

Before the **DOCKET FILE COPY ORIGINAL**
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

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 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)
)
 Amendment of Section 73.202(b),)
 Table of Allotments,)
 FM Broadcast Stations,)
 (Ellington, Missouri))

RM-_____

PETITION FOR RULEMAKING

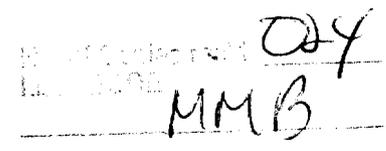
New Life Evangelistic Center, Inc. (NLEC), permittee of Station KAUL(FM), Ellington, Missouri, herewith petitions for rulemaking to amend the FM Table of Allotments to change its allotted channel as follows:

<u>Community of License</u>	<u>Current Allotment</u>	<u>Proposed Allotment</u>
Ellington, Missouri	280A	294A

The change in channel will permit KAUL¹ to be built as a 6 kw Class A FM station instead of as a 3 kw Class A FM station. Attached is the Engineering Report of E. Harold Munn, Jr. & Associates which establishes that KAUL is currently short-spaced under Section 73.207 by 9.46 km to co-channel Station KPOC-FM, Pocahontas, Arkansas. Thus, in order to achieve the power permitted by Section 73.211(b), *i.e.*, 6 kw, a channel change is necessary. Moreover, it can be done from KAUL's existing transmitter site and without impacting any other allotment.

In MM Docket 97-168 there are four options put forth by Lyle Broadcasting Corporation in its Comments and Counterproposal filed September 22, 1997, two of which

¹The Construction Permit for Station KAUL was granted on a first come first serve basis on July 25, 1997, File No. BPH-970327MG.



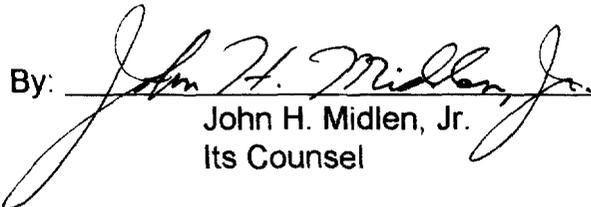
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involve changing the Ellington channel to 294A, that proposed here.² While the instant rulemaking should not in any way be tied to MM 97-168, it is appealing that harmonious results may be achieved with no downside.

For the foregoing reasons, it is requested that the Commission amend Section 73.202(b) of its Rules by substituting Channel 294A for Channel 280A at Ellington, Missouri.

Respectfully submitted,

NEW LIFE EVANGELISTIC CENTER, INC.

By: 
John H. Midlen, Jr.
Its Counsel

MIDLEN LAW CENTER
3238 Prospect Street, NW
Washington, DC 20007-3214

October 29, 1997

²The other two options do not involve Ellington.

Courtesy Copy List

I, John H. Midlen, Jr., a member of the District of Columbia and Maryland bars, certify that I have caused to be sent, first class, postage prepaid, United States Mail, a copy of the foregoing Petition for Rulemaking as a courtesy to the following who are involved with MM Docket 97-168, this the 29th day of October, 1997:

Ms. Kathleen Scheuerle
Room 8314
Mass Media Bureau
Federal Communications Commission
2025 M Street, NW
Washington, DC 20554

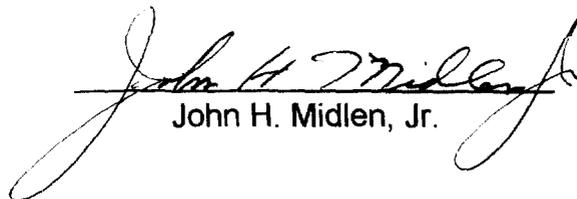
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John H. Midlen, Jr.

ENGINEERING REPORT
In Support of a Petition
To Substitute FM Channel 294(A)
For Channel 280(A) At Ellington, Missouri
October, 1997

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E. HAROLD MUNN, JR. & ASSOCIATES, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

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CERTIFICATION OF CONSULTANT

The firm of E. Harold Munn, Jr. & Associates, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data submitted in this report.

The data utilized in this report was taken from the FCC Secondary Database and other data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of those data errors or omissions.

The report has been prepared by or under the direction of the undersigned, whose qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

E. Harold Munn, Jr. & Associates, Inc.

October 16, 1997

by Virgil M. Royer
Virgil M. Royer, Staff Engineer

by Wayne S. Reese
Wayne S. Reese, President

100 Airport Drive, Box 220
Coldwater, Michigan 49036-0220

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ENGINEERING STATEMENT

In Support of a Petition To Amend §73.202(b)

The firm of E. Harold Munn, Jr. & Associates, Inc., was retained to prepare this Engineering Statement in support of a petition to amend 47 C.F.R. Section 73.202(b), the FM Table of Allotments.

It is proposed to amend the Table to substitute Channel 294(A), 106.7 MHz at Ellington, Missouri, for Channel 280(A), 103.9 MHz. For the purposes of this study, the coordinates specified are the coordinates of the site authorized by BPH-970327MG. This site, when used for Channel 294(A) meets the spacings of §73.207(b)(1).

Figure 1 is a pertinent portion of the computer study which shows that KAUL, operating on Channel 280(A), is short-spaced under §73.207 to co-channel station KPOC-FM, Pocahontas, Arkansas. The short-spacing is 9.47 km.

Figure 2 is a pertinent portion of the computer study which demonstrates that, at the reference point listed, and for the class of station proposed, all the required separations are fully met for the allotment of Channel 294(A).

The site considered for the studies is NL 37° 13' 27"; WL 90° 51' 13". This is a point proximate to the city from which the 3.16 mV/m (70 dBu) contour of the proposed facility would encompass the entire community.

The "Open Area" for the use of Channel 294A is shown as Figure 3.

It is requested that 47 C.F.R. §73.202(b) be amended as follows.

<u>CITY, STATE</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Ellington, Missouri	280A	294A

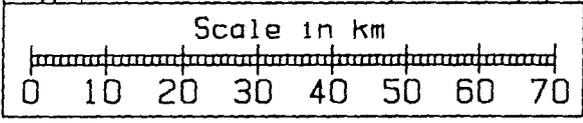
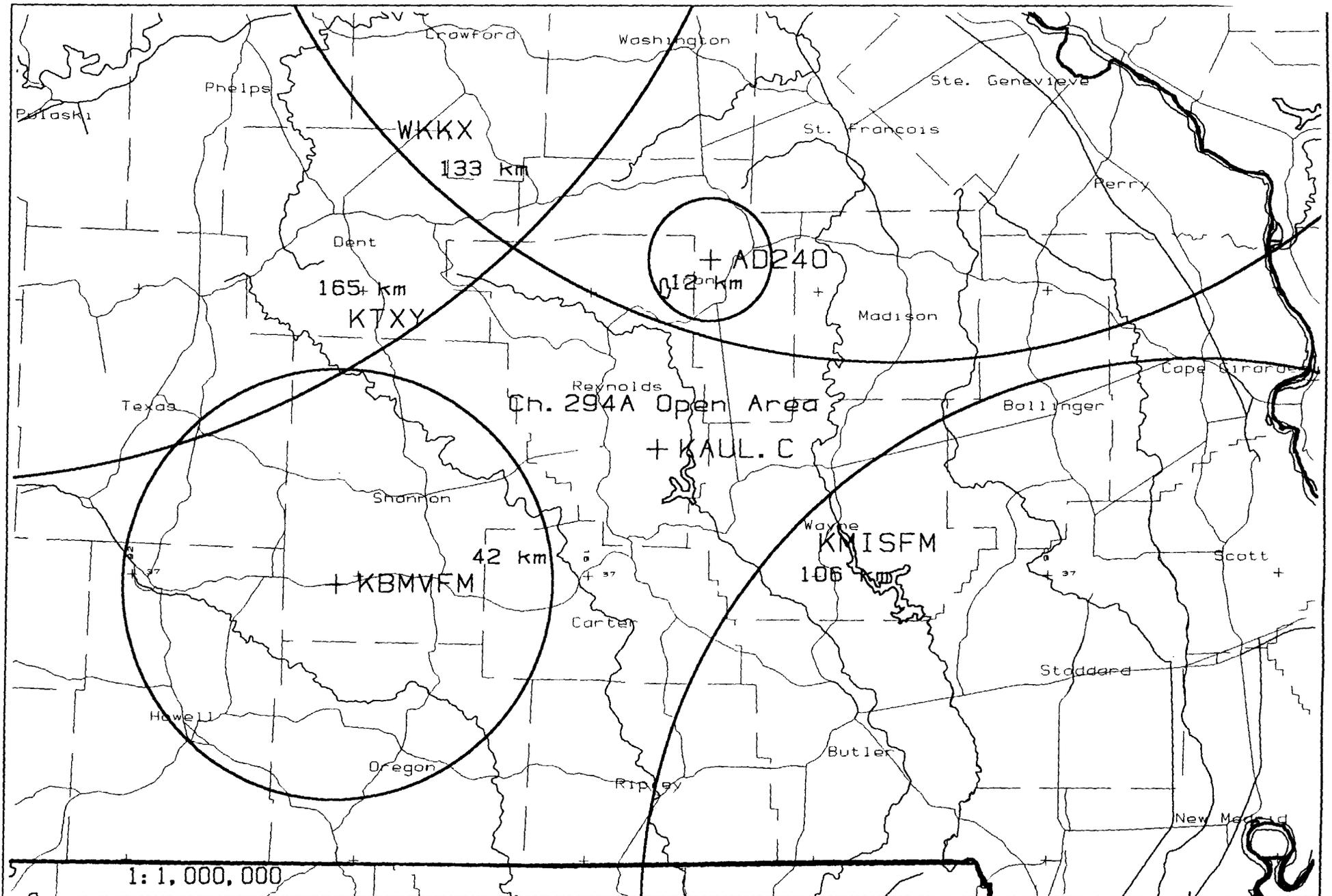
FIGURE 2

