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October 30, 1998

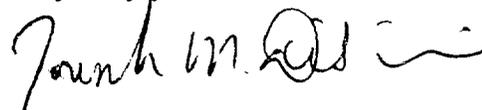
Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Dear Ms. Salas

Submitted on behalf of Kent S. Foster, are an original and four copies of a petition for rule making to amend the FM Table of Allotments to add Channel 283A in Eden, Texas.

Please direct any inquiries regarding this matter to undersigned counsel.

Very truly yours



Joseph M. Di Scipio

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

BEFORE THE

# Federal Communications Commission

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	RM-
FM Broadcast Stations Table of Allotments	)	
Eden, Texas	)	

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

## PETITION FOR RULE MAKING

Kent S. Foster ("Petitioner"), through his attorneys and pursuant to Sections 1.401, 1.419, and 1.420 of the Commission's rules, hereby requests that the Commission amend the Table of FM Allotments (Section 73.202(b) of the Commission's rules) as follows:

	<u>Channel No.</u>	
<u>City</u>	<u>Proposed</u>	<u>Present</u>
Eden, Texas	283A	---

In support thereof, the following is set forth:

1. Eden, Texas (1990 population 1,567) is the largest town in Concho County. It has a mayor and town council, its own school system, a public library, a weekly newspaper (*The Eden Echo*), and several churches. Eden has a volunteer fire department and provides police services. According to local sources, the city's major employers and businesses include the Eden Detention Center, the Eden Consolidated Independent School District, Concho Health and Rehabilitation

Center, Lubke Chevrolet-Oldsmobile, Rubon Lumber Company, MAC Steel, and the Eden State Bank. Eden has a number of civic clubs including: Eden Service Club; Concho Saddle Club; Chamber of Commerce; and the Eden Merchants Association, to name a few. Eden also attracts outdoor enthusiasts, and has several lakes and ranches which offer outdoor activities. There are no broadcast stations licensed to Eden. Accordingly, based on the foregoing, Petitioner submits that Eden is an established community and is entitled to a first local broadcast service.

2. Attached hereto is the engineering statement of Lyndon H. Willoughby, which establishes that the proposed allocation of FM Channel 283A to Eden, Texas, is fully consistent with the Commission's minimum channel spacing requirements and that a station utilizing said allotment will comply with the Commission's principal city coverage requirements. Accordingly, Petitioner submits that his proposal would serve the public interest and the Commission is respectfully requested to issue a Notice of Proposed Rule Making to seek public comment on the proposal set forth in the instant petition for rule making.

Respectfully submitted

KENT S. FOSTER

By: 

Lawrence N. Cohn  
Joseph M. Di Scipio

COHN AND MARKS  
1920 N Street, N.W., Suite 300  
Washington, DC 20036  
(202) 452-4817

His Attorneys

Dated: October 30, 1998

TECHNICAL STATEMENT IN SUPPORT  
OF PROPOSED RULE MAKING TO  
AMEND §73.202(b), FM TABLE OF ALLOTMENTS

on behalf of  
KENT FOSTER  
NEW (FM) CHANNEL 283A (104.5 MHz)  
EDEN, TEXAS

OCTOBER, 1998

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**WILLOUGHBY & VOSS**  
BROADCAST TECHNICAL CONSULTANTS  
P.O. BOX 701190  
SAN ANTONIO, TEXAS 78270-1190  
(210) 525-1111

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WILLOUGHBY & VOSS

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TECHNICAL STATEMENT  
IN SUPPORT OF PROPOSED RULE MAKING  
KENT FOSTER  
CHANNEL 283A, EDEN, TEXAS  
OCTOBER, 1998

The firm of Willoughby & Voss has been retained by Kent Foster, to prepare the instant technical statement in support of a petition for rule making to amend the FM Table of Allotments by adding Channel 283A at Eden, Texas.

Eden is an incorporated community located in Concha County. Eden provides city police services and has volunteer fire services. It has an elected government which consists of a Mayor and five City Council positions. Eden has a public library and a Chamber of Commerce. The population within the proposed 60 dBu contour is 3,044, while the community population is 1,567. The Eden Consolidated Independent School District provides public education (K through 12 grade). Eden has a unique and distinguishable identity. Adoption of this proposal will provide Eden with its "first local service".

