



HODSON BROADCASTING

P.O. Box 66

Tecopa, CA 92389-0066

Telephone: (702) 277-4156

E-mail: hodson@nevada.edu

RECEIVED

December 1, 1998

DEC 04 1998

FCC MAIL ROOM

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

Dear Ms. Salas:

Hodson Broadcasting respectfully requests that the Commission initiate a rule making to assign FM Channel 291A to Tecopa, California.

Pursuant to Sections 1.401(b) and (d), 1.419(a) and (b), 1.42(e), 1.49(a), and 1.52 of the Commission's Rules, please find enclosed two originals plus four (4) copies of my company's Petition for Rule Making, technical engineering exhibit, and draft Notice of Proposed Rule Making which support this request. The second original also has this cover letter attached and is provided for a receipt copy that can be file-stamped and returned to my address noted above.

It is Hodson Broadcasting's intention to apply for a construction permit to operate on the requested channel when it is assigned.

Thanks for your attention and concern in this matter.

Very truly yours,

Richard Dean Hodson

Richard Dean Hodson, d/b/a/
Hodson Broadcasting

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

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In the matter of

Amendment of 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Tecopa, CA)

DEC 04 1998

FCC MAIL ROOM

MM Docket No.
RM-

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

PETITION FOR RULE MAKING

Hodson Broadcasting, a sole proprietorship formed by Richard Dean Hodson (hereafter called "Hodson"), pursuant to Section 1.401(a) of the Commission's Rules, respectfully requests the Commission to institute a rule making proceeding to allocate FM Channel 291A to Tecopa, California, as that community's first local FM commercial broadcast service, and to amend Section 73.202(b) of the Commission's Rules, which would reflect the alteration of the FM Table of Allotments in the proposed manner:

<u>COMMUNITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Tecopa, California	-----	291A

In support of this petition, the following information is provided by Hodson and is prayerfully submitted for the commission's consideration:

1.) Tecopa was named after a local Nuwuvi Indian Chief credited for keeping peace between early Mormons, journeying the Old Spanish Trail bound for San Bernardino, California from Utah, and Native Southern Paiutes living within the region. Frémont first noted the Tecopa area as Resting Springs during his travels in 1844, but it was another twenty years before mining began to develop. In the 1880's, Jonas B. Osborne worked nearby Gunsight and Resting Springs Mines, two of the

biggest metal ore producers in the Death Valley/Amargosa region. By 1907, the Tonopah & Tidewater Railroad had a station in Tecopa, while the Tecopa Railroad Company laid tracks to both the Gunsight and Noonday Mines that were in operation by early 1910. Within a decade, mining production dwindled and both sets of rails were removed by the early 1940's. Over the years, more than thirty-five various gems and minerals have been discovered within the Tecopa surroundings, including gold and silver, but talc is currently the heaviest-mined mineral.

In the last fifty years, Tecopa has evolved into a haven for prospectors, geologists, and "snowbirds", as this southeastern Inyo County area has become regionally infamous for its mineral abundance and natural hot springs. Located about twenty-five direct miles from the California/Nevada border, Tecopa is effectively "cut-off" from regional over-the-air broadcasts, both aural and visual, due to its isolation between Kingston Range to the southeast, Nopah Range to the northeast, and Resting Springs Range to the west. Tecopa has an area population of around 300 permanent residents, but between October through April, the area has an influx of seniors, rockhounds, and other naturalists and mild climate-seeking groups, that the seasonal population each year swells to several thousand people.

Commission allotment factor criteria that would qualify Tecopa as a verifiable community area include two post offices, an elementary school, several churches, library, airport, volunteer fire department, community health center, monthly newspaper, and two business districts. The Tecopa region, in addition to the recently formed Southeast Area Citizen's Advisory Committee, has several active community organizations, is part of the Death Valley Unified School District, and is home to the county-operated Hurlbut-Rook Community Center and Hot Springs Park. The Parents-Teachers Association, Alcoholics Anonymous, Saint John the Baptist Catholic Mission, Hostelling International, Tecopa Seniors Club, and the Rockhound Club are all involved groups gathering within the Tecopa area.

