

RICHARD J. HAYES, JR.
ATTORNEY AT LAW
13809 BLACK MEADOW ROAD
SPOTSYLVANIA, VIRGINIA 22553
PRACTICE LIMITED TO MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

ADMITTED IN GEORGIA
INTERNET: rjhayes@aol.com

TELEPHONE (540) 972-2690
FACSIMILE (540) 972-1309

June 17, 1999

Ms. Magalie Salas, Secretary
The Portals
Federal Communications Commission
445 12th Street, S.W - TW-A325
Washington, D.C. 20554

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JUN 17 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Petition to Amend the FM Table of Allotments
Navajo Broadcasting Company, Inc. Petitioner
Holbrook, Arizona (Channel 253C1)

Dear Ms. Salas:

Transmitted herewith, on behalf of Navajo Broadcasting Company, Inc., through counsel, is an original and six (6) copies of a "Petition to Amend the FM Table of Allotments" (47 C.F.R. 73.202(b)).

Navajo Broadcasting Company, Inc. requests Commission consideration of its request to substitute FM Channel 253C1 for its presently authorized Channel 221C1 in order to better serve Holbrook, Arizona, its city of license.

Should any questions arise concerning this matter, please contact the undersigned, directly.

Respectfully submitted,

By: Richard J. Hayes, Jr.

Richard J. Hayes, Jr., Esquire

Counsel to:

Navajo Broadcasting Company, Inc.

RJH:tb
Enclosures

No. of Copies rec'd
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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554

RECEIVED

JUN 17 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN THE MATTER OF:

AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS
FM BROADCAST STATIONS
HOLBROOK, ARIZONA

BC DOCKET NO: _____
RM NO: _____

TO: CHIEF, ALLOCATIONS BRANCH

PETITION FOR RULE MAKING

COMES NOW, Navajo Broadcasting Company, Inc. ("NBCI"), through counsel, and pursuant to the provisions of Section 1.401 of the Commission's Rules (47 C.F.R.1.401) requesting that the Table of Allotments in Section 73.202(b) of the Federal Communications Commission's Rules and Regulations be amended. NBCI is the licensee of KZUA-FM, Channel 221C1, Holbrook, Arizona.

NBCI hereby requests that the FM Table of Allotments in Section 73.202(b) be amended to permit the substitution of FM Channel 253C1 for FM Channel 221C1. NBCI requests that the FM Table of Allotments be amended as follows:

Location	Present	Proposed
Holbrook, Arizona	221C1	253C1

There are compelling, public interest justifications for granting this rule making, and in support thereof, the following is shown:

PRELIMINARY STATEMENT

KZUA-FM is a licensed, operating Class C1 FM facility serving Holbrook, Arizona. At the present time, KZUA-FM's tower is located near the airport facility in Holbrook, Arizona. At its present location, KZUA-FM is limited by FAA rules to a tower height of three hundred feet. At that height, KZUA-FM cannot achieve maximum Class C1 operating parameters and its service to the community is restricted. NBCI has searched throughout the region for a suitable, substitute transmitter site but has found its efforts limited by terrain restrictions, minimum distance separation limitations or city-grade coverage/line of sight difficulties. This Petition for Rulemaking, reluctantly filed, represents NBCI's best hope for maximizing the Class and coverage potential of KZUA-FM. This Petition is not filed without a thorough appreciation of the costs and inconvenience to the licensee occasioned by a change in tower site and channel. The short-term inconveniences and expenses are, however, offset by the long-term gains in public service to be realized by a change in tower location and channel. NBCI has concluded that the only feasible way to achieve maximum operating parameters for its Class C1 facility is to substitute Channel 253C1 for its presently authorized Channel 221C1.

