

Shainis & Heltzman, Chartered

Counselors at Law

Suite 290
1901 I Street, N.W.
Washington, D.C. 20036

(202) 293-0011
Fax (202) 293-0810

Aaron P. Shainis
Lee J. Heltzman

Of Counsel
William H. BuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

DOCKET FILE COPY ORIGINAL

August 4, 1998

Magalie R. Salas, Esq.
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

AUG 4 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Amendment of Section 73.202(b)
Table of Allotments, FM Broadcast Stations
(Kennett, Missouri, and Keiser, Arkansas)

Dear Ms. Salas:

Transmitted herewith, on behalf of Legend Broadcasting, Inc., licensee of radio Station KTMO(FM), Kennett, Missouri, is an original and four (4) copies of its Petition for Rulemaking.

Should any questions arise concerning this matter, kindly communicate with the undersigned.

Sincerely yours,



Aaron P. Shainis
Counsel for
LEGEND BROADCASTING, INC.

Enclosure

0+4

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),	)	MM Docket No. _____
Table of Allotments,	)	RM- _____
FM Broadcast Stations.)	
(Kennett, Missouri and)	
Keiser, Arkansas))	

TO: Chief, Allocations Branch
 Policy and Rules Division
 Mass Media Bureau

PETITION FOR RULEMAKING

Legend Broadcasting, Inc. ("Legend"), licensee of Radio Station KTMO(FM), operating on Channel 255C at Kennett, Missouri, by its counsel and pursuant to Section 1.420 of the Commission's Rules, hereby requests that the Commission amend Section 73.202(b) of the Commission's Rules to reallocate Channel 255C from Kennett, Missouri to Keiser, Arkansas, and modify Radio Station KTMO(FM)'s license accordingly. In support thereof, the following is respectfully shown:

1. Keiser, Arkansas, incorporated as a community since 1933, has 805 residents and is located in the center of Mississippi County, Arkansas. See Exhibit 1 attached, 1990 United States Census. Keiser has an elected Mayor and a four member city council. The city provides water, sewer and sanitation services to its residents and the city has its own elementary school and library. No AM or FM stations are currently licensed to Keiser, either commercial or non-commercial. Consequently, the allocation of Channel 255C to Keiser, Arkansas will constitute its first local service.

2. In comparison, Kennett, Missouri is adequately served. As indicated by Exhibit 2, Broadcasting & Cable Yearbook 1998, besides KTMO(FM), commercial Radio Stations KBOA(AM) and KOTC(AM) as well as KXOQ(FM) are licensed to Kennett, Missouri. Additionally, while the Yearbook states that non-commercial educational Station KAUF(FM) is not on the air, the station is on the air and was licensed in August 1997. Consequently, the proposed reallocation of Channel 255C from Kennett, Missouri to Keiser, Arkansas will not deprive Kennett of its only local service.

3. Further, the proposed reallocation complies with the Commission's Rules and would serve the Commission's allotment priorities and the public interest. In 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), recons. granted in part, 5 FCC Rcd 7094 (1990) (hereinafter, "Community of License"), the Commission stated the proposed channel must be mutually exclusive with the existing channel and the new community must be preferred over the existing community under the Commission's allotment priorities. As indicated in the attached Technical Statement, the proposed reference point is identical to KTMO(FM)'s present licensed transmitter site and, therefore, the proposed allotment of Channel 255C at Keiser, Arkansas is mutually exclusive with the current use of Channel 255C at Kennett, Missouri.

4. Further, the new community, Keiser, will obtain a first local service, whereas Kennett will retain existing service from AM Stations KOTC(AM) and KBOA(AM), commercial FM Station KXOQ(FM), and non-commercial FM Station KAUF(FM). Under the Commission's allotment criteria, a first local service is preferred over additional local services. See, Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Significantly,

Keiser is not located within any urbanized area. It is, therefore, not a suburb of any larger community but rather an independent community that deserves its own local radio station.

5. As indicated at Footnote 4 of the attached Technical Statement, it will be necessary to increase the KTMO(FM) antenna height above average terrain in order to have predicted city grade coverage over the community. As a result, KTMO(FM) will provide 1 mV/m service to 495,621 persons in 26,501.1 square kilometers, which represents an increase of 173,599 persons in 9,912 square kilometers over its presently licensed facility. Consequently, the instant proposal will not only provide a first local service to an independent community deserving of service, but also will represent a 35% increase in population served by KTMO(FM). Petitioner submits that its proposal is decidedly in the public interest.

6. Petitioner hereby states that should the Commission grant the instant proposal to reallocate Channel 255C from Kennett, Missouri to Keiser, Arkansas, and modify Radio Station KTMO(FM)'s license accordingly, Petitioner will file an application for the new facilities and will implement that application expeditiously.

WHEREFORE, Legend Broadcasting, Inc. respectfully requests that the Commission amend its Table of Allotments to reallocate Channel 255C from Kennett, Missouri to Keiser, Arkansas.

Respectfully submitted,

LEGEND BROADCASTING, INC.

By: 
Aaron Shainis
Its Attorney

SHAINIS & PELTZMAN
1901 L Street, N.W.
Suite 290
Washington, D.C. 20036
(202) 416-1633

EXHIBIT 1

U.S. Department of Commerce
Economics and Statistics Administration
BUREAU OF THE CENSUS

