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PRACTICE LIMITED TO
MATTERS BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

June 14, 1999

VIA FEDERAL EXPRESS

Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street
Washington, DC 20554

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JUN 18 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: Petition for Rule Making
Grand Isle and Empire, Louisiana

Dear Ms. Salas:

Transmitted herewith, on behalf of Blue Dolphin Communications, Inc., are an original and four copies of its Petition for Rule Making seeking changes in the FM Table of Allotments at Grand Isle and Empire, Louisiana.

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

Sincerely,



William J. Pennington, III
COUNSEL TO BLUE DOLPHIN
COMMUNICATIONS, INC.

Enc.
WJP/klm

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

RECEIVED

JUN 18 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No.
Table of Allotments)	RM-
FM Broadcast Stations)	
(Grand Isle and Empire, Louisiana)	

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

**PETITION FOR RULE MAKING AND
REQUEST FOR MODIFICATION OF CONSTRUCTION PERMIT**

Blue Dolphin Communications, Inc. (hereinafter Blue Dolphin), permittee of FM Station KBIL at Grand Isle, Louisiana, hereby requests the following changes to the FM Table of Allotments, Section 73.202(b) of the Commission's Rules:

It is proposed to substitute Channel 283C2 for Channel 283A and change community of license to Empire, Louisiana to provide a first local service to that community. These proposed changes are summarized as follows:

COMMUNITY	ALLOTMENTS	
	EXISTING	PROPOSED
Grand Isle, LA	283A	None
Empire, LA	None	283C2

In support hereof, the petitioner states the following:

I. TECHNICAL COMPLIANCE

1. Unbuilt Station KBIL(FM) is authorized to operate on Channel 283A at Grand Isle, Louisiana. That channel would be upgraded to Channel 283C2 and provide a first local service to Empire, Louisiana. As demonstrated in the attached Exhibit 1, Channel 283C2 can be allotted at coordinates North Latitude 29-29-07 and West Longitude 89-46-39 consistent with the Commission's spacing and principal community coverage requirements. These coordinates are located twenty kilometers northwest of Empire. The channel may also be allotted at the geographic coordinates which represent the proposed community of license. Exhibit 2 shows that from the proposed allocation coordinates the total community of Empire would receive 70 dBu service.

II. CHANGE IN COMMUNITY OF ALLOTMENT

2. Empire is located in Plaquemines Parish and is a thriving community and in need of a first local service.

3. In Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a new Community of License, 4 FCC Rcd 4870 (1989) recons. granted in part, 5 FCC Rcd 7094 (1990) (hereinafter "Community of License") the Commission stated that it would allow a station to change its community of license provided it met certain criteria; (1) the proposed channel must be mutually exclusive with the existing channel; (2) the new community must be preferred over the existing community under the Commission's allotment priorities; and (3) the existing community may not be deprived of its only existing service.

4. The proposed use of Channel 283C2 at Empire conflicts with the existing use of Channel 283A at Grand Isle. See Exhibit 1. The proposed reallocation from Grand Isle to Empire will provide a first local service to a larger community -- Empire (2,654) than Grand Isle (1,455). Empire is a Census Designated Place as defined by the U.S. Census Bureau. Exhibit 3 is a copy of the U.S. Gazetteer from the U.S. Census Bureau which shows the information relating to Empire. No community in Plaquemines Parish is an incorporated entity. In fact, Port Sulphur which has an AM and FM station licensed is also a Census Designated Place.

5. The community of Grand Isle will **not** lose any existing service as Station KBIL(FM) is an unbuilt construction permit and has yet to provide that community with any service. The Commission has stated in the past that the loss of service from an unbuilt construction permit is only a potential loss and is not the same as the loss from a licensed service that has been operating on the air and which the public has an expectation will continue. Thus, the Commission's comparative criteria would favor a first local service to Empire over the first local service to Grand Isle.

6. In Community of License supra at 7096, the Commission stated that it was concerned with the potential migration of stations from underserved rural areas to well served urban areas. In making determination whether to award a first local service preference, the Commission has been guided by the criteria set forth in Faye and Richard Tuck, 3 FCC Rcd 5374 (1988).

7. Empire is not located within or near an urbanized area. The proposed 70 will not cover over fifty percent of any urbanized area. Empire is an independent community.

8. Empire is a vibrant community along the banks of the Mississippi River in lower southeastern Louisiana. Although Empire is not incorporated, it is a Census Designated Place and the community has all of the indicia for allotment purposes. Empire has numerous stores, banks, churches, stores, fire department and local community and civic organizations. The area's economy is tied directly to the commerce along the Mississippi River and nearby gas and oil related businesses.

