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June 1, 1998

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JUN 1 - 1998

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  
(Yuma, Colorado)

Dear Ms. Salas:

Transmitted herewith on behalf of Ronald L. Zahller and Kent Sager is an original and four copies of their Petition for Rule Making seeking the commencement of a rule making proceeding to amend the FM Table of Allotments to allot Channel 233A at Yuma, Colorado as its second local transmission service, pursuant to Section 1.401 of the Commission's Rules.

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 )  
(Yuma, Colorado) )

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Ronald L. Zahller and Kent Sager ("Petitioners"), by their attorneys, and pursuant to Section 1.401 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 allot Channel 233A at Yuma, Colorado, as its second local transmission service. As shown in the attached channel study, Channel 233A may be allotted to Yuma, Colorado in full compliance with the Commission's separation requirements.<sup>1/</sup> In support whereof, the following is respectfully submitted:

1. Petitioners request that the FM Table of Allotments be amended as follows:

<u>Community</u> _____	<u>Present Channel</u>	<u>Proposed Channel</u>
Yuma, Colorado	- - -	265C3, 233A

<sup>1/</sup> Channel 233A may be allotted at reference coordinates 40° 07' 20" North Latitude and 102° 43' 29" West Longitude.

2. Yuma, Colorado is a community for allotment purposes. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 100 (1982) (It is sufficient if the proposed community is either incorporated or listed in the U.S. Census). Yuma is incorporated and listed in the 1990 U.S. Census with an estimated population of 2,719 persons.

3. In addition to being incorporated and listed in the 1990 U.S. Census, there are other indicia of Yuma's community status. The residents of Yuma regard themselves as a distinct group. There are a variety of civic, commercial, and religious organizations and services that serve Yuma, such as Yuma Federal Credit Union, Colorado Community Bank, First Security Bank, Woody's Westside Cafe, The Beacon (restaurant), Boughmans (restaurant), Farmers Implement (Case dealer), Seedorf Implement (International dealer), Bonanza (car dealer), Korf Continental (car dealer), Town & Country Insurance, Allstate, Coast to Coast (hardware store), Country General (hardware store), Radio Shack, Jay Flaming Jewelers, Atens Department Store, Mustains Grocery Store, J & B Formal Wear, Randy Hertneky Optometrist, Napa Auto Parts, etc. See e.g., Brookline, Missouri, 10 FCC Rcd 13038 (1995); Semora, North Carolina, 5 FCC Rcd 934 (1990); Beacon Broadcasting, 2 FCC Rcd 3469, aff'd 2 FCC Rcd 7562 (1987).

4. Petitioners hereby certify that they have a present intention to apply for the new channel when allotted, and when authorized, to build the facilities and commence operations promptly.

WHEREFORE, for the foregoing reasons, it is respectfully requested that the Commission commence a rule making proceeding to allot Channel 233A to Yuma, Colorado.

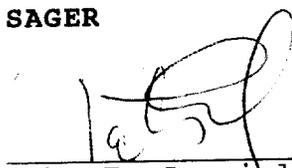
Respectfully submitted,

**RONALD L. ZALLER**

and

**KENT SAGER**

By:



John F. Garziglia  
Patricia M. Chuh  
Their Attorneys

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