The purpose of this request, therefore, is to seek Commission authority to substitute Channel 253C1 for Channel 221C1 at Holbrook, Arizona and to modify the license of KZUA-FM to specify operation on the new channel. NBCI is cognizant of the fact that the channel it seeks is not a co-channel or adjacent channel. The attached engineering study indicates, however, that there is more than one equivalent channel available to satisfy any competing expression of interest for Channel 253C1 should such a proposal be submitted to the Commission. KZUA is presently a Class C1 facility and it not seeking an upgrade to a higher class channel.

EFFICIENT USE OF SPECTRUM

Such an amendment of the FM Table of Allotments would further the Commission's goal of providing a more efficient use of the FM Spectrum. As indicated above, NBCI's broadcast facility at Holbrook is limited by several factors which preclude it from simply changing tower sites on its present channel. In order to maximize its class of facility, KZUA-FM must change channels. No other person or community has expressed any interest in

this channel at Holbrook, Arizona. The area in which NBCI proposes to locate its new tower on the substitute frequency is not within 290 kilometers of the U.S. border. No foreign concurrence is required. Due to required mileage separations and FAA constraints, however, NBCI requests that its proposed site be used as a special reference point for this allocation. The attached engineering study sets forth the coordinates at which the Petitioner proposes to construct the modified facility.

ENGINEERING CONSIDERATIONS

A. Substantial Area to Receive Additional Service

Petitioner's engineering exhibit, as attached, provides an analysis of a complete search of the FM band. That study concludes that proposed Channel 253C1 would provide city-grade coverage to Holbrook, Arizona while satisfying all FAA restrictions and line-of-sight requirements. Channel 253C1 could be allotted, consistent with the mileage separation requirements of the Commission's Rules. The consideration of all factors shows that this proposal can be accommodated and that Channel 253C1 can be substituted for Channel 221A at Holbrook, Arizona and that the license of KZUA-FM can be modified, accordingly, without jeopardizing any other community or facility. No community would lose any present or potential service and a substantial area of service would be added if this proposed allocation is granted. At present, KZUA-FM serves 7,478 persons from its facility near the Holbrook airport. If the Commission grants this request to substitute Channel 253C1 for Channel 221C1, KZUA-FM will serve, according to the 1990 census, 23,500 persons and will move away from its location near the airport. For these reasons, NBCI believes that this proposal is in the Public Interest and should be granted.

PETITIONER'S INTENTION TO APPLY FOR CHANNEL 221A

If these proposed changes are implemented by the Commission, the Petitioner intends to file an application for a construction permit, and if awarded the permit, to promptly construct the facility. Financially, the Petitioner is qualified to construct and operate the facility sought.

NAVAJO BROADCASTING COMPANY, INC.
PETITION FOR RULE MAKING
PAGE FOUR

SUMMARY

No community will lose any present or proposed service as a result of a grant of this "Petition for Rule Making" and, furthermore, a substantial new area of service will be added. This "Petition" would, if granted, provide for an efficient utilization of both Commission and spectrum resources.

THEREFORE, in view of the foregoing facts and the benefits to be gained by the public, Petitioner requests that the FM Table of Allotments (Section 73.202(b)) be amended to substitute Channel 253C1 for Channel 221C1 at Holbrook, Arizona and that the license of KZUA-FM be modified, accordingly.

Respectfully submitted,

NAVAJO BROADCASTING COMPANY, INC.

By: Richard J. Hayes, Jr.

Richard J. Hayes, Jr.
Its Attorney

Richard J. Hayes, Jr.
Attorney at Law
8404 Lee's Ridge Road
Warrenton, Virginia 20186

540-349-9970

Date: June 16, 1999

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554**

IN THE MATTER OF:

**AMENDMENT OF SECTION 73.202(B)
TABLE OF ALLOTMENTS)
FM BROADCAST STATIONS
HOLBROOK, ARIZONA**

**BC DOCKET NO: _____
RM NO: _____**

NOTICE OF PROPOSED RULE MAKING

Adopted:

Released:

By the Chief, Policy and Rules Division:

