is filing the instant engineering statement as part of its opposition to a Petition for Reconsideration filed by the State University of New York ("SUNY") in MM Docket No. 93-17. SUNY requests that its license be modified to specify operation on unreserved commercial Channel 273A which was allotted to Rosendale, New York in RM-8170, MM Docket 93-17.

SHU believes that SUNY has failed to demonstrate sufficient public interest benefits and that modification of its license to a commercial channel is not warranted. In support of this statement SHU demonstrated in its April 12, 1993 counterproposal that Channel 255A could be allocated to Rosendale, New York as a reserved channel due to the fact that Channel 6 television station WRGB, Schenectady, New York precludes a full Class A noncommercial FM station in the reserved band. A similar showing concerning the Channel 273A reference coordinates is found herein. SHU addresses the substandard Class A facilities which are associated with SUNY's use of its current site (WFNP-FM) on Channel 273A.

**CH 273A REFERENCE COORDINATES - CHANNEL 6 PRECLUSION**

SHU has determined that a new NCE-FM station is precluded from operation in the reserved FM band, at the Channel 273A reference coordinates for Rosendale, New York, by the requirements found in *Section 73.525* of the Rules. The proposed Rosendale reference coordinates are located inside the Grade B service contour of Channel 6 TV station WRGB, Schenectady, New York. *Section 73.525(c)* states that an applicant for a new NCE-FM station must submit a showing indicating that no more than 3,000 persons will receive predicted interference from the proposed NCE-FM station. SHU will demonstrate that, in the best case, interference to Channel 6 television will occur to 4,292 persons from a 6 kW at 100 meter HAAT, Class A facility located at the proposed reference coordinates and operating on Channel 220.

The site of WRGB TV is located 90.7 km from the Rosendale allocation reference coordinates at a bearing of 2.1 degrees True. WRGB is licensed for an ERP of 93.3 kW and a radiation center 555 meters AMSL. Based on this data and terrain elevations from the NGDC 30 second terrain database, the HAAT on the direct 182.1° radial from WRGB to the Rosendale coordinates is 213 meters and the signal level is 48.6 dBu. The interfering contours to the WRGB signal around the Rosendale site are computed below as described in *Section 73.525(1)*.

<u>Ch 6 Signal</u> <u>WRGB TV - dBu</u>	<u>Ch 220</u> <u>73.599 Fig. 2</u> <u>dB Offset</u>	<u>Resulting Ch 220</u> <u>NCE-FM Interfering</u> <u>Contour - dBu</u>
50.6	34.5	85.1
48.6	37.0	85.6
47.0	39.0	86.0

It is clear from the above analysis and review of map *Figure 1 (attached)* that the 86.0 dBu contour represents the signal level that will cause predicted interference to Channel 6 service. Computations have been performed for Channel 220 since this channel has the least impact on Channel 6 reception for 6 kW at 100 meters HAAT, circular polarization. As the channels go progressively lower, the interfering contour extends further from the site and the affected population increases (see 73.599 Fig. 1 and Fig. 2). Therefore, this analysis, for Channel 220, reflects the lowest possible interference to Channel 6. If *Section 73.525* acceptability criteria cannot be met on Channel 220, it cannot be met on a lower channel.

The 6 dB receive antenna directivity factor from *Section 73.525(a)(iii)* applies over the arc from 252.1 degrees clockwise through 112.1 degrees where the proposed ERP is reduced by 6 dB to account for receive antenna directivity. Table I, attached, depicts distance to the WRGB service contours while Table II gives distances to the proposed Channel 220 NCE interfering contours.

Population within this interference area was counted at the block level using the centroid retrieval method. This method has been determined to be the most accurate method of computing population based on past Mass Media Bureau correspondence to **Sacred Heart University** and others. Population in the common overlap area between the 86 dBu interfering contour and the WRGB 47 dBu service contour is 4,292 persons as seen in Table III. This value exceeds the 3,000 maximum allowed by the Rules and demonstrates that Channel 273 could be reserved for NCE FM operation.

#### **SUNY USE OF THE WFNP TRANSMITTER SITE FOR CH 273A**

SUNY has expressed a preference for Channel 273A stating that it can apply for Channel 273A under Section 73.215 using its current transmitter site. SHU disagrees with this analysis believing that the current WFNP site will not comply with Section 73.315 of the Rules as shown below.