9. Although the reallocation of Channel 283 from Grand Isle to Empire will not result in a loss of existing service, as Station KBIL(FM) is an unbuilt construction permit, there will be a substantial gain in both population and area served by the facility

	<u>Population</u>	<u>Area</u>
Present - Channel 283A	1,534	1,790.3 sq. KM
Proposed - Channel 283C3	126,324	8,376.6 sq. KM

10. The proposed reallocation of Channel 283 to Empire will not create any white or gray area and the area that would be served by Channel 283A at Grand Isle will still receive over five services. Attached as Exhibit 4 is a list of the stations which will provide service to the presently populated KBIL(FM) service area. The community of Grand Isle is located on an island between the Gulf of Mexico and Barataria Bay. Although the island is accessible by State Highway 1, the area for some ten miles before the bridge that crosses over to Grand Isle is nothing but inhabited bayou. Attached as Exhibit 4-A are maps of those stations which show the coverage that would be provided by the construction permit for Station KBIL(FM).

11. The Petitioner will file an application seeking to relocate and upgrade Station KBIL(FM) if the requested changes are effectuated. And if granted a construction permit for the requested changes the Petitioner will promptly construct the facility changes as outlined.

CONCLUSION

12. The public interest will be served by (1) upgrading and relocating Station KBIL(FM) in order to provide a first local service to Empire, Louisiana while substantially increasing the number of persons and area served by the facility. The area presently authorized to be served at Grand Isle will still receive adequate service from other existing facilities. These public interest benefits compel favorable action on this proposal. Accordingly, the Petitioner urges the Commission to grant this proposal.

Respectfully submitted,

BLUE DOLPHIN COMMUNICATIONS, INC.

By: _____

William J. Pennington, III
Its Attorney

William J. Pennington, III
Attorney at Law
(Admitted in SC & NC Only)
Post Office Box 403
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(413 562-3341)

