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December 10, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, D.C. 20554

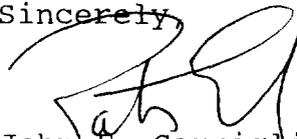
Re: Amendment of Section 73.202(b)
FM Table of Allotments
(Hawesville and Whitesville, Kentucky)

Dear Ms. Salas:

Transmitted herewith on behalf of WLME, Inc, the licensee of WXCM(FM), Hawesville, Kentucky, is an original and four copies of its Petition for Rule Making seeking the commencement of a proceeding to amend the FM Table of Allotments to specify Channel 246A at Whitesville, Kentucky as its first local transmission service in lieu of Hawesville, Kentucky and to modify the facilities of WXCM(FM), Hawesville, Kentucky to specify operation on Channel 246A at Whitesville, Kentucky.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia
Patricia M. Chuh

Enclosure

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. _____
Table of Allotments) RM No. _____
FM Broadcast Stations)
(Hawesville and Whitesville, Kentucky))

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

WLME, Inc., the licensee of WXCM(FM), Hawesville, Kentucky, by its attorneys, pursuant to Sections 1.401 and 1.420(i) of the Commission's Rules, hereby seeks the commencement of a rule making proceeding to amend the Table of Allotments for FM Broadcast Stations, 47 C.F.R. §73.202(b), to specify Channel 246A at Whitesville, Kentucky, as its first local transmission service in lieu of Hawesville, Kentucky and to modify the facilities of WXCM(FM), Hawesville, Kentucky to specify operation on Channel 246A at Whitesville, Kentucky. As shown in the attached channel studies, this substitution may be made in compliance with the Commission's current separation requirements.^{1/} In support whereof, the following is submitted:

1. WLME, Inc. requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present Channel</u>	<u>Proposed Channel</u>
Hawesville, KY	246A	- - -
Whitesville, KY	- - -	246A

2. Whitesville, Kentucky is a community for allotment purposes. Whitesville, Kentucky is an incorporated city with a

^{1/} The reference coordinates for Channel 246A at Whitesville, Kentucky are 37-41-12 North Latitude and 86-52-12 West Longitude, at a site located approximately 13.9 kilometers north of Whitesville.

population of 682 persons (1990 U.S. Census). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (requirement of an allotment to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census). In addition, Whitesville, Kentucky is self-governing with its own City Hall (Whitesville City Hall), Mayor (Robert Howart), and City Clerk (Pat Burch). There are also a number of churches, organizations, and businesses that serve the Whitesville community, such as St. Mary of the Woods Catholic Church, St. Mary of the Woods Grade School, Trinity High School, and Goodland Grocery Store. Many of these churches, organizations, and businesses incorporate "Whitesville" in their name. Some examples are: Whitesville Baptist Church, Whitesville Grade School, Whitesville Fire Department, Whitesville Senior Citizens Center, Whitesville Community Credit Union, Whitesville Drug Store, Whitesville Florist, and Whitesville Tire & Auto. See Kenansville, Florida, 10 FCC Rcd 9831 (1995) (existence of a number of organizations incorporating the community's name is indicative of community status).

3. Substitution of Whitesville, Kentucky for Hawesville, Kentucky as WXCM(FM)'s community of license would result in a preferential arrangement of allotments, pursuant to Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982); Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989). The substitution would provide Whitesville, Kentucky with its first local service (fulfilling the Commission's third priority for FM allocations), while

Hawesville, Kentucky would continue to receive local service from AM station, WKCM. Further, the allocation of Channel 246A to Whitesville will provide 60 dBu service to a population of 116,818 (1990 U.S. Census). This is a gain of 66,021 persons, after adjustment for population loss of 9,358 persons. Thus, the objectives of 47 U.S.C. § 307(b) would be served by substituting the community of license for Channel 246A from Hawesville, Kentucky to Whitesville, Kentucky.

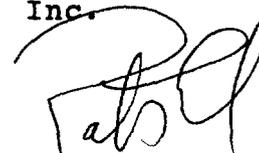
4. WLME, Inc. hereby certifies that it has a present intention to apply for the new channel when allotted, and when authorized will build the modified facilities promptly and commence operation on Channel 246A.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission commence a rule making proceeding to allot Channel 246A to Whitesville, Kentucky and to modify the license of WXCM(FM) to specify operation on Channel 246A.

Respectfully submitted,

WLME, Inc.

