

TWB204



Federal Communications Commission
Washington, D.C. 20554

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June 3, 1999

Robert Lewis Thompson
Taylor Thiemann & Aitken, L.C.
908 King Street, Suite 300
Alexandria, Virginia 22314

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JUN 10 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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FOC MAIL SECTION

Dear Mr. Thompson:

This is in response to the petition for rule making you filed on behalf of the Battani Corporation proposing the allotment of Channel 251C3 at St. Ignacious, Montana.

Your request for the allotment of Channel 251C3 at St. Ignacious is unacceptable. Our engineering analysis indicates that the site which you specify in your proposal (47-36-03 and 114-05-59) would not enable a Class C3 facility to provide a 70 dBu signal to all of St. Ignacious as required by Section 73.315 of the Commission's Rules. The 70 dBu contour of a Class C3 facility extends 23.2 kilometers (14.4 miles). The site you propose is 30.9 kilometers (19.2 miles) north of St. Ignacious, Montana, well beyond the maximum distance allowable for operation of a Class C3 facility.

Based on the above, we are returning the proposal for St. Ignacious. You may resubmit the petition for St. Ignacious provided you make a showing that a suitable transmitter site is available that provides city grade coverage to the entire community of St. Ignacious.

Sincerely,

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

Enclosure

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

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MAR 19 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b)) RM-
Table of Allotments) MM Docket
FM Broadcast Stations)
St. Ignacious, MT)

To: John A. Karousos, Chief
Allocations Branch

PETITION FOR RULE MAKING

The Battani Corporation submits this Petition for the FCC's initiation of a Rule Making proceeding to amend Section 73.202(b) of the FCC's rules to allot FM channel 251C3 to **St. Ignatius, MT** as that community's "first local aural service."

St. Ignatius, which is located in **Lake County**, is a Census Designated Place (1990 Census) in scenic western Montana. Its population in 1990 was approximately 877 persons. **St. Ignatius**, an incorporated town, has a city council and a mayor. It boasts its own local police department, fire department, post office, and city hall. Like other "communities" to which the FCC has allotted a "first local aural service," **St. Ignatius** has local churches, library, commercial shops, medical service, real estate agents and its own school system.

Petitioner has determined that channel 251C3 can be allocated to **St. Ignatius** in full compliance with the FCC's FM spacing rules and allotment policies. See Attachment. From the fully-spaced reference coordinates (see Attachment), full city-grade (70 dBu) service can be provided to the entire community.

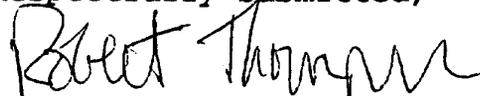
A grant of the requested allotment would serve the public interest and meet the FCC's allotment priorities by providing a "first local aural service" to **St. Ignatius**. See Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094, 7096 (1990).

Upon the FCC's allotment of the channel as requested and following the opening of an appropriate filing window, Petitioner will submit an application for the channel and, if granted, will promptly build the new facility.

WHEREFORE, Petitioner urges that the FCC initiate a Rule Making proceeding, receive comments and ultimately amend the FM Table of Allotments as follows:

<u>Community</u>	<u>Present Allotments</u>	<u>Proposed Allotments</u>
St. Ignatius, MT	--	251C3

Respectfully submitted,



Robert Lewis Thompson
TAYLOR THIEMANN & AITKEN, L.C.
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

Counsel for Battani Corporation

March 19, 1999

ENGINEERING STATEMENT
Proposed Allotment of Channel 251C3 to St. Ignatius, Montana

The information and data contained within this engineering statement were prepared on behalf of Batanni Corporation, in support of a petition for rule making. The petitioner proposes to amend the FM Table of Allotments, 47 C.F.R. § 73.202(b) of the Commission's Rules, by allotting Channel 251C3 to St. Ignatius, Montana.

Currently, St. Ignatius has no other aural broadcast services. At a point corresponding to the following geographic coordinates the Channel 251C3 allotment can be made at St. Ignatius in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 47 degrees, 36 minutes, 03 seconds
West Longitude: 114 degrees, 05 minutes, 59 seconds

From these reference geographic coordinates, Channel 251C3 is fully-spaced to all FCC assignments, allotments and proposals contained within the latest *FCC FM Engineering Database*. All distances were computed by the methods outlined in § 73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with § 73.208(c)(8).

The results of this study demonstrate that the FM Table of Allotments in § 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules. Therefore, the Petitioner, Batanni Corporation, respectfully requests the following changes to the Table:

PRESENT	
CITY	CHANNEL
St. Ignatius, Montana	----

PROPOSED	
CITY	CHANNEL
St. Ignatius, Montana	251C3



Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
March 18, 1999

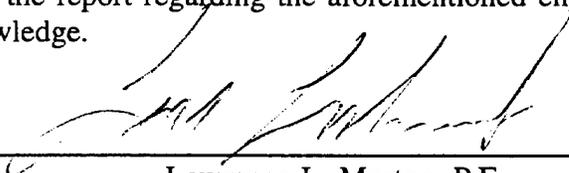
AFFIDAVIT

State of California)
) ss:
County of Los Angeles)

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

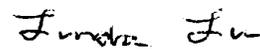
Date: March 18, 1998



Lawrence L. Morton, P.E.

On March 18, 1998, before me, Linda Lu, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/99



Notary Public

