

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

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of:)
)
Amendment of Section 73.202(b),)
Table of Allotments,) **RM - _____**
FM Broadcast Stations,)
(Gulf Hammock, Florida))

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

PETITION FOR RULE MAKING

Levy County Broadcasting ("LCB"), by Counsel, and pursuant to §1.401 of the Commission's Rules, hereby respectfully petitions the Commission to institute Rule Making proceedings for amendment of the FM Table of Allocations to add Channel 257A (99.3 MHz) to Gulf Hammock, Florida, as its first aural FM facility, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Gulf Hammock, Florida	---	257A

In support hereof, the following is shown:

Background

1. Gulf Hammock is located in Levy County. There are no radio stations presently licensed to Gulf Hammock.
2. LCB believes that none of the area radio stations provide programming that is responsive to the unique interests and needs of Gulf

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Hammock. As indicated below, if these efforts are successful, LCB will file an application to provide such FM radio service to Gulf Hammock.

Technical Criteria

3. Attached hereto as Exhibit No. 1 is an Engineering Statement prepared by Graham Brock, Inc. wherein it is demonstrated that Channel 257A may be allotted to the community of Gulf Hammock, Florida in compliance with Section 73.207 of the Commission's Rules regarding current spacing requirements. According to the Engineering Statement, Channel 257A may be allotted to Gulf Hammock at site reference coordinates North Latitude 29 - 09 - 02 and West Longitude 82 - 46 - 01. From this location, the 3.16 mV/m city-grade contour will encompass the entire community of Gulf Hammock.

Allotment Eligibility

4. Although Gulf Hammock is not incorporated or separately listed in the U.S. Census, objective indicia of community status are present. For example, the Commission should consider the following:

- a. The U.S. Postal Service has assigned a separate Zip Code to Gulf Hammock -- namely, 32639.
- b. Gulf Hammock has a volunteer fire department called "Gulf Hammock Volunteer Fire Department," a land management business called "Gulf Hammock Land Management Department," and the "Gulf Hammock Quarry."
- c. Gulf Hammock also has a Circle K convenience store, and a local church.

5. Although the current U.S. Census does not separately list Gulf Hammock, the 1996 AAA Road Atlas lists Gulf Hammock as a separate community.

6. LCB submits that when all of the above factors are considered -- namely, the Gulf Hammock Zip Code, the use of the Gulf Hammock name in several businesses and a volunteer fire department -- the Commission should agree that Gulf Hammock has a geographically identifiable population grouping. The Commission has long held that a proponent such as LCB need not show that the borders of an unincorporated locality are precisely ascertainable if objective indicia of community status are present. *See, FM Channel Assignments: Middletown, California, 69 RR 2d 1626 (MMB 1991); Oak Grove, FL, 5 FCC Rcd 3774 (1990)*. Nor is the fact that a community is not separately listed in the U.S. Census justification to deny the allotment of a channel. *See, FM Channel Assignments: Statenville, Georgia, 69 RR 2d 1726 (MMB 1991)*.

Public Interest Showing

7. Objective indicia of community status is present to support the allotment of Channel 257A to Gulf Hammock, Florida. And, the local citizenry through LCB support the allotment of an FM channel to Gulf Hammock as that community's first aural transmission service.

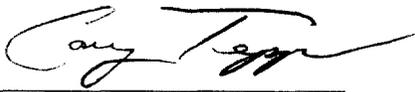
Statement of Interest

8. LBC hereby expresses its intention to apply for Channel 257A at Gulf Hammock, Florida, if that Channel is allotted by the Commission, and that further, if its Application is granted, to construct and operate that facility.

WHEREFORE, the above premises considered, LCB respectfully urges the Commission to GRANT the instant Petition, and to AMEND the Table of FM Allotments to specify Channel 257A at Gulf Hammock, Florida.

Respectfully submitted,

LEVY COUNTY BROADCASTING

By: 

Cary S. Tepper

Its Attorney

Booth, Freret, Imlay & Tepper, P.C.
5101 Wisconsin Avenue, N.W.
Suite 307
Washington, D.C. 20016-4120

(202) 686-9600

July 20, 1998

Exhibit No. 1

(Supporting Technical Statement)

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
LEVY COUNTY BROADCASTING
ALLOT CHANNEL 257A
GULF HAMMOCK, FLORIDA
July 1998

TECHNICAL EXHIBIT

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PETITION FOR RULE MAKING
LEVY COUNTY BROADCASTING
ALLOT CHANNEL 257A
GULF HAMMOCK, FLORIDA
July 1998

TECHNICAL STATEMENT

1. This Technical Statement and attached exhibits were prepared on behalf of Levy County Broadcasting ("LCB"), a petitioner seeking the allocation of Channel 257A to Gulf Hammock, Florida. The allocation of Channel 257A will provide Gulf Hammock with its first locally licensable FM service.