1. The Commission has before it for consideration the Petition for Rule Making submitted by Navajo Broadcasting Company, Inc. requesting the substitution of Channel 253C1 for Channel 221C1 and the modification of the license of its KZUA-FM facility at Holbrook, Arizona to specify operation on the substitute channel.
2. Channel 253C1 can be allotted to Holbrook, Arizona in compliance with the Commission's minimum distance separation requirements as evidenced in the Petitioner's engineering statement. Petitioner states that the public interest would benefit from the allotment of this channel as it would increase the population served by KZUA-FM from 7,478 persons to 23,500 persons.
3. In order to effectuate this proposal, the Commission proposes to amend the Table of Allotments, Section 73.202(b) of the Commission's Rules with respect to the following community:

	Present	Proposed
Holbrook, Arizona	221C1	253C1

4. The Commission's authority to institute rule making proceedings, showings required, cutoff procedures, and filing guidelines are incorporated by reference, herein. NOTE: A showing of continuing interest is required by Paragraph 2 of the Appendix before a channel will be assigned.
5. Interested parties may file comments on or before , and reply comments on or before, and are advised to read the Appendix for the proper procedures. Additionally, a copy of such comments should be served on the Petitioner, as follows:

Notice of Proposed Rule Making
Page Two

Richard J. Hayes, Jr., Esquire
8404 Lee's Ridge Road
Warrenton, Virginia 20186
Counsel to Navajo Broadcasting Company, Inc.

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 Assignments, 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 Fed. Reg. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact the Mass Media Bureau (202) 418-2710. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. An ex parte contact is a message (spoken or written) officially filed at the Commission or oral presentation required by the Commission. 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

Chief, Policy and Rules Division
Mass Media Bureau

JOHN J. MULLANEY
JOHN H. MULLANEY, P.E. (1994)
ALAN E. GEARING, P.E.

301 921-0115 Voice
301 590-9757 Fax
mullengr@aol.com E-mail

MULLANEY ENGINEERING, INC.

9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877

ENGINEERING EXHIBIT EE:

**NAVAJO BROADCASTING COMPANY, INC.
RADIO STATION KZUA
HOLBROOK, ARIZONA
SUBSTITUTION OF FM CHANNEL 253C1 FOR 221C1**

MAY 26, 1999

**ORIGINAL
SIGNATURE**

**ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE FM TABLE OF ASSIGNMENTS**

MULLANEY ENGINEERING, INC.

ENGINEERING EXHIBIT EE:

NAVAJO BROADCASTING COMPANY, INC.
RADIO STATION KZUA
HOLBROOK, ARIZONA
SUBSTITUTION OF FM CHANNEL 253C1 FOR 221C1

TABLE OF CONTENTS:

1. Declaration of Engineer
2. Narrative Statement.
3. Figure 1, Channel Allocation Study for Ch. 253C1.
from the Requested Reference Coordinates.
4. Figure 2, Allowable Area Map for Ch. 253C1.

DECLARATION

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. from Catholic University, and my qualifications are known to the Federal Communications Commission, and that I am an associate engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Navajo Broadcasting Company, Inc., licensee of Radio Station KZUA in Holbrook, Arizona, to prepare an engineering statement in support of a Petition to Amend the FM Table of Assignments.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.


John J. Mullaney

Executed on the 26th day of May 1999.

ENGINEERING EXHIBIT EE:

NAVAJO BROADCASTING COMPANY, INC.
RADIO STATION KZUA
HOLBROOK, ARIZONA
SUBSTITUTION OF FM CHANNEL 253C1 FOR 221C1

NARRATIVE STATEMENT:

I. GENERAL:

This engineering statement has been prepared on behalf of Navajo Broadcasting Company, Inc., which presently operates FM Station KZUA on Ch. 221C1 at Holbrook, Arizona. The purpose of this statement is to support a request that the FM Table of Assignments be amended to substitute Ch. 253C1 for 221C1 at Holbrook, Arizona. The new channel will permit KZUA to relocate to a site which permits a KZUA to achieve a greater HAAT.

