

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.606(b))	MM Docket No.
Table of Allotments)	RM -
Television Broadcast Stations)	
(El Dorado and Camden, Arkansas))	

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

PETITION FOR RULE MAKING

Equity Broadcasting Corporation ("Petitioner"), permittee of Channel 49 at El Dorado, Arkansas, by its counsel, hereby petitions the Commission, pursuant to Section 1.420 of the Commission's Rules, for amendment of the Commission's Table of Television Allotments (Section 73.606(b) of the Commission's Rules) to delete UHF TV Channel 49 at El Dorado, Arkansas, allot UHF TV Channel 49 to Camden, Arkansas, and modify Petitioner's permit accordingly. Grant of this petition will provide the community of Camden, Arkansas with its first local television service. El Dorado currently has four television channel allotments¹. In support hereof, Petitioner states as follows:

1. The Commission's obligation under Section 307(b) of the Communications Act of 1934, as amended (the "Act") is to provide a "fair, efficient and equitable distribution of radio

1. The Table of Television Allotments (Section 73.606(b) of the Rules) shows NTSC Channels 10, *30, 43 and 49 are allotted to El Dorado. Channel 10 is already operational as KTVE. There are two applications pending for Channel *30 and five applications pending for Channel 43. The Table lists no allotments to Camden.

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A B C D E

service” to the various cities and communities across the country. The priorities for distributing television stations equitably across the country are:

(1) to provide at least one television service to all parts of the United States, (2) to provide each community with at least one television broadcast station, (3) to provide a choice of at least two television services to all parts of the United States, (4) to provide each community with at least two television broadcast stations, and (5) to assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities.

Sixth Report and Order, 41 FCC 148, 167 (1952).

2. The requested reallocation of Channel 49 to Camden, Arkansas will advance the second most important priority by providing Camden with its first local television station. The Commission generally favors a proposal that provides a community with its first local television station over a proposal that provides a community that already has a local television station with additional local television stations. See, e.g., *Johnstown and Jeannette, PA*, 12 FCC Rcd 10300 (1997). Under the Commission’s decision in *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon.* 5 FCC Rcd 7094 (1990), petitions for rule making to change community of license will not be granted if the effect would be to deprive a community of its only local transmission service. The community of El Dorado will continue to be served by its own local television station, KTVE, Channel 10 (DTV Channel 27) and by the eventual licensees of Channels *30 and 43, if Petitioner’s proposal is adopted and Channel 49 is reallocated to Camden, Arkansas.²

2. An analysis of DTV service is not necessary as this Petition affects only the NTSC Television Table of Allotments.

3. Camden fully satisfies the FCC definition of "community" for allotment purposes.

The community of Camden is not a part of any urbanized area. Camden had a population of 14,380 according to the 1990 U.S. Census. There is an elected mayor and a city manager form of government. Camden has its own police and fire department, post office, zip code and public library. Camden supports two newspapers, the *Camden News* and the *Parham Report*. It also has its own public school system, which consists of two separate school districts, Camden-Fairview and Harmony Grove. The Camden-Fairview system consists of two elementary schools, two middle or junior high schools and one high school. The Harmony Grove system consists of one elementary school and one combined junior/senior high school.

4. Camden has its own Chamber of Commerce and is the home of more than 40 churches. Other civic and community groups in Camden include Rotary Club, Lions Club, Kiwanis Club, Horizon Club, Silver Leaf Temple No. 797, Jaycees, Junior Auxiliary, League of Women Voters, VFW Post 4554, Alpha Kappa Alpha, Beta Sigma and Delta Kappa Gamma.

5. Camden is the county seat of Ouachita County, and the allotment of Channel 49 to Camden would also represent the first local television station licensed to a community within that county. Camden was designated as a Primary Business Center by Rand McNally in 1995. See, *Rand McNally Commercial Atlas and Marketing Guide*, 1995 Edition.³

TECHNICAL ANALYSIS

6. Petitioner is not proposing to change the authorized transmitter site for the facility. The predicted community contour (80 dBu) of the proposed station will remain the same (see

3. A Principal Business Center is defined as a city of major economic importance including but not limited to, Basic Trading Centers or Major Trading Centers.