2.) Pending the Commission's approval of this petition and subsequent construction permit application filing and licensing procedures, it is Hodson's undying intent to build a Class A, FM radio station in Tecopa, California which will serve the public interest, convenience, and necessity, as set forth via the Communications Act of 1934, for the residents in this proposed city-of-license community, as well as unserved nearby California communities of Shoshone and Tecopa Hot Springs.

Demonstrating Hodson's commitment to this goal and hopefully expediting unnecessary station start-up delays, a 10-kilowatt, Commission-approved, Collins FM transmitter plus 70% of all needed broadcast equipment have already been purchased-in-full and await commencement operations.

3.) The attached technical exhibit, developed by Hodson's Chief Engineer, Dan Appellof, and supported with outside research references, reveals that the requested allocation fully complies with minimum distance separation requirements of Section 73.207(a) and (b) of the Commission's Rules.

Based upon the foregoing facts and information, Hodson prayerfully requests that this petition be adopted and that the Commission amend the FM Table of Allotments and dedicate Channel 291A to the community of Tecopa, California. Pursuant to Section 1.401(d) of the Commission's Rules, a draft Notice of Proposed Rule Making has been included for the Commission's consideration.

Respectfully submitted,

RICHARD DEAN HODSON, d/b/a/
HODSON BROADCASTING

Richard Dean Hodson

Hodson Broadcasting

P.O. Box 66

Tecopa, CA 92389-0066

December 1, 1998

DECEMBER 1998

PETITION FOR RULE MAKING
HODSON BROADCASTING
106.1 MHz CH 291A
TECOPA, CALIFORNIA

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ENGINEERING STATEMENT

Concerning a petition for rulemaking to allocate channel 291A (106.1 MHz) to Tecopa, California. Hodson Broadcasting will determine and show that the above-described allocation may be made within the requirements of the FCC Rules and Regulations. There are no current allocations or pending rulemakings for FM assignments to Tecopa, California, as of the date of this statement. Correspondence should be sent to:

Hodson Broadcasting
P.O. Box 66
Tecopa, California 92389-0066

ALLOCATION STUDY

Availability of Channel 291A within a 200 mile radius of the reference site coordinates at Tecopa, California, was determined by computer-aided and physical study of all existing stations, allocations, and any pending applications and/or rulemakings before the Commission. A United States Geological Survey 7.5 minute topography map depicting the proposed transmitter site has been included at the conclusion of this report.

Reference Site:
NL: 35° 50' 54"
WL: 116° 13' 32"

All distances from this site to currently licensed stations or proposed rulemaking allotments were considered and computed using Table A from Section 73.207 (b)(1) of the Commission's Rules. Because the reference site utilized in this study lies outside the 200-mile radius of the Mexican border, Table C from Section 73.207 (b)(3) of the Commission's Rules need not be considered. All distances are in miles and feet.

DECEMBER 1998
 PETITION FOR RULEMAKING
 HODSON BROADCASTING
 TECOPA, CALIFORNIA

The separations for the proposed channel assignment are as follows:

TECOPA, CALIFORNIA Channel 291A (106.1 MHz) table of near facilities:

FREQUENCY				SEPARATION, MILES	
CHANNEL/CLASS	MHz	COMMUNITY	CALL	ACTUAL	MIN. REQ.
288/C2	105.5	Boulder City, NV	KSTJ	77 MI	34 MI
289/A	105.7	Ludlow, CA	KDUQ	78 MI	19 MI
290/C1	105.9	Kingman, AZ	KRCY	119 MI	83 MI
291/B	106.1	Palm Springs, CA	KPLM	137 MI	111 MI
292/A	106.3	Lancaster, CA	KGMX	131 MI	45 MI
293/C	106.5	Las Vegas, NV	KSNE	69 MI	59 MI
294/B	106.7	Tulare, CA	KJUG	149 MI	43 MI