KZUA wishes to point out that while the channel it seeks is of the same class and is not on its existing or an adjacent channel there is more than one equivalent channel available in the same area (Section 1.420(g) of the rules).

It should be noted that the area in question is not within 290 kilometers (180 miles) of a U.S. Border and, therefore, foreign concurrence is not required.

II. ENGINEERING DISCUSSION:

A. Proposed Site:

KZUA proposes to erect a new tower approximately 24 KM (15 mi) from their existing tower site. The new site is south-southeast of Holbrook, AZ. Because of required separations and FAA constraints, KZUA requests that this site be used as a special reference point for the allocation.

Latitude: 34° 41' 25"
Longitude: 110° 06' 00"

The proposed site will provide an unobstructed view of the City of License, Holbrook, Arizona and is located close enough (less than 30 km away) to serve the entire Community with the required 3.16 mV/M contour.

B. Channel Allocation Study:

Figure 1 is a Channel Allocation Study from the Special Reference Point proposed herein which indicates the required separation in kilometers to all known Licenses, Construction Permits, Open Allocations, pending Applications, and pending Rule Makings. From this study it can be determined that the proposed special reference point exceeds all of the minimum separations.

Figure 2 is a map which illustrates these restrictions and the resulting area in which the tower site must be located.

Although not specifically shown, Channels 221C1, 251C1 and 285C1 are all available in the local area to meet other expressions of interest.

C. Public Interest Showing:

KZUA presently operates a Class C1 FM with 100 KW at 81 meters HAAT. The proposed substitution of Ch. 253C1 will permit KZUA to move away from the local airport in Holbrook to a site which will permit it to achieve a greater HAAT and thus a greater service area. The population within the 60 dBu will increase from the present 7,478 persons to over 23,500 persons.

Based upon the above reasons KZUA believes that the requested channel substitution is in the Public Interest and should therefore be granted by the Commission.

III. SUMMARY:

Navajo Broadcasting Company, Inc., Licensee of Radio Station KZUA requests that the FM Table of Assignments be amended to substitute FM Channel 253C1 for 221C1 at Holbrook, Arizona.

City	Present	Proposed
Holbrook, Arizona	212A, 221C1	212A, 253C1

KZUA believes that the proposed substitution will Serve the Public Interest. If granted, KZUA will promptly file an application for construction permit to implement the channel change.

May 26, 1999.



John J. Mullaney

KZUA-P 253 C1 FA POLARIZATION ERP (KW) HAAT RCAMSL
 HOLBROOK AZ US HOR PLN BM TILT (METER) (METER)
 34.4125 110.0600 (D.MMSS) HORIZONTAL 100.000 0.000 299.0
 VERTICAL 100.000 0.000 299.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:
 ERP= 100.000 (KW) 20.0 (DBK) HAAT= 299.0 (METERS)

CALCULATED HAAT FROM TOPO DATA BASE

INTERFERING	DOMESTIC DBU KM	AZIMUTH DEGREES	HAAT (METERS)	HAAT (FEET)	CONTOURS (KM)	
					70 DBU	60 DBU
CO CHANNEL (40.0)	171.9	0.0	347.4	1139.7	53.2	75.9
1ST ADJACENT (54.0)	105.0	45.0	358.9	1177.4	53.9	76.7
2ND ADJACENT (80.0)	33.7	90.0	365.2	1198.3	54.3	77.2
3RD ADJACENT (100.0)	10.1	135.0	306.4	1005.4	50.5	72.9
		180.0	262.4	860.8	47.5	69.3
		225.0	210.6	691.0	43.9	64.8
PROTECTED (60.0)	72.3	270.0	246.0	807.1	46.4	67.9
		315.0	295.1	968.0	49.8	72.0
CITY GRADE (70.0)	50.0	AVERAGE	299.0	981.0	50.0	72.3

EST SITE ELEVATION : 1706.9 m.; 5600.0 ft.
 EST RAD CENTER AGL : 270.5 m.; 887.4 ft.
 RAD CENTER A.M.S.L.: 1977.4 m.; 6487.4 ft.

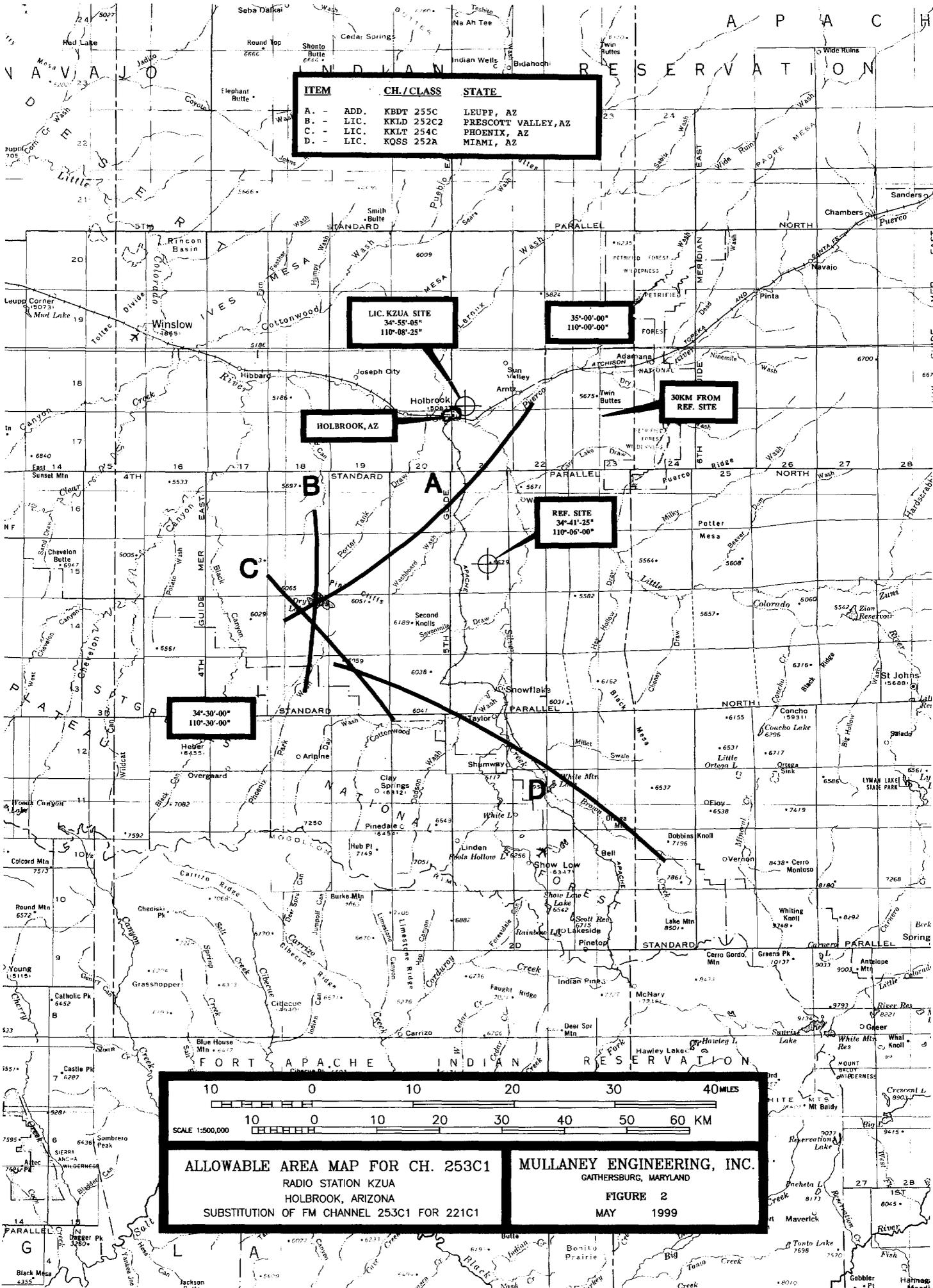
 NO CHANNEL 6 TV STATIONS WITHIN 48. KM

 THE MEXICAN BORDER IS 367.7 KM ON A BEARING OF 150.7 DEG. TRUE

AZIMUTH		CALL	STS	FILE NUMBER	CITY	ST C	LAT (D.MMSS)	LONG	REL CHN	ERP (KW)		HAAT (M)	D I-CON A F5010	P-CON F5050	IR DIST (KM)	IC RSEP (KM)	REZLT IR IC (KM)
FROM	TO									HORZ	VERT						
204.7	24.3	KQSS	LIC	BLH870629KB	Miami	AZ A	33.2430	110.4814	1ST 252A	3.00H	3.00V	-91			156.3	133.	
270.4	89.3	KKLD	LIC	BLH960125KD	Prescott	AZ A	34.4111	112.0658	1ST 252C2	0.88H	0.88V	776			184.7	158.	
68.5	250.6	KABG	LIC	BLH970828KF	Los Alamo	NM A	35.4649	106.3137	CO 253C	100.H	100.V	581			347.0	270.	
230.7	49.6	KKLT	LIC	BLH901002KA	Phoenix	AZ A	33.1958	112.0348	1ST 254C	100.B	100.B	545			235.7	209.	
22.1	202.9	KRTZ	LIC	BLH831129AA	Cortez	CO A	37.1310	108.4826	1ST 254C	27.0H	27.0V	884			303.9	209.	
316.6	136.1	KBDT	ADD	RM9334	Leupp	AZ A	35.2634	110.5840	2ND 255C	H	V	0			115.7	105.	
COMMENTReallotment proposal from Oraibi, AZ													**DOCKET**98-179 **				
316.6	136.1	KBDT	CP	BPH961113MB	Oraibi	AZ A	35.2634	110.5840	2ND 255C	100.H	100.V	600			115.7	105.	

THERE WERE 0 AM STATIONS WITHIN 6.43 KM (4 MI) OF THE FM REFERENCE COORDINATES

CHANNEL ALLOCATION STUDY FOR CH. 253C1 FROM THE REQUESTED REFERENCE COORDINATES RADIO STATION KZUA HOLBROOK, ARIZONA SUBSTITUTION OF FM CHANNEL 253C1 FOR 221C1	MULLANEY ENGINEERING, INC. GAITHERSBURG, MARYLAND FIGURE 1 MAY 1999
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ITEM	CH./CLASS	STATE
A. -	ADD. KBDT 255C	LEUPP, AZ
B. -	LIC. KKLD 252C2	PRESCOTT VALLEY, AZ
C. -	LIC. KKLT 254C	PHOENIX, AZ
D. -	LIC. KQSS 252A	MIAMI, AZ

LIC. KZUA SITE
34°-55'-05"
110°-08'-25"

35°-00'-00"
110°-00'-00"

30KM FROM
REF. SITE

REF. SITE
34°-41'-25"
110°-06'-00"

34°-30'-00"
110°-30'-00"

10 0 10 20 30 40 MILES
10 0 10 20 30 40 50 60 KM
SCALE 1:500,000

ALLOWABLE AREA MAP FOR CH. 253C1
 RADIO STATION KZUA
 HOLBROOK, ARIZONA
 SUBSTITUTION OF FM CHANNEL 253C1 FOR 221C1

MULLANEY ENGINEERING, INC.
 GAITHERSBURG, MARYLAND
 FIGURE 2
 MAY 1999