Dated: June 9, 1999

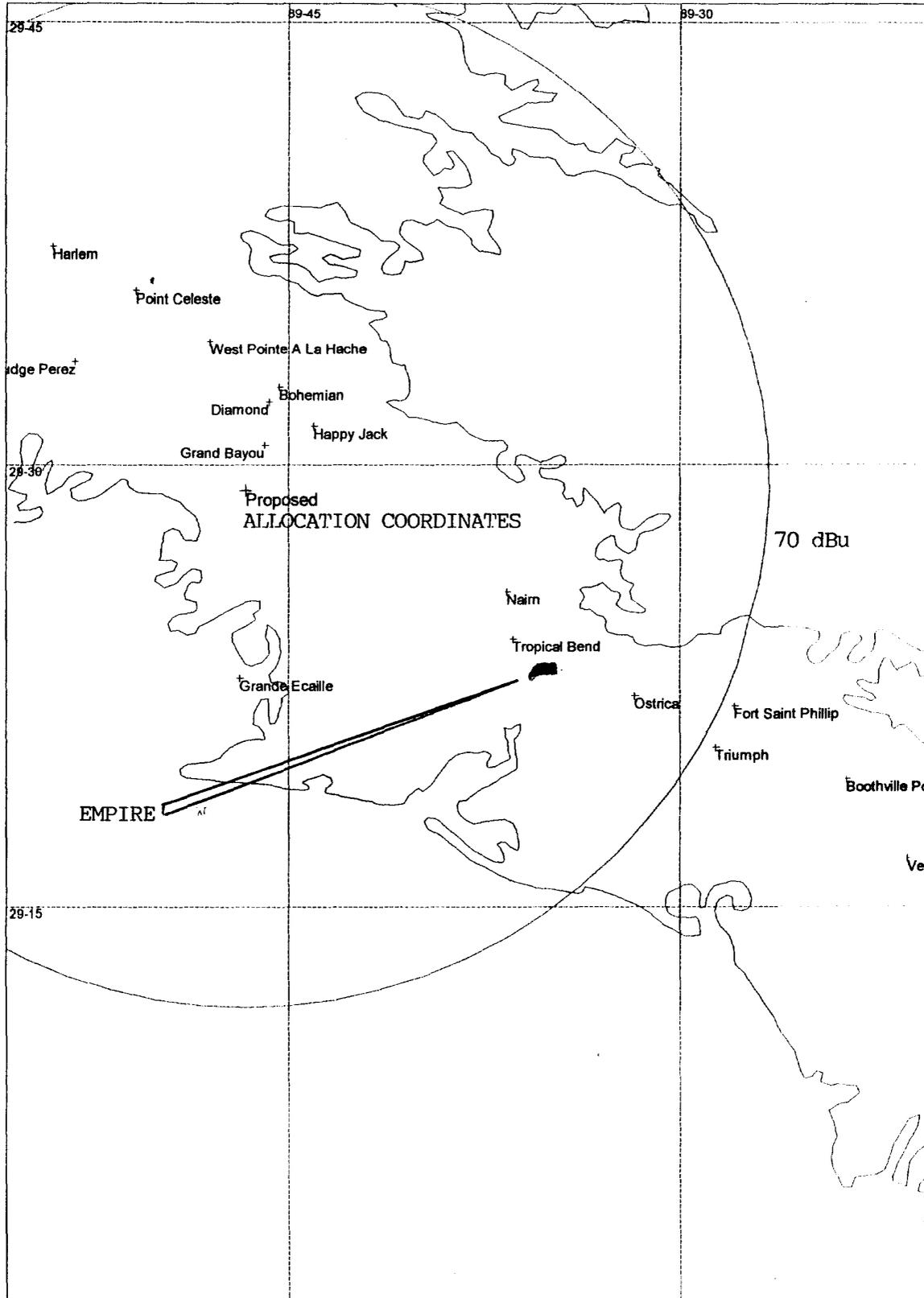
CHANNEL SPACING STUDY

MAPFM search of channel 283C2 (104.5 MHz), at N. 29 29 7, W. 89 46 39.

Searching Channel 283C2 (104.5 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG
CLEARANCE								
ALC	Houma	LA	281	C	U	105.2	105.0	299.6ø 0.2
KUMX	Houma	LA	281	C	L	105.2	105.0	299.6ø 0.2
ALC	Grand Isle	LA	283	A	U	35.4	163.0	217.3ø -127.6
ALC	Grand Isle	LA	283	C1	V	32.4	224.0	215.9ø -191.6
KBIL	Grand Isle	LA	283	C1	A	32.4	224.0	215.9ø -191.6
KBIL	Grand Isle	LA	283	A	C	32.4	163.0	215.9ø -130.6
WBJJ	Jackson	LA	283	A	C	196.4	163.0	314.1ø 33.4
ALC	Hattiesburg	MS	283	C1	U	224.0	224.0	15.7ø -0.0
WXRR	Hattiesburg	MS	283	C1	L	224.0	224.0	15.7ø 0.0
ALC	Folsom	LA	284	A	U	143.1	105.0	341.2ø 38.1
WYLK	Folsom	LA	284	A	L	134.0	105.0	347.4ø 29.0