1990 CPH-2-5

CENSUS '90



1990 Census of
Population and Housing
Population and Housing
Unit Counts
Arkansas

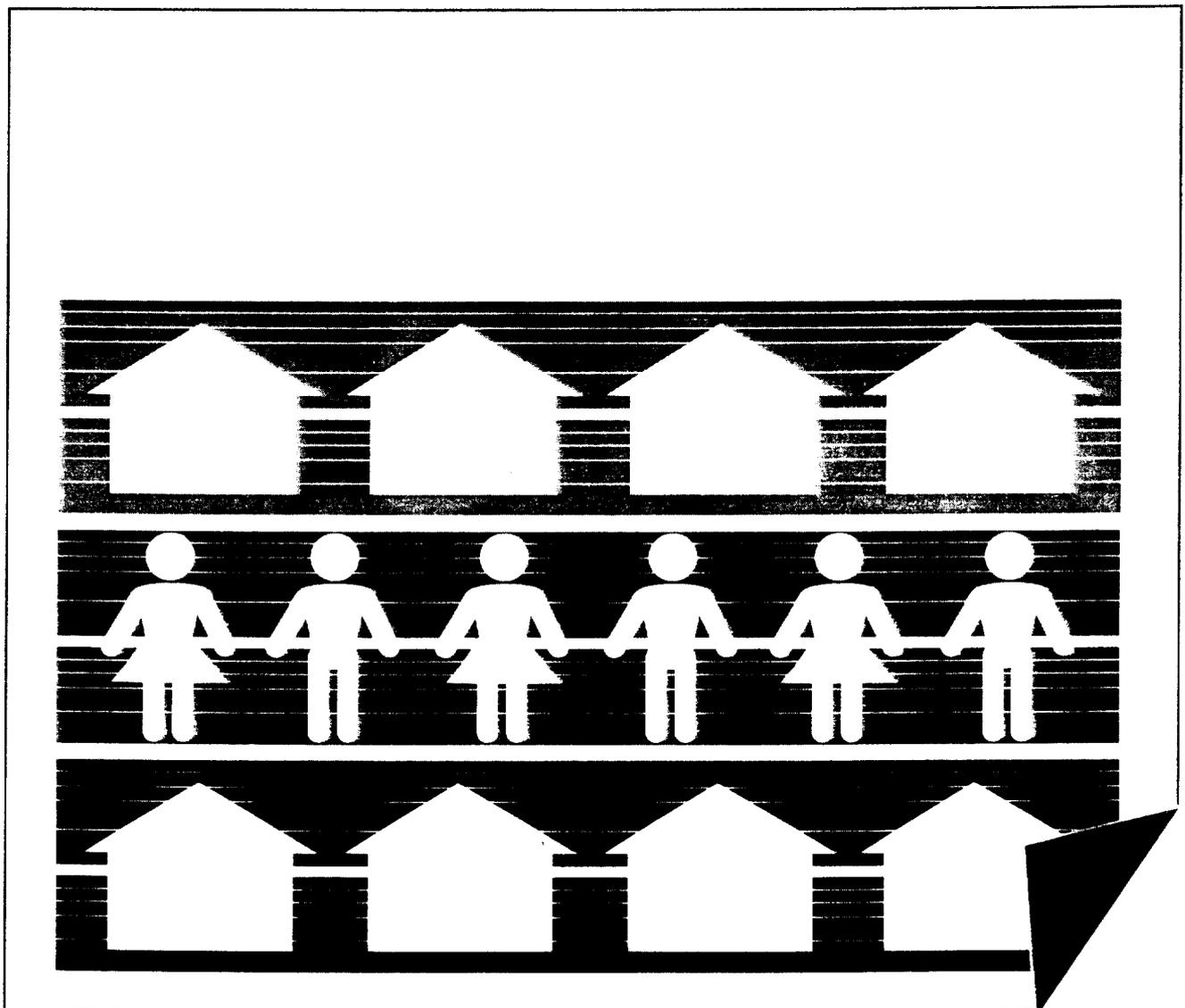


Table 9. Population and Housing Units, 1970 to 1990; Area Measurements and Density: 1990—Con.

[For information concerning historical counts, see "User Notes." Density is computed using land area. For definitions of terms and meanings of symbols, see text.]

