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Before the
Federal Communications Commission
Washington, DC 20554

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Amendment of Section 73.202(b)) RM-
Table of Allotments,)
FM Broadcast Stations.)
)
(Salyersville, Kentucky and)
West Liberty, Kentucky))

To: Mass Media Bureau (Policy & Rules)

Petition for Rule Making

Morgan County Industries, Inc., licensee of FM station WLKS West Liberty, Kentucky ("WLKS"); and, Wallingford Broadcasting Company, Inc., licensee of station WRLV-FM Salyersville, Kentucky ("WRLV-FM") by their attorney, and pursuant to Section 1.420(g) of the rules respectfully petition for rule making so as to 1) substitute Channel 247C2 in place of Channel 275A at West Liberty, Kentucky; and 2) substitute Channel 275A in place of Channel 247A at Salyersville, Kentucky. In support thereof, the following is shown.

WLKS is a Class A station limited in power and coverage area. It is prohibited from increasing facilities on its own or adjacent channels due to spacing restrictions. An upgrade to Class C2 will permit WLKS to serve a substantially larger area and more listeners. In order to accommodate this upgrade, WRLV-FM will be required to modify facilities to Channel 275A.

According to the attached Engineering Statement, the proposed reference coordinates for WLKS are North Latitude 37° 55' 54"; West Longitude 83° 36' 30". The reference coordinates for

OH
MMR

WRLV-FM will not change from the present North Latitude 37° 45' 27"; West Longitude 83° 03' 50". From these coordinates each channel may be allotted as requested consistent with all spacing requirements and good engineering practice.

This proposal requests modifications to nonadjacent channels which would normally allow for competing expressions of interest. However, in situations similar to the one presented herein, the Commission has acknowledged that while not strictly adjacent channel relationships, the mutual exclusivity of the channels involved is similar to the scenario provided for in Section 1.420(g) of the rules which protects a station from competing applications for upgrades to non-mutually exclusive channels. The Commission has stated that it will look at each such request on a case-by-case basis. Modification of FM Broadcast Licenses to Higher Class Co-channels of Adjacent Channels, 60 RR2d 114, ¶24 (1986), see also, St. Augustine, Florida, 7 FCC Rcd 438 (MMB 1992); Pikeville, Kentucky, 6 FCC Rcd 3732 (MMB 1991).

The present proposal is in the public interest and will result in a more efficient and preferential arrangement of allotments by allowing WLKS to expand its coverage area and provide an improved broadcast service to a greater number of people. But for this rule making, WLKS could not otherwise achieve the requested upgrade to improve its service to the public. Given the public interest factors involved, petitioners should be allowed to expand their service without the Commission accepting competing expressions of interest for the higher class channels.

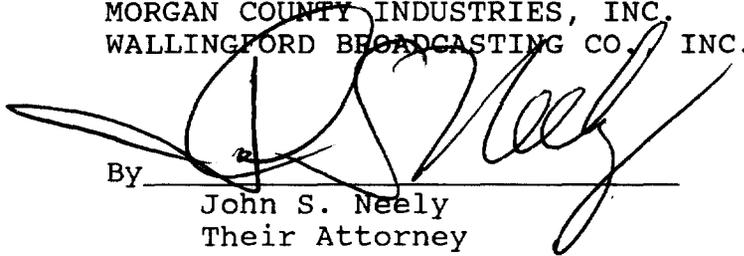
WLKS and WRLV-FM will promptly prepare and file construction permit applications for the requested facilities upon favorable Commission action on this petition, and will promptly construct the new facilities upon grant of the applications.

In view of the above, the Commission should amend Section 73.202(b) as requested herein and modify the facilities for each station as follows:

	<u>Present</u>	<u>Proposed</u>
Salyersville, KY	247A	275A
West Liberty, KY	275A	247C2

Respectfully Submitted,

MORGAN COUNTY INDUSTRIES, INC.
WALLINGFORD BROADCASTING CO., INC.