Section 73.685 of the Commission's Rules) and there will be no change in the area or population served by the station. Therefore, reallocation of Channel 49 to Camden will not create any white or grey area or any service loss or gain. Exhibit A is a map depicting the predicted 80 dBu contour of the Channel 49 proposed operation. Camden is well within the predicted city grade contour of the proposed station. Should Channel 49 be reallocated to Camden, Petitioner will file an application to specify the new community of license.

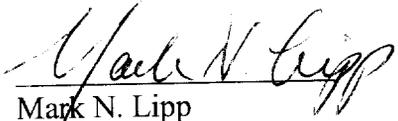
7. Petitioner did not qualify for a pre-designated DTV allotment, as the construction permit was not issued before the cut-off date established in the Commission's *Sixth Report and Order on Digital Television Service*, 12 FCC Rcd 14588, 14593 (1997). The DTV table as set forth in Section 73.622(b) will not be affected by this proposal since the DTV allotments were made protecting Channel 49 at its current site and Petitioner is not seeking in this Petition the allotment of a DTV channel for Camden. Therefore, only an analysis of the Channel 49 NTSC allotment against current NTSC allotments set forth in Section 73.606(b) of the Commission's Rules is required. Exhibit B is a channel study confirming that the allotment of Channel 49 to Camden using the coordinates specified in Petitioner's construction permit will fully comply with Commission rules and policies.

CONCLUSION

Accordingly, Petitioner respectfully requests that the Commission grant the instant Petition and amend the Table of NTSC Television Allotments (Section 73.606(b) of the Commission's Rules) to delete Channel 49 at El Dorado, Arkansas, allot Channel 49 to Camden, Arkansas and amend Petitioner's construction permit to reflect Camden as the proposed community of license.

Respectfully submitted,

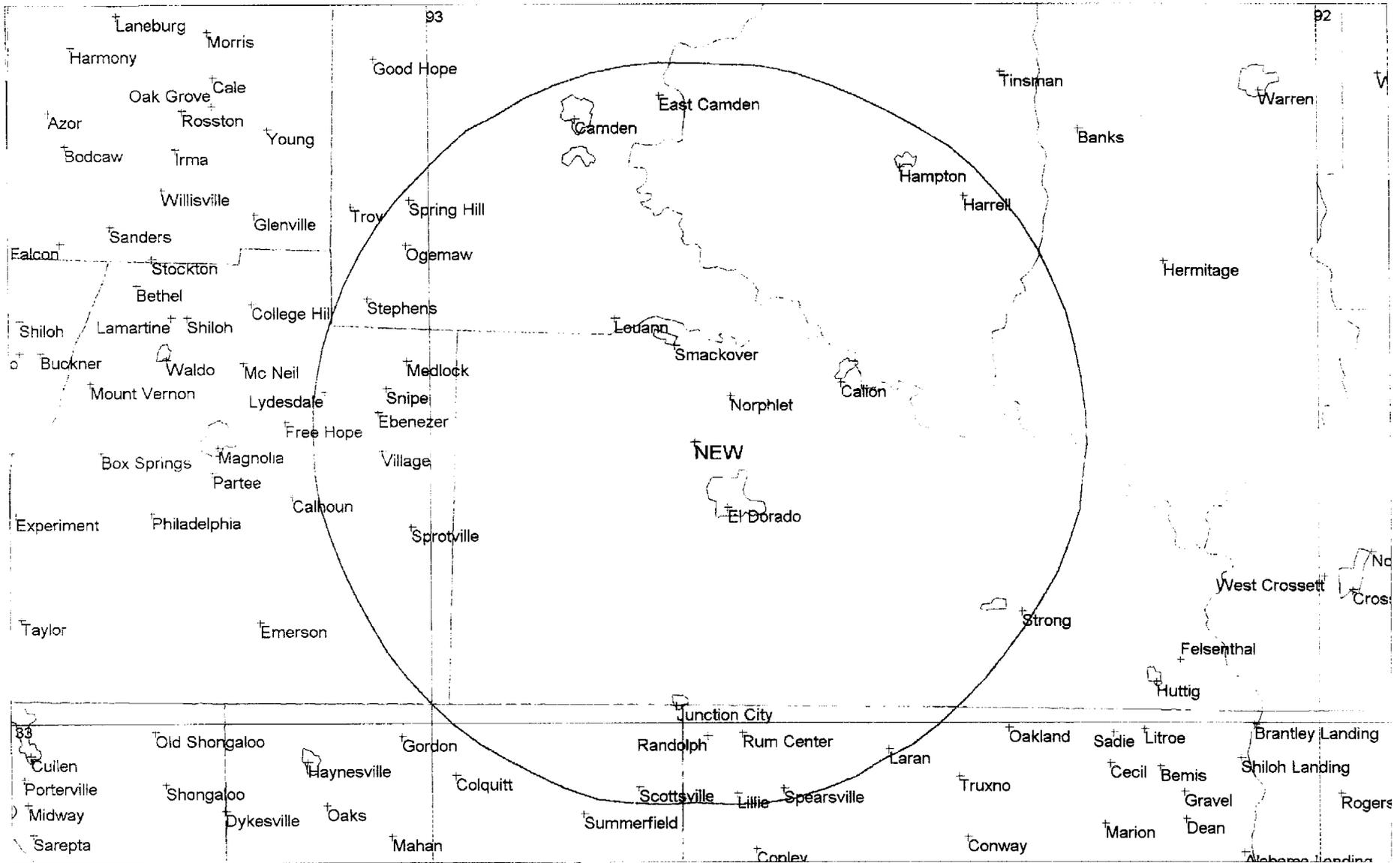
EQUITY BROADCASTING CORP.

