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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
)  
**Amendment of Section 73.202(b),** )  
**Table of Allotments,** ) **RM - \_\_\_\_\_**  
**FM Broadcast Stations,** )  
**(Inglis, Florida)** )

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

**PETITION FOR RULE MAKING**

Levy County Broadcasting ("LCB"), by Counsel, and pursuant to §1.401 of the Commission's Rules, hereby respectfully petitions the Commission to institute Rule Making proceedings for amendment of the FM Table of Allocations to add Channel 257A (99.3 MHz) to Inglis, Florida, as its second aural FM facility, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Inglis, Florida	282A	257A, 282A

In support hereof, the following is shown:

**Background**

1. Inglis is located in Levy County, Florida. There is one radio station presently licensed to Inglis: WHGN-FM on Channel 282A.
2. LCB believes that none of the area radio stations that provide service to Inglis offer programming that is responsive to the unique interests

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and needs of Inglis. As indicated below, if these efforts are successful, LCB will file an application to provide such additional FM radio service to Inglis.

3. A new radio station on Channel 257A at Inglis will provide service to Levy County and portions of neighboring Citrus County and Marion County. The entire area has experienced so much continued growth during the past twenty years that the initiation of additional radio service is greatly warranted. For example, the population of Levy County was 19,870 in 1980, 25,923 in 1990, and estimated to be 31,796 in 1998 -- an increase of 60% since 1980. The population of Citrus County was 54,703 in 1980, 93,513 in 1990, and estimated to be 114,068 in 1998 -- an increase of 108% since 1980. And, the population of Marion County was 122,488 in 1980, 194,835 in 1990, and estimated to be 241,513 in 1998 -- an increase of 97% since 1980.<sup>1</sup>

4. As the population of the Inglis area has boomed since 1980, so has the area's economic growth. In 1993, Levy County hosted 510 businesses, accounting for 4,281 jobs. Three years later, in 1996, the county hosted 596 businesses, accounting for 5,519 jobs. In Citrus County, there were 2,117 businesses, accounting for 20,467 jobs in 1993. Three years later, in 1996, the county hosted 2,242 businesses, accounting for 21,788 jobs. The same holds true for Marion County, where in 1993 there were 4,840

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<sup>1</sup> All population data was obtained from the United States Census Bureau web site.

businesses, accounting for 56,306 jobs. Three years later, in 1996, the county hosted 5,190 businesses, accounting for 61,947 jobs./<sup>2</sup>

5. LCB submits that the Inglis area's booming population and economic growth demonstrates that the public interest would be served by the initiation of additional radio service to the community of Inglis.

#### **Technical Criteria**

6. Attached hereto as Exhibit No. 1 is an Engineering Statement prepared by Graham Brock, Inc. wherein it is demonstrated that Channel 257A may be allotted to the community of Inglis, Florida in compliance with Section 73.207 of the Commission's Rules regarding current spacing requirements. According to the Engineering Statement, Channel 257A may be allotted to Inglis at site reference coordinates North Latitude 29 - 07 - 48 and West Longitude 82 - 42 - 32. From this location, the 3.16 mV/m city-grade contour will encompass the entire community of Inglis.

#### **Allotment Eligibility**

7. Since the Commission has already allotted Channel 282A to the community of Inglis, it must be assumed that Inglis, Florida remains a legitimate community for allotment purposes. *See, e.g., Notice of Proposed Rule Making in MM Docket No. 92-11, DA 92-74 (released January 29, 1992); Report and Order in MM Docket No. 92-11, DA 92-631 (released June 4, 1992).*

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<sup>2</sup> All of the economic data was obtained from the United States Census Bureau web site.

**Statement of Interest**

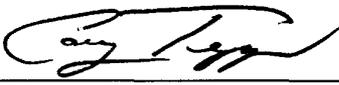
8. LBC hereby expresses its intention to apply for Channel 257A at Inglis, Florida, if that Channel is allotted by the Commission, and that further, if its Application is granted, to construct and operate that facility.

**Conclusion**

WHEREFORE, the above premises considered, LCB respectfully urges the Commission to GRANT the instant Petition, and to AMEND the Table of FM Allotments to specify Channel 257A at Inglis, Florida.

Respectfully submitted,

**LEVY COUNTY BROADCASTING**

By:   
Cary S. Tepper

Its Attorney

**Booth, Freret, Imlay & Tepper, P.C.**  
5101 Wisconsin Avenue, N.W.  
Suite 307  
Washington, D.C. 20016-4120

(202) 686-9600

September 10, 1999

**Exhibit No. 1**

**(Supporting Technical Statement)**

# GRAHAM BROCK, INC.

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BROADCAST TECHNICAL CONSULTANTS

**PETITION FOR RULE MAKING**  
**LEVY COUNTY BROADCASTING**  
**ALLOT CHANNEL 257A**  
**INGLIS, FLORIDA**  
**August 1999**

**TECHNICAL EXHIBIT**

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**PETITION FOR RULE MAKING**  
**LEVY COUNTY BROADCASTING**  
**ALLOT CHANNEL 257A**  
**INGLIS, FLORIDA**  
**August 1999**

**TECHNICAL STATEMENT**

1. This Technical Statement and attached exhibits were prepared on behalf of Levy County Broadcasting ("LCB"), a petitioner seeking the allocation of Channel 257A to Inglis, Florida. The allocation of Channel 257A will provide Inglis with its second locally licensable FM service. Inglis, Florida, is located in Levy County, Florida (on Florida's Gulf Coast). The community is incorporated and listed in the U.S. Census with a 1990 population of 1,241 persons.<sup>1</sup>

**REQUEST**

2. Channel 257A can be allocated to Inglis, Florida, at geographic coordinates North Latitude 29° 07' 48" and West Longitude 82° 42' 32". This represents a site restriction 11.2 kilometers north-northwest of the community to avoid shortspacing WQYK-FM, Channel 258C1, St. Petersburg, Florida.<sup>2</sup> Exhibit #1 is an area to locate map which shows were a transmitter site for Channel 257A at Inglis can be located. Exhibit #2 is a §73.207 spacing

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- 1) WHGN (FM), Channel 282A, is also licensed to Inglis, Florida,
- 2) The restriction also places the reference site near land which is not immediately adjacent to marshes and inlets, but rather near developed areas.

analysis which shows, from the proposed allocation site, Channel 257A meets the Commission's minimum distance separation rules to all licensed, applied for or proposed facilities. A 3.16 mV/m contour can be delivered to Inglis from the proposed reference site.

3. Therefore, LCB proposes the following amendment to §73.202(b) of the rules:

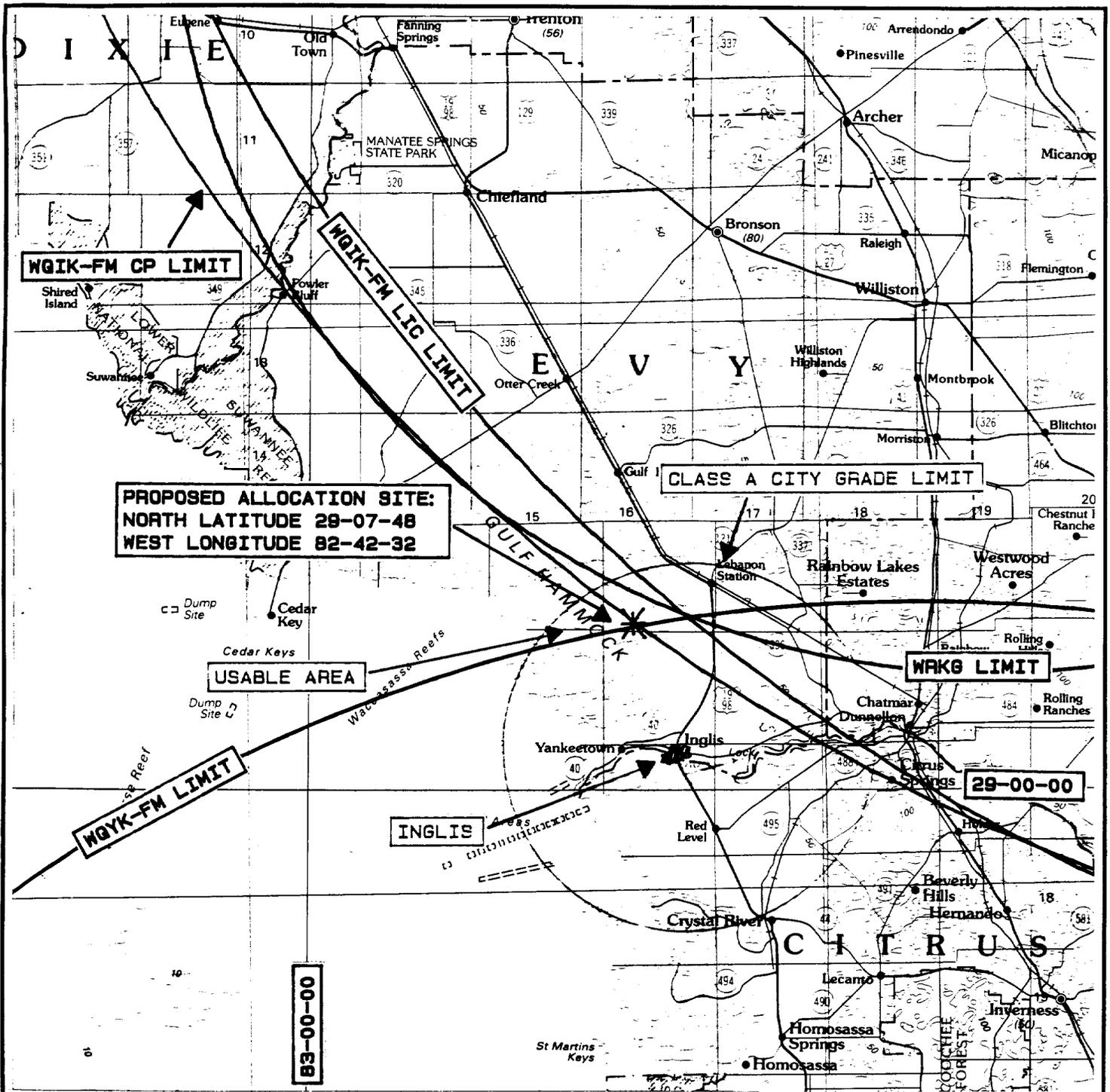
**Inglis, Florida**

<u>Present</u>	<u>Proposed</u>
282A	282A, 257A

**PUBLIC INTEREST**

4. The allocation of Channel 257A to Gulf Hammock, Florida, will provide the community with its second locally licensable FM facility. In addition, a maximum Class A facility operating from the proposed allocation site will provide 1.0 mV/m coverage of 23,054 persons in 2,514.2 square kilometers. Once the channel is allotted, LCB will submit the necessary filing with the Commission to seek authority to operate a new FM facility on Channel 257A.

5. The foregoing was prepared on behalf of Levy County Broadcasting by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to FM facilities and proposals was extracted from the NTIA database as updated on August 19, 1999. We assume no liability for errors or omissions in the database which may be adverse to the requests contained herein.

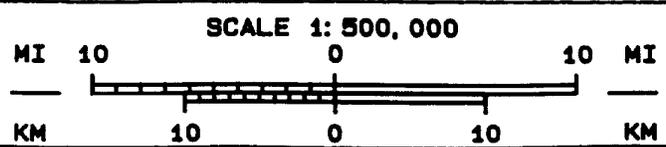


**USABLE AREA CHANNEL 257A**

MAP IS A PORTION OF THE 1: 500, 000 SCALE U.S.G.S. BASE STATE MAP OF FLORIDA

**EXHIBIT #1  
PETITION FOR RULE MAKING  
LEVY COUNTY BROADCASTING  
ALLOT CHANNEL 257A  
INGLIS, FLORIDA**

August 1999



**GRAHAM BROCK, INC.**  
BROADCAST TECHNICAL CONSULTANTS

**PETITION FOR RULE MAKING**  
**LEVY COUNTY BROADCASTING**  
**ALLOT CHANNEL 257A**  
**INGLIS, FLORIDA**  
**August 1999**

**EXHIBIT #2**

LOCATION STUDY FOR INGLIS, FLORIDA  
 USING PROPOSED ALLOCATION SITE AS REFERENCE

REFERENCE		DISPLAY DATES
29 07 48 N	CLASS A	DATA 08-19-99
82 42 32 W	Current rules spacings	SEARCH 08-23-99
----- CHANNEL 257 - 99.3 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
<b>AD257</b>	<b>257A</b>	<b>Inglis</b>	<b>FL</b>	<b>0.0</b>	<b>0.0</b>	<b>115.0</b>	<b>-115.00</b>
<b>AD</b>	<b>29 07 48</b>	<b>82 42 32</b>	<b>0.000 kW</b>	<b>OM</b>	<b>0.0</b>	<b>71.5</b>	
<b>Levy County Broadcasting</b>							
WQIKFM	256C	Jacksonville	FL	36.1	165.14	165.0	0.14
CP CN	30 19 42	81 41 41	100.000 kW	107M	102.6	102.6	
					Jacor Broadcasting of Florida BPH-990114IC		
WQYKFM	258C1	St. Petersburg	FL	169.4	133.31	133.0	0.31
AP CN	27 56 51	82 27 33	100.000 kW	168M	82.8	82.7	
					Infinity Broadcasting Corp. BPH-990216IA		
WQYKFM	258C1	St. Petersburg	FL	169.5	133.33	133.0	0.33
LI CN	27 56 50	82 27 35	100.000 kW	168M	82.9	82.7	
					Infinity Broadcasting Corp. BLH-800313AC		
WRKG	258A	La Crosse	FL	24.7	74.47	72.0	2.47
LI ZCN	29 44 22	82 23 09	2.200 kW	144M	46.3	44.8	
					Wilks Florida Broadcasting, Inc. BLH-990311KB		
WQIKFM	256C	Jacksonville	FL	40.6	168.52	165.0	3.52
LI CY	30 16 34	81 33 53	100.000 kW	309M	104.7	102.6	
					Jacor Broadcasting of Florida BLH-871029KB		
WFKS	260C	Palatka	FL	71.9	141.88	95.0	46.88
LI CN	29 31 08	81 19 02	100.000 kW	366M	88.2	59.0	
					Renda Broadcasting Corporation BLH-RB1104MG		

**AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT**

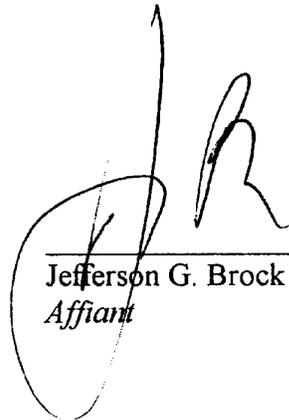
*State of Georgia )*  
*St. Simons Island ) ss:*  
*County of Glynn )*

**JEFFERSON G. BROCK**, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Levy County Broadcasting to prepare the attached Technical Exhibit.

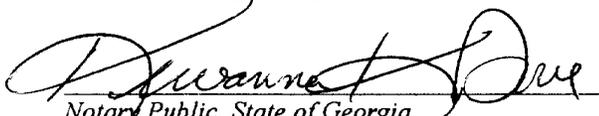
His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 26th day of August, 1999.*

  
\_\_\_\_\_  
Jefferson G. Brock  
*Affiant*

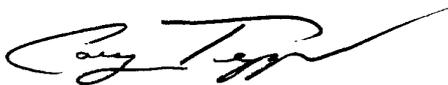
*Sworn to and subscribed before me  
this the 26th day of August, 1999*

  
\_\_\_\_\_  
*Notary Public, State of Georgia  
My Commission Expires: April 20, 2002*

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 10th day of September, 1999, I have served a copy of the foregoing "**Petition for Rule Making**" first-class, postage-prepaid, on the following:

\*John A. Karousos  
Chief, Allocations Branch  
Federal Communications Commission  
445 12th Street, S.W.; Room 3-A266  
Washington, D.C. 20554



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Cary S. Tepper, Esq.

\*/ indicates delivery by hand