

RECEIVED
JUL 2 1999
FCC MAIL ROOM
ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

DOCKET FILE COPY ORIGINAL

In the Matter of)
)
Amendment of 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Greenwood and Mauldin, SC))

MM Docket No. 99-_____

To: Sharon P. McDonald
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 CFR 1.420(g), Sutton Radiocasting Corporation ("SRC"), ^{1/} licensee of station WCRS (FM), Greenwood, SC, respectfully petitions the FCC to institute a Rule Making proceeding that proposes to amend the FM Table of Allotments (i) to reallocate channel 244A from Greenwood to Mauldin, SC and (ii) to modify the license of station WCRS (FM) accordingly. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990). ^{2/}

^{1/} Petitioner Sutton Radiocasting Corporation is the successor corporation to Greenwood Broadcasting Company.

^{2/} Petitioner's counsel had informally advised the FCC staff several months ago that it would be withdrawing its Petition in Docket No. 97-156. A copy of this "notice of withdrawal" is being served on the opposing party in that docket.

No. of Copies rec'd 014
List A B C D E MMB

DISCUSSION

Two years ago, SRC filed a Petition for Rulemaking, seeking to upgrade WCRS (FM) and have it reallocated to Abbeville, SC. SRC's proposal was opposed by the licensee of Abbeville station WZLA (FM), which filed opposing Comments in September 1997, Reply Comments in September 1997, a Supplement in October 1997 and an additional Supplement in December 1997.

Although SRC is confident that its Petition to reallocate WCRS (FM) to Abbeville would ultimately have been granted by the FCC, Petitioner hereby formally requests that its Petition in RM 9110 (Docket No. 97-156) be dismissed.

In lieu of the proposed Abbeville allotment, Petitioner has determined that the public interest would best be served at this point by reallocating Channel 244A to Mauldin, SC, as that rapidly growing community's first local broadcast transmission service. Mauldin is an incorporated city with a 1990 Census population of nearly 12,000 persons -- up 41% from the 1980 Census. It has a mayor, city council, its own sewer department, its own police and fire department, and a city library. Like other "communities" to which the FCC has allotted a "first local aural service," Mauldin has local churches, commercial shops, real estate agents, civic organizations and three local parks.

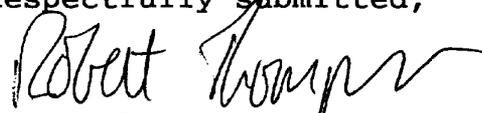
Attached hereto is an engineering report, which contains a channel study confirming that (i) channel 244A can be reallocated from Greenwood, SC to Mauldin, SC, consistent with the FCC's separation rules. See Appendix A.

Moreover, the reallocation of channel 244A from Greenwood to Mauldin would not deprive Greenwood of its sole aural service; rather, Greenwood would be left with three other local, aural transmission services, including another local FM station. ^{3/}

Reallocation of channel 244A from Greenwood to Mauldin would provide Mauldin with its first local transmission service and would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). ^{4/}

Finally, should this Petition be granted, and channel 244A be reallocated to Mauldin, SC, Petitioner will apply for channel 244A and, after it is authorized, will promptly construct the new facility.

Respectfully submitted,



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

July 21, 1999

Counsel for SRC

cc: Robert A. Depont, Esq.
140 South Street
Box 386
Annapolis, MD 21404
(Counsel for Shelley Reid)

^{3/} WLMA (AM) and WMTY (AM/FM).

^{4/} The reallocation would not result in a disfavored "urban move-in," as the proposed city-grade contour of station WCRS (FM) at Abbeville will not reach any Urbanized Area. See Headland, AL and Chattahoochee, FL, 10 FCC Rcd 1035 (1995).

**ENGINEERING STATEMENT
IN SUPPORT OF
PETITION FOR RULE MAKING**

April 28, 1999

**Sutton Radiocasting Corporation
Station WCRS-FM
FM Channel 244A □ 96.7 Megahertz
Mauldin, South Carolina**



LAWRENCE L. MORTON ASSOCIATES
2867 BELDEN DRIVE
HOLLYWOOD HILLS, CALIFORNIA 90068-1901
(323) 467-5010 / FAX (323) 467-5848

ENGINEERING STATEMENT

The information and data contained within this engineering statement were prepared on behalf of Sutton Radiocasting 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 reallocating Channel 244A from Greenwood, South Carolina to Mauldin, South Carolina, and to modify the license of station WCRS-FM, accordingly.

I. MAULDIN, SOUTH CAROLINA

Mauldin is a city located in the central portion of Greenville County, South Carolina. Mauldin had a 1990 U.S. Census population of 11,587 persons, an increase of 41 percent over the 1980 population of 8,245 persons. The 1990 U.S. Census population of Greenville County was 320,167 persons, up 11 percent from the 1980 population of 287,913 persons.

Mauldin has been assigned Postal ZIP Code 29662 by the U.S. Postal Service. Currently, Mauldin has no other aural broadcast services.

The centroid geographical coordinates of Mauldin, referenced to the North American Datum of 1927, are:

North Latitude: 34 degrees, 46 minutes, 53 seconds
West Longitude: 82 degrees, 18 minutes, 24 seconds

Because of existing stations WRFR(FM) on Channel 244A at Franklin, North Carolina, and WKKT(FM) on Channel 245C at Statesville, North Carolina, a site restriction is required for the Channel 244A allotment at Mauldin.

At a point corresponding to the following geographic coordinates, which is 10.2 kilometers south, southeast of Mauldin, the Channel 244A allotment can be made at Mauldin in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207¹.

North Latitude: 34 degrees, 41 minutes, 30 seconds
West Longitude: 82 degrees, 17 minutes, 02 seconds

From these reference geographic coordinates, Channel 244A is fully-spaced to all FCC assignments, allotments and proposals contained within the latest *FCC FM Engineering Database*, except with respect to the petitioner's station, WCRS-FM, presently licensed to Greenwood, South Carolina. Figures 1 through 3 show the relative locations of Greenville County within the State of South Carolina, and of Mauldin within Greenville County. Figures

¹This assumes that WCRS-FM is moved from Greenwood on Channel 244A to Mauldin on Channel 244A. The allotment of Channel 244A at Mauldin is dependent upon the proposed change to the principal community of WCRS-FM.

3, 4 and 5 show the city limits for Mauldin. Figure four depicts the locations of the 1990 U.S. Census block centroids.

II. MINIMUM SPACING REQUIREMENTS

The following table lists the nearest assignments and allocations currently on file with the required distance separations for Channel 244A. For clarity, facilities that are greater than 350 kilometers beyond the minimum required separations are not shown.

As required by § 73.207 all minimum distance separation requirements are met from the Channel 244A allotment reference site proposed for Mauldin². 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).

ALLOCATION-PERTINENT STATIONS AND SPACING REQUIREMENTS OF § 73.207					
CALL LETTERS	CHANNEL /CLASS	NORTH LATITUDE	WEST LONGITUDE	ACTUAL DISTANCE	REQUIRED DISTANCE
WWMG	241C	35° 21' 44"	81° 09' 19"	127. Km	95. Km
WKWS	241B	38° 21' 51"	81° 46' 05"	411	69
WRXR-FM	242C2	33° 41' 10"	81° 55' 43"	116	55
WROV-FM	242C1	37° 07' 00"	80° 00' 58"	338	75
WGOG-FM	242A	34° 51' 33"	83° 03' 31"	73	31
WDOD-FM	243C	35° 09' 39"	85° 19' 11"	282	165
WZLS	243A	35° 31' 39"	82° 29' 49"	95	72
WRFR	244A	35° 12' 42"	83° 22' 07"	115	115
WREL-FM	244B1	37° 43' 37"	79° 18' 25"	430	143
WCRS-FM ²	244A	34° 12' 34"	82° 09' 05"	54.86	115
WYZK	244C2	30° 48' 28"	83° 29' 22"	446	166
WKKT	245C	35° 31' 57"	80° 47' 47"	165	165
WFOX	246C	34° 07' 32"	83° 51' 32"	158	95
WKBC-FM	247C	36° 04' 34"	81° 07' 44"	186	95
WJMZ-FM	297C	34° 42' 06"	82° 36' 20"	29	29
WAMJ	298C3	33° 55' 54"	84° 20' 43"	208	12
WNKT	298C	33° 05' 11"	80° 22' 33"	251	29

² The short-spacing to WCRS-FM on Channel 244A at Greenwood will be eliminated by allotment of Channel 244A to Mauldin, and the subsequent modification of the WCRS-FM license to specify operation on Channel 244A at Mauldin, South Carolina.

III. CONCLUSIONS

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, Sutton Radiocasting Corporation, respectfully requests the following changes to the Table:

<u>PRESENT</u>	
<u>CITY</u>	<u>CHANNEL</u>
Mauldin, SC	----
Greenwood, SC	244A, 278C3

<u>PROPOSED</u>	
<u>CITY</u>	<u>CHANNEL</u>
Mauldin, SC	244A
Greenwood, SC	278C3

The petitioner asserts that, upon allotment of Channel 244A to Mauldin, an application for construction permit to modify the WCRS-FM Class A facility will be filed promptly to build a new facility to serve Mauldin, South Carolina.

Respectfully Submitted,

Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
April 28, 1999



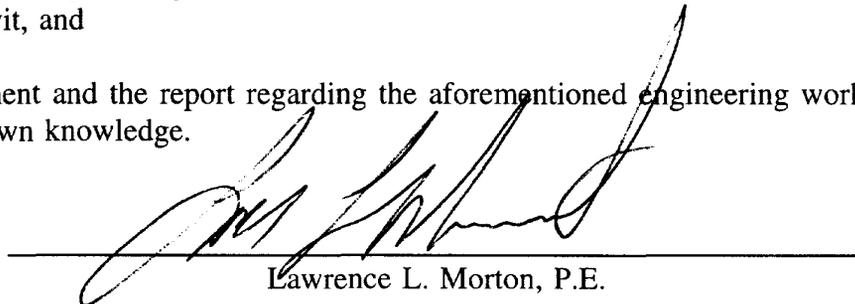
AFFIDAVIT

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: April 28, 1999



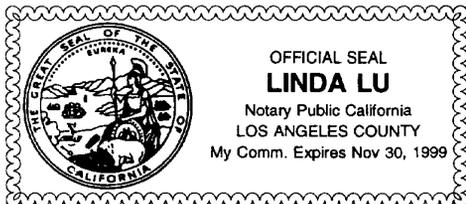
Lawrence L. Morton, P.E.

On April 28, 1999, 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.

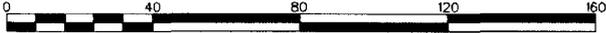
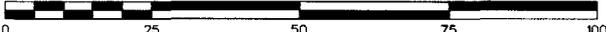
My Commission expires 11/30/99



Notary Public



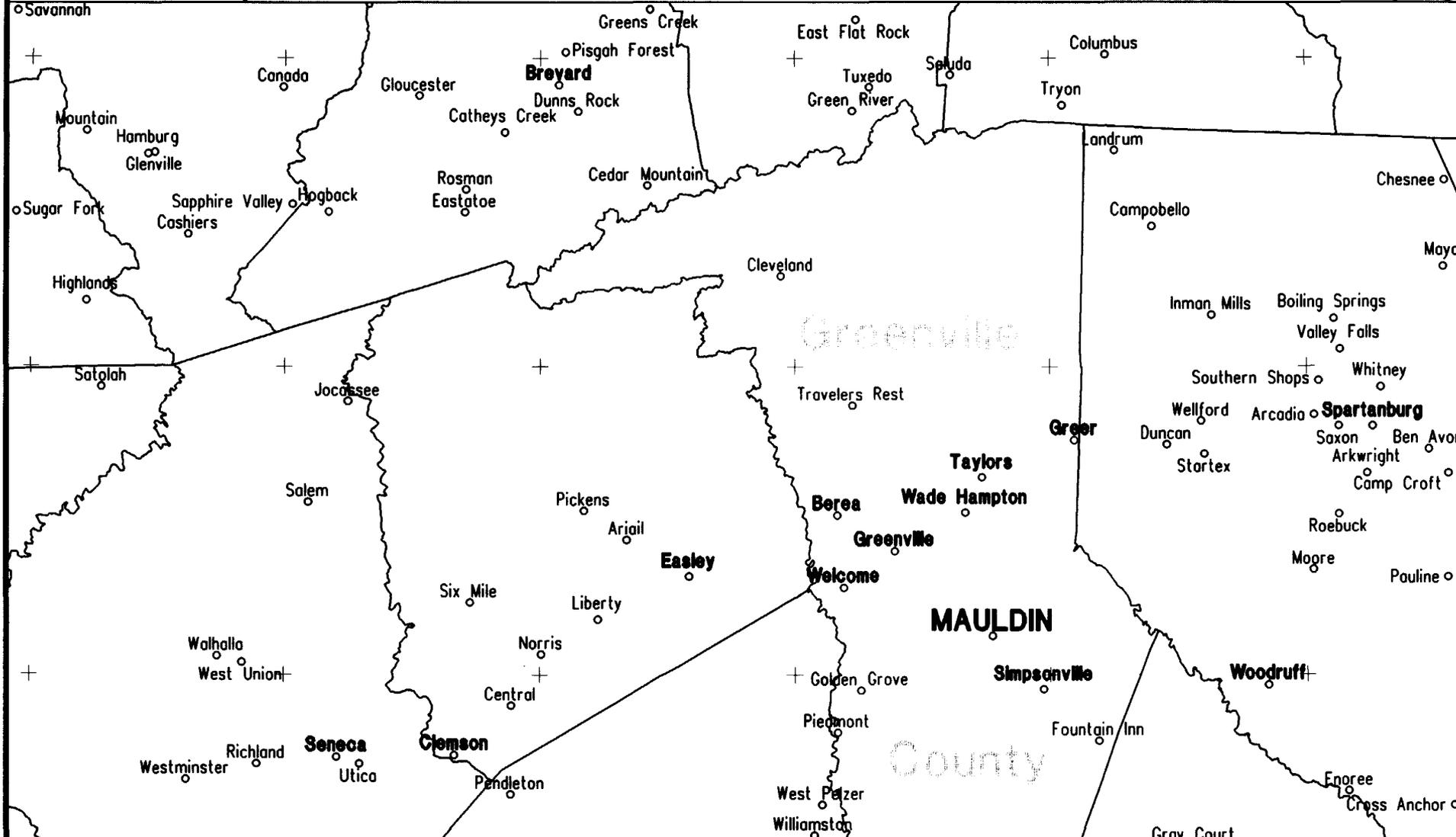


<p>CENTER OF MAP: N LAT 33° 29' 58.00" W LON 80° 54' 55.00"</p>	<p>FIGURE 1 COUNTY OF GREENVILLE STATE OF SOUTH CAROLINA SUTTON RADIOCASTING CORPORATION</p>
<p>Scale 1 : 2,039,329</p>	
<p>KILOMETERS  STATUTE MILES </p>	
<p> LAWRENCE L. MORTON ASSOCIATES Telecommunications Engineers Hollywood Hills, California</p>	

Atlantic
 Ocean

Lambert Azimuthal Equal-Area

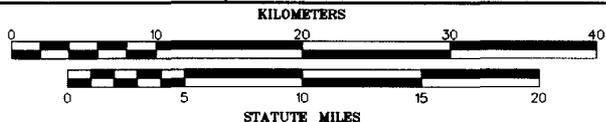
15' 00" Graticule Spacing



CENTER OF MAP:
 N LAT 34° 51' 03.00"
 W LON 82° 33' 24.00"

Scale 1 : 513,144

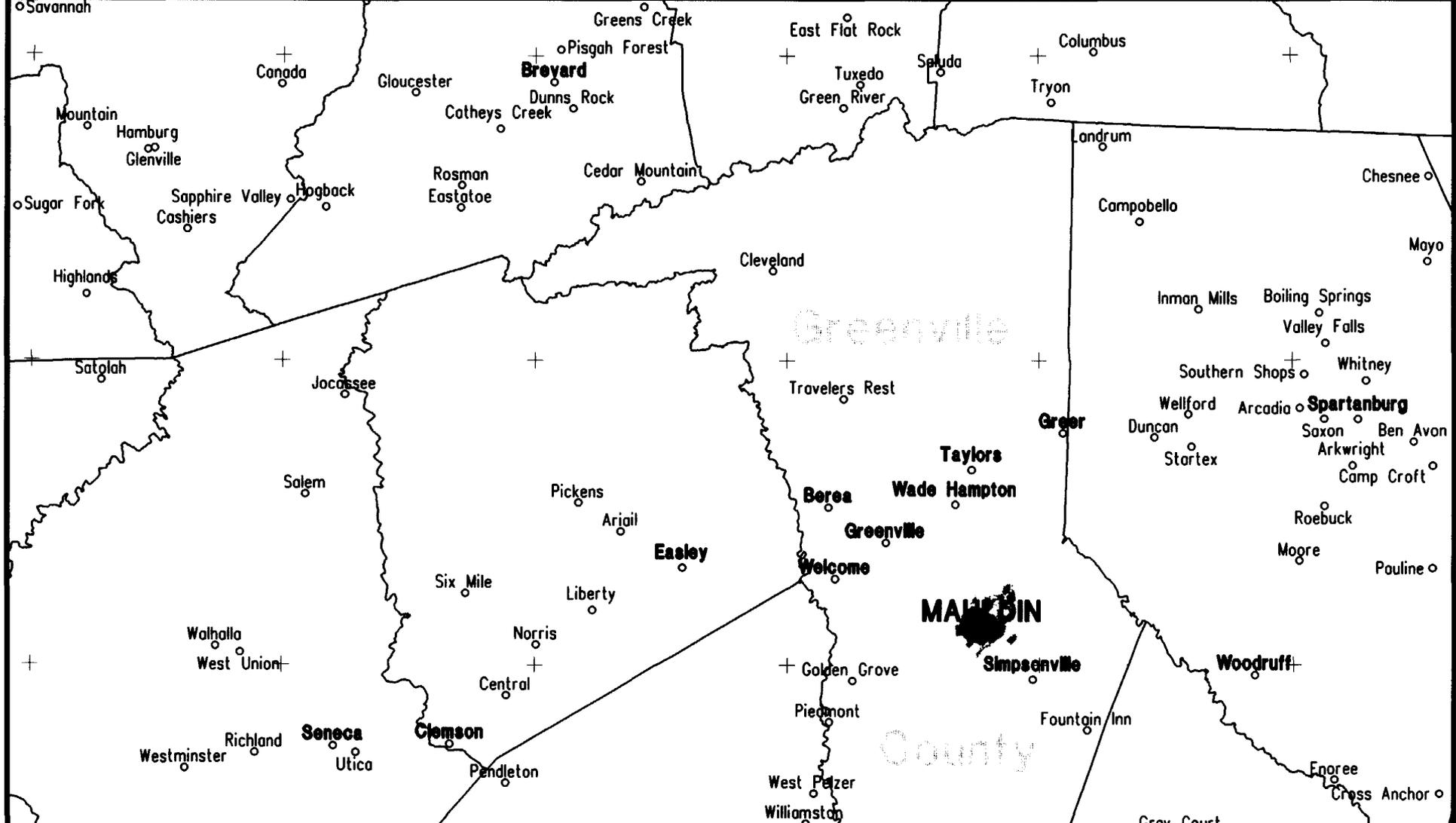
FIGURE 2
COMMUNITY OF MAULDIN
COUNTY OF GREENVILLE
SUTTON RADIOCASTING CORPORATION



LAWRENCE L. MORTON ASSOCIATES
 Telecommunications Engineers
 Hollywood Hills, California

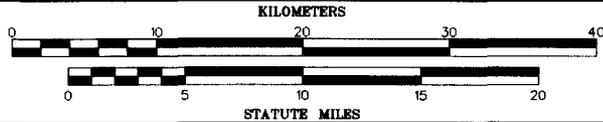
Lambert Azimuthal Equal-Area

15' 00" Graticule Spacing

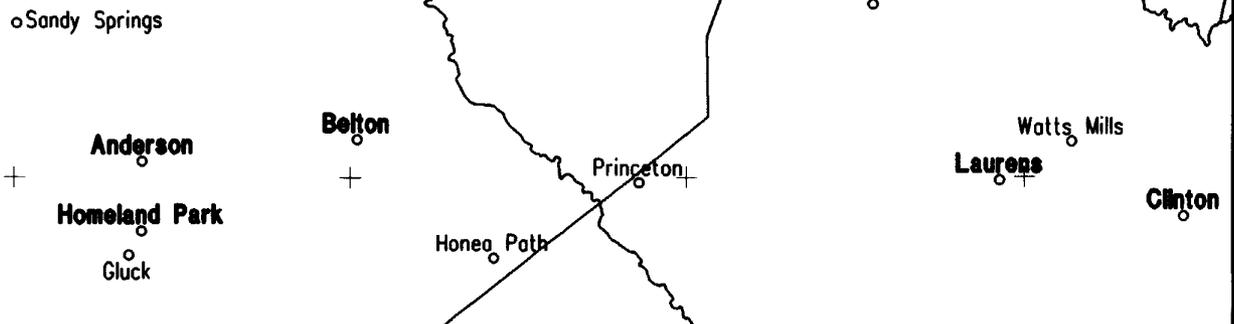


CENTER OF MAP:
 N LAT 34° 51' 03.00"
 W LON 82° 33' 24.00"
 Scale 1 : 513,144

FIGURE 3
COMMUNITY LIMITS OF MAULDIN
COUNTY OF GREENVILLE
SUTTON RADIOCASTING CORPORATION

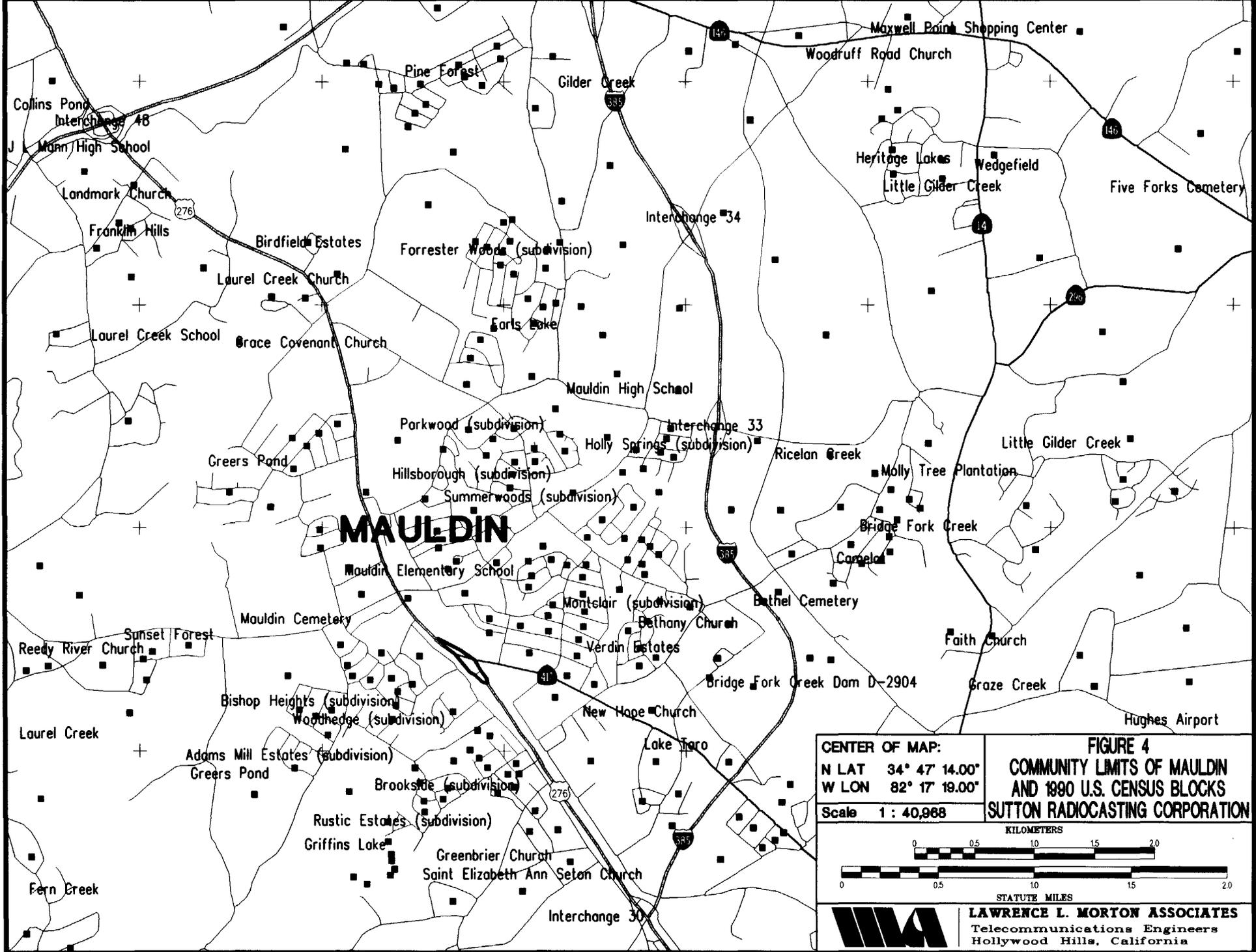


LAWRENCE L. MORTON ASSOCIATES
 Telecommunications Engineers
 Hollywood Hills, California



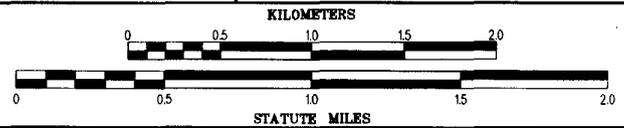
Lambert Azimuthal Equal-Area

1' 00" Graticule Spacing



CENTER OF MAP:
 N LAT 34° 47' 14.00"
 W LON 82° 17' 19.00"
 Scale 1 : 40,968

FIGURE 4
COMMUNITY LIMITS OF MAULDIN
AND 1990 U.S. CENSUS BLOCKS
SUTTON RADIOCASTING CORPORATION



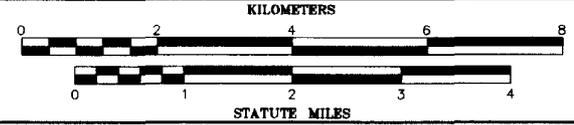
LAWRENCE L. MORTON ASSOCIATES
 Telecommunications Engineers
 Hollywood Hills, California

Lambert Azimuthal Equal-Area

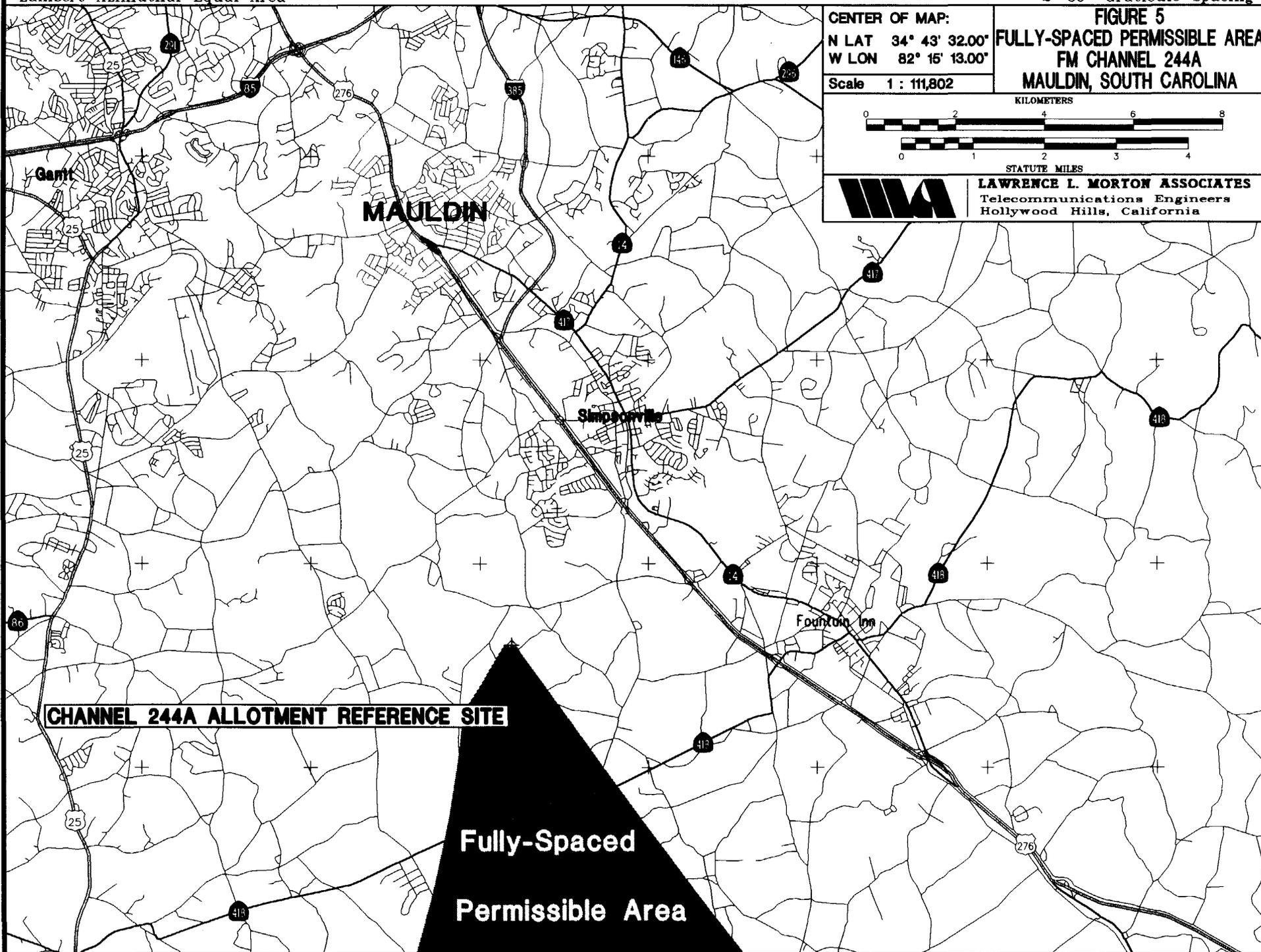
2' 30" Graticule Spacing

CENTER OF MAP:
N LAT 34° 43' 32.00"
W LON 82° 15' 13.00"
Scale 1 : 111,802

FIGURE 5
FULLY-SPACED PERMISSIBLE AREA
FM CHANNEL 244A
MAULDIN, SOUTH CAROLINA



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California



CHANNEL 244A ALLOTMENT REFERENCE SITE

**Fully-Spaced
Permissible Area**