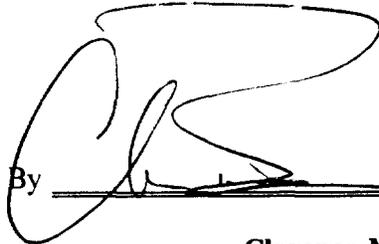
The Rosendale U.S. Census reference coordinates are located 15.9 kilometers from the WFNP site at a bearing of 335.45 degrees true. At this bearing, the HAAT is 399 meters and the 70 dBu extends out 16.1 kilometers at an ERP of 0.37 kW ( 6 kW equivalent) for the WFNP HAAT of 393 meters. The 1990 U.S. Census database describes Rosendale CDP as having an area of 4.7 square kilometers. When population within the 70 dBu contour is calculated at the block retrieval level, it is seen that maximum Class A facilities at the WFNP site reach 821 persons in the city of Rosendale which is 63.9% of the 1,284 persons residing in the community. Clearly, SUNY's use of the WFNP site on Channel 273A does not provide the required level of service to the city of Rosendale.

SUNY represents that its use of Channel 273A would be in the public interest when compared to its continued use of the Channel 204A sharetime operation. SHU disagrees as follows:

1. The licensed WFNP Channel 204A facility serves 320,268 persons within the 60 dBu contour. The WFNP directional operation on Channel 273A would be expected to serve 324,144 persons based on the affiant's calculations. A 1.2 percent increase in population served is de minimis and likely to be lost when the directional antenna CP is implemented due to real world restrictions in the construction and implementation of the directional antenna.
  
2. In February of 1992, when SUNY filed its first petition to delete Channel 204B1, it could have applied to the Commission for full Class B1 facilities using a directional antenna and an ERP equivalent to 25 kW at 100 meters HAAT to the north, providing 100% service to the city of Rosendale and providing service to a much wider area than can be provided from the WFNP site as a 6 kW Class A on Channel 273. A conservative population within Class B1 in the 60 dBu contour would be 525,523 persons. This is a 64.1% increase over the current WFNP Channel 204A operation and a 62.1% increase over the expected Channel 273A population served which WFNP is expected to proposed in its application for construction permit.

**CONCLUSION**

The foregoing was prepared on behalf of **Sacred Heart University, Inc.** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By  \_\_\_\_\_

**Clarence M. Beverage**  
*for Communications Technologies, Inc.*  
Marlton, New Jersey

**SUBSCRIBED AND SWORN TO** before me,

this 5th day of January, 1996,

 \_\_\_\_\_, NOTARY PUBLIC

ESTHER G. SPERBECK  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES OCT 15, 1997

**TABLE I**

**DISTANCE TO SERVICE CONTOUR**

**WRGB CH 6 93.3 kW @ 555 METERS AMSL**

**SCHENECTADY, NEW YORK**

**JANUARY 1996**

DISTANCES TO CONTOURS (Kilometers):

Frequency: 83.25 MHz  
Coordinates: N 42 38 12 W 73 59 45  
F(50,50) Curves Number of Contours: 7

AZ (degs)	HAAT (m)	ERP (kW)	CONTOUR LEVELS (dBu):						
			52.6	51.6	50.6	49.6	48.6	47.6	47.0
.0	454	93.3000	100.0	102.5	105.2	107.9	110.7	113.6	115.3
5.0	459	93.3000	100.4	102.9	105.5	108.2	111.0	114.0	115.7
10.0	460	93.3000	100.4	103.0	105.6	108.3	111.1	114.0	115.8
15.0	460	93.3000	100.4	103.0	105.6	108.3	111.1	114.0	115.8
20.0	458	93.3000	100.3	102.8	105.4	108.2	111.0	113.9	115.6
25.0	458	93.3000	100.3	102.9	105.5	108.2	111.0	113.9	115.7
30.0	457	93.3000	100.2	102.8	105.4	108.1	110.9	113.8	115.6
35.0	459	93.3000	100.4	102.9	105.5	108.3	111.1	114.0	115.8
40.0	461	93.3000	100.5	103.1	105.7	108.4	111.2	114.1	115.9
45.0	461	93.3000	100.5	103.0	105.7	108.4	111.2	114.1	115.9
50.0	460	93.3000	100.5	103.0	105.6	108.4	111.2	114.1	115.9
55.0	462	93.3000	100.6	103.2	105.8	108.5	111.3	114.2	116.0
60.0	467	93.3000	101.0	103.5	106.2	108.9	111.7	114.7	116.4
65.0	474	93.3000	101.5	104.1	106.8	109.5	112.4	115.3	117.1
70.0	478	93.3000	101.8	104.4	107.1	109.9	112.7	115.7	117.4
75.0	477	93.3000	101.8	104.4	107.1	109.9	112.7	115.6	117.4
80.0	479	93.3000	102.0	104.6	107.2	110.0	112.9	115.8	117.6
85.0	478	93.3000	101.9	104.5	107.2	109.9	112.8	115.7	117.5
90.0	478	93.3000	101.8	104.4	107.1	109.9	112.7	115.7	117.5
95.0	473	93.3000	101.5	104.1	106.7	109.5	112.3	115.3	117.1
100.0	472	93.3000	101.4	103.9	106.6	109.3	112.2	115.1	116.9
105.0	469	93.3000	101.2	103.8	106.4	109.2	112.0	114.9	116.7
110.0	466	93.3000	100.9	103.5	106.1	108.9	111.7	114.6	116.4
115.0	459	93.3000	100.4	102.9	105.6	108.3	111.1	114.0	115.8
120.0	451	93.3000	99.8	102.3	104.9	107.6	110.4	113.3	115.1
125.0	441	93.3000	98.9	101.5	104.0	106.7	109.5	112.3	114.1
130.0	421	93.3000	97.4	99.8	102.4	105.0	107.7	110.5	112.3
135.0	426	93.3000	97.8	100.2	102.8	105.4	108.2	111.0	112.7
140.0	423	93.3000	97.6	100.0	102.6	105.2	108.0	110.8	112.5
145.0	392	93.3000	95.2	97.6	100.0	102.6	105.3	108.0	109.8
150.0	345	93.3000	92.1	94.5	96.8	99.3	101.8	104.4	106.1
155.0	319	93.3000	90.4	92.8	95.1	97.5	100.0	102.6	104.2
160.0	286	93.3000	87.8	90.2	92.6	95.0	97.4	100.0	101.5
165.0	300	93.3000	89.1	91.4	93.8	96.2	98.6	101.2	102.8
170.0	255	93.3000	84.9	87.3	89.7	92.1	94.5	97.0	98.6
175.0	226	93.3000	82.3	84.6	87.0	89.4	91.8	94.3	95.8
180.0	222	93.3000	81.9	84.3	86.6	89.0	91.5	94.0	95.5

**TABLE I**  
**page 2**

185.0	181	93.3000	78.2	80.5	82.9	85.2	87.6	90.0	91.4
190.0	154	93.3000	75.2	77.6	79.9	82.3	84.6	87.0	88.4
195.0	131	93.3000	72.0	74.4	76.8	79.2	81.5	83.9	85.3
200.0	126	93.3000	71.3	73.7	76.1	78.5	80.9	83.3	84.7
205.0	112	93.3000	68.8	71.2	73.6	76.0	78.5	80.9	82.3
210.0	99	93.3000	66.1	68.5	70.9	73.4	75.9	78.4	79.8
215.0	85	93.3000	62.9	65.2	67.6	70.1	72.6	75.2	76.7
220.0	78	93.3000	60.9	63.2	65.6	68.0	70.5	73.1	74.7
225.0	89	93.3000	63.6	66.0	68.4	70.9	73.4	76.0	77.5
230.0	98	93.3000	65.8	68.2	70.7	73.1	75.6	78.1	79.6
235.0	108	93.3000	68.0	70.4	72.9	75.3	77.7	80.2	81.6
240.0	113	93.3000	69.1	71.5	73.9	76.3	78.8	81.2	82.6
245.0	124	93.3000	70.9	73.3	75.7	78.1	80.5	82.9	84.3
250.0	143	93.3000	73.8	76.2	78.5	80.9	83.2	85.6	87.0
255.0	155	93.3000	75.3	77.7	80.0	82.4	84.7	87.1	88.5
260.0	178	93.3000	77.9	80.2	82.6	84.9	87.3	89.7	91.1
265.0	200	93.3000	80.0	82.3	84.7	87.0	89.5	91.9	93.4
270.0	192	93.3000	79.2	81.6	83.9	86.3	88.7	91.1	92.6
275.0	171	93.3000	77.1	79.5	81.8	84.2	86.5	88.9	90.3
280.0	161	93.3000	76.1	78.5	80.8	83.2	85.5	87.9	89.3
285.0	157	93.3000	75.6	77.9	80.3	82.6	85.0	87.3	88.7
290.0	150	93.3000	74.7	77.1	79.4	81.8	84.1	86.5	87.9
295.0	150	93.3000	74.8	77.1	79.5	81.8	84.2	86.5	88.0
300.0	152	93.3000	75.0	77.4	79.8	82.1	84.4	86.8	88.2
305.0	166	93.3000	76.6	79.0	81.3	83.7	86.0	88.4	89.8
310.0	193	93.3000	79.3	81.6	84.0	86.3	88.7	91.2	92.6
315.0	217	93.3000	81.5	83.8	86.2	88.6	91.0	93.4	94.9
320.0	245	93.3000	84.0	86.4	88.8	91.2	93.6	96.1	97.7
325.0	267	93.3000	86.1	88.5	90.9	93.3	95.7	98.3	99.8
330.0	294	93.3000	88.5	90.9	93.2	95.6	98.1	100.6	102.2
335.0	339	93.3000	91.7	94.1	96.4	98.8	101.4	104.0	105.6
340.0	379	93.3000	94.3	96.6	99.1	101.6	104.2	107.0	108.7
345.0	410	93.3000	96.6	99.0	101.5	104.1	106.8	109.6	111.3
350.0	433	93.3000	98.3	100.8	103.4	106.1	108.8	111.7	113.4
355.0	445	93.3000	99.2	101.7	104.3	107.0	109.8	112.7	114.4
182.1	213	93.3000	81.1	83.5	85.8	88.2	90.7	93.1	94.6

TABLE II

**CHANNEL 273 REFERENCE COORDINATES  
6 kW @ 100 METERS HAAT**

**ROSENDALE, NEW YORK**

**JANUARY 1996**

DISTANCES TO CONTOURS (Kilometers):

Frequency: 102.5 MHz  
Coordinates: N 41 49 14 W 74 2 13  
F(50,10) Curves Number of Contours: 3

AZ (degs)	HAAT (m)	ERP (kW)	CONTOUR LEVELS (dBu):		
			86.0	85.6	85.1
.0	125	1.5000	5.1	5.2	5.4
5.0	131	1.5000	5.2	5.3	5.5
10.0	134	1.5000	5.2	5.4	5.5
15.0	125	1.5000	5.1	5.2	5.4
20.0	114	1.5000	4.9	5.0	5.1
25.0	109	1.5000	4.7	4.9	5.0
30.0	114	1.5000	4.8	5.0	5.1
35.0	117	1.5000	4.9	5.0	5.2
40.0	119	1.5000	5.0	5.1	5.2
45.0	123	1.5000	5.0	5.1	5.3
50.0	118	1.5000	4.9	5.1	5.2
55.0	108	1.5000	4.7	4.8	5.0
60.0	99	1.5000	4.5	4.6	4.8
65.0	101	1.5000	4.6	4.7	4.8
70.0	100	1.5000	4.5	4.7	4.8
75.0	100	1.5000	4.5	4.7	4.8
80.0	97	1.5000	4.5	4.6	4.7
85.0	100	1.5000	4.6	4.7	4.8
90.0	98	1.5000	4.5	4.6	4.8
95.0	98	1.5000	4.5	4.6	4.7
100.0	101	1.5000	4.6	4.7	4.8
105.0	107	1.5000	4.7	4.8	5.0
110.0	103	1.5000	4.6	4.7	4.9
115.0	105	6.0000	6.6	6.8	7.0
120.0	104	6.0000	6.6	6.7	6.9
125.0	106	6.0000	6.7	6.8	7.0
130.0	107	6.0000	6.7	6.8	7.0
135.0	99	6.0000	6.4	6.6	6.8
140.0	96	6.0000	6.3	6.5	6.7