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Its Counsel

August 27, 1998

Channel 49 - 80 dBu Contour



Prepared by 1998 Arkansas Media

Scale 1:610000

10 Km

--- TV Grade 'B' - - - County Borders . . . State Borders . . . Lat-Lon Grids — City Borders

BPCT-980211KF EL DORADO AR US ARKANSAS 49, INC.
Channel 49 Minus Offset APP N Lat 33-16-19 W Long 92-42-11 Zone 2 Cutoff Date 980706 Last Update 980527
ERP: 1510.000 kW HAAT: 175.0 meters; RCAMSL: 229.0 meters Beam Tilt Docket

Altitude (m)	ERP (kW)	HAAT (m)	DEPRESS (Deg)	80.0(dBu) (km)	74.0(dBu) (km)	64.0(dBu) (km)
0.0	1510.000	185.2	0.38	41.2	49.5	63.5
5.0	1510.000	195.9	0.39	41.9	50.2	64.3
10.0	1510.000	185.8	0.38	41.2	49.6	63.6
15.0	1510.000	167.3	0.36	40.0	48.3	62.3
20.0	1510.000	156.4	0.35	39.2	47.5	61.4
25.0	1510.000	165.2	0.36	39.8	48.2	62.1
30.0	1510.000	169.1	0.36	40.1	48.4	62.4
35.0	1510.000	178.3	0.37	40.7	49.1	63.1

Average: 175.4 Meters

***** REMINDER *****

The proposed 1510.000 kW is rounded to 1510.000 kW (31.8 dBk).
There are no AM operations in Volume 1 within 2 miles of the proposed antenna site.

DTV ALLOTMENT

***** CHANNEL STUDY *****

222 TV-851008kf KMSSTV SHREVEPORT LA US Ch 34 D TV L C Zone: 2 Lat 32-40-00 Sep: 133.2 km
COMCORP OF TEXAS LICENSE CORP. ERP: 202 kW HAAT: 553 m DA: Y Cutoff: Lon 93-56-02 Req: 119.9 km
Bear: 240.0 D.True

VAC_A441 TEXARKANA TX US Ch 34 Z TV APP TA E Zone: 2 Lat 33-25-29 Sep: 125.9 km
ERP: 1000 kW HAAT: 300. m DA: Cutoff: Lon 94-02-34 Req: 119.9 km
Bear: 278.1 D.True

BPET-960726KP NEW TEXARKANA TX US Ch 34 Z TV APP E Zone: 2 Lat 33-25-48 Sep: 129.9 km
FAITH PLEASES GOD CHURCH CORPORATION ERP: 275. kW HAAT: 133 m DA: Y Cutoff: Lon 94-05-09 Req: 119.9 km
REQUESTS A WAIVER OF FREEZE. Bear: 278.2 D.True

BPCT-960710KV NEW VICKSBURG MS US Ch 35 - TV APP C Zone: 2 Lat 32-25-37 Sep: 167.4 km
KB COMMUNICATIONS CORPORATION ERP: 5000 kW HAAT: 316 m DA: N Cutoff: 961001 Lon 91-13-15 Req: 95.7 km
Bear: 123.8 D.True