By 
John S. Neely
Their Attorney

July 19, 1996

Miller & Miller, P.C.
P.O. Box 33003
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WRLV ON 275A

37° 45' 27" 83° 03 50"

Call	CH#	Location		D-KM	Azi	FCC	Margin
WLKSFM	275A	West Liberty	KY	99.27	322.4	115.0	-75.73
WPKEFM	276A	Elkhorn City	KY	82.68	131.1	72.0	10.68
WPKEFM	276A	Elkhorn City	KY	82.68	131.1	72.0	10.68
WXJJ.C	275A	Mount Vernon	KY	127.62	251.7	115.0	12.62
WELCFM	275A	Welch	WV	133.42	106.1	115.0	18.42
WWLT	276A	Manchester	KY	91.96	223.2	72.0	19.96
WSEH	274A	Cumberland	KY	94.56	171.2	72.0	22.56
WTCRFM	277B	Huntington	WV	93.65	38.1	69.0	24.65
WVSRFM	274B	Charleston	WV	139.42	61.0	113.0	26.42
WUGO	272A	Grayson	KY	63.80	6.9	31.0	32.80
WDXC	272A	Pound	VA	76.87	151.1	31.0	45.87
WMORFM	221A	Morehead	KY	57.83	324.5	10.0	47.83
WSAC	222A	Louisa	KY	60.18	39.4	10.0	50.18
WRAC	276A	West Union	OH	131.09	338.8	72.0	59.09

WLKS REFERENCE SITE 247C2

37° 55' 54" 83° 36' 30"

Call	CH#	Location		D-KM	Azi	FCC	Margin
ALOPEN	247C3	Salyersville	KY	49.00	132.6	177.0	-134.00
WRLVFM	247C3	Salyersville	KY	51.67	111.9	177.0	-125.33
WRLVFM	247A	Salyersville	KY	51.59	111.8	166.0	-114.41
WYLX	247A	Lebanon	OH	165.63	342.1	166.0	-0.37
WYLX.C	247A	Lebanon	OH	165.63	342.1	166.0	-0.37
WBVB	246A	Coal Grove	OH	108.82	59.4	106.0	2.82
WQBEFM	248B	Charleston	WV	179.33	71.7	169.0	4.33
WSEK	246C2	Somerset	KY	137.20	218.4	130.0	7.20
WGKS	245C2	Paris	KY	88.88	288.5	58.0	10.88
WJXB	248C	Knoxville	TN	215.20	187.8	188.0	27.20
WAMZ	248C1	Louisville	KY	187.03	275.2	158.0	29.03
WZQQ	250C3	Hyden	KY	80.10	155.4	56.0	34.10
ALOPEN	250A	Kenova	WV	103.13	60.9	55.0	48.13
WWAG	300A	Mckee	KY	85.29	204.0	15.0	50.29
WAXZ	249A	Georgetown	OH	105.40	350.4	55.0	50.40
WKBCFM	247C	North Wilkesboro	NC	301.84	132.4	249.0	52.84
WKBCFM	247C	North Wilkesboro	NC	301.86	132.4	249.0	52.86
WVNU	248A	Greenfield	OH	163.83	4.9	108.0	57.83
WVNU.C	248A	Greenfield	OH	165.34	7.6	108.0	59.34
WBNSFM	246B	Columbus	OH	231.93	12.3	189.0	62.93

REFERENCE SITE DATA FOR 247C2 @ WEST LIBERTY
TERRAIN AND CONTOUR DATA

ERP = 50 kW
FM - 2-6 Tables 30 Sec

Azimuth Deg T.	Ave. Elev. 3 to 16 km Meters AMSL	Effective Antenna Height Meters AAT	ERP (dBk)	F(50-50) Distance to 60 dBu Contour km
0	299.5	166.8	16.990	54.3
45	288.8	177.5	16.990	55.4
90	330.0	136.3	16.990	50.3
135	342.7	123.6	16.990	48.5
180	325.2	141.1	16.990	51.0
225	295.6	170.7	16.990	54.7
270	336.4	129.9	16.990	49.4
315	311.9	154.4	16.990	52.8
Ave. = 316.3 M		150.0 M		

Antenna Radiation Center AMSL = 466.3 M

Geographic Coordinates:

North latitude: 37 55 54
West longitude: 83 36 30