By:



John F. Garziglia
Patricia M. Chuh
Its Attorneys

PEPPER & CORAZZINI, L.L.P.
1176 K Street, N.W., Suite 200
Washington, DC 20006
(202) 296-0600

Date: December 10, 1997

TECHNICAL REPORT

This technical report has been developed on behalf of the licensee of station WXCM(FM) on channel 246A at Hawesville, KY requesting a change in community of license for the station to provide a first service at Whitesville, KY (1990 population - 682).

I. ALLOCATION ANALYSIS

Exhibit E-1 demonstrates that WXCM's channel 246A may be allocated at a site approximately 13.9 kilometers north of Whitesville (community reference point of N 37-41-12 W 86-52-12) in compliance with all Commission separation and allocation requirements (see Exhibit E-1) at coordinates:

N 37-48-39 W 86-53-18 (13.9 km north - 353.3 Deg).

At this location, the proposed allotment will provide 70 dBu service and line of sight to Whitesville (see Exhibit E-2).

The area which will lose service from the existing licensed WXCM operation is plotted in Exhibit E-3. It is evident from that exhibit that the loss area continues to receive five full-time aural services. This analysis was based on the Commission's procedure of utilizing maximum permissible non-directional facilities for all FM stations except for class C where actual licensed facilities were utilized. Non-directional 28.3 km 60 dBu contours were utilized for both the existing WXCM facility and the proposed new allocation at Whitesville.

It is also evident from E-1 that the 246A Whitesville allocation is entirely mutually exclusive with the licensed WXCM(FM) facility on 246A.

II. Population Analysis

The proposed Whitesville 246A allocation will provide a 60 dBu service to an area of 2,526 square kilometers which includes a 1990 population of 116, 818. This represents a gain of 75,379 which is adjusted by the population loss of 9,358 to yield a net population gain of 66,021.

III. Conclusion

The reallocation of WXCM(FM) from Hawesville, KY to Whitesville, KY will provide a first local service to Whitesville (1990 population - 682) thereby fulfilling the Commission's third priority for FM allocations. It is noted that the Commission recently allocated a class C1 channel to Oakley, Utah, a community of 522 (MM Docket No. 96-230).

At the same time, Hawesville will continue to be served by full-time AM station WKCM, and the WXCM 60 dBu loss area will continue to receive five full-time aural services. Furthermore, the Whitesville, allocation will result in a net population increase served by the proposed 60 dBu of 66,021.

SUMMARY OF PROPOSAL

Community	Present	Proposed	Coordinates
Hawesville, KY	246A-	-----	
Whitesville, KY	-----	246A	N 37-48-39 W 86-53-18 (13.9 km north)

