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Federal Communications Commission
Washington, D.C. 20554

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May 24, 2000

Vincent A. Pepper
Pepper & Corazzini, L.L.P.
1776 K Street, N.W., Suite 200
Washington, D. C. 20006

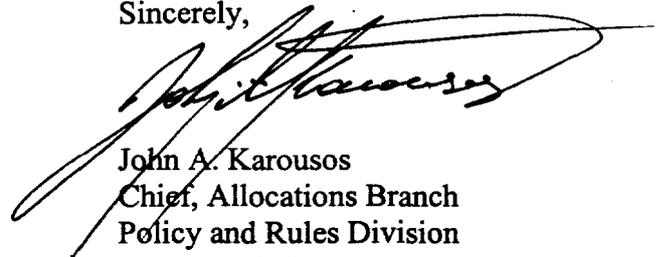
Dear Mr. Pepper:

This is in response to the Petition for Rule Making you filed on behalf of Windthorst Radio Broadcasting Company requesting the allotment of Channel 230C3 at Windthorst, Texas.

We have reviewed your proposal and find that it is unacceptable for rulemaking. A staff engineering analysis indicates that the site which you specify in your proposal for Channel 230C3 (33-29-43 and 98-31-00) is short-spaced to the vacant allotment for Channel 230C3 at Seymour, Texas. Your proposal is also short-spaced to the pending application for Station KSEY, Channel 230C2 at Seymour (BPH-20000406ABD). The license for Station KSEY, Seymour, was amended to specify operation on Channel 230C3 in lieu of Channel 232A in MM Docket No. 86-478. See 2 FCC Rcd 5640 (1987).

Based on the above discussion, we are returning your petition for Windthorst, Texas.

Sincerely,



John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Enclosure

PEPPER & CORAZZINI, LLP
ATTORNEYS AT LAW

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March 28, 2000

RECEIVED

MAR 28 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

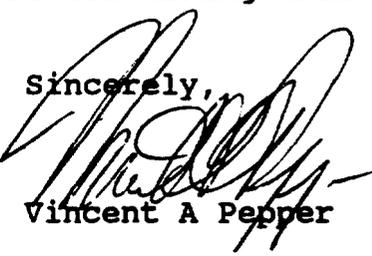
Re: Amendment of Section 73.202(b)
FM Table of Allotments
(Windthorst, Texas)

Dear Ms. Salas:

Transmitted herewith on behalf of Windthorst Radio Broadcasting Company is an original and four copies of its Petition for Rule Making seeking to allot Channel 230C3 to Windthorst, Texas, as that community's first FM broadcast transmission service.

Should any questions arise concerning this matter, please communicate with this office.

Sincerely,


Vincent A Pepper

Enclosures

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MAR 28 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of)
)
Amendment of 73.202(b)) MM Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Windthorst, TX))
)

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Windthorst Radio Broadcasting Company respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 230C3 at Windthorst, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 230C3 to Windthorst, Texas, as that community's first FM broadcast transmission service.

Windthorst is an incorporated city of nearly 400 persons, located in Archer County, Texas, whose population increased 9.7% since the 1980 Census to a population of 7,973 persons in 1990. See Engineering Statement, attached hereto, at 1. Windthorst has its own school district -- with three campuses (high school,

junior high and elementary) --, its own fire department, St. Mary's Catholic Church and its own post office/zip code. As an incorporated city, Windthorst is governed by Mayor Sue Steinberger and City Manager Don Frerich.

Evidence of Windthorst's "growing needs" is the fact that school enrollment is up five percent in 1999-2000 over the prior school year.^{1/} Like other "communities" to which the FCC has allotted a "first" local FM service, Windthorst also has a local library and at least 68 commercial business establishments.^{2/} These retail businesses include Kotter Tires, D&L Sales, Windthorst Quick Stop, Oodles, Wolf's Mini Mart, Andy Roe's Windthorst Exxon, Blue Cow Cafe and Berend Brothers Store.

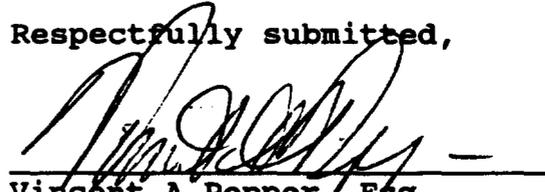
Attached hereto is an engineering report, which contains a channel study confirming that Channel 230C3 can be allocated to Windthorst, Texas, consistent with the FCC's separation rules. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

^{1/} Source: Cindy Frerich, Office of Superintendent of Windthorst Independent School District.

^{2/} Source: Dun & Bradstreet, 1999.

Finally, should this Petition be granted, and Channel 230C3 be allotted to Windthorst, Texas, Petitioner will apply for Channel 230C3 and, after it is authorized, will promptly construct the new facility.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Vincent A. Pepper", is written over a horizontal line.

Vincent A Pepper, Esq.
Counsel for Windthorst Radio
Broadcasting Company

Pepper & Corazzini, L.L.P.
Suite 200
1776 K Street, N.W.
Washington, DC 20006
202/296-0600

Dated: March 28, 2000

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

March 22, 2000

**Windthorst Radio Broadcasting Co.
FM Channel 230C3 □ 93.9 Megahertz
Windthorst, Texas**



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 Windthorst Radio Broadcasting Co., 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 allotting Channel 230C3 to Windthorst, Texas.

I. WINDTHORST, TEXAS

Windthorst is an incorporated city located within Archer County, Texas. The 1990 U.S. Census population of Windthorst was 367 persons. The 1990 U.S. Census population of Archer County was 7,973 persons, an increase of 9.7 percent above the 1980 U.S. Census population of 7,266 persons.

Windthorst has been assigned Postal ZIP Code 76389 by the U.S. Postal Service. The city has no aural broadcast services. The Bureau of the Census centroid geographic coordinates of Windthorst, referenced to the North American Datum of 1927, are:

North Latitude: 33 degrees, 34 minutes, 32 seconds
West Longitude: 98 degrees, 26 minutes, 12 seconds

Because of stations KICM(FM) on Channel 229C2 at Healdton, KZCD(FM) on Channel 231C2 at Lawton, KGDE(FM) on Channel 231C at Fort Worth, and a vacant allotment on Channel 229C2 at Krum, a site restriction is required for the Channel 230C3 allotment at Windthorst. At a point corresponding to the following geographic coordinates, which is 11.6 kilometers southwest of Windthorst, the Channel 230C3 allotment can be made at Windthorst in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 33 degrees, 29 minutes, 43 seconds
West Longitude: 98 degrees, 31 minutes, 00 seconds

From these reference geographic coordinates, Channel 230C3 is fully-spaced to all FCC assignments, allotments and proposals contained within the latest *FCC FM Engineering Database*. Figures one and two show the relative locations of Archer County within the State of Texas, and of the City of Windthorst within Archer County. Figures three and four show the incorporated city limits of Windthorst and the allotment reference site.

II. MINIMUM SPACING REQUIREMENTS

The following table lists the nearest assignments and allocations currently on file with the required distance separations for Channel 230C3.

As required by § 73.207 all minimum distance separation requirements are met from the Channel 230C3 allotment reference site proposed for Windthorst. 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
KKNG-FM	227-C	35° 07' 58"	97° 37' 28"	199. Km	96. Km
KKMR	227-C2	32° 48' 29"	97° 07' 52"	150	56
KLXK	228-C3	33° 06' 51"	98° 19' 57"	46	43
KLXK	228-C2	32° 46' 55"	98° 56' 22"	88	56
KLBJ-FM	229-C	30° 18' 36"	97° 47' 33"	361	176
KXTQ-FM	229-C1	33° 30' 57"	101° 50' 54"	310	144
ALLOC	229-C2	33° 35' 10"	97° 12' 47"	122	117
KCRN-FM	230-C1	31° 42' 11"	100° 19' 20"	261	211
ALLOC	230-C2	33° 35' 24"	99° 15' 36"	70	177
KZCD	231-C2	34° 33' 00"	98° 32' 20"	117	117
KGDE	231-C	32° 35' 22"	96° 58' 10"	176	176
KYOX	232-C2	31° 54' 51"	98° 41' 48"	176	56
KSEY-FM	232-A	33° 35' 49"	99° 16' 42"	72	42
KDGE	233-C	33° 33' 36"	96° 57' 35"	145	96
KKDA-FM	283-C	32° 35' 22"	96° 58' 10"	176	31
KYYI	284-C	34° 05' 35"	98° 52' 44"	74	31

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, Windthorst Radio Broadcasting Co., respectfully requests the following change to the Table:

PRESENT
CITY **CHANNEL**
Windthorst, TX ----

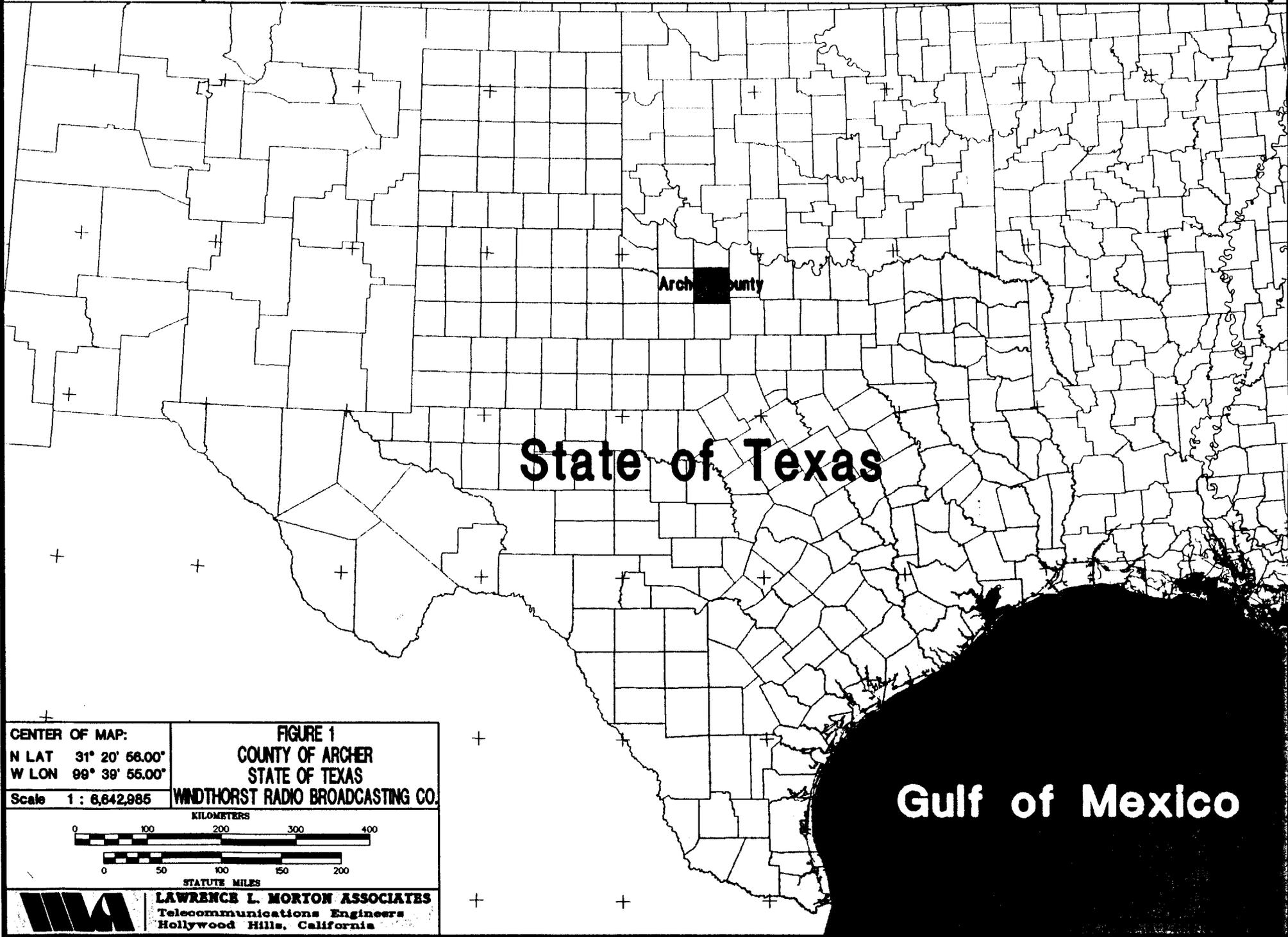
PROPOSED
CITY **CHANNEL**
Windthorst, TX 230C3

The petitioner asserts that, upon allotment of Channel 230C3 to Windthorst and the lifting of the present freeze on new applications, an application for construction permit to build a new Class C3 facility will be filed promptly to serve Windthorst, Texas.

Respectfully Submitted,

Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
March 22, 2000



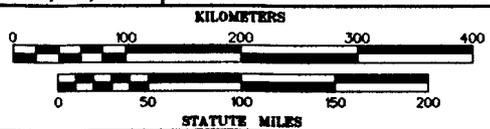


CENTER OF MAP:
N LAT 31° 20' 58.00"
W LON 99° 39' 55.00"

FIGURE 1
COUNTY OF ARCHER
STATE OF TEXAS

Scale 1 : 6,642,985

WINDHORST RADIO BROADCASTING CO.