Place and [In Selected States] County Subdivision	Population			Housing units			1990 area measurements				1990 density			
	1990	1980	1970	1990	1980	1970	Total area		Land area		Population per—		Housing units per—	
							Square kilometers	Square miles	Square kilometers	Square miles	Square kilometer	Square mile	Square kilometer	Square mile
Hamburg city, Ashley County	3 098	3 394	3 102	1 254	1 245	1 058	8.4	3.3	8.4	3.3	368.8	938.8	149.3	380.0
Hampton city, Calhoun County	1 562	1 627	1 252	649	630	474	7.8	3.0	7.8	3.0	200.3	520.7	83.2	216.3
Harrod city, Sharp County	538	643	692	357	405	343	6.5	2.5	6.0	2.3	89.7	233.9	59.5	155.2
Harrell city, Calhoun County	258	302	269	111	114	90	1.6	.6	1.6	.6	161.3	430.0	69.4	185.0
Harrisburg city, Poinsett County	1 943	1 921	1 931	802	804	741	4.7	1.8	4.7	1.8	413.4	1 079.4	170.6	445.6
Harrison city, Boone County	9 922	9 527	7 239	4 584	4 199	2 953	22.6	8.7	22.6	8.7	439.0	1 140.5	202.8	526.9
Hartford city, Sebastian County	721	613	616	305	292	264	4.7	1.8	4.7	1.8	153.4	400.6	64.9	169.4
Hartman city, Johnson County	498	517	400	214	171	171	3.7	1.4	3.7	1.4	134.6	355.7	57.8	152.9
Haskell city, Saline County	1 342	1 125	239	485	380	81	8.5	3.3	8.5	3.3	157.9	406.7	57.1	147.0
Hartfield town, Polk County	414	410	377	189	188	153	3.5	1.3	3.5	1.3	118.3	318.5	54.0	145.4
Havana city, Yall County	358	352	308	159	163	149	1.2	.5	1.2	.5	298.3	716.0	132.5	318.0
Haynes town, Lee County	268	359	...	82	107	...	1.0	.4	1.0	.4	268.0	670.0	82.0	205.0
Hazen city, Prairie County	1 668	1 636	1 605	715	686	...	7.2	2.8	7.2	2.8	231.7	595.7	99.3	255.4
Heber Springs city, Cleburne County	5 628	4 589	2 497	2 654	2 040	1 038	16.4	6.3	16.4	6.3	343.2	893.3	161.8	421.3
Hector town, Pope County	478	449	...	192	171	130	5.9	2.3	5.9	2.3	81.0	207.8	32.5	83.5
Helena city, Phillips County	7 491	9 598	10 415	2 987	3 631	3 680	22.5	8.7	22.5	8.7	332.9	861.0	132.8	343.3
Hermitage town, Bradley County	639	399	...	311	165	154	2.9	1.1	2.9	1.1	220.3	580.9	107.2	282.7
Hickory Ridge city, Cross County	436	478	410	186	193	169	1.7	.6	1.7	.6	256.5	726.7	109.4	310.0
Higden town, Cleburne County	92	45	...	99	65	...	1.1	.4	1.1	.4	83.6	230.0	90.0	247.5
Higginson town, White County	255	333	343	112	123	114	1.7	.7	1.7	.7	150.0	364.3	65.9	160.0
Highfill town, Benton County	84	92	80	39	39	34	1.3	.5	1.3	.5	64.6	168.0	30.0	78.0
Hindsville town, Madison County	69	...	...	28	...	...	.9	.3	.9	.3	76.7	230.0	31.1	93.3
Holly Grove town, Monroe County	675	754	840	304	313	300	1.6	.6	1.5	.6	450.0	1 125.0	202.7	506.7
Hope city, Hempstead County	9 643	10 290	8 830	4 207	4 215	3 346	23.5	9.1	23.4	9.0	412.1	1 071.4	179.8	467.4
Horatio city, Sevier County	793	989	852	381	406	338	4.7	1.8	4.7	1.8	168.7	440.6	81.1	211.7
Horseshoe Bend city	2 239	1 909	321	1 330	1 286	188	41.0	15.8	37.8	14.6	59.2	153.4	35.2	91.1
Fulton County	18	8	...	10	8	...	.3	.1	.3	.1	60.0	180.0	33.3	100.0
Izard County	2 214	1 901	321	1 317	1 278	188	40.3	15.5	37.1	14.3	59.7	154.8	35.5	92.1
Sharp County	7	...	...	3	...	...	.4	.1	.4	.1	17.5	70.0	7.5	30.0
Horseshoe Lake town, Crittenden County	298	...	...	278	...	...	.4	.1	.4	.1	745.0	2 980.0	695.0	2 780.0
Hot Springs city, Garland County	32 462	35 781	35 631	17 543	17 990	16 078	74.7	28.8	74.7	28.8	434.6	1 127.2	234.8	609.1
Hot Springs Village CDP	6 361	2 083	...	3 761	1 561	...	103.1	39.8	99.1	38.3	64.2	166.1	38.0	98.2
Garland County	5 259	2 083	...	3 151	1 561	...	76.2	29.4	74.5	28.8	70.6	182.6	42.3	109.4
Saline County	1 102	...	...	610	...	...	26.9	10.4	24.6	9.5	44.8	116.0	24.8	64.2
Houston town, Perry County	149	183	200	78	92	74	2.6	1.0	2.6	1.0	57.3	149.0	30.0	78.0
Hoxie city, Lawrence County	2 676	2 961	2 265	1 116	1 107	826	8.9	3.4	8.9	3.4	300.7	787.1	125.4	328.2
Hughes city, St. Francis County	1 810	1 919	1 872	725	668	580	5.6	2.2	5.6	2.1	323.2	861.9	129.5	345.2
Humnote city, Lonoke County	311	442	398	148	181	153	.8	.3	.8	.3	388.8	1 036.7	185.0	493.3
Humphrey town	743	818	...	326	340	267	3.5	1.4	3.5	1.4	212.3	530.7	93.1	232.9
Arkansas County	373	454	434	159	183	136	2.7	1.1	2.7	1.1	138.1	339.1	58.9	144.5
Jefferson County	370	418	384	167	157	131	.8	.3	.8	.3	462.5	1 233.3	208.8	556.7
Hunter town, Woodruff County	137	170	131	79	75	57	1.6	.6	1.6	.6	85.6	228.3	49.4	131.7
Huntington city, Sebastian County	715	662	627	303	278	231	1.8	.7	1.8	.7	397.2	1 021.4	168.3	432.9
Huntsville city, Madison County	1 605	1 394	1 287	741	622	534	6.0	2.3	6.0	2.3	267.5	697.8	123.5	322.2
Huttig town, Union County	831	976	822	348	346	274	8.0	3.1	7.7	3.0	107.9	277.0	45.2	116.0
Imboden town, Lawrence County	616	661	496	333	306	201	2.3	.9	2.3	.9	267.8	684.4	144.8	370.0
Jacksonport town, Jackson County	264	288	306	121	109	106	.9	.4	.9	.4	293.3	660.0	134.4	302.5
Jacksonville city, Pulaski County	29 101	27 899	19 832	10 890	9 172	5 303	51.3	19.8	50.9	19.6	571.7	1 484.7	213.9	555.6
Jasper city, Newton County	332	519	394	172	204	164	4.1	1.6	4.1	1.6	415.0	1 066.7	215.0	573.3
Jennette town, Crittenden County	184	...	...	49	...	...	5.6	2.2	5.6	2.2	32.9	83.6	8.8	22.3
Jericho town, Crittenden County	210	...	...	70	...	...	1.2	.5	1.2	.5	175.0	420.0	58.3	140.0
Jerome city, Drew County	47	54	76	21	23	29	.5	.2	.5	.2	94.0	235.0	42.0	105.0
Johnson city, Washington County	599	519	279	257	236	104	7.9	3.1	7.9	3.1	75.8	193.2	32.5	82.9
Joiner city, Mississippi County	645	725	834	223	282	266	.8	.3	.8	.3	806.3	2 150.0	278.8	743.3
Jonesboro city, Craighead County	46 535	31 530	27 050	19 537	12 207	9 137	190.9	73.7	189.8	73.3	245.2	634.9	102.9	266.5
Urban part	45 809	...	...	19 236	...	...	141.1	54.5	140.1	54.1	327.0	846.7	137.3	355.6
Rural part	726	...	...	301	...	...	49.9	19.2	49.7	19.2	14.6	37.8	6.1	15.7
Judsonia city, White County	1 915	2 025	1 667	763	711	564	7.8	3.0	7.7	3.0	248.7	638.3	99.1	254.3
Junction City city, Union County	674	813	763	247	280	254	2.8	1.1	2.8	1.1	240.7	612.7	88.2	224.5
Keiser town, Mississippi County	805	962	688	321	339	222	.9	.4	.9	.4	894.4	2 012.5	356.7	802.5
Kensett city, White County	1 741	1 751	1 444	753	684	517	4.6	1.8	4.6	1.8	378.5	967.2	163.7	418.3
Kao town, Lonoke County	154	208	226	75	86	83	4.9	1.9	4.9	1.9	31.4	81.1	15.3	39.5
Kibler town, Crawford County	931	798	611	330	270	182	11.7	4.5	11.7	4.5	79.6	206.9	28.2	73.3
Kingsland city, Cleveland County	395	320	304	197	134	123	2.9	1.1	2.9	1.1	136.2	359.1	67.9	179.1
Knobel town, Clay County	317	503	375	138	195	141	1.1	.4	1.1	.4	288.2	792.5	125.5	345.0
Knoxville city, Johnson County	239	264	202	102	106	77	2.9	1.1	2.9	1.1	82.4	217.3	35.2	92.7
Lafe town, Greene County	315	215	...	118	88	...	5.4	2.1	5.4	2.1	58.3	150.0	21.9	56.2
LaGrange town, Lee County	108	...	...	51	...	...	.6	.2	.6	.2	180.0	540.0	85.0	255.0

EXHIBIT 2

Powell. Wash atty: Leo Resnick. Format: CHR. Target aud: 18-39. ■ John Zimmer, CEO; Chuck Dunaway, gen mgr; Kirk Keller, gen sis mgr; Jack Leutzinger, chief engr.

