

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,)
FM Broadcast Stations.)
(Jenner, California) _____)

MM Docket No. 99-____
RM-_____

**TO: CHIEF, ALLOCATIONS BRANCH
MASS MEDIA BUREAU**

PETITION FOR RULEMAKING

Introduction

I, Brian Costello, a citizen of the U. S. and a resident of the State of California hereby petition the Federal Communications Commission, pursuant to Section 1.402 of the Commission's rules, 47 C.F.R. §1.402 (1998), to permit a rule making to amend the FM Table of Allotments (47 C.F.R. § 73.202) for California, to now include FM Channel 292 as a proper Class "A" FM Channel as a means of providing first local service to the community of Jenner, CA.

Should the Commission find this requested allocation to be in the Public Interest and place this on the list of available channels, I hereby make assurances that I have the resources, knowledge and willingness to tender a proper application for this allotted channel as soon as it becomes available. I shall further pursue the acquisition of this channel and if granted same, will provide the resources and efforts needed to bring this station into being as a new first service FM station for this community.

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As the service requested herein is more than 320 Kilometers from the border of Mexico, no interference criteria exist that require coordination with Mexican Broadcast regulatory agencies regarding this requested allocation.

This service also requires no coordination with Canadian broadcast authorities. No changes to the Table of Allotments other than the addition of the requested channel are required by, or requested in this petition. No existing Broadcasters need to change their Channels for Channel 292A to be able to provide service to this Community. No deletions of unused channels are requested herein either. No interference will be caused to broadcasters on adjacent channels as is evidenced by the channel clearance study supplied as Exhibit A.

The Community

Jenner, California is a community and qualifies as a proper "City of License," under the Commission's requirements for allotment purposes. By way of background, Jenner is a place of long-standing local importance, appearing on all local maps of the area and indicated on many local mileage postings including distance postings at various locations along California Hwy. 116 and Coastal Hwy 1, both important arteries that connect the communities in western Sonoma County, CA. The FM Channel requested would provide a "First Local Service" to Jenner if granted.

This service would also provide a valuable service to other coastal communities that have no allotments in their behalf. City grade service, (70 dBu or greater) would be provided to the communities of Fort Ross, Cazadero, Duncans Mills, and Seaview. These communities are more than 10 kilometers from any other FM service.

The service contour, (60 dBu or greater), will provide adequate service to the community of Monte Rio, which has a single FM Channel already assigned but would benefit from the addition of

this requested channel once it is on the air. Other communities that will be within this contour include Bodega Bay, Guerneville, Occidental, Forestville and Rio Nido.

This entire coastal area is the site of extensive commercial fishing activity out of the Bodega Bay harbor nearby. This proposed new station will be able to provide excellent coverage of these fishing grounds to this otherwise unserved population. Timely weather forecasts, as well as emergency notifications and other information would be of value to the entire coastal population.

Jenner is listed in the National Geodetic Survey as located at Latitude 38°-27'-0" N and Longitude 123°-06'-55" W. The community of Jenner has a long history and has served an important role in the development of Sonoma County during the past 100 years. Originally, Jenner was the center of logging and the lumber industry for the entire region. The demand for board lumber from San Francisco and the other Bay Area communities in the 1860s was met by the establishment of large logging and lumber milling operations in Jenner.

Jenner is located at the end of the Russian River just before it flows out to the Pacific Ocean. The Russian River provided the conduit for the enormous flow of logs that were taken of the old growth redwoods from the region. These logs were floated down river by the logging concerns and delivered to market at Jenner where they were ripped into dimensioned lumber and loaded aboard ships to be delivered the waiting San Francisco developers, some 75 miles to the south. Depending on the tides and the level of the Russian River, the mouth of the river and the landings at Jenner provided an acceptable seaport for the transfer of lumber and agricultural supplies for the San Francisco markets.

San Francisco boomed during the 1880s and 1890s, drawing much of the timber required for this expansion from the Sonoma coastal redwoods by means of the lumber mills at Jenner. The massive destruction of San Francisco from the 1906 earthquake required the wholesale rebuilding

of the city, once again calling upon the timber reserves from the forests of the Jenner area. Jenner also served as an important location for the fishing industry throughout this period as well.

Current Services

This Community has a listed population of 200 people, according to the 1999 Rand McNally Commercial Atlas, edition #130. The Commission has allocated FM Channels to many communities with similar sized populations. Jenner has had its own post office since 1908, making it one of the earliest post offices in the region. This post office appears in the current Zip Code directory with the assigned zip code of 95450. Jenner has its own Fire District and Fire House. In addition, Jenner is a popular tourist location, with several local inns and restaurants, as detailed in by the Yahoo website: http://www.yahoo.com/Regional/U_S_States/California/Cities/Jenner.

Limited Reception, Other FM Services

Although there are stations located more than ten kilometers to the East, and also one over 10 km. to the Southeast of Jenner, these stations have very limited success in serving the Jenner area with FM service due to substantial terrain shielding. There are no other FM services located within ten kilometers of Jenner. The proposed service will provide direct, unobstructed service directly into Jenner and along the Coastal region to the north and south of the community.

Availability of the Channel

The requested channel is available at this time of filing. In accordance with the rules, (73.207, Minimum Distance Separations between Stations), a channel study was performed from the coordinates listed for the proposed City of License, (Jenner, CA).

Such a study shows that there is no channel available that will make the minimum FM Channel spacing requirements under the current rules from that exact location.

There is, however, a nearby location that is proper for the assignment of a Channel 292A, that would still provide First Local Service to this Community. Provided as Exhibit A is a spacing study done from this location, some six miles to the northwest of Jenner at 38°-30'-55" N; 123°-11'-45", that meets not only the spacing requirements as a clearly spaced channel, but that also will provide proper City Grade service over the requested City of License. Such coverage will exceed the required seventy dBu minimum signal strength for the entire of Jenner.

Closer analysis of the potential of this requested channel will find that it is limited from any further movement to the North due to site restrictions from channel 290B, KQPM Ukiah. Also, it can not be moved further to the South due to site restrictions that would be imposed by the protection of existing channel 291B, KMEL San Francisco, CA. The area to be served are the coastal communities of Jenner, Cazadero, Seaview and Duncans Mill.

Additional service, (60 dBu or greater), will serve the communities of Guerneville, Monte Rio, Rio Nido, Occidental, Forestville, and Bodega Bay as well as a sizeable population that is dotted throughout the West Sonoma County region in small pockets that surround the towns mentioned above.

The Channel study demonstrates that this available channel can properly provide service to this unserved area and population, and further that this would be an appropriate allocation of an available FM Channel that would otherwise remain unused.

In requesting the allotment, the coordinates of Latitude 38°-30'-55" N and Longitude 123°-11'-45" W are given. As mentioned above this location shows it is fully clearly spaced and therefore is assignable as a Class "A" Channel.

Requested Amendment to the Table of Allotments

Were the Commission to grant this petition to allocate the requested FM Channel to Jenner, the Commission's "FM Table of Allotments", (73.202), would therefore need to be modified to include the following change:

The addition of:

<u>Community</u>	<u>Channel Number</u>	
	<u>Present</u>	<u>Proposed</u>
Jenner, California	-----	292A

As it has been shown that the above requested channel is available for the class of service requested. Further, petitioner presents that this would provide "First Local Service" to this vicinity and would be a means of providing emergency notifications to this community as well.

Petitioner trusts that the Commission will find this requested Rule Making Petition to be in the Public Interest and grant this request. Based on the granting of this petition. Applicant makes the following binding statement:

"I Brian Costello, a private individual residing in California and a U. S. Citizen, do hereby request the Commission grant the above Petition, and upon its release I hereby indicate my intention to make a proper filing for this FM Channel. I hereby further indicate that I have the knowledge, resources and commitment to bring this station into being, thereby bringing this Community of Jenner, CA its first local radio service."

Any questions or findings in regard to this petition should be addressed to Brian Costello at the address and telephone number provided below.

The Petitioner thanks the Commission and its Staff for their consideration of this "Petition for Rule Making."

Respectfully submitted,

A handwritten signature in cursive script that reads "Brian Costello". The signature is written in black ink and is positioned above a horizontal line.

Brian Costello
15275 Old Cazadero Road
Guerneville, CA 95446
(707) 869-2715

October 28, 1999

EXHIBIT A

**Spacing Study for
Channel 292A - Jenner, CA**

MAPFM search of channel 292A6 (106.3 MHz), at N. 38 30 55, W. 12311 45

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLRNC
ALC	Ukiah	CA	290	B	U	70.5	69.0	359.1ø	1.5
KQPM	Ukiah	CA	290	B	L	69.1	69.0	8.7ø	0.0
ALC	San Francisco	CA	291	B	U	113.2	113.0	144.0ø	0.2
KMEL	San Francisco	CA	291	B	L	113.3	113.0	144.0ø	0.3
KMEL	San Francisco	CA	291	B	L	113.2	113.0	144.0ø	0.2
ALC	Willows	CA	292	A	V	140.4	115.0	43.5ø	25.4
NEW	Willows	CA	292	A	A	140.2	115.0	43.6ø	25.2
NEW	Willows	CA	292	A	A	141.7	115.0	43.4ø	26.7
NEW	Willows	CA	292	A	A	141.7	115.0	43.4ø	26.7
NEW	Willows	CA	292	A	A	128.4	115.0	44.0ø	13.4
ALC	San Francisco	CA	295	B	U	95.9	69.0	140.4ø	26.9
KEAR	San Francisco	CA	295	B	A	95.8	69.0	140.3ø	26.8
KEAR	San Francisco	CA	295	B	L	95.9	69.0	140.4ø	26.9

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