BPCT-961001LY NEW VICKSBURG MS US Ch 35 - TV APP C Zone: 2 Lat 32-25-37 Sep: 167.4 km
CARDINAL BROADCASTING CORPORATION ERP: 5000 kW HAAT: 89 m DA: N Cutoff: Lon 91-13-15 Req: 95.7 km
Bear: 123.8 D.True

VAC_A456 MARSHALL TX US Ch 35 - TV APP TA C Zone: 2 Lat 32-33-06 Sep: 176.5 km
ERP: 1000 kW HAAT: 300. m DA: Cutoff: Lon 94-23-06 Req: 95.7 km
Bear: 243.4 D.True

BPCT-960723KZ NEW MARSHALL TX US Ch 35 + TV APP C Zone: 2 Lat 32-19-13 Sep: 186.7 km
FANT BROADCAST DEVELOPMENT, L.L.C. ERP: 5000 kW HAAT: 578 m DA: N Cutoff: Lon 94-20-52 Req: 95.7 km
REQUESTS A WAIVER OF FREEZE. Bear: 235.9 D.True

BMPCT-950111KM KYPX LITTLE ROCK AR US Ch 42 Z TV CP MOD C Zone: 2 Lat 34-47-56 Sep: 170.4 km
CHANNEL 42 OF LITTLE ROCK, INC. ERP: 3390 kW HAAT: 334 m DA: Y Cutoff: Lon 92-29-44 Req: 95.7 km
Bear: 6.4 D.True

BLCT-940609KE WPXL NEW ORLEANS LA US Ch 49 Z TV LIC C Zone: 3 Lat 29-55-11 Sep: 450.3 km
FLINN BROADCASTING CORPORATION ERP: 5000 kW HAAT: 271 m DA: Y Cutoff: Lon 90-01-29 Req: 280.8 km
Bear: 145.1 D.True

BPCT-941228KH WPXL NEW ORLEANS LA US Ch 49 Z TV CP C Zone: 3 Lat 29-55-11 Sep: 450.3 km
FLINN BROADCASTING CORPORATION ERP: 2510 kW HAAT: 271 m DA: Y Cutoff: Lon 90-01-29 Req: 280.8 km
Bear: 145.1 D.True

BLCT-930427KE KPXB CONROE TX US Ch 49 + TV LIC C Zone: 3 Lat 30-15-45 Sep: 411.6 km
PAXSON HOUSTON LICENSE, INC. ERP: 4270 kW HAAT: 359 m DA: Y Cutoff: Lon 95-14-50 Req: 280.8 km
Bear: 216.4 D.True

BPCT-960710KJ KPXB CONROE PAXSON HOUSTON LICENSE, INC.	TX US Ch 49 + TV APP ERP: 5000 kW HAAT: 570 m DA: Y Cutoff:	C Zone: 3	Lat 30-13-50 Sep: 407.8 KM Lon 95-07-25 Req: 280.8 KM Bear: 214.7 D.True
222 DTV-951010ks WNTZ NATCHEZ DELTA MANAGEMENT CORPORATION	MS US Ch 49 D TV .L ERP: 82.2 kW HAAT: 316 m DA: Y Cutoff:	C Zone: 3	Lat 31-40-08 Sep: 201.6 KM Lon 91-41-30 Req: 280.8 KM SHORT Bear: 151.7 D.True
222 DTV-2503 WTOKTV MERIDIAN BENEDEK LICENSE CORPORATION	MS US Ch 49 D TV .L ERP: 1000 kW HAAT: 165 m DA: Y Cutoff:	C Zone: 3	Lat 32-19-38 Sep: 390.1 KM Lon 88-41-28 Req: 280.8 KM Bear: 104.6 D.True
BLCT-910614KG KHSXTV IRVING SKDA BROADCASTING PARTNERSHIP	TX US Ch 49 Z TV LIC ERP: 5000 kW HAAT: 365 m DA: Y Cutoff:	C Zone: 2	Lat 32-35-24 Sep: 406.4 KM Lon 96-58-21 Req: 280.8 KM Bear: 260.4 D.True
BPCT-960709KE KHSXTV IRVING SKDA BROADCASTING PARTNERSHIP	TX US Ch 49 Z TV APP ERP: 5000 kW HAAT: 487 m DA: N Cutoff:	C Zone: 2	Lat 32-35-05 Sep: 405.6 KM Lon 96-57-46 Req: 280.8 KM Bear: 260.3 D.True
VAC_A580 EL DORADO EFFECTIVE 12-23-85	AR US Ch 49 - TV APP TA ERP: 1000 kW HAAT: 300. m DA: Cutoff:	C Zone: 2	Lat 33-12-24 Sep: 8.0 KM Lon 92-40-00 Req: 280.8 KM MX Bear: 155.0 D.True
BPCT-970331LJ NEW EL DORADO EQUITY BROADCASTING CORPORATION	AR US Ch 49 - TV APP ERP: 1510 kW HAAT: 175 m DA: N Cutoff: 980706	C Zone: 2	Lat 33-16-19 Sep: 0.0 KM Lon 92-42-11 Req: 280.8 KM MX Bear: 180.0 D.True
BPCT-980211KF NEW EL DORADO ARKANSAS 49, INC.	AR US Ch 49 - TV APP ERP: 1510 kW HAAT: 175 m DA: N Cutoff: 980706	C Zone: 2	Lat 33-16-19 Sep: 0.0 KM Lon 92-42-11 Req: 280.8 KM Bear: 180.0 D.True
BPCT-960722KU NEW EL DORADO MARRI BROADCASTING, L.P.	AR US Ch 49 - TV APP ERP: 1510 kW HAAT: 175 m DA: N Cutoff: 970331	C Zone: 2	Lat 33-16-19 Sep: 0.0 KM Lon 92-42-11 Req: 280.8 KM MX Bear: 180.0 D.True
BPCT-970328KI NEW EL DORADO AMAZING 49, L.L.C.	AR US Ch 49 - TV APP ERP: 5000 kW HAAT: 525 m DA: N Cutoff:	C Zone: 2	Lat 33-04-41 Sep: 49.2 KM Lon 92-13-41 Req: 280.8 KM MX Bear: 115.9 D.True
222 DTV-900821kf KVTJ JONESBORO AGAPE CHURCH, INC.	AR US Ch 49 D TV .C ERP: 57.2 kW HAAT: 305 m DA: Y Cutoff:	C Zone: 2	Lat 35-53-27 Sep: 334.2 KM Lon 90-54-06 Req: 280.8 KM Bear: 29.0 D.True
222 DTV-931112kj KWMJ TULSA UNIVERSITY BROADCASTING, INC.	OK US Ch 49 D TV .C ERP: 50.0 kW HAAT: 182 m DA: Y Cutoff:	C Zone: 2	Lat 36-02-34 Sep: 428.1 KM Lon 95-57-11 Req: 280.8 KM Bear: 316.9 D.True
VAC_A583 OSAGE BEACH TIMOTHY D. LISCHWE APPLICATION FOR REVIEW.	MO US Ch 49 + TV APP TR ERP: 1000 kW HAAT: 300. m DA: N Cutoff:	C Zone: 2	Lat 38-09-01 Sep: 541.3 KM Lon 92-37-04 Req: 280.8 KM Bear: 0.8 D.True
222 DTV- VAC_A448 TEXARKANA	TX US Ch 50 D TV .A ERP: 50.0 kW HAAT: 300. m DA: Y Cutoff:	E Zone: 2	Lat 33-25-29 Sep: 125.9 KM Lon 94-02-34 Req: 87.7 KM Bear: 278.1 D.True
VAC_A606 EL DORADO ARKANSAS EDUCATIONAL TV COMMISSION RM TO SUBSTITUTE CH *52 FOR CH *30+ - APPLICATION SITE.	AR US Ch 52 Z TV APP TR ERP: 1000 kW HAAT: 300. m DA: N Cutoff:	E Zone: 2	Lat 32-46-49 Sep: 61.1 KM Lon 92-24-31 Req: 31.4 KM Bear: 153.3 D.True
VAC_A605 EL DORADO ARKANSAS EDUCATIONAL TV COMMISSION RM TO SUBSTITUTE CH *52 FOR CH *30+ - ALLOTMENT SITE.	AR US Ch 52 Z TV APP TR ERP: 1000 kW HAAT: 300. m DA: N Cutoff:	E Zone: 2	Lat 33-12-24 Sep: 35.5 KM Lon 92-19-48 Req: 31.4 KM Bear: 101.7 D.True

***** END OF STUDY *****