BACKGROUND

2. Gulf Hammock, Florida, is located in Levy County, Florida (on Florida's Gulf Coast). While the community is not incorporated or listed in the U.S. Census, Gulf Hammock has a volunteer fire department, a Land Management business, a convenience store and a church. The U.S. Postal Service has assigned Gulf Hammock its own zip code.

REQUEST

3. Channel 257A can be allocated to Gulf Hammock, Florida, at geographic coordinates North Latitude 29° 09' 02" and West Longitude 82° 46' 01". This represents a site restriction 12.1 kilometers southwest of the community to avoid shortspacing an outstanding construction permit for Channel 258A at La Crosse, Florida, and WQIK-FM, Channel 256C, Jacksonville, Florida.¹ Exhibit #1 is an area to locate map which shows were a transmitter site for Channel 257A at Gulf Hammock can be located. Exhibit #2 is a §73.207 spacing analysis which shows,

1) The restriction also places the reference site near land which is not immediately adjacent to marshes and inlets, but rather near developed areas.

from the proposed allocation site, Channel 257A meets the Commission's minimum distance separation rules to all licensed, applied for or proposed facilities. A 3.16 mV/m contour can be delivered to Gulf Hammock from the proposed reference site.

4. Therefore, LCB proposes the following amendment to §73.202(b) of the rules:

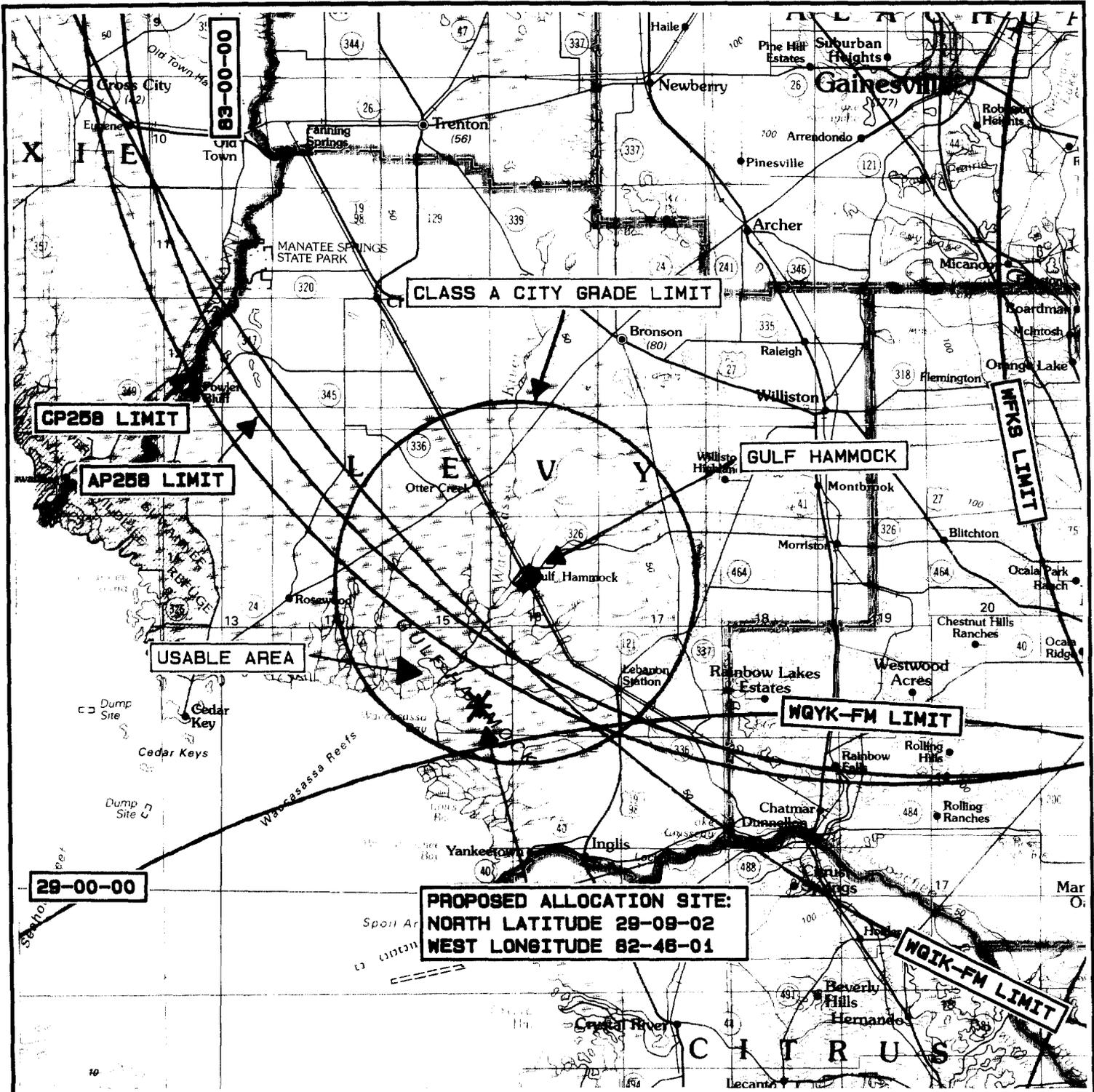
Gulf Hammock, Florida

<u>Present</u>	<u>Proposed</u>
None	257A

PUBLIC INTEREST

5. The allocation of Channel 257A to Gulf Hammock, Florida, will provide the community with its first locally licensable FM facility. In addition, a maximum Class A facility operating from the proposed allocation site will provide 1.0 mV/m coverage of 11,026 persons in 2,515.2 square kilometers. Once the channel is allotted, LCB will submit the necessary filing with the Commission to seek authority to operate a new FM facility on Channel 257A.

6. The foregoing was prepared on behalf of Levy County Broadcasting by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to FM facilities and proposals was extracted from the NTIA database as updated on July 10, 1998. We assume no liability for errors or omissions in the database which may be adverse to the requests contained herein.

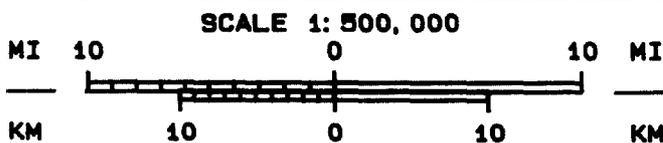


USABLE AREA CHANNEL 257A

