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Before the  
FEDERAL COMMUNICATIONS COMMISSION DOCKET FILE COPY ORIGINAL  
Washington, D.C. 20554

In the Matter of )  
)  
Amendment of Section 73.202(b) ) MM Docket No. 99-\_\_\_\_  
Table of Allotments ) RM-\_\_\_\_\_  
FM Broadcast Station )  
(Charlotte, Vermont) )

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

RECEIVED  
JUN 28 1999  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**PETITION FOR RULE MAKING**

Hometown Radio, Inc. ("Hometown"), by its attorneys, and pursuant to Section 1.401 of the Commission's rules, hereby requests that the Commission initiate a rule making proceeding to amend Section 73.202(b) of its rules by allotting Channel 290A to Charlotte, Vermont, as that community's first local transmission service.

Specifically, Hometown requests that the FM Table of Allotments be amended as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Charlotte, Vermont	--	290A

In support of this Petition, Hometown states as follows:

**TECHNICAL CONSIDERATIONS**

As demonstrated by the Technical Narrative attached hereto as Exhibit A, the requested allotment of Channel 290A to Charlotte complies with the minimum distance separation requirements for domestic stations, without the necessity of imposing a site restriction. As shown in Exhibit A, however, because the proposed Channel 290A reference point is approximately 80

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kilometers from the nearest point of the United States-Canadian border, frequency coordination with Canada is requested. See 47 C.F.R. § 73.207(b)(2) (1998).<sup>1</sup> The allotment of Channel 290A to Charlotte will provide the community with its first local transmission service, providing the Commission with a preferential arrangement of FM allotments.<sup>2</sup>

### **POLICY CONSIDERATIONS**

As noted above, although the community of Charlotte, Vermont, currently has no local aural transmission service, it has the social, economic and cultural characteristics of a community that make it deserving of a channel allotment. The 1990 United States Census reported Charlotte as having a population of 3,148 people, while the Charlotte Town Clerk reports a current population of 3,381. Charlotte is governed by the Charlotte Select Board, which is comprised of a Chairman, Vice Chairman, Treasurer and Town Clerk. Other local officials in Charlotte include a Town Planner, Zoning Administrator, Road Commissioner, Health Officer, Tree Warden, Appraiser, Tax Collector and a Town Service Officer. There are also a number of committees that exercise authority over a variety of issues in Charlotte, including a planning and zoning

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<sup>1</sup>In addition, as shown in Exhibit A, Channel 290A from the proposed reference points at Charlotte, Vermont is short-spaced to CFGL-FM, Channel 289C1, Laval, Quebec, Canada. Therefore, this proposed allotment is requested as a specially negotiated, short-spaced, maximum facility. Such specially negotiated allotments have previously been granted with approval from the Commission. See, e.g., Albion, Honeoye Falls and South Bristol Township, New York, DA 98-1574 (released August 14, 1998).

<sup>2</sup>Under the Commission's allotment criteria, priority for service is in the following order: (1) provision for first full-time aural reception service; (2) provision for second full-time aural reception service; (3) provision for first local transmission service; and (4) provision for other public interest factors. Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4873 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

committee, a conservation commission, recreation commission, school board, agriculture advisory committee and a cemetery commission. The community has its own fire department, constable police force and post office. The telephone listings for Charlotte are published in the Burlington directory, and the community has its own zip code. The following are also located in Charlotte: the Charlotte Congregational Church, Our Lady of Mount Carmel Church, the Charlotte Community Library, the Mount Philo State Park, which allows for year-round recreational activities, and the Charlotte Central School, which educates students from kindergarten to eighth grade. Many businesses are located in the community, including the Charlotte Berry Farm, Charlotte Farm and Mills, Charlotte Childrens Center, Charlotte Family Health Center, J & A Enterprises, Charlotte Sailing Center and the Old Brick Store, which is a traditional gathering place for artists, farmers, writers, gardeners, sailors and other professionals. The Charlotte News is a bi-monthly publication that enjoys a strong circulation in the community. Charlotte therefore exhibits the independent characteristics of a community that would greatly benefit from a first local broadcast service.