An allocation study of Channel 283A was performed, using the Eden Community Reference coordinates, 31-12-58 N.L., 99-50-43 W.L. and is found to meet all Class A distance separation requirements of Section 73.207 of the Commission's Rules. Exhibit A is a tabulation of the allocation study. Further, the proposed allotment meets the separation requirements of the U.S./Mexican Treaty. Inasmuch as, the Allotment Reference Coordinates are within 320 kilometers of the U.S./Mexican Border, it is requested that Mexican concurrence be obtained.

This proposed facility will serve all of the community of Eden with the required 3.16 mV/m contour.

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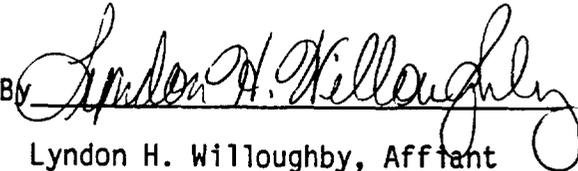
In light of the above facts, and the desire of the Commission for efficient spectrum usage, it is requested that the Table of Allotments contained in Section §73.202(b) of the Commission's Rules be amended to read as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Eden, TX	none	283A

Upon allotment of the above requested changes, formal application for the respective facility will be filed with the FCC, by the proponent.

The foregoing was prepared on behalf of Kent Foster, by, or under the immediate supervision of Lyndon H. Willoughby, of Willoughby & Voss, San Antonio, Texas. The affiant's qualifications are contained in previous filings and are a matter of record with the Federal Communications Commission.

The statements and data contained herein are true and correct of his own knowledge, except as to statements made on information and belief and as to those statements, he believes them to be true and correct.

By   
Lyndon H. Willoughby, Affiant

October 5, 1998

WILLOUGHBY & VOSS

EDEN, TEXAS PROPOSAL  
SPACING REQUIREMENT STUDY

FM Channel Study for Channel 283A6 at 31-12-58 99-50-43  
 Safe Distance of 25.0 Kilometers  
 New (6 kW) Class A spacings employed

\*\*\*\*\* STANDARD DISCLAIMER APPLIES \*\*\*\*\*

Channel	Call		City	State	Lat	Distance	Reqr'd
Applicant/Licensee					Long	Bearing	Clear
230C1	KCRNFM	LIC	San Angelo	, TX	31-42-11	70.50	22.0
	Criswell Center for Biblical Studies			198M	100-19-20	320.11	48.50
230C1		USED	San Angelo	, TX	31-42-11	70.50	22.0
				OM	100-19-20	320.11	48.50
280D	K280BP	LIC	Big Spring	, TX	32-11- 6	187.44	0.0
	Ponca City Radio, Inc.			OM	101-27-56	305.39	
281C1	KWTR	CP	Big Lake	, TX	31-38-21	175.90	75.0
	Woodrow Michael Warren			299M	101-37-42	285.93	100.90
281C1		USED	Brownwood	, TX	31-42-16	96.77	75.0
				OM	99- 0- 5	55.76	21.77
281C1	KXYLFM	LIC	Brownwood	, TX	31-42-16	96.77	75.0
	Watts Communications, Inc.			98M	99- 0- 5	55.76	21.77
281C1		USED	Big Lake	, TX	31-33-11	175.71	75.0
				OM	101-39- 1	282.74	100.71
282A		USED	Leakey	, TX	29-43-42	165.12	72.0
				OM	99-45-48	177.25	93.12
282A	KBLT	LIC	Leakey	, TX	29-41-34	168.90	72.0
	Horizon Broadcasting, Inc.			181M	99-48-56	179.02	96.90
282C2		ADD	Olney	, TX	33- 8-47	233.09	106.0
	FCC Staff			OM	98-52- 0	23.07	127.09
282C2	KQBT	LIC	Taylor	, TX	30-26- 4	252.66	106.0
	Stellar Communications, Inc.			150M	97-21-53	109.42	146.66
282C2		USED	Taylor	, TX	30-31-18	242.17	106.0
				OM	97-26-40	107.92	136.17
283C1		USED	San Antonio	, TX	29-25- 9	238.32	200.0
				OM	98-29- 6	146.36	38.32
283C	KKDAFM	LIC	Dallas	, TX	32-35-17	311.13	0.0
	Service Broadcasting Corp.			378M	96-58-34	59.98	

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EDEN, TEXAS PROPOSAL  
SPACING REQUIREMENT STUDY

FM Channel Study for Channel 283A6 at 31-12-58 99-50-43  
 Safe Distance of 25.0 Kilometers  
 New (6 kW) Class A spacings employed

\*\*\*\*\* STANDARD DISCLAIMER APPLIES \*\*\*\*\*

Channel Call Applicant/Licensee	City	State	Lat Long	Distance Bearing	Reqr Clear
283C	USED Dallas	, TX	32-35-22 96-58-10	311.76 60.01	226.0 85.76
		OM			
			0.00 kW		
283C	KKDAFM LIC Dallas	, TX	32-35-22	311.76	226.0
	Service Broadcasting Corp.	485M	96-58-10	60.01	85.76
			98.00 kW		
283C1	KZEPFM LIC San Antonio	, TX	29-25- 9	238.32	200.0
	Texas Lotus Corporation	201M	98-29- 6	146.36	38.32
			100.00 kW		
284C3	KBAE LIC Llano	, TX	30-41-12	135.19	89.0
	Maxagrid Broadcasting Corporation	140M	98-34-15	115.41	46.19
			11.00 kW		
284C3	KBAE DEL Llano	, TX	30-41-12	135.19	89.0
	Maxagrid Broadcasting Corporation	OM	98-34-15	115.41	46.19
			0.00 kW		
284C1	KIOL LIC Lamesa	, TX	32-23-47	238.96	133.0
	Noalmark Broadcasting Corporation	244M	101-57-24	303.76	105.96
			100.00 kW		
284C3	USED Llano	, TX	30-50- 1	118.38	89.0
		OM	98-41-16	110.69	29.38
			0.00 kW		
284C1	USED Lamesa	, TX	32-23-47	238.96	133.0
		OM	101-57-24	303.76	105.96
			0.00 kW		
285C2	KBAE ADD Marble Falls	, TX	30-36-33	156.30	55.0
	Maxagrid Broadcasting Corporation	OM	98-22-10	115.12	101.30
			0.00 kW		
285C3	ADD Hamilton	, TX	31-49- 9	178.51	42.0
	North Texas Broadcasting	OM	98- 6-10	67.55	136.51
			0.00 kW		
285C3	KBAE ADD Marble Falls	, TX	30-26-45	179.43	42.0
	Maxagrid Broadcasting Corporation	OM	98-11-45	118.00	137.43
			0.00 kW		
285C3	KBAE DEL Marble Falls	, TX	30-26-45	179.43	42.0
	Maxagrid Broadcasting Corporation	OM	98-11-45	118.00	137.43
			0.00 kW		
285C3	KBAE CP Marble Falls	, TX	30-26-34	175.34	42.0
	Maxagrid Broadcasting Corporation	245M	98-14-48	118.86	133.34
			4.10 kW		
286C1	KEANFM CP Abilene	, TX	32-16-35	119.95	75.0
	RadioSunGroup of Texas, Inc.	270M	99-35-38	11.39	44.95
			100.00 kW		

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EDEN, TEXAS PROPOSAL  
SPACING REQUIREMENT STUDY

FM Channel Study for Channel 283A6 at 31-12-58 99-50-43  
 Safe Distance of 25.0 Kilometers  
 New (6 kW) Class A spacings employed

\*\*\*\*\* STANDARD DISCLAIMER APPLIES \*\*\*\*\*

Channel	Call	City	State	Lat	Distance	Reqr'd
Applicant/Licensee				Long	Bearing	Clear
286C1	KEANFM	LIC	Abilene	, TX	32-16-35	75.0
RadioSunGroup of Texas, Inc.				247M	99-35-39	11.38
						44.95
286C1	KEANFM	CP	Abilene	, TX	32-27- 3	0.0
RadioSunGroup of Texas, Inc.				33M	99-46-16	2.92
286C1		USED	Abilene	, TX	32-16-35	75.0
				OM	99-35-39	11.38
						44.95