10.6/10.8 MHz IF

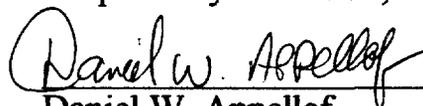
CHANNEL/CLASS	MHz	COMMUNITY	CALL	ACTUAL	MIN. REQ.
238/C	95.5	Las Vegas, NV	KWNR	69 MI	18 MI

There would be no intermediate frequency (IF) interference resulting from Channel 291A assignment to Tecopa since Ch 238C (95.5 MHz) is outside the minimum distance requirements as set forth in the Commission's Rules. 95.5 MHz is the frequency 10.6 MHz removed from 106.1 MHz. From this study, it has been determined that the FM Table of Assignments, Section 73.202(b) of the Commission's Rules may be amended as follows:

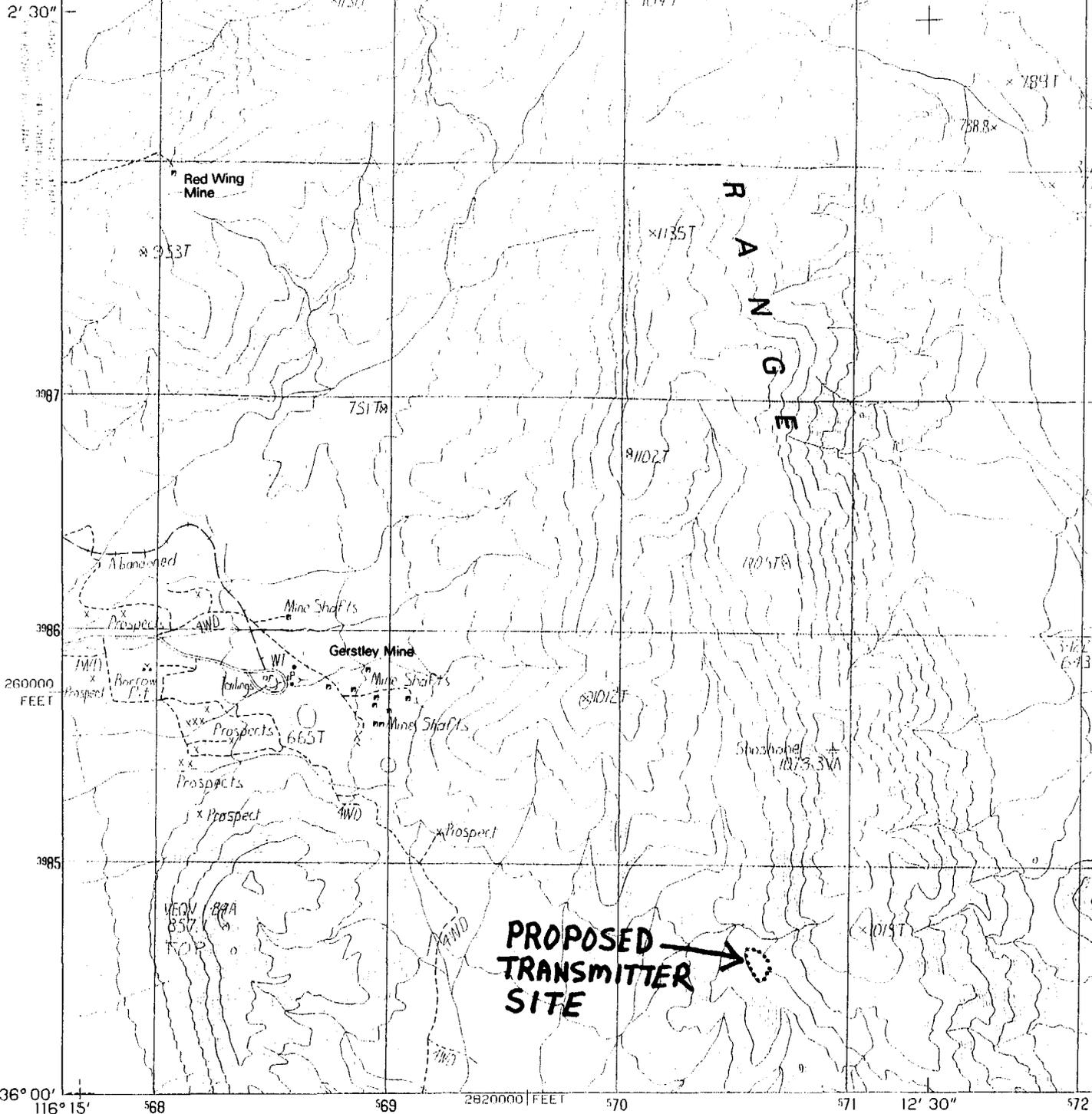
City	Present	Proposed
Tecopa, California	None	291A