TABLE II  
page 2

145.0	95	6.0000	6.3	6.4	6.6
150.0	93	6.0000	6.2	6.4	6.6
155.0	71	6.0000	5.4	5.6	5.7
160.0	49	6.0000	4.5	4.6	4.8
165.0	41	6.0000	4.0	4.2	4.3
170.0	36	6.0000	3.8	3.9	4.0
175.0	34	6.0000	3.7	3.8	3.9
180.0	39	6.0000	4.0	4.1	4.2
185.0	50	6.0000	4.5	4.7	4.8
190.0	62	6.0000	5.1	5.2	5.3
195.0	71	6.0000	5.4	5.6	5.7
200.0	83	6.0000	5.9	6.0	6.2
205.0	100	6.0000	6.5	6.6	6.8
210.0	119	6.0000	7.0	7.2	7.4
215.0	125	6.0000	7.2	7.4	7.6
220.0	121	6.0000	7.1	7.2	7.5
225.0	114	6.0000	6.9	7.0	7.2
230.0	77	6.0000	5.6	5.8	5.9
235.0	-1	6.0000	3.5	3.6	3.7
240.0	-16	6.0000	3.5	3.6	3.7
245.0	31	6.0000	3.5	3.6	3.7
250.0	66	6.0000	5.2	5.4	5.5
255.0	91	1.5000	4.3	4.4	4.6
260.0	103	1.5000	4.6	4.7	4.9
265.0	105	1.5000	4.7	4.8	4.9
270.0	99	1.5000	4.5	4.6	4.8
275.0	89	1.5000	4.3	4.4	4.5
280.0	80	1.5000	4.0	4.1	4.3
285.0	73	1.5000	3.9	4.0	4.1
290.0	68	1.5000	3.8	3.8	3.9
295.0	64	1.5000	3.6	3.7	3.8
300.0	65	1.5000	3.7	3.8	3.9
305.0	85	1.5000	4.2	4.3	4.4
310.0	103	1.5000	4.6	4.7	4.9
315.0	103	1.5000	4.6	4.7	4.9
320.0	87	1.5000	4.2	4.3	4.5
325.0	83	1.5000	4.1	4.2	4.3
330.0	80	1.5000	4.0	4.1	4.3
335.0	87	1.5000	4.2	4.3	4.5
340.0	96	1.5000	4.5	4.6	4.7
345.0	117	1.5000	4.9	5.0	5.2
350.0	112	1.5000	4.8	4.9	5.1
355.0	126	1.5000	5.1	5.2	5.4

**TABLE III**

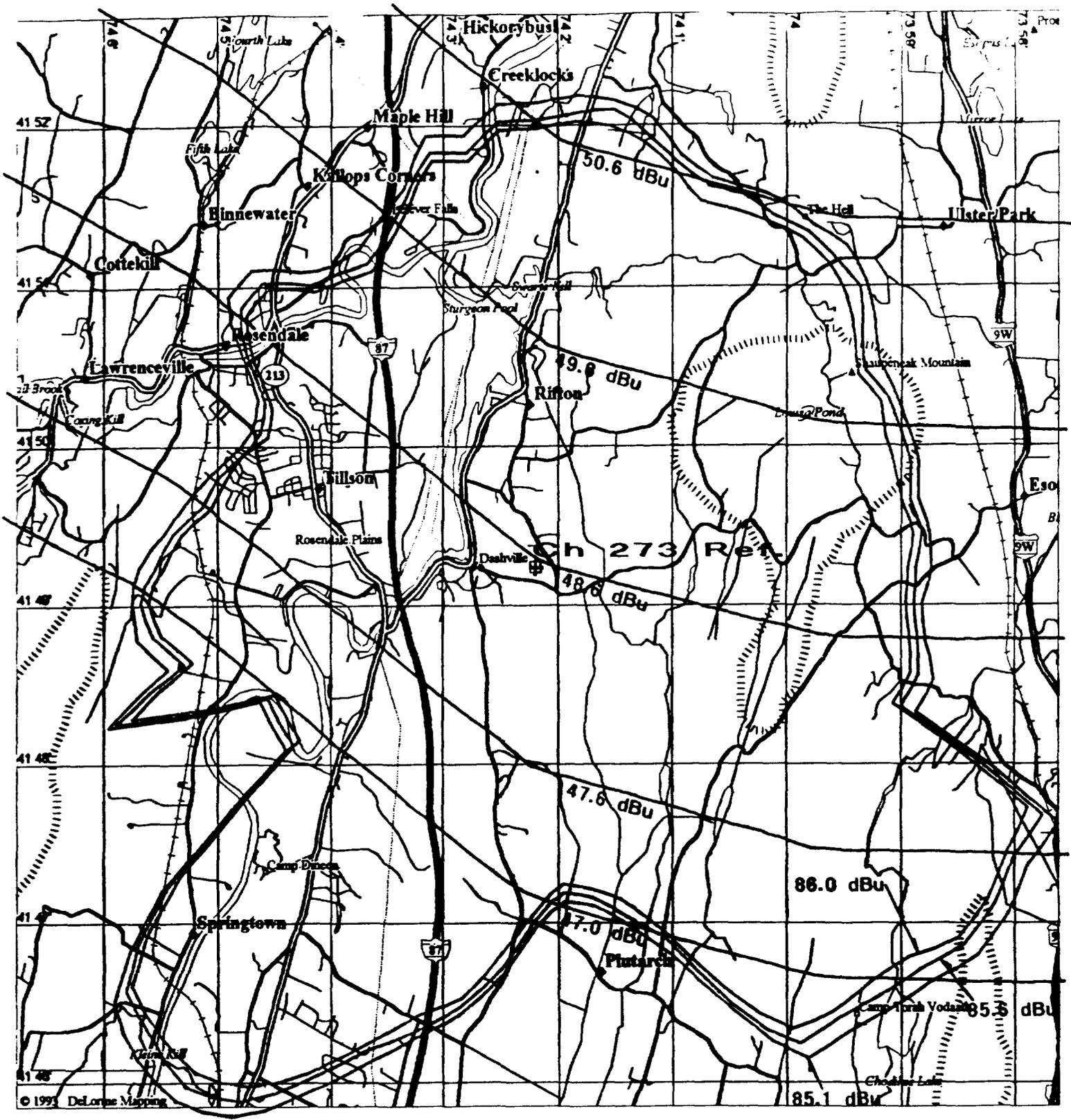
**POPULATION WITHIN CH 6 INTERFERING CONTOUR**

**ROSENDALE, NEW YORK**

**JANUARY 1996**

State, County, City	Households	TOTAL POPULATION						Total
		White	Hispanic	Black	Am Indian	Asian	Other	
New York	1,618	4,117	67	61	14	30	3	4,292
Ulster County								
Rosendale Village CD	100	234	6	5	0	1	1	247
Tillson CDP	606	1,455	22	22	8	8	1	1,516
Rural county	912	2,428	39	34	6	21	1	2,529
Total for County	1,618	4,117	67	61	14	30	3	4,292

State, County, City	Households	POPULATION 18 AND OVER						Total
		White	Hispanic	Black	Am Indian	Asian	Other	
New York	1,618	3,015	40	45	9	20	1	3,130
Ulster County								
Rosendale Village CD	100	168	3	5	0	1	0	177
Tillson CDP	606	1,068	13	10	3	5	1	1,100
Rural county	912	1,779	24	30	6	14	0	1,853
Total for County	1,618	3,015	40	45	9	20	1	3,130



**LEGEND**

- |                        |                       |                         |
|------------------------|-----------------------|-------------------------|
| ○ State Route          | --- County Boundary   | == US Highway           |
| □ Geo Feature          | Population Center     | +++ Railroad            |
| ◆ Town, Small City     | — Street, Road        | — River                 |
| ▲ Hill                 | — Major Street/Road   | — Intermittent River    |
| ◡ Interstate, Turnpike | == Interstate Highway | --- Utility (powerline) |
| ◡ US Highway           | == State Route        | □ Open Water            |

**CHANNEL 6 STUDY - CH 273**

Mag 13.00

Mon Jan 08 12:58:45 1996

Scale 1:62,500 (at center)

1 Miles

2 KM

**Figure 1**

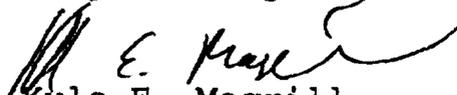
**ATTACHMENT B**

**ENGINEERING STATEMENT REGARDING CHANNEL 255A AVAILABILITY**

**Engineering Statement on Behalf of  
the State University of New York (SUNY)**

At the request of SUNY, I have again reviewed the current status of channel 255A as a possible allocation at Rosendale, NY. With the exception of a counter proposal by Raymond Natole for the use of Channel 255A at West Hurley, NY, which was ex-parte filed, as a comment in the original SUNY proceeding, channel 255A continues to be available for allocation at Rosendale, NY. No other channels are available that meet the requirements of section 73.207 at Rosendale, NY.

Respectfully submitted,

  
Kyle E. Magrill  
Technical Consultant

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing "Petition for Reconsideration" was served this 1st day of August, 1997, by hand delivery or First Class United States mail, postage prepaid, upon the following:

Mr. John A. Karousos\*  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, NW  
Room 554  
Washington, D.C. 20554

Ms. Leslie Shapiro\*  
Allocations Branch  
Federal Communications Commission  
2000 M Street, N.W.  
Room 564  
Washington, DC 20554

Mark N. Lipp, Esq.  
Ginsburg, Feldman & Bress, Chartered  
1250 Connecticut Avenue, N.W., Suite 800  
Washington, D.C. 20036-2603  
Counsel for Sacred Heart University, Inc.

Gary S. Smithwick  
Smithwick & Belendiuk, PC  
1990 M Street, NW  
Suite 510  
Washington, D.C. 20036  
Counsel for Aritaur Communications, Inc.

Steven C. Shaffer  
Schwartz, Woods & Miller  
1350 Connecticut Avenue, NW  
Suite 300  
Washington, D.C. 20036  
Counsel for WMHT Educational Telecommunications

Allan G. Moskowitz  
Kaye, Scholer, Fierman, Hays & Handler  
901 15th Street, NW  
Washington, D.C. 20005  
Counsel for Span Communications Corp.

A. Wray Fitch III  
Gammon & Grange, PC  
8280 Greensboro Drive  
Seventh Floor  
McLean, Virginia 22102-3807  
Counsel for Raymond A. Natole

Mr. Dennis Jackson  
Radio South Burlington, Inc.  
Radio Station WQQQ(FM)  
19 Boas Lane  
Wilton, Connecticut 06897

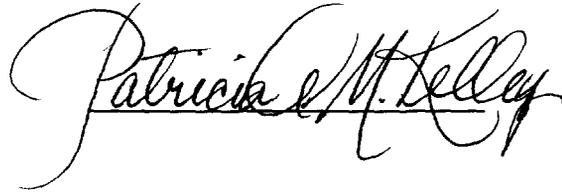
Lauren A. Colby, Esquire  
Attorney at Law  
Post Office Box 113  
Frederick, MD 21705  
Counsel for Eric P. Straus

Erwin G. Krasnow, Esquire  
Verner, Liipfert, Bernard, McPherson & Hand  
901 15th Street, N.W.  
Washington, DC 20005  
Counsel for David M. Fleisher & Melissa M. Krantz

Jerold L. Jacobs, Esquire  
Rosenman & Colin, L.L.P.  
1300 19th Street, N.W.  
Washington, DC 20036  
Counsel for Hawkeye Communications, Inc.

Gregory L. Masters, Esquire  
Fisher, Wayland, Cooper, Leader & Zaragoza  
2001 Pennsylvania Avenue, N.W., Suite 400  
Washington, DC 20006  
Counsel for Rosen Broadcasting, Inc.

Barry A. Friedman, Esquire  
Thompson, Hine & Flory  
1920 N Street, N.W.  
Washington, D.C. 20036  
Counsel for Marist College

A handwritten signature in cursive script, reading "Patricia M. Kelly". The signature is written in black ink and is positioned to the right of the typed address.

\*By Hand Delivery