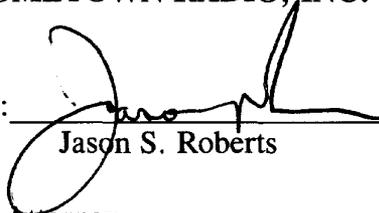
If the proposal set forth herein is adopted, Hometown will file the appropriate application for Channel 290A at Charlotte when the Commission opens a filing window, and, if authorized, will proceed promptly with the construction and operation of the new station.

**CONCLUSION**

For the foregoing reasons, Hometown respectfully requests that the Commission initiate the rule making requested herein to amend Section 73.202(b) of the Commission's rules, the Table of Allotments for FM Broadcast Stations, to allot Channel 290A to Charlotte, Vermont.

Respectfully submitted,

**HOMETOWN RADIO, INC.**

By: 

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Its Attorney

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Dated: June 28, 1999

**Hometown Radio, Inc.**

**EXHIBIT A  
TECHNICAL NARRATIVE**

TECHNICAL EXHIBIT  
IN SUPPORT OF A  
PETITION FOR RULE MAKING  
TO AMEND THE FM TABLE OF ALLOTMENTS  
CHANNEL 290A  
CHARLOTTE, VERMONT

Technical Narrative

This technical narrative and associated exhibits were prepared in support of a Petition for Rule Making to amend Section 73.202(b) by the allotment of channel 290A (105.9 MHz) to Charlotte, Vermont.

Proposed Change in Table of Allotments

It is requested that Section 73.202(b) be amended by the allotment of channel 290A to Charlotte, Vermont. Charlotte is located in Chittenden County and has a 1990 U.S. Census population of 3,148 persons. Charlotte has no local FM or AM stations. Therefore, Petitioner's proposal would provide a first local aural broadcast service to Charlotte. The proposed changes are as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Charlotte, Vermont	--	290A

The proposed channel 290A reference point is located approximately 80 km from the nearest point of the U.S.-Canadian border; therefore, coordination with Canada is necessary.

Compliance With FCC Rules

The attached Figure 1, Sheet 1, is a tabulation of required separations pertinent to use of channel 290A at Charlotte. The Charlotte reference coordinates contained in the USGS Geographic Names Information System Population of Places Database (Latitude 44°18'35" North,

Longitude 73°15'41" West) have been utilized for distance calculations. As shown, the reference coordinates comply with the Commission's minimum distance separation requirements contained in Section 73.207 with respect to all existing, authorized and proposed domestic stations and allotments.

A short-spacing for channel 290A at Charlotte is indicated on Figure 1, Sheet 1, with one Canadian station, namely, CFGL-FM on channel 289C1 at Laval, Quebec. Therefore, it is requested that the proposed allotment of channel 290A at Charlotte be coordinated with Canada as a specially-negotiated, short-spaced, maximum facility (ERP 6 kW/100 meters) Class A allotment. Sheet 2 of Figure 1 is an allocation study based on the U.S.- Canadian FM Agreement (Ottawa, February 1991) which indicates that operation on channel 290A at Charlotte would be permitted with maximum Class A facilities towards CFGL-FM.

Figure 2 is a map showing the area to locate channel 290A at Charlotte in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class A facilities (ERP 6 kW/HAAT 100 m). The Charlotte city limits shown on Figure 2 were obtained from a map contained in the 1990 U.S. Census of Population.

Conclusion

Channel 290A can be allotted to Charlotte, Vermont in compliance with all applicable Commission Rules. It will be necessary to coordinate the proposal with Canada as a specially-negotiated, short-spaced, maximum facility (ERP 6 kW/100 meters) Class A allotment.