KWAS(AM)—June 1, 1946: 1230 khz; 1 kw-U. TL: N37 04 48 W94 33 10. Hrs opn: 24. 3001 W. 13th St. (64801). (417) 624-1230. FAX: (417) 624-7601. Licensee: Don and Gail Stubblefield (acq 5-5-97; \$136,813). Net: Sun. Format: MOR, oldies. News staff one; news progmg 2 hrs wkly. Target aud: General. Spec prog: Webb City High School sports. ■ Barbara L. Sharp, CFO; Rick Guest, gen mgr; Paul Cannel, ops dir & progmg dir; Jerry Deems, news dir; Jack Leutzinger, chief engr.

***KXMS(FM)**—Apr 5, 1986: 88.7 mhz; 10 kw. Ant 185 ft. TL: N37 05 57 W94 27 46. Stereo. Missouri Southern State College, 3950 E. Newman (64801-1595). (417) 625-9356. FAX: (417) 625-9356. Licensee: Board of Regents Missouri Southern State College. Net: Beethoven. Format: Joplin's fine art stn. News progmg one hr wkly. Spec prog: Big band 2 hrs wkly. ■ Jeffrey D. Skibbe, gen mgr; Jean Campbell, prom dir; Morris Sweet, chief engr.

WMBH(AM)—1927: 1450 khz; 1 kw-U. TL: N37 04 43 W94 32 26. Hrs opn: 24. 2510 W. 20th St. (64804-0216). (417) 781-1313. FAX: (417) 781-1316. Licensee: Land Go Broadcasting Inc. (acq 12-11-96; \$400,000 with KQYX(AM) Joplin). Wash atty: Borsani & Paxson. Format: Sports. Target aud: 18-39. ■ Patrick E. Golay, pres; William B. Neal, gen mgr & progmg dir; Chris Neal, rgnl sis mgr; Diane Smith, prom mgr & pub affs dir; Jack Leutzinger, chief engr. ■ Rates: \$12; 12; 12; 10.

Kansas City

KBEQ-FM—November 1960: 104.3 mhz; 100 kw. Ant 987 ft. TL: N39 04 59 W94 28 49. Stereo. Hrs opn: 24. Suite 600, 4717 Grand (64112). (816) 531-2535. FAX: (816) 531-7525; (816) 531-7327. Licensee: EZ Kansas City Inc. Group owner: American Radio Systems (acq 4-4-97; grpsl). Rep: Allied Radio Partners. Wash atty: Koteen & Naftalin. Format: Young country. News staff one; news progmg 6 hrs wkly. Target aud: 18-54; women. ■ Dan Wastler, gen mgr; Mike Campbell, gen sis mgr; Chris Hagan, Todd Fox (asst), prom dirs; Mike Kennedy, progmg dir; T.J. McEntire, mus dir; Kimberly Ray, news dir; Dan Mitchell, chief engr.

KCAZ(AM)—See Mission, Kan.

KCCV(AM)—See Overland Park, Kan.

KCFX(FM)—See Harrisonville.

KCMO(AM)—March 1922: 710 khz; 10 kw-D, 5 kw-N, DA-2. TL: N39 19 08 W94 29 48. Stereo. Hrs opn: 24. 4935 Belinder Rd., Westwood, KS (66205). (913) 677-8998. FAX: (913) 677-8935. Licensee: ECI License Co. L.P. Group owner: Entercom (acq 9-3-97). Net: CBS. Rep: Sentry. Wash atty: Wilkinson, Barker, Knauer & Quinn. Format: Talk. News staff 7; news progmg 30 hrs wkly. Target aud: 25-54. Spec prog: Sp one hr wkly. ■ Bob Zuroweste, vp & gen mgr; Speed Marriott, sis dir; Jane Graber, prom dir; John Butler, progmg dir; Dale Forbis, news dir; Katey McGuckin, pub affs dir; Ken Wolf, engr mgr.

KCMO-FM—May 4, 1948: 94.9 mhz; 100 kw. Ant 1,057 ft. TL: N39 04 14 W94 34 59. Stereo. Prog sep from AM. (Acq 3-6-97; grpsl.) Format: Oldies. News staff one; news progmg 3 hrs wkly. Spec prog: Pub affs one hr wkly. ■ Robert John, progmg dir; Mike McCartney, mus dir; Ken Wolf, chief engr.

KCNW(AM)—See Fairway, Kan.

KCTE(AM)—See Independence.

***KCUR-FM**—October 1957: 89.3 mhz; 100 kw. Ant 820 ft. TL: N39 04 59 W94 28 49. Stereo. Hrs opn: 24. Suite 202, 4825 Troost (64110). (816) 235-1551. FAX: (816) 235-2864. Licensee: University of Missouri-Kansas City. Group owner: The Curators of the University of Missouri. Net: NPR, PRI. Format: Pub affs, news, jazz. News staff 3; news progmg 50 hrs wkly. Target aud: General; educated. Spec prog: Sp 2 hrs wkly. ■ Patricia Deal Cahill, gen mgr; Parker Van Hecke, dev dir; Mary Jo Draper, news dir; Jim Jett, chief engr.

KEXS(AM)—See Excelsior Springs.

KFEZ(AM)—See Kansas City, Kan.

***KKFI(FM)**—Feb 28, 1988: 90.1 mhz; 100 kw. Ant 503 ft. TL: N39 05 05 W94 28 47. Stereo. Hrs opn: 24. Box 32250 (64171-2250). 900 1/2 Westport Rd. (64111). (816) 931-3122; (816) 931-5534. FAX: (816) 931-7078. Licensee: Mid-Coast Radio Project Inc. Net: PRI, NPR. Format: Jazz, prog, talk. News progmg 10 hrs wkly. Target aud: General; women & minorities. Spec prog: Jazz/blues 19 hrs. Sp 16 hrs. international 7 hrs.

women's 8 hrs, folk 4 hrs, American Indian 2 hrs wkly. ■ Chuck Tackett, pres; Jackie Bishard, vp; Greg Hanson, chief opns, progmg dir & news dir; Greg Hancon, prom dir.

***KLJC(FM)**—Aug 9, 1970: 88.5 mhz; 100 kw. Ant 738 ft. TL: N39 04 24 W94 29 06. Stereo. c/o Calvary Bible College, 15800 Calvary Rd. (64147-1341). (816) 331-8700. FAX: (816) 331-4474. Licensee: Calvary Bible College. Net: Moody, USA. Format: Relig, educ, inspirational Christian music. ■ James Anderson, CFO; John Hayden, gen mgr; Brent Manion, sis dir; Luke Stephens, progmg dir; Darrell Nickolaus, chief engr.

KLTH(FM)—Listing follows KMBZ(AM).

KMBZ(AM)—1921: 980 khz; 5 kw-U, DA-N. TL: N39 02 17 W94 36 55. 4935 Belinder Rd., Westwood, KS (66205). (913) 677-8998. FAX: (913) 677-8935. Licensee: ECI License Co. L.P. Group owner: Entercom (acq 3-6-97; grpsl). Net: ABC/I. Format: Sports. ■ Bob Zuroweste, vp & gen mgr; Speed Marriott, gen sis mgr; Jane Graber, prom dir; John Butler, progmg dir; Dale Forbis, news dir; Ken Wolf, chief engr.

KLTH(FM)—Co-owned with KMBZ(AM). October 1962: 99.7 mhz; 100 kw. Ant 1,010 ft. TL: N39 05 01 W94 30 57. Stereo. Prog sep from AM. Format: Adult contemp. ■ Kindell Atkins, prom dir; Robert John, progmg dir; Jim Welch, mus dir.

KMXV(FM)—Mar 3, 1958: 93.3 mhz; 100 kw. Ant 1,066 ft. TL: N39 00 57 W94 30 57. Stereo. Hrs opn: 24. 3101 Broadway, No. 460 (64111). (816) 753-0933. FAX: (816) 753-6654. Licensee: American Systems License Corp. Group owner: American Radio Systems (acq 10-17-97). Rep: Katz. Format: CHR. News staff one. Target aud: 18-49; women. ■ Michael H. Payne, vp & gen mgr; Dan Prendiville, gen sis mgr; Julie Fountain, rgnl sis mgr; Karen Menke, mktg dir; Jon Zelfner, progmg dir; Amanda Waters, news dir & pub affs dir; Ben Weiss, chief engr.

KPHN(AM)—Sept 1, 1971: 1190 khz; 5 kw-D, 250 w-N, DA-N. TL: N39 03 49 W94 30 37. Stereo. Hrs opn: 24. 4121 Minnesota Ave. KS (66102). (913) 342-1600. FAX: (913) 342-1351. Licensee: Innovative Broadcasting Corp. (acq 6-4-97). Net: CNN. Rep: Roslin. Wash atty: Booth, Freret, Imlay & Tepper P.C. Format: News/talk. Target aud: 35-64; upscale, mature consumers. ■ Bill Johnson, CEO, pres & gen mgr; Paul Knauer, opns dir; Teresa Sparkman, gen sis mgr; Judy Harper, prom dir; Greg Funk, progmg dir.

KPRS(FM)—Listing follows KPRT(AM).

KPRT(AM)—1950: 1590 khz; 1 kw-D, 47 w-N. TL: N39 04 05 W94 32 10. Hrs opn: 24. 11131 Colorado Ave. (64137). (816) 763-2040. FAX: (816) 966-1055. Licensee: Carter Broadcast Group Inc. Rep: D & R Radio. Wash atty: Bryan Cave. Format: Gospel, urban contemp. ■ Mildred Carter, chmn; Michael Carter, pres; Sam Weaver, opns dir; Bart Horton, gen sis mgr; Audrey Herbert, natl sis mgr; Jim Gywn, rgnl sis mgr; Rich McCauley, prom mgr; Fred Bell, progmg dir; Eddie Blaze, mus dir; Monica Cassidy, news dir; Mark Leaver, chief engr.

KPRS(FM)—Co-owned with KPRT(AM). 1963: 103.3 mhz; 100 kw. Ant 994 ft. TL: N39 00 57 W94 30 24. Stereo. Hrs opn: 24. Progsep from AM. Net: ABC/FM, ABC/SMN. Format: Urban contemp. News progmg one hr wkly. Target aud: 25-54; mid-upper income. ■ Mildred Carter, CEO; Rich McCauley, prom dir; Myron Fears, mus dir.

KQRC-FM—(Leavenworth, Kan). 1962: 98.9 mhz; 100 kw. Ant 990 ft. TL: N39 04 14 W94 54 39. Stereo. Suite 99, 4350 Shawnee Mission Pkwy., Shawnee Mission, KS (66205). (913) 384-9900. FAX: (913) 384-9911. Licensee: KCFX-FM Inc. Group owner: Heritage Media Corp. (acq 5-19-97). Net: NBC the Source. Rep: Banner. Wash atty: Crowell & Moring. Format: AOR. News staff one. Target aud: 18-34; above average education & income; upscale professionals. ■ Bob Kahlor, CEO; Steve Smith, chmn; Doug Kiel, pres; Ron Kurts, CFO; Carl Gardner, exec vp; Bill Newman, gen mgr; Ina Erickson, gen sis mgr; Candy Choice, prom dir; Doug Sorensen, progmg dir; Valorie Nair, mus dir; Lee Wheeler, chief engr.

KUDL(FM)—See Kansas City, Kan.

KXTR(FM)—Jan 1, 1959: 96.5 mhz; 99 kw. Ant 984 ft. TL: N39 00 57 W94 30 24. Stereo. Hrs opn: 24. 4710 Pennsylvania Ave. (64112). (816) 561-7400. FAX: (816) 561-7511. Licensee: KCFX-FM Inc. Group owner: Heritage Media Corp. Wash atty: Wiley, Rein & Fielding. Format: Class. Target aud: 25 plus; adults with above-average disposable income. ■ Bill Newman, CEO & pres; Lynn McFadden, CFO; Randy Grossert, gen mgr; Sandy Cohen, gen sis mgr; Becky McCarty, prom dir; Patric Neas, progmg dir.

KYYS(FM)—Mar 5, 1961: 102.1 mhz; 100 kw. Ant 1,000 ft. TL: N39 04 20 W94 35 45. 508 Westport Rd. (64111). (816) 931-6100. FAX: (816) 531-2550. Licensee: American Radio Systems License Corp. Group owner: American Radio Systems (acq 10-17-97). Format: AOR. News staff one; news progmg one hr wkly. ■ Herniar Hasty, gen mgr; Michelle England, prom dir.

WDAF(AM)—Feb 16, 1922: 610 khz; 5 kw-U. TL: N38 59 03 W94 37 40. Stereo. Suite 460, 3101 Broadway, Kansas City, MO (64111). (816) 753-0933. FAX: (816) 753-6654. Licensee: ECI License Co. L.P. Group owner: Entercom (acq 10-17-97; grpsl). Net: ABC/E. Rep: Katz. Format: Country. News staff 4; news progmg 15 hrs wkly. Target aud: 25-54; general. ■ Herndon Hasty, Michael H. Payne, gen mgrs; Dan Prendiville, gen sis mgr; Chris Stofa, Julie Fountain, natl sis mgrs; Deanna Posey, prom dir; Ted Cramer, progmg dir; David Bryan, mus dir; Dave Morton, news dir; John Morris, chief engr.

WHB(AM)—June 10, 1936: 810 khz; 50 kw-D, 5 kw-N, DA-N. TL: N39 18 21 W94 34 30. Hrs opn: 24. Livestock Exchange Bldg. #925, 1600 Genessee (64102); 102 N. Mason, Carrollton (64633). (816) 221-7170; (816) 229-7100. FAX: (816) 221-7944; (816) 542-0043. Licensee: KANZA Inc. (acq 9-4-97). Net: NBC. Rep: McGavren Guild. Format: Country, farm. News staff 2; news progmg 19 hrs wkly. Target aud: 25 plus; farm families. Spec prog: Sp 2 hrs wkly. ■ Mike Carter, pres; Jim Hensiek, gen mgr & gen sis mgr; Lucy Taylor, prom dir; Miles Carter, progmg dir; Wayne Combs, news dir; Larry Timmons, chief engr.

Kennett

***KAUF(FM)**—Not on air, target date unknown: 89.9 mhz; 1 kw. Ant 164 ft. TL: N36 14 32 W90 03 54. Box 3206, American Family Radio, Tupelo, MS (38803). Licensee: American Family Association. Group owner: American Family Radio. ■ Marvin Sanders, gen mgr.

KBOA(AM)—1963: 1540 khz; 1 kw-D. TL: N36 15 11 W90 02 56. Box 509 (63857). (573) 888-4616. FAX: (573) 888-4991. Licensee: KBOA Inc. Group owner: Meyer Communications Inc. (acq 9-8-94; \$50,000; FTR 9-26-94). Net: ABC/I. Format: News/talk, southern gospel, relig. Spec prog: Farm 5 hrs wkly. ■ Kenneth Meyer, pres; Pres Semar, gen mgr; Bill Wagner, progmg dir; R.J. MacAllister, news dir; Larry Anthony, chief engr.

KTMO(FM)—Co-owned with KBOA(AM). 1948: 98.9 mhz; 100 kw. Ant 994 ft. TL: N36 07 53 W90 11 34. Stereo. (Acq 10-1-83; \$1.3 million with co-located AM; FTR 9-26-83.) Target aud: 24 plus. ■ Bill Wagner, opns mgr & mus dir; Pres Semar, gen sis mgr.

KOTC(AM)—July 19, 1947: 830 khz; 10 kw-D. TL: N36 13 29 W90 04 31. Hrs opn: Sunrise-sunset. Box 271, 830 1st St. (63857). (573) 888-8881. FAX: (573) 888-8878. Licensee: Eagle Bluff Enterprises (acq 9-18-96; \$190,000). Net: AP. Format: Country gold, contemp country. News staff one. Target aud: 28-55. ■ Jeff Wheeler, gen mgr, gen sis mgr & news dir; Mike Scallorns, progmg dir; Palmer Johnson, chief engr. ■ Rates: \$10; 10; 10; na.

KXOQ(FM)—Co-owned with KOTC(AM). Dec 13, 1995: 104.3 mhz; 6 kw. Ant 328 ft. TL: N36 21 01 W90 02 43. Box 601 (63857). (573) 888-9878. FAX: (573) 888-9886. Format: Oldies.

KTMO(FM)—Listing follows KBOA(AM).

KXOQ(FM)—Listing follows KOTC(AM).

Kimberling City

KOMC-FM—1992: 100.1 mhz; 50 kw. Ant 489 ft. TL: N36 37 00 W93 48 31 (CP: 36 kw, 581 ft. TL: N36 31 58 W93 19 43). Hrs opn: 24. 202 Courtney St., Branson (65616). (417) 334-6003. FAX: (417) 334-7141. Licensee: Turtle Broadcasting Co. L.L.C. Group owner: Orr & Earls Broadcasting Inc. (acq 6-27-97; \$1,064,919). Net: ABC, CBS. Format: Adult standards. News staff 2. Target aud: 45 plus. ■ Rod Orr, pres & gen mgr; Carol Orr, stn mgr; Greg Pyron, chief opns; Steve Willoughby, gen sis mgr & mktg dir; Stan Friend, progmg dir; Brett Onstott, news dir.

Kirksville

***KHGN(FM)**—Aug 15, 1997: 90.7 mhz; 25 kw. Ant 325 ft. TL: N40 13 46 W92 32 38. Box 500 (63501). Licensee: Care Broadcasting Inc. Net: Moody. Format: Educ, relig. Target aud: 30 plus; general. Spec prog: Sp 6 hrs wkly. ■ Dennis Phelps, pres; Gary A. Schill, sr vp & gen mgr; Tom Lloyd, chief engr.

**COPY FOR
FILING WITH FCC**

Prepared by:

Graham Brock, Inc.
Broadcast Technical Consultants
10 Sylvan Drive, #26
P.O. Box 24466
St. Simons Island, GA 31522
912-638-8028
202-393-5133
Fax 912-638-7722

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
LEGEND COMMUNICATIONS, INC.
KTMO RADIO STATION
RE-ALLOT CHANNEL 255C
KEISER, ARKANSAS
July 1998

TECHNICAL EXHIBIT

Copyright 1998

PETITION FOR RULE MAKING
LEGEND COMMUNICATIONS, INC.
KTMO RADIO STATION
RE-ALLOT CHANNEL 255C
KEISER, ARKANSAS
July 1998

TECHNICAL STATEMENT

1. This Technical Statement and attached exhibits were prepared on behalf of Legend Broadcasting, Inc. ("Legend"), licensee of station KTMO, Channel 255C, Kennett, Missouri. Legend herein requests an amendment to §73.202 of the Commission's rules by re-allotting Channel 255C from Kennett, Missouri, to Keiser, Arkansas. The allocation of Channel 255C to Keiser, Arkansas, will provide the community its first locally licensable FM service. The allocation of Channel 255C to Keiser is mutually exclusive with the present KTMO facilities. Keiser is not located in or near any urbanized area. The re-allotment will also not deprive Kennett of its only local service (as detailed below).

BACKGROUND

2. Keiser, a community of 805 persons, is located in the center of Mississippi County, Arkansas.¹ Keiser is an incorporated community with an elected Mayor and four member city council. It provides water, sewer and sanitation services to its residents. Keiser has its own elementary school and library. There is presently no licensed AM or FM service in Keiser.

REQUEST

3. Channel 255C can be allotted to Keiser, Arkansas, at reference coordinates North Latitude 36° 07' 53" and West Longitude 90° 11' 34". This reflects a site restriction 52.0 kilometers northwest of the community in order to avoid shortspacing various other authorized

1) 1990 Census figure, 1990 CPH-2-5, State of Arkansas.

and proposed facilities.² This is the present KTMO licensed transmitter site. Exhibit #1 is a §73.207 spacing study which shows Channel 255C meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities.³ From the reference site, Channel 255C, as a maximum Class C, will provide a 70 dBu signal to Keiser (see Exhibit #2).⁴

4. Therefore, Legend requests the following change to §73.202(b) of the rules:

Keiser, Arkansas

Present
None

Proposed
255C

Kennett, Missouri

Present
255C, 282A

Proposed
282A⁵

-
- 2) The facilities are the vacant and applied for Channel 256A at Pangburn, Arkansas, and WYMX, Channel 256C, Greenwood, Mississippi. The site restriction is also to allow the petition to specify the present KTMO site.
 - 3) It is noted that there is a 2.0 kilometer shortage between the licensed KTMO site (and the herein proposed allocation reference site) and one of two applications for Channel 256A at Pangburn, Arkansas, submitted by Greers Ferry Broadcasting, BPH-970723MG. This application does not meet the spacing requirements of 73.207 to two existing facilities, KTMO and KURB, Channel 253C, Little Rock, Arkansas. Greers Ferry Broadcasting has not specifically evoked contour protection pursuant to §73.215 of the rules. They have indicated their proposal would comply with §73.215 of the rules by submitting protected and interfering contour studies. However, they have not projected KTMO or KURB as maximum Class C facilities, but rather as their as-built facilities, in violation of §73.215(b)(2)(ii) of the rules. At maximum facilities KTMO would deliver interference to the proposed Greers Ferry Broadcasting facility. Further, the Greers Ferry Broadcasting facility delivers interference to KURB, as a maximum Class C facility, also in violation of §73.215. Therefore, LBI does not consider the shortage to the Greer Ferry Broadcasting application as an impediment to this proposal to change community of license, since no change of licensed site coordinates for KTMO is proposed and KTMO is entitled to protection as a maximum Class C facility.
 - 4) As presently authorized, the 70 dBu contour of KTMO does not reach Keiser. It will be necessary to increase the KTMO antenna height above average terrain in order to have predicted city grade coverage over the community. Upon the grant of the herein sought change in community, LBI will submit an application to make minor changes in the facilities of KTMO which will demonstrate the required coverage of Keiser.
 - 5) In addition to KXOQ, which operates on Channel 282A, non-commercial FM station KAUF, Channel 210A, and AM stations KOTC, 830 kHz, and KBOA, 1540 kHz, will remain licensed to Kennett.

PUBLIC INTERESTS

5. The re-allotment of Channel 255C to Keiser, Arkansas, will provide the community with its first local service and will not deprive Kennett of its only service since FM station KXOQ and KAUF will remain, as will AM stations KOTC and KBOA. An improved KTMO, operating on Channel 255C at Keiser, will provide 1.0 mV/m service to 495,621 persons in 26,501.1 square kilometers. This represents an increase of 173,599 persons in 9,912.0 square kilometers over its presently licensed facility. When Channel 255C is allocated to Keiser, Legend will file an application to make minor changes in the facilities of KTMO to specify Keiser as its community of license.

6. The foregoing statement was prepared on behalf of Legend Broadcasting, Inc., by Graham Brock, Inc., its Technical Consultants. All of the information contained herein is true and accurate to the best of our belief and knowledge. All data relating the FM facilities was extracted from the NTIA database, as updated July 24, 1998. All population data was extracted from the PL 94-171 computer database. We assume no liability for error or omissions in the databases which may be adverse to the requests contained herein.

ALLOCATION STUDY FOR KEISER, ARKANSAS
USING PRESENT KTMO SITE AS REFERENCE

REFERENCE 36 07 53 N CLASS C DISPLAY DATES
90 11 34 W Current rules spacings DATA 07-24-98
CHANNEL 255 - 98.9 MHZ SEARCH 07-24-98

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KTMO	255C	Kennett	MO	0.0	0.00	290.0	-290.00
LI CN	36 07 53	90 11 34	100.000 kW	303M	0.0	180.2	
				Legend Broadcasting, Inc.		BLH890504KB	
AD255	255C	Keiser	AR	0.0	0.00	290.0	-290.00
AD	36 07 53	90 11 34	0.000 kW	0M	0.0	180.2	
				Legend Broadcasting, Inc.		>Change of Community of License	
* AP256	256A	Pangburn	AR	239.1	163.00	165.0	-2.00
AP CN	35 22 14	91 44 04	6.000 kW	100M	101.3	102.6	
				Greers Ferry Broadcasting		BPH-970723MG	
ALOPEN	256A	Pangburn	AR	243.0	165.18	165.0	0.18
AL N	35 26 52	91 48 57	0.000 kW	0M	102.7	102.6	
				MM Docket# 96-247 Window Closed 07/24/97			
AP255	255A	Galatia	IL	35.2	227.13	226.0	1.13
AP CN	37 47 28	88 42 02	6.000 kW	100M	141.2	140.5	
				W. Russell Withers, Jr.		941208MH	
AP256	256A	Pangburn	AR	245.0	166.96	165.0	1.96
AP CN	35 29 14	91 51 44	6.000 kW	100M	103.8	102.6	
				Red River Radio		BPH-970723MN	
AP201	201C3	Blytheville	AR	97.9	33.46	31.0	2.46
AP DVN	36 05 23	89 49 29	20.000 kW	49M	20.8	19.3	
				New Life Evangelistic Center		BPED-970509MA	
AP255	255A	Galatia	IL	36.3	229.12	226.0	3.12
AP CN	37 47 02	88 39 02	6.000 kW	100M	142.4	140.5	
				Southern Illinois Broadcasting		941205MB	
AP201	201A	Blytheville	AR	131.8	36.46	29.0	7.46
AP CN	35 54 45	89 53 28	0.225 kW	58M	22.7	18.0	
				American Family Association		BPED-961205MB	
ALOPEN	255A	Galatia	IL	35.7	236.46	226.0	10.46
AL N	37 50 53	88 37 10	0.000 kW	0M	147.0	140.5	
				MM Docket #94-50 Window Closed 12/08/94			
AP255	255A	Galatia	IL	34.3	245.61	226.0	19.61
AP CN	37 56 48	88 36 49	6.000 kW	100M	152.6	140.5	
				Daniel R. Johnson		941208ML	

CHANNEL 255C ALLOCATION STUDY

* NOTE : SEE TECHNICAL STATEMENT FOR
DISCUSSION OF SHORTAGE TO AP256
PANGBURN, ARKANSAS.

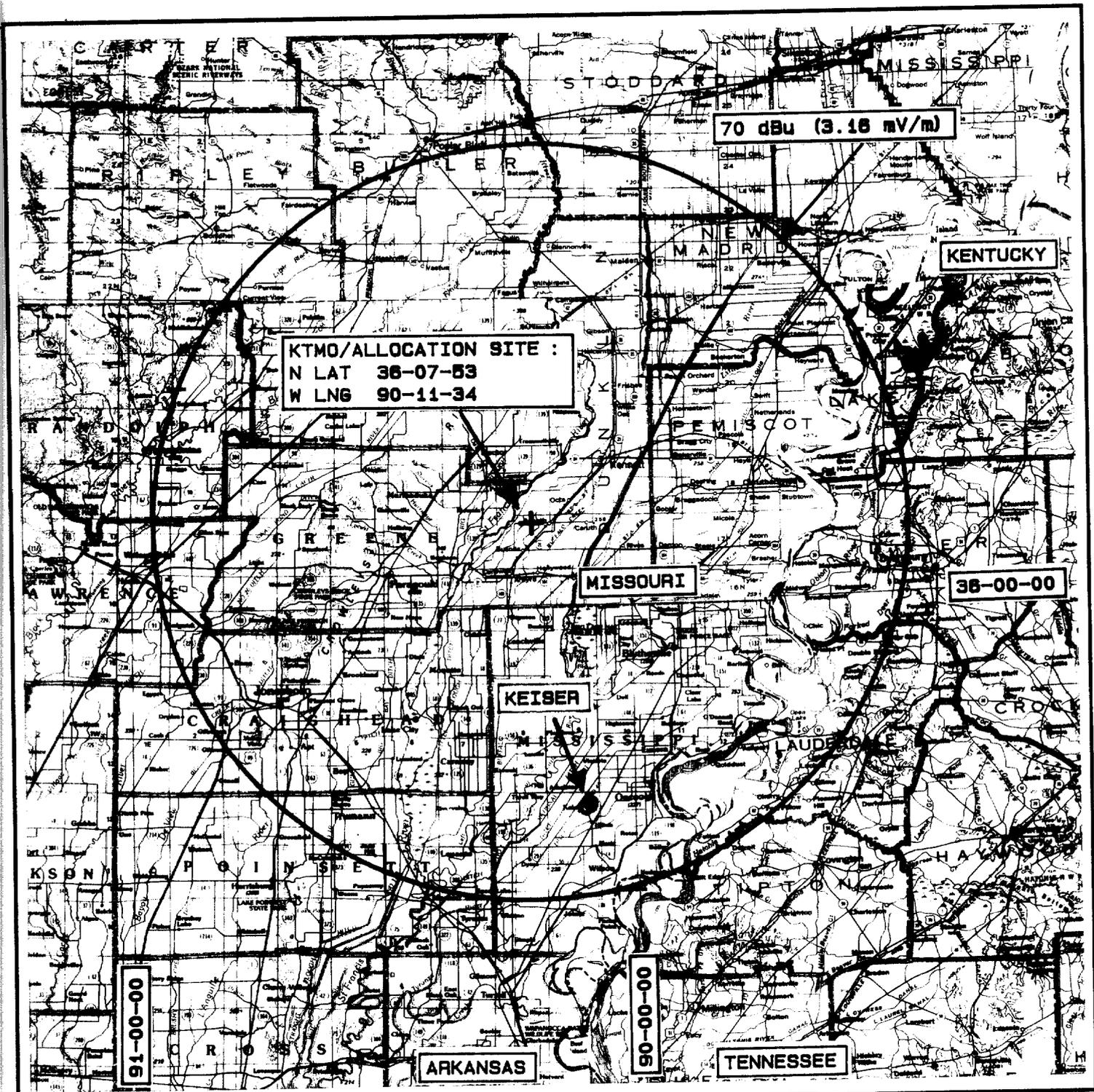
EXHIBIT #1

PETITION FOR RULE MAKING
LEGEND BROADCASTING, INC.
RE-ALLOT CHANNEL 255C
KEISER, ARKANSAS

July 1998

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS



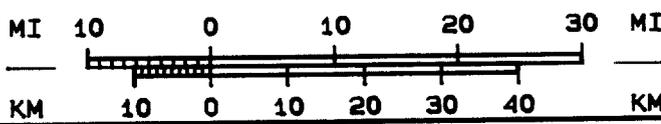
CITY GRADE COVERAGE MAP

MAP IS A PHOTO REDUCED PORTION OF THE
 1: 500,000 SCALE U.S.G.S. BASE MAP OF
 ARKANSAS, TENNESSEE, MISSOURI AND
 KENTUCKY.

MAP IS BASED ON MAXIMUM CLASS C FACILITY.

EXHIBIT #2
 PETITION FOR RULE MAKING
 LEGEND BROADCASTING, INC.
 RE-ALLOT CHANNEL 255C
 KEISER, ARKANSAS

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 Legend Broadcasting, Inc., licensee of Radio Station KTMO, 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 27th day of July, 1998.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 27th day of July, 1998*



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

CERTIFICATE OF SERVICE

I, Linda E. Skiles, Office Administrator in the law firm of Shainis & Peltzman, Chartered, do hereby certify that on this 4th day of August, 1998, a copy of the foregoing "Petition for Rulemaking" was hand delivered to the following:

John A. Karousos
Chief, Allocations Branch
Mass Media Bureau
Federal Communications Commission
Room 554
2000 M Street, N. W.
Washington, D.C. 20554



Linda E. Skiles