70 Bu COVERAGE OF EMPIRE



Scale 1:380000

FM Service

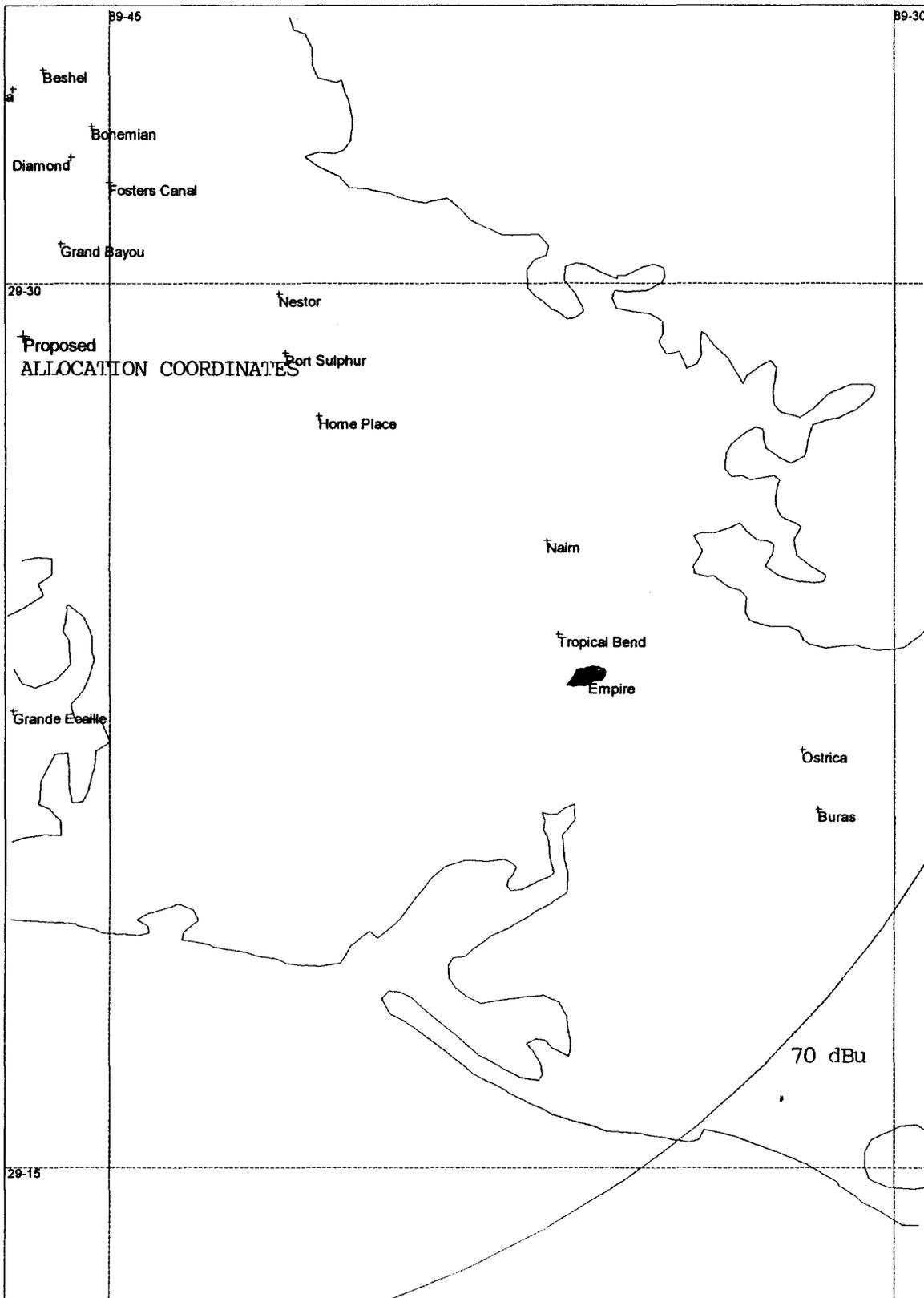
State Borders

Lat-Lon Grids

City Borders

10 Km

70 Bu COVERAGE OF EMPIRE



U.S. Census Bureau

U.S. Gazetteer

Select one of the following matches to your query to look at that place in the Tiger Map Browser or retrieve 1990 Census tables.

You can search this index. Type the keyword(s) you want to search for:

- **Empire, LA (cdp)**
Population (1990): 2654
Location: 29.41189 N, 89.61061 W
Zip Code(s): 70041 70083
Browse Tiger [Map](#) of area.
Lookup 1990 Census [STF1A](#), [STF3A](#) tables.

*Note: This dataset is derived from the Census GICS and does not contain unincorporated place names.

For other geographic entities, try searching the [USGS Geographic Names Information System](#).
The [US Gazetteer Place and Zipcode files](#) used in this service is available for downloading.

For additional information, comments and suggestions, see the [Feedback](#) page.

Exhibit 4

**LIST OF STATIONS PROVIDING
SERVICE TO THE PRESENT KBIL(FM) SERVICE AREA**

<u>Station</u>	<u>Frequency</u>	<u>Power</u>
WYLD(AM) New Orleans, LA	940 kHz.	10.0KW - DA-D
WWL(AM) New Orleans, LA	870 kHz.	50.0 KW - DA-D
KLEB(AM) Golden Meadow, LA	1600 kHz.	5.0 KW - DA-D
KAY(AM) Port Sulphur, LA	1510 kHz.	1.0 KW - ND
WLNO(AM) New Orleans, LA	1060 kHz.	50.0 KW - DA-D
**WTIX-FM Galliano, LA	94.3 MHz.	100 KW 299 M HAAT

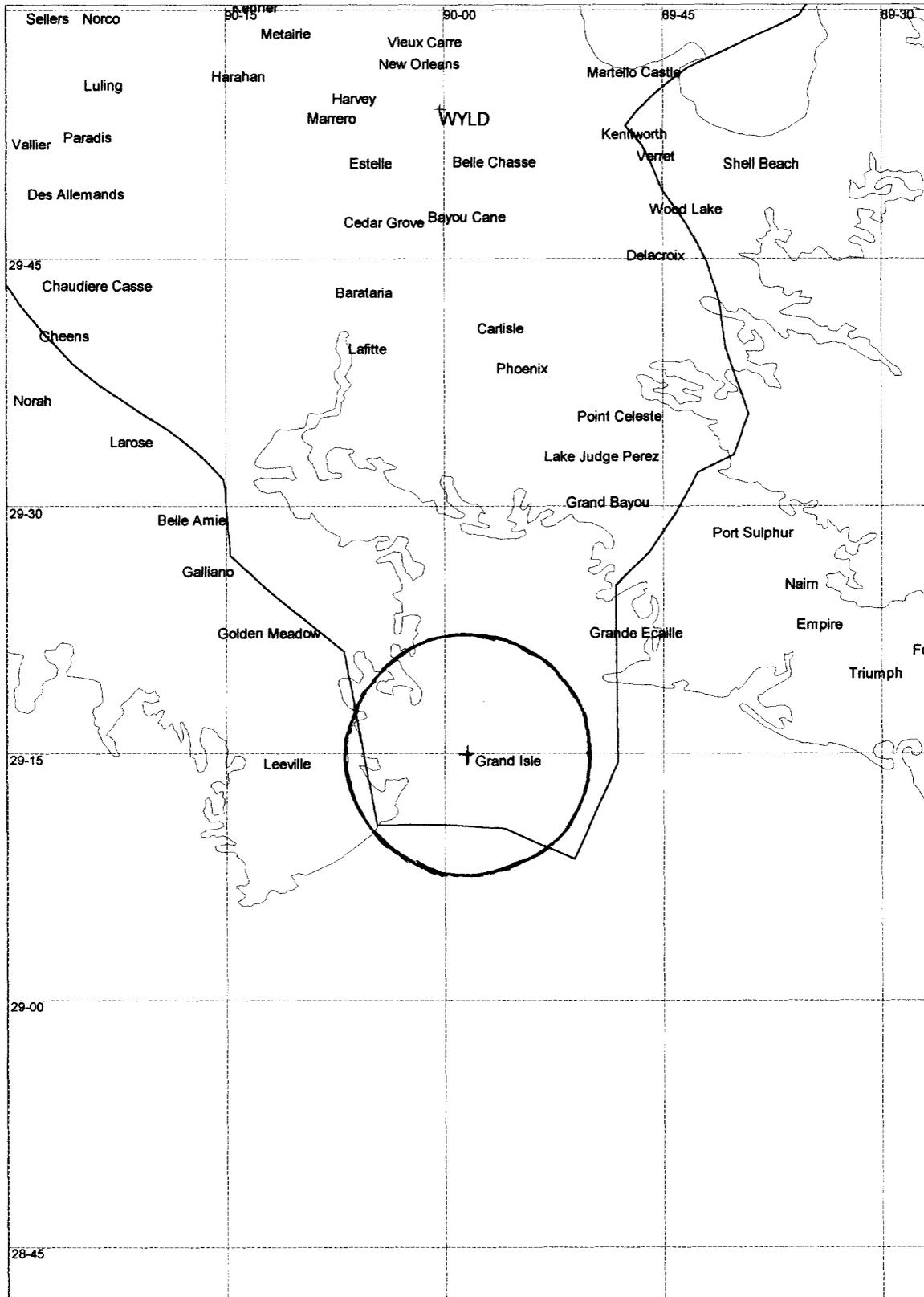
** Station WTIX(FM) has just recently filed a license application covering the above outlined operation. The station is presently operating with those facilities.

The portions of the present KBIL(FM) 70 dBu contour that do not receive coverage from the above listed stations lie within the Gulf of Mexico or areas of bayou that are covered by water and are not inhabited. All inhabited areas receive city grade service from the above listed stations.

EXHIBIT 4-A

**MAPS SHOWING OTHER STATION COVERAGE
OF THE PRESENT KBIL(FM) 70 dBu SERVICE AREA**

KBIL(FM) & WYLD(AM) CITY GRADE SERVICE CONTOURS

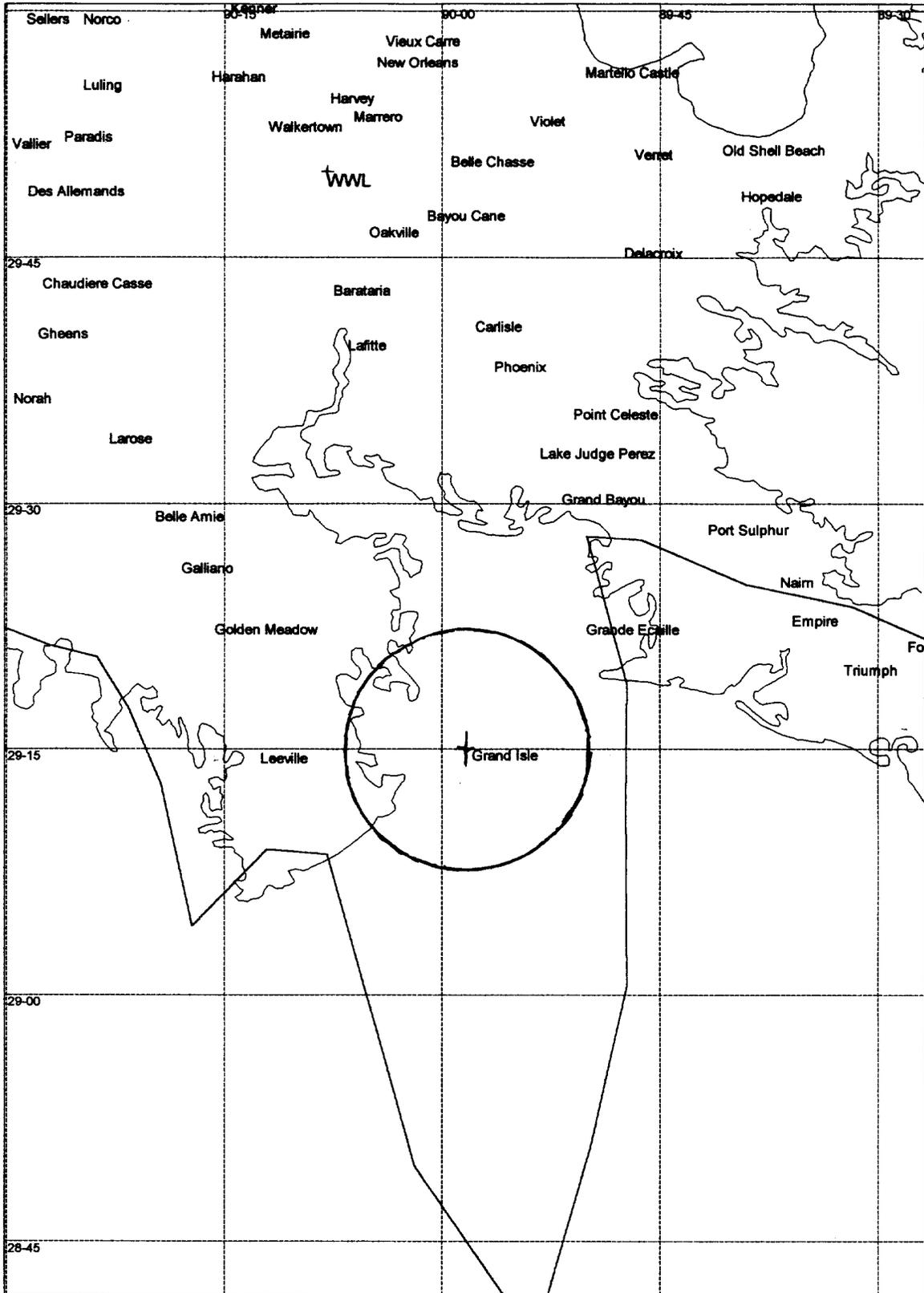


Scale 1:670000

25 Km

— AM Service Night — State Borders - - - Lat-Lon Grids

KBIL(FM) & WWL(AM) CITY GRADE SERVICE CONTOURS

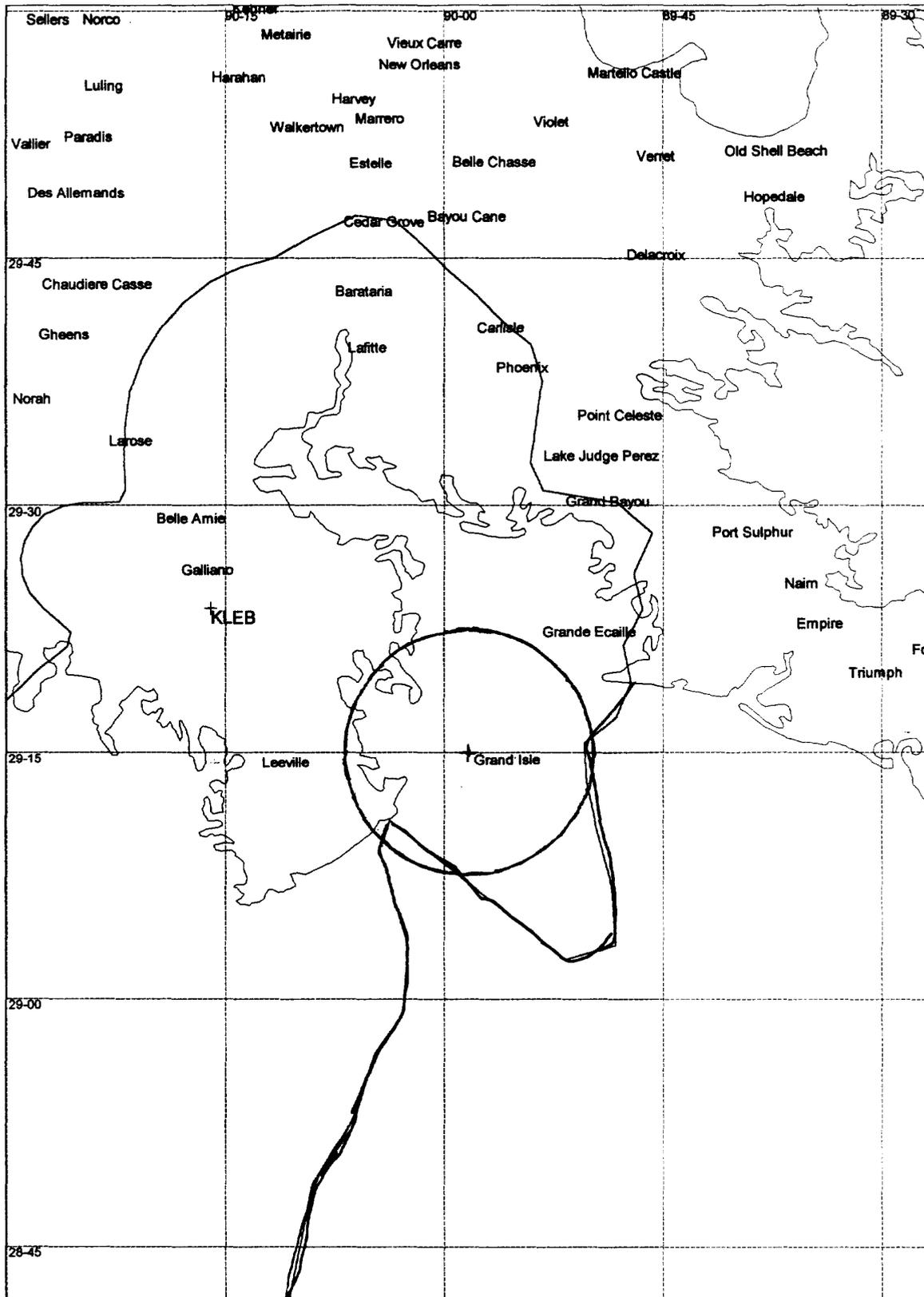


Scale 1:670000

25 Km

— AM City Day — State Borders - - - Lat-Lon Grids

KBIL(FM) & KLEB(AM) CITY GRADE SERVICE CONTOURS

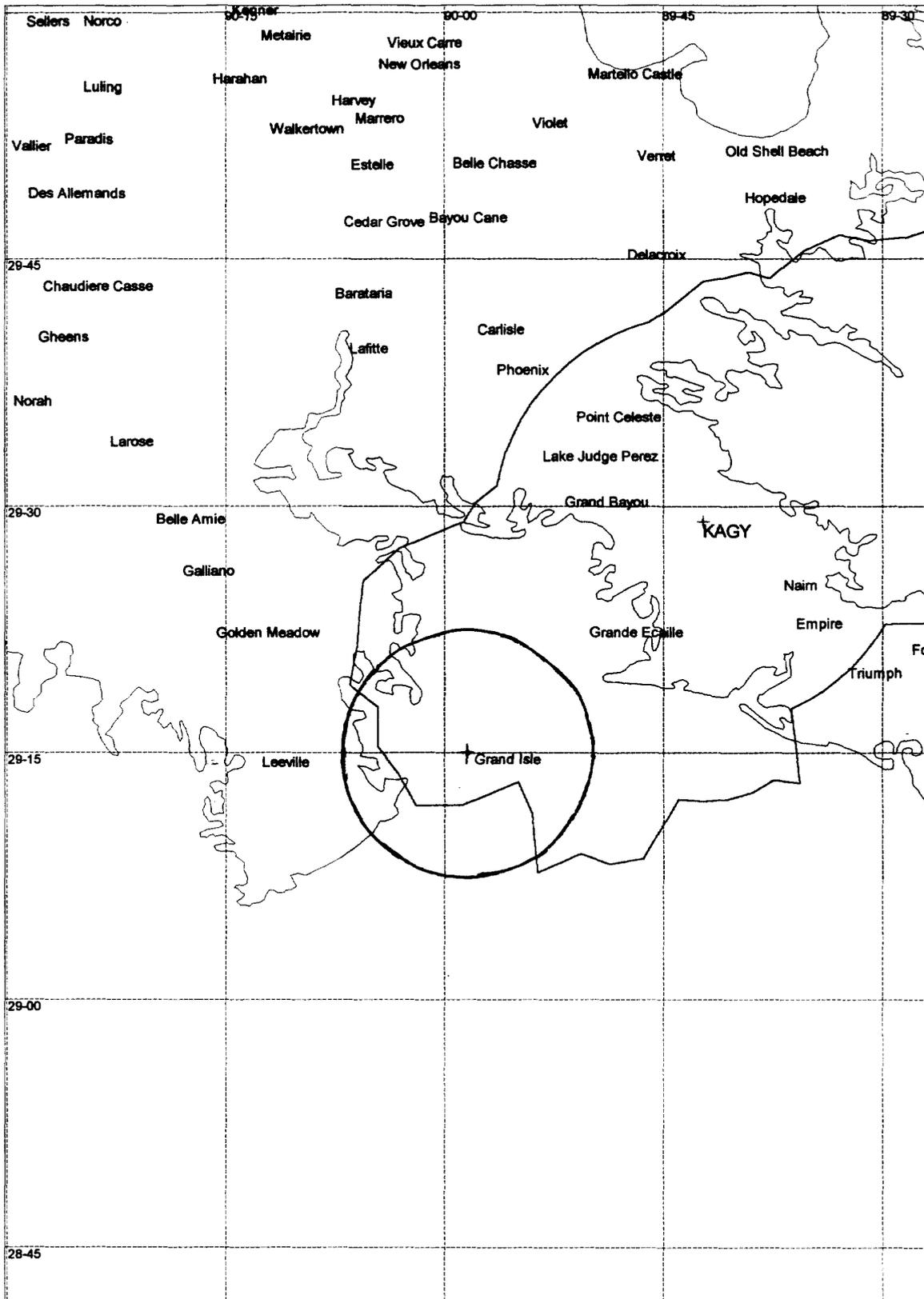


Scale 1:670000

25 Km 

— AM City Day - - - State Borders ···· Lat-Lon Grids

KBIL(FM) & KAGY(AM) CITY GRADE SERVICE CONTOURS

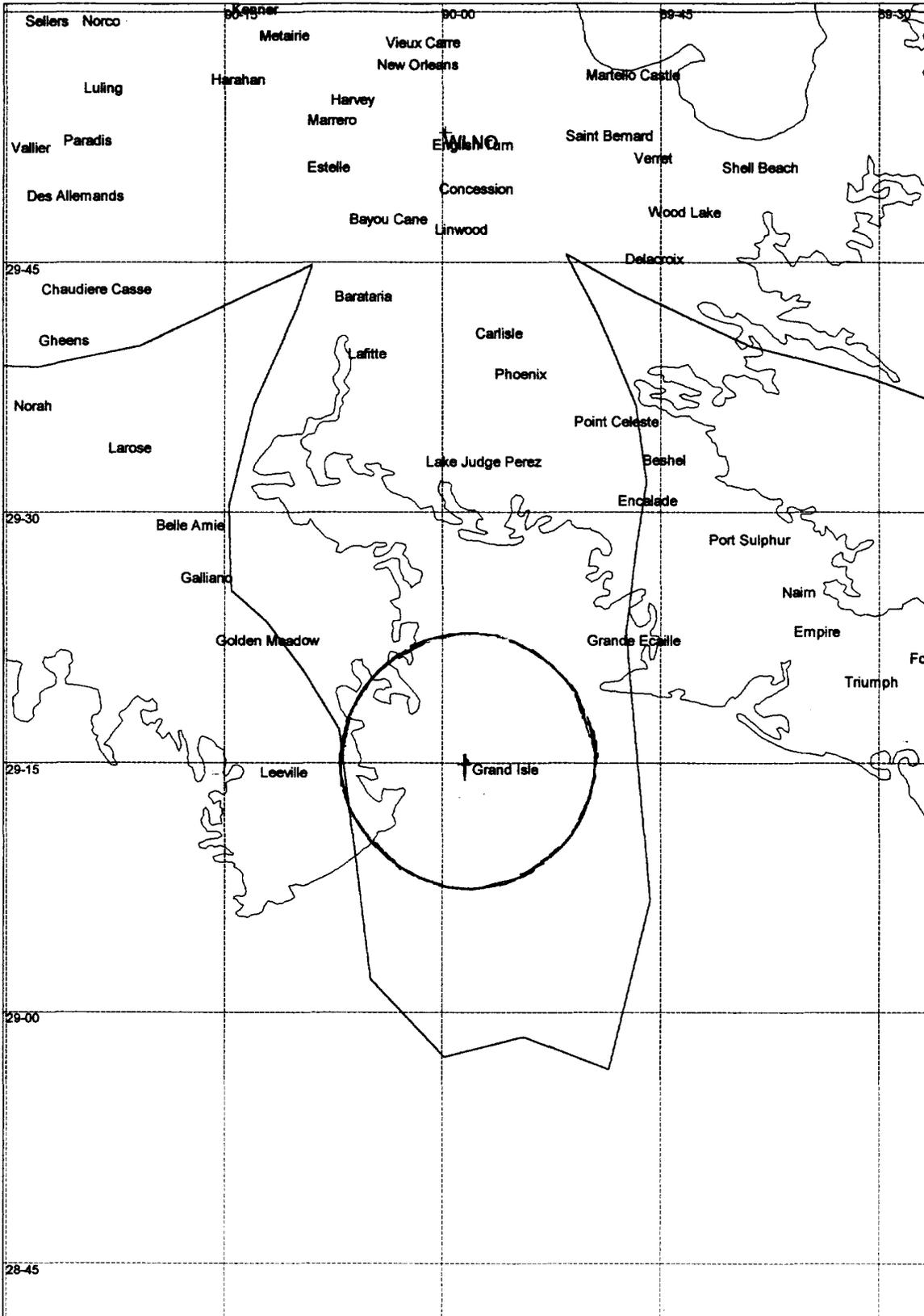


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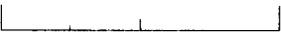
— AM City Day — State Borders - - - Lat-Lon Grids

25 Km 

KBIL(FM) & WLNO(AM) CITY GRADE SERVICE CONTOURS



Scale 1:670000

25 Km 

— AM City Day — State Borders - - - Lat-Lon Grids

PRESENT KBIL(FM) AND WTIK-FM 70 DBU SERVICE CONTOURS



Scale 1:670000

25 Km

— FM Service — State Borders - - - Lat-Lon Grids — City Borders