E. Harold Munn Jr. & Associates Inc.
 Box 220 Coldwater MI 49036-0220

KAUL, Ellington, MO
 FM Allocation Study

REFERENCE		CLASS A	DISPLAY DATES
37 13 27 N			DATA 10-10-97
90 51 13 W		Current rules spacings	SEARCH 10-16-97
----- CHANNEL 294 -106.7 MHz -----			

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WKKX	293C1	Granite City	IL	17.0	156.80	133.0	23.80
LI CN	38 34 24 90 19 30	Zimco Inc.	90.000 kW	313M	97.4	82.7	
					BLH890509KC		
KBMVFM	296C3	Birch Tree	MO	246.9	67.20	42.0	25.20
CPMZCN	36 59 07 91 32 54	Jack G. Hunt	15.000 kW	100M	41.8	26.1	
					BMPH940218IA		960305
		>From Channel 296A per D90-411					
AD240	240C3	Ironton	MO	15.2	38.42	12.0	26.42
AD	37 33 29 90 44 21	B.B.C., Inc., Dockins Communi	0.000 kW	0M	23.9	7.5	
					RM9136		970714
		>Counterproposal					
KMISFM	293C2	New Madrid	MO	130.3	136.42	106.0	30.42
LI CN	36 25 31 89 41 29	Williams Communications, Inc.	50.000 kW	143M	84.8	65.9	
					BLH930908KS		
KBMVFM	296A	Birch Tree	MO	246.9	67.20	31.0	36.20
CP CN	36 59 07 91 32 54	Jack G. Hunt	2.000 kW	109M	41.8	19.3	
					BPH831202AY		920909
		>*To channel 296C3 per D90-411					
KBMVFM	296A	Birch Tree	MO	246.9	67.20	31.0	36.20
LI CN	36 59 07 91 32 54	Jack G. Hunt	3.000 kW	91M	41.8	19.3	
					BLH830706AJ		
		>*To channel 296C3 per D90-411					
KBMVFM	296A	Birch Tree	MO	246.9	67.30	31.0	36.30
AP CN	36 59 07 91 32 58	Jack G. Hunt	5.100 kW	109M	41.8	19.3	
					BMLH921016KC		
		>*To channel 296C3 per D90-411					
KTXY	295C	Jefferson City	MO	318.1	213.04	165.0	48.04
LI CY	38 38 16 92 29 34	Central Missouri Broadcasting	100.000 kW	381M	132.4	102.6	
					BLH900727KA		



Open Area For KAUL on Channel 294(A)
 N. Lat. 37 13 27 W. Lng. 90 51 13

FIGURE 3
 MUNN & ASSOC - 10/97