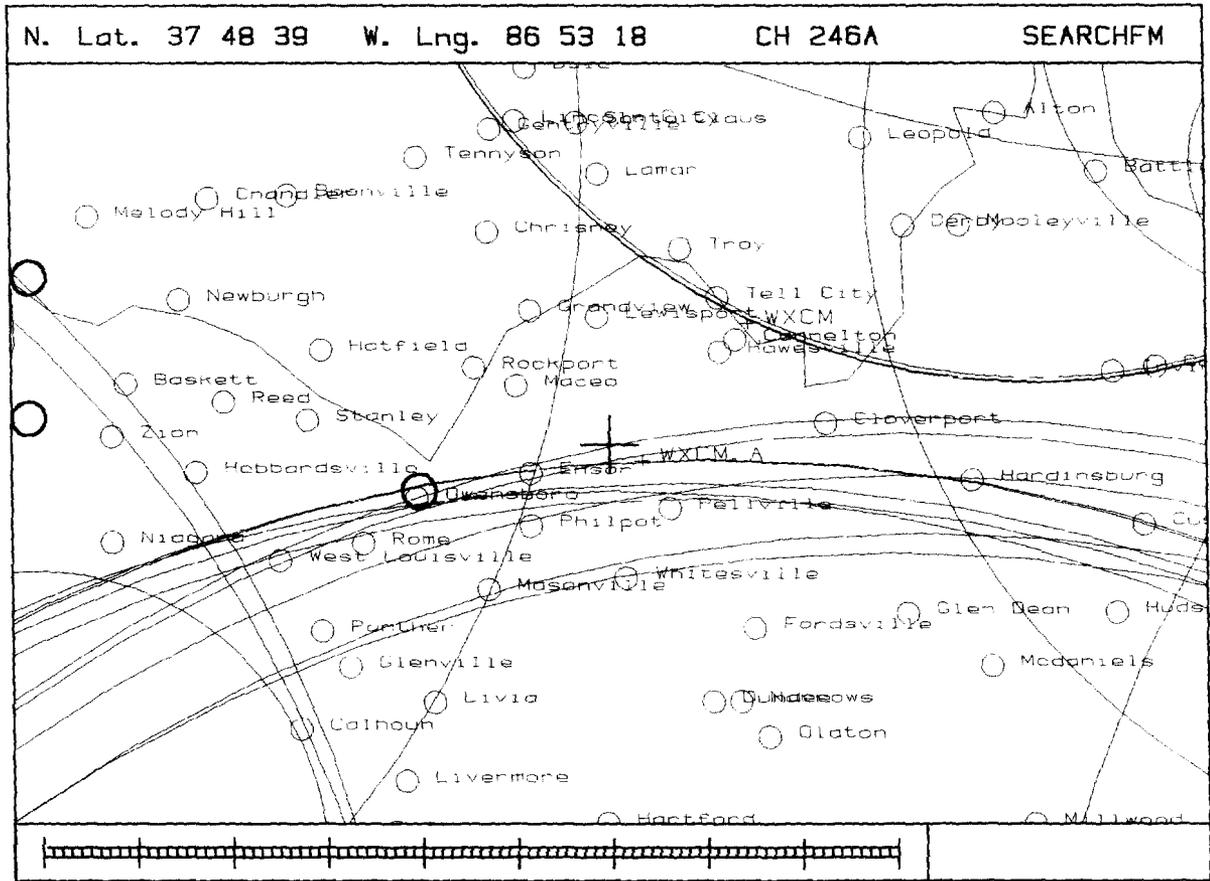


EXHIBIT E-1

Call	CH#	Location	D-KM	Azi	FCC	Margin
WXCM. A	246A	Hawesville KY	3.82	116.4	114.5	-110.68
WXCM	246A	Hawesville KY	19.42	48.7	114.5	-95.08
AP246	246C2	Goodlettsville TN	165.65	168.9	165.5	0.15
ALOPEN	246C2	Goodlettsville TN	167.16	169.3	165.5	1.66
AP246	246C2	Goodlettsville TN	167.40	176.6	165.5	1.90
AP246	246C2	Goodlettsville TN	167.44	176.4	165.5	1.94
AP246	246C2	Goodlettsville TN	169.78	177.4	165.5	4.28
AP246	246C2	Goodlettsville TN	170.41	179.9	165.5	4.91
AP246	246C2	Goodlettsville TN	171.44	177.0	165.5	5.94
AP246	246C2	Goodlettsville TN	171.49	169.8	165.5	5.99
WRUL	247B	Carmi IL	119.24	285.1	112.5	6.74
AP246	246C2	Goodlettsville TN	177.90	169.5	165.5	12.40
AP246	246C2	Goodlettsville TN	179.39	170.5	165.5	13.89
ALOPEN	245A	Hardinsburg IN	89.96	29.9	71.5	18.46
AP245	245A	Hardinsburg IN	90.07	29.8	71.5	18.57
AP245	245A	Hardinsburg IN	90.07	29.8	71.5	18.57
AP245	245A	Hardinsburg IN	90.54	29.8	71.5	19.04
WAMZ	248C1	Louisville KY	105.53	74.2	74.5	31.03
WDDJ	245C1	Paducah KY	172.56	243.2	132.5	40.06
WENS	246B	Shelbyville IN	219.15	19.5	177.5	41.65
WDDJ. C	245C1	Paducah KY	174.62	241.5	132.5	42.12
WHRZ	249A	Providence KY	74.77	234.1	30.5	44.27
WGZBFM	243A	Corydon IN	88.69	59.3	30.5	58.19
WSEK	246C2	Somerset KY	226.05	114.0	165.5	60.55
WBVRFM	244A	Bowling Green KY	95.18	180.1	30.5	64.68
WSFR. A	299B	Corydon IN	81.43	68.6	14.5	66.93

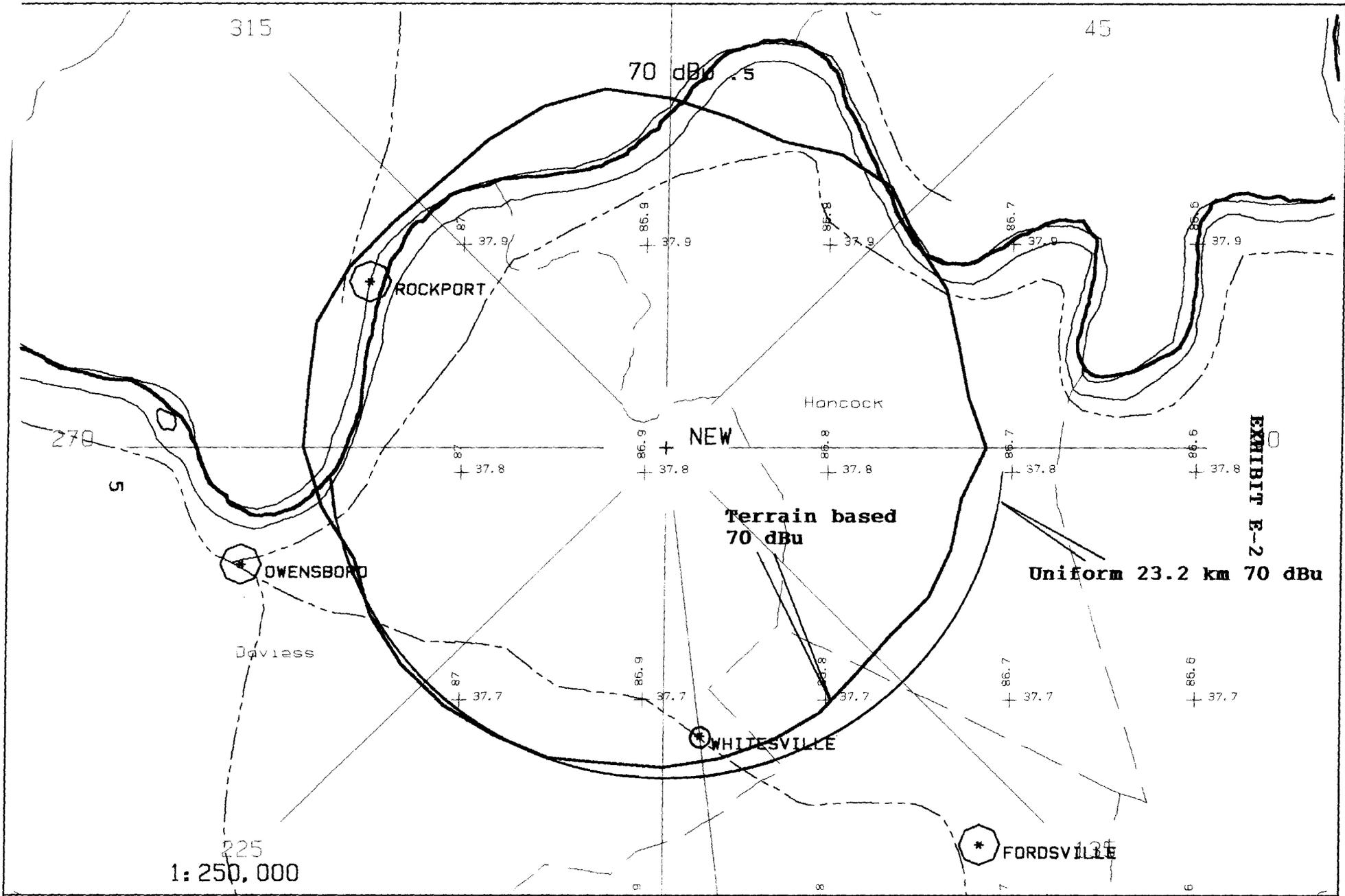


EXHIBIT E-2

N. Lat. 37 48 39

W. Lng. 86 53 18

NEW

- 10/97

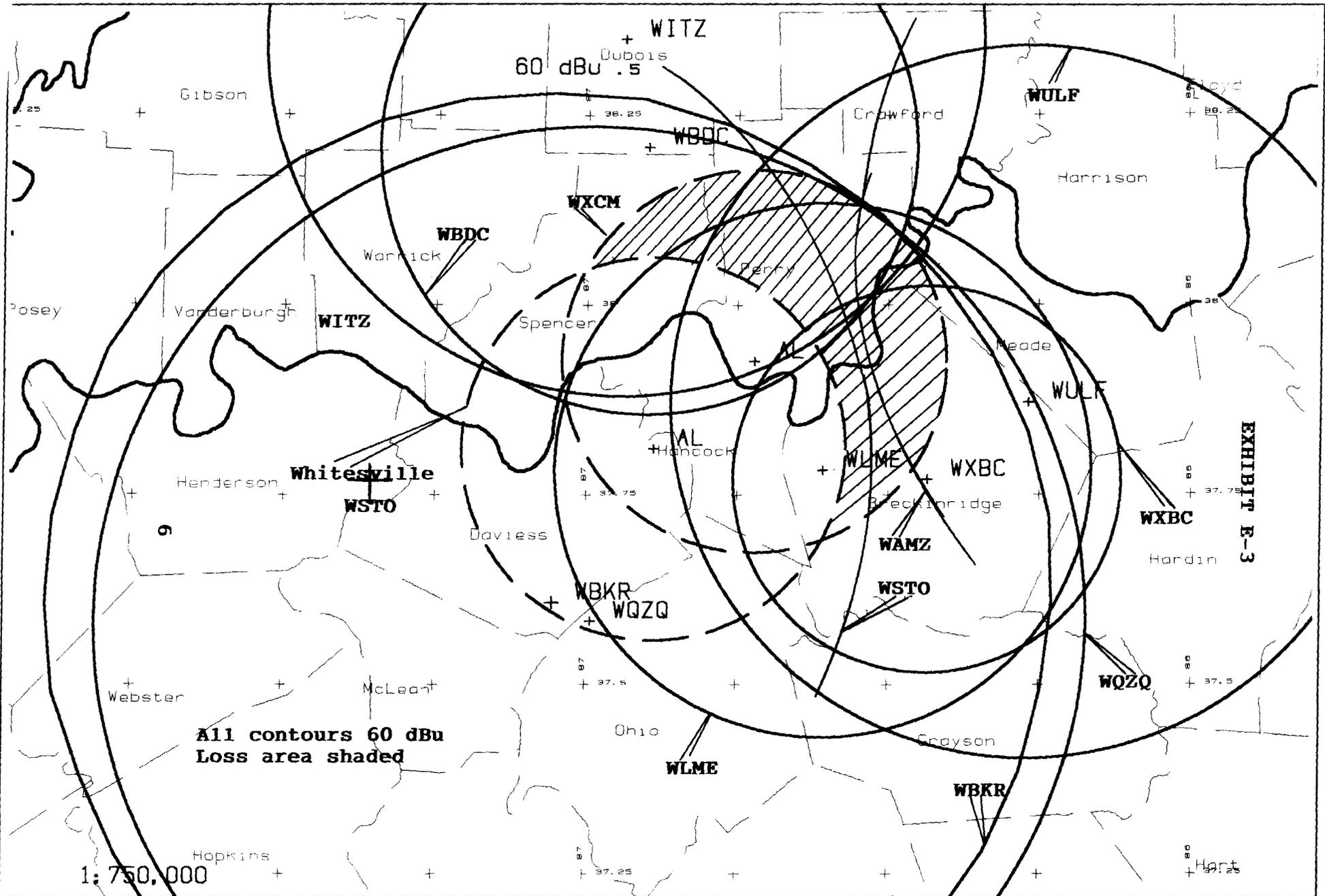


EXHIBIT E-3

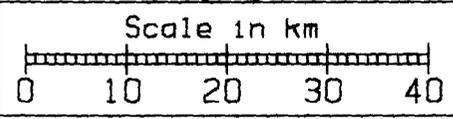


EXHIBIT E-2
N. Lat. 37 48 39 W. Lng. 86 53 18

WHITESVILLE
- 10/97

**EXHIBIT E-3A
STATIONS PROVIDING FIVE FULL-TIME
AURAL SERVICES TO WXAM LOSS AREA**

1.	WBKR	223C	Owensboro, KY
2.	WULF	234C2	Hardinsburg, KY
3.	WSTO	241C	Owensboro, KY
4.	WAMZ	248C1	Louisville, KY
5.	WBDC	265B1	Huntingburg, IN
6.	WLME	275C3	Cannelton, IN
7.	WXBC	282A	Hardinsburg, KY
8.	WITZ	284B	Jasper, IN

CERTIFICATION

Charles M. Anderson hereby certifies that;

His qualifications in broadcast allocation matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions in the past;

That he holds a lifetime General Radiotelephone license (#PG-6-7352) , a bachelors degree in the physical sciences from Western Kentucky University, and advanced degrees from the University of North Carolina and Indiana University;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

/s/ 
Charles M. Anderson

November 25, 1997

Disclaimer: Charles M. Anderson assumes no liability for any errors or omissions in the information, exhibits and report provided herein; and, shall not be liable for any injuries or damages (including consequential) which might result from use of said information, exhibits and report. Filing of this report with the Federal Communications Commission constitutes acceptance in full of the terms and conditions stated above.

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