Such an amendment to the FM Table of Assignments would be in full compliance with the Commission's Rules and Regulations in effect as amended to date.

Respectfully submitted,



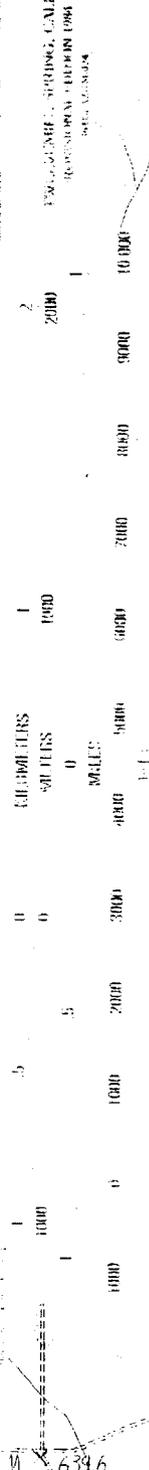
Daniel W. Appellof,
 Chief Engineer
 Hodson Broadcasting



CONTOURS AND ELEVATIONS IN METERS
AND FEET

Approved by: _____
 Prepared by: _____
 Date: _____

SCALE 1:24 000



PROPOSED TRANSMITTER SITE
 (REVISIONS TO BE MADE)

178
 6346

Before the
Federal Communications Commission
Washington, D.C. 20554

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MM Docket No.

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Tecopa, California)

RM-

NOTICE OF PROPOSED RULE MAKING

Adopted: (date)

Released: (date)

Comment Date:

Reply Comment Date:

By the Chief, Allocations Branch:

1. The Commission has before it the petition for rule making filed by Hodson Broadcasting ("petitioner") requesting the allotment of Channel 291A to Tecopa, California, as the community's first local FM service. Petitioner states that he will apply for the channel, if allotted.

2. We believe petitioner's proposal warrants consideration since the allotment of Channel 291A would provide the community with its first local FM broadcast service. Channel 291A can be allotted to Tecopa in compliance with the Commission's minimum distance separation requirements using the reference coordinates of the proposed community of license.¹

3. Accordingly, we seek comments on the proposed amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, for the community listed below, to read as follows:

Community	Present	Channel No.	
			Proposed
Tecopa, California	-----		291A

¹ The coordinates for Channel 291A at Tecopa are 35-50-54 and 116-13-32.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

5. Interested parties may file comments on or before **(date)**, and reply comments on or before **(date)**, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the petitioner, as follows:

Hodson Broadcasting
P.O. Box 66
Tecopa, California 92389-0066

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules. See Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981.

7. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180. For purposes of this restricted notice and comment rule making proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, **IT IS PROPOSED TO AMEND** the FM Table of Allotments, Section 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.) Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.