MAP IS A PORTION OF THE 1: 500, 000 SCALE
U.S.G.S BASE STATE MAP OF FLORIDA

**EXHIBIT #1
PETITION FOR RULE MAKING
LEVY COUNTY BROADCASTING
ALLOT CHANNEL 257A
GULF HAMMOCK, FLORIDA**

July 1998



GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

ALLOCATION STUDY FOR GULF HAMMOCK, FLORIDA
 USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE 29 09 02 N CLASS A DISPLAY DATES
 82 46 01 W Current rules spacings DATA 07-10-98
 ----- CHANNEL 257 - 99.3 MHz ----- SEARCH 07-14-98

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD257	257A	Gulf Hammock	FL	0.0	0.00	115.0	-115.00
AD	29 09 02	82 46 01	0.000 kW	0M	0.0	71.5	
Levy County Broadcasting							
>Site Restricted 12.1 km							
AP258	258A	La Crosse	FL	29.3	75.02	72.0	3.02
AP ZCN	29 44 22	82 23 09	2.200 kW	144M	46.6	44.8	
Wilks Florida Broadcasting, Inc.					BMPH-980629IB		
WQYKFM	258C1	St. Petersburg	FL	167.3	136.71	133.0	3.71
LI CN	27 56 50	82 27 35	100.000 kW	168M	85.0	82.7	
Infinity Broadcasting Corporation					BLH-800313AC		
CP258	258A	La Crosse	FL	31.2	77.35	72.0	5.35
CP CN	29 44 45	82 21 03	6.000 kW	100M	48.1	44.8	
Wilks Florida Broadcasting, Inc.					BPH-950601MB		
WQIKFM	256C	Jacksonville	FL	42.6	170.58	165.0	5.58
LI CY	30 16 34	81 33 53	100.000 kW	309M	106.0	102.6	
Jacor Broadcasting of Florida					BLH-871029KB		
WFKS	260C	Palatka	FL	73.4	146.60	95.0	51.60
LI CN	29 31 08	81 19 02	100.000 kW	366M	91.1	59.0	
Renda Broadcasting Corporation					BLH-RB1104MG		

CHANNEL 257A SPACING STUDY

EXHIBIT #2
 PETITION FOR RULE MAKING
 LEVY COUNTY BROADCASTING
 ALLOT CHANNEL 257A
 GULF HAMMOCK, FLORIDA

July 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

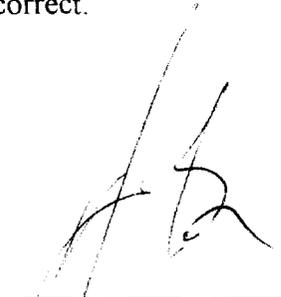
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Levy County Broadcasting to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 14th day of July, 1998.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 14th day of July, 1998*

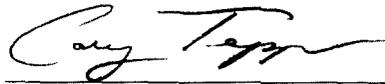


Notary Public, State of Georgia
My Commission Expires September 12, 1999

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 20th day of July, 1998, I have served a copy of the foregoing "**Petition for Rule Making**" first-class, postage-prepaid, on the following:

*John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
2000 M Street, N.W.; Room 544
Washington, D.C. 20554



Cary S. Tepper, Esq.

*/ indicates delivery by hand