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September 17, 1999

Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals II
445 12th Street, SW
TW-A 325
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Dear Secretary Salas:

I am enclosing an original and four copies of a Petition For Rulemaking regarding Box Elder, South Dakota.

I am also enclosing another copy of the petition so that it may be stamped, dated and returned to me. A S.A.S.E. is also enclosed for the return.

Please file this petition before the Federal Communications Commission on behalf of La Niña Education Association.

Thank you for your attention to this matter.

Sincerely,



Heidi Olivares
Member
La Niña Education Association
3802 Dawn Road, #A
Madison, WI 53704
(608) 249-5161

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20054

RECEIVED
SEP 20 1999
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IN THE MATTER OF:)

AMENDMENT OF SECTION 73.202(b),)
TABLE OF ASSIGNMENTS,)
F.M. BROADCAST STATIONS.)
(BOX ELDER, SOUTH DAKOTA))

RM-

TO: THE COMMISSION

PETITION FOR RULEMAKING

La Niña Education Association hereby Petitions the Federal Communications Commission in Washington, D.C., to amend the Table of FM Allotments, Section 73.202(b) of the Commission's Rules and Regulations in the following manner:

<u>Community:</u>	<u>Existing:</u>	<u>Proposed:</u>
Box Elder, SD	None	274A

(1)

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~~EX PARTE OR LATE FILED~~

In support of this PETITION FOR RULE MAKING to allot FM Channel 274A to the city of Box Elder, South Dakota, La Niña Education Association, the Petitioner, respectfully submits the Engineering Statement prepared by Lyle Robert Evans, Technical Consultant, attached hereto as Appendix I.

Inasmuch as Box Elder, South Dakota, residents shall be provided a first local broadcast service, La Niña Education Association, the Petitioner, concludes its proposed Rule Making is in the "Public Interest."

The allotment of FM Channel 274A (102.7 MHZ.) to the City of Box Elder, is in full accord with Commission Rules and Regulations, and Assignment Policy.

Box Elder, South Dakota is a incorporated city with a population of 2680 residents per the 1990 Census.

Box Elder is administered by a Mayor and six councilmen elected by city residents.

Box Elder has its own police department, municipal water and sewer system, fire station, volunteer fire department, municipal library, post office and two churches of various denominations.

Box Elder has a public school system (K-12) and is a principal member of the Douglas School District 51-1 named in honor of a pioneer resident of Box Elder. The Superintendent's office is located in the City of Box Elder.

Box Elder's significant business and professional community provides goods and services to residents of Box Elder and vicinity.

If the Commission goes forward to Amend 47 Code of Federal Regulations §73.202(b), to allot FM Channel 274A to Box Elder, as petitioned, La Niña Education Association shall immediately file an Application For Construction Permit For An FM Broadcast Station (FCC Form Number: 301), specifying facilities to activate FM Channel 274A, as allotted to the community of Box Elder.

Upon Commission "Grant" of such a Form 301 Application, La Niña Education Association shall promptly construct and subsequently license the permitted facility.

In accord with 47 Code of Federal Regulations §1.52, I, Heidi Olivares, member of La Niña Education Association, hereby certifies I prepared this petition and to the best of my knowledge, information and belief it is true and correct, that there is good ground to support it, and that it is not interposed for delay.

Respectfully submitted,

La Niña Education Association

September 17, 1999



Heidi Olivares
Member

Heidi Olivares
La Niña Education Association
3802 Dawn Road, #A
Madison, WI 53704
(608) 249-5161

PETITION FOR RULE MAKING; CONCLUDED

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
ENGINEERING STATEMENT

IN THE MATTER OF:) MM DOCKET NO:
AMENDMENT OF SECTION 73.202(B),) RM-
TABLE OF ALLOTMENTS,)
F.M. BROADCAST STATIONS,)
(BOX ELDER, SOUTH DAKOTA))

TO:

CHIEF, ALLOCATIONS BRANCH
POLICY AND RULES DIVISION
MASS MEDIA BUREAU

PREPARED FOR:

La Niña Education Association

SEPTEMBER 15, 1999

PREPARED BY:

LYLE ROBERT EVANS
BROADCAST CONSULTANT
2470 CROOKS AVENUE
KAUKAUNA, WISCONSIN, 54130-3914
(920) 766-0300

PETITIONER:

La Niña Education Association
Proposed FM Ch. 274A Allotment
City of Box Elder, SD

PREPARED 09/15/99

TABLE OF CONTENTS

1. AFFIDAVIT OF PREPARER
2. ENGINEERING STATEMENT: Pages 1 thru 4
3. ATTACHMENT E-A; CHANNEL 274A DISTANCE SEPARATION STUDY
Box Elder REFERENCE COORDINATES

TABLE OF CONTENTS; CONCLUDED

AFFIDAVIT

STATE OF WISCONSIN)

COUNTY OF OUTAGAMIE)

CITY OF KAUKAUNA)

LYLE ROBERT EVANS, BEING FIRST DULY SWORN STATES:

THAT HE IS AN ELECTRONIC COMMUNICATIONS TECHNICAL CONSULTATION WITH OFFICES AT 2450 CROOKS AVENUE, KAUKAUNA, WISCONSIN, 54130;

THAT HIS QUALIFICATIONS AS AN EXPERT IN ELECTRONIC COMMUNICATIONS ENGINEERING ARE A MATTER OF RECORD WITH THE FEDERAL COMMUNICATIONS COMMISSION IN WASHINGTON, D.C.;

THAT HE HAS PREPARED NUMEROUS AM, FM, MICROWAVE RADIO, TELEVISION AND TRANSLATOR APPLICATIONS WHICH HAVE BEEN PROCESSED TO GRANT BY THE FEDERAL COMMUNICATIONS COMMISSION;

THAT THE FOREGOING TECHNICAL REPORT WAS PREPARED BY HIM, AND ALL CALCULATIONS AND/OR MEASUREMENTS AND EXHIBITS IN THE ACCOMPANYING REPORT WERE MADE BY HIM PERSONALLY OR UNDER HIS DIRECTION, AND THAT ALL FACTS CONTAINED HEREIN ARE TRUE OF HIS PERSONAL KNOWLEDGE OR BELIEF, AND ON SUCH STATEMENTS MADE ON BELIEF, THEY ARE BELIEVED TO BE TRUE AND CORRECT.


LYLE ROBERT EVANS, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS 15 OF Sept, 1999


NOTARY PUBLIC

DATE OF COMMISSION EXPIRATION

5-28-2000

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20054

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SEP 20 1999
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IN THE MATTER OF:)

AMENDMENT OF SECTION 73.202(b),) RM-
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F.M. BROADCAST STATIONS.)
(BOX ELDER, SOUTH DAKOTA))

TO: THE COMMISSION

ENGINEERING STATEMENT

This Engineering Statement concerns the above captioned
Petition for Rule Making, to which this Statement is Appendix I.

La Niña Education Association, Petitioner, retained the services
of Lyle Robert Evans, Technical Consultant, to conduct engineering
studies and prepare necessary Statements and Attachments to
support the Petition for Rule Making of La Niña Education
Association to amend 47 Code of Federal Regulations §73.202(b),
Table of FM Allotments, to allot FM Channel 274A (102.7 MHZ.) To
the City of Box Elder, South Dakota, as that community's first local
broadcast service.

**BOX ELDER, SOUTH DAKOTA
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM
ALLOTMENTS
FM CHANNEL 274A; 102.7 MHZ.
PETITIONER: La Niña Education Association**

The City of Box Elder, South Dakota, reference geographic coordinates, specified in the National Atlas of the United States of America, published by The United States Department of the Interior Geological survey are:

44°-06'-48.0" North Latitude

103°-04'-12.0" West Longitude.

Attachment E-A to this Engineering Statement, an FM Channel 274A Distance Separation Study conducted with a search radius of 320 kilometers, with the City of Box Elder Reference Coordinates as base, sets forth all FM Broadcast Station assignments, applications and allotments relating to an allotment of FM Channel 274A at Box Elder, South Dakota, with distance in kilometers, and bearing in degrees True, from the city reference coordinates.

This attachment E-A displays an allotment of FM Channel 274A

**BOX ELDER, SOUTH DAKOTA
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM
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PETITIONER: La Niña Education Association**

to Box Elder, South Dakota in complete compliance with all applicable minimum distance separation requirements set forth in 47 Code of Federal Regulations §73.207.

Many transmitter sites exist from which the requisite “Principal Community” (70.0 dBu or 3.16 mV/m Contour) coverage can be provided to the entire City of Box Elder, South Dakota.

CONCLUSION

Allotment of FM Channel 274A to Box Elder, South Dakota, can be accomplished with no channel substitutions or antenna/tower (transmitter location) site restrictions.

No multiple community “tinkering with the table” is required to allot FM Channel 274A at Box Elder, South Dakota.

La Niña Education Association proposed allotment of 47 Code of Federal Regulations §73.202(b), Table of FM Allotments, shall provide residents of the City of Box Elder, South Dakota and vicinity a first local broadcast transmission service.

BOX ELDER, SOUTH DAKOTA
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM
ALLOTMENTS
FM CHANNEL 274A; 102.7 MHZ.
PETITIONER: La Niña Education Association

The most recent applicable FCC Rules and Regulations have been used in the preparation of this Engineering Statement. It is believed to conform to the Commission's Technical Standards.

Respectfully submitted,

Lyle R. Evans
Technical Consultant to:
La Niña Education Association

September 17, 1999

Lyle Robert Evans
Technical Consultant
2470 Crooks Avenue
Kaukauna, WI 54130-3914
(920) 766-0300

ATTACHMENT E-A

FM CHANNEL 274A DISTANCE SEPARATION STUDY

LOCATION: Box Elder, South Dakota
 SERVICE: Commercial FM
 CHANNEL: 274A
 FREQUENCY: 102.7 MHz
 ZONE: II
 CLASS: A
 COORDINATES: 44°-06'-48.0" N.L., 103°-04'-12.0" W.L.
 (Box Elder Reference Coordinates)
 APPLICANT: La Niña Education Association
 DATE: September 15, 1999

Call	Auth	Licensee name	Chan	HAAT(m)	ERP	Latitude	Br-to	Dist	Req	
City of License		St	FCC File Number	Freq	HAMSL(m)	(kW)	Longitude	-from	(km)	(km)
KCNE-FM Chadron	Lic	Nebraska Educational Telecommuni NE	*220 C2 91.9	103.0 1172.9	8.4 H 8.4 V	N 42° 48' 47.0" W 103° 00' 22.0"	177.9 358.0	144.6 129.6	15.00 CLEAR	
Primary station: KUCV Lincoln, NE										
KZRZ Dickinson	Lic	KLTC/KCAD, LLC ND	221 C3 92.1	150.0 906.0	10.5 H 10.5 V	N 46° 56' 09.0" W 102° 43' 55.0"	4.7 184.9	314.8 302.8	12.00 CLEAR	
License granted 11/10/98 per 44368-11/16/98										
NEW Belle Fourche	App	Hall Broadcasting, Inc. SD	271 C3 102.1	153.0 1403.0	10.5 H 10.5 V	N 44° 29' 34.0" W 103° 50' 05.0"	305.0 124.5	74.17 32.17	42.00 CLEAR	
KZSD-FM Martin	Lic	South Dakota Educational Telecom SD	*273 C1 102.5	230.0 1095.0	100 H 100 V	N 43° 26' 06.0" W 101° 33' 14.0"	121.3 302.3	143.5 10.46	133.0 CLOSE	
Primary station: KUSD Vermillion, SD										
KRQU Laramie	Lic	Chaparral Broadcasting, Inc. WY	275 C 102.9	372.0 2763.0	100 H 100 V	N 41° 18' 39.0" W 105° 27' 12.0"	212.8 31.2	367.5 202.5	165.0 CLEAR	
KYDT Sundance	Lic	Ultimate Caps, Inc. WY	276 C1 103.1	503.0 2061.0	25 H 25 V	N 44° 28' 35.0" W 104° 26' 54.0"	290.7 109.7	117.2 42.17	75.00 CLEAR	
RM Hanna	Rm	WY	277 A 103.3			N 41° 52' 06.0" W 106° 34' 00.0"	229.9 47.5	378.8 347.8	31.00 CLEAR	
Counterproposal to Docket 98-89										

>> End of channel 274 A study <<