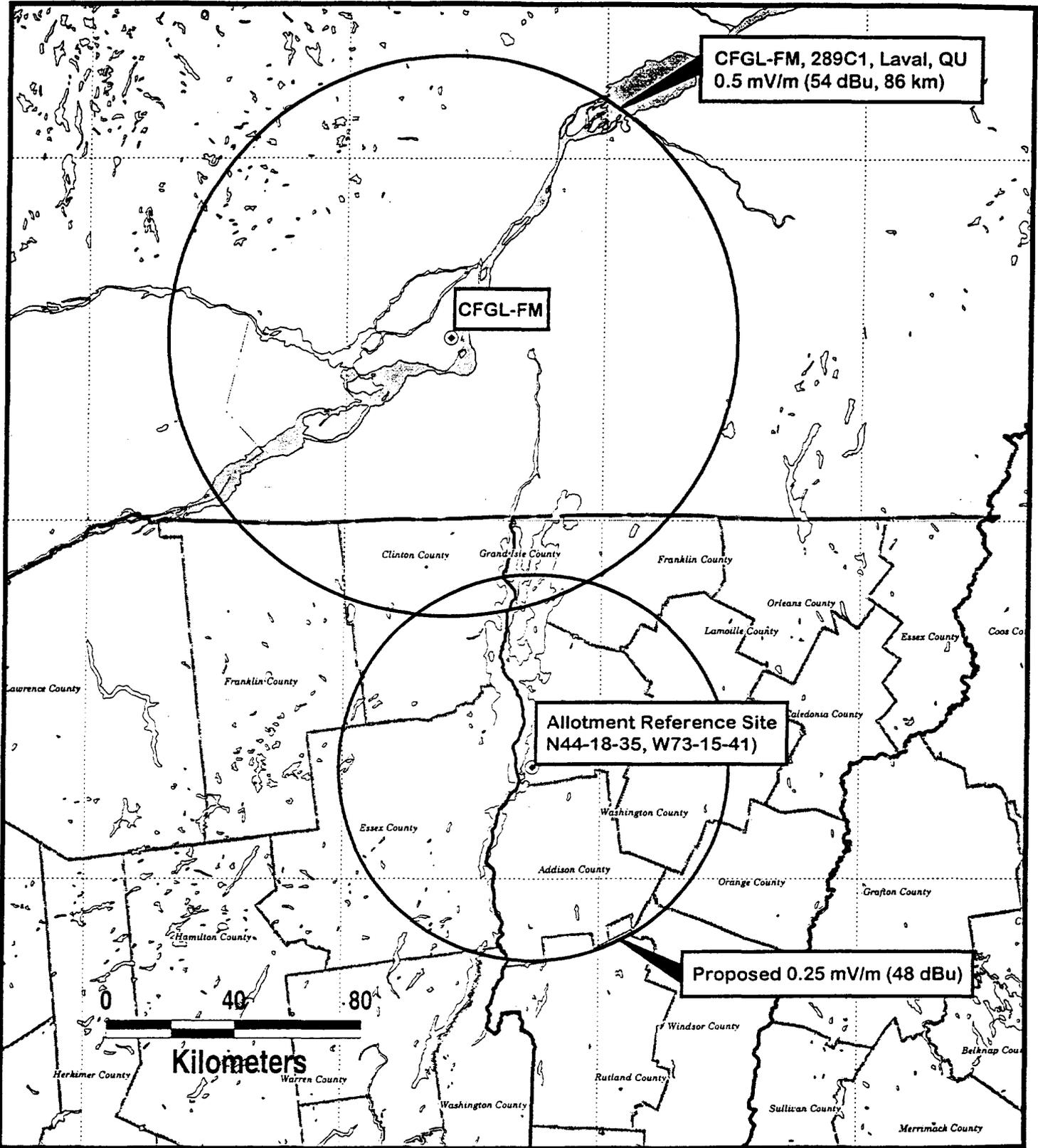


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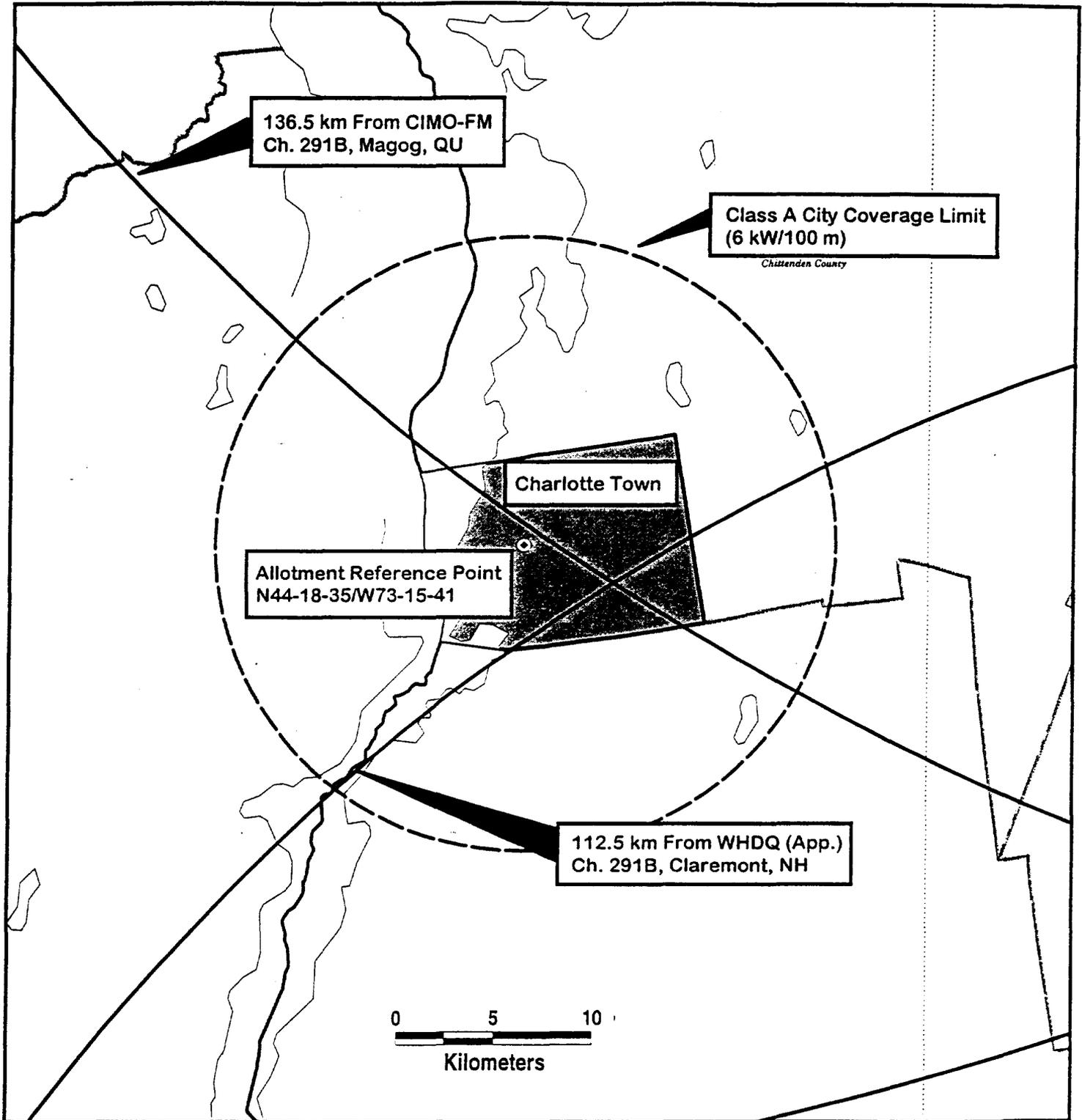
June 16, 1999





**CANADIAN ALLOCATION STUDY  
CHANNEL 290A  
CHARLOTTE, VERMONT**

Figure 2



**AREA TO LOCATE  
CHANNEL 290A  
CHARLOTTE, VERMONT**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida