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Dear Mr. Davidson:

This is in reference to the petition for rule making submitted on behalf of Western Slope Communications, L.L.C. ("petitioner"), permittee of Station KAYW(FM), Channel 251C, Meeker, Colorado, seeking the reallocation of Channel 251C from Meeker to Palisade, Colorado, as that community's first local FM service, and modification of the facilities for Station KAYW(FM) accordingly.

In support of the proposal you state that the terrain surrounding Meeker severely limits the transmitter site locations where 70 dBu coverage of Meeker can be achieved. As a result, you allege that there are no area transmitting towers from which Station KAYW(FM) can "economically" provide city grade coverage to its authorized community of license.

In further support of the proposal you state that the reallocation of Channel 251C from Meeker to Palisade is consistent with the Commission's FM allotment priorities as it will result in a preferential arrangement of allotments by providing Palisade with its first local aural transmission service.

A staff review of the proposal has determined that from the proposed site for Channel 251C at Palisade at reference coordinates 39-31-45 and 108-21-14, the proposal does not comply with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. Specifically, the intended site at Palisade is 8.2 kilometers (5.1 miles) short-spaced to Channel 252C3, Gunnison, Colorado, at reference coordinates 38-31-22 and 106-54-28.

Additionally, our engineering studies reveal that from the presently authorized site for Station KAYW(FM) at coordinates 39-58-18 NL and 108-02-23 WL, a 70 dBu signal will encompass the entire community of Meeker.

We also observe that from the proposed site for Channel 251C at Palisade, a maximum Class C facility would deliver a 70 dBu signal over the entire Grand Junction, Colorado urbanized area. Therefore, in the event the Palisade proposal could be site restricted to resolve the above-noted spacing conflict at Gunnison, Colorado, the proximity of Palisade to the Grand

Junction urbanized area would require a Tuck analysis to determine whether that community is deserving of a first local aural service preference or whether it should be credited with all of the aural transmission services licensed to the Grand Junction urbanized area. *See RKO General*, 5 FCC Rcd 3222 (1990) and *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988). *See also Elizabeth City, North Carolina and Chesapeake, Virginia*, 9 FCC Rcd 3586 (1994).

Based upon the spacing deficiency noted above, the request to reallocate Channel 251C from Meeker to Palisade, Colorado, is unacceptable for consideration.¹

Sincerely

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

¹However, our engineering review reveals the availability of several other Class C channels that could be allotted to Palisade to accommodate your desire to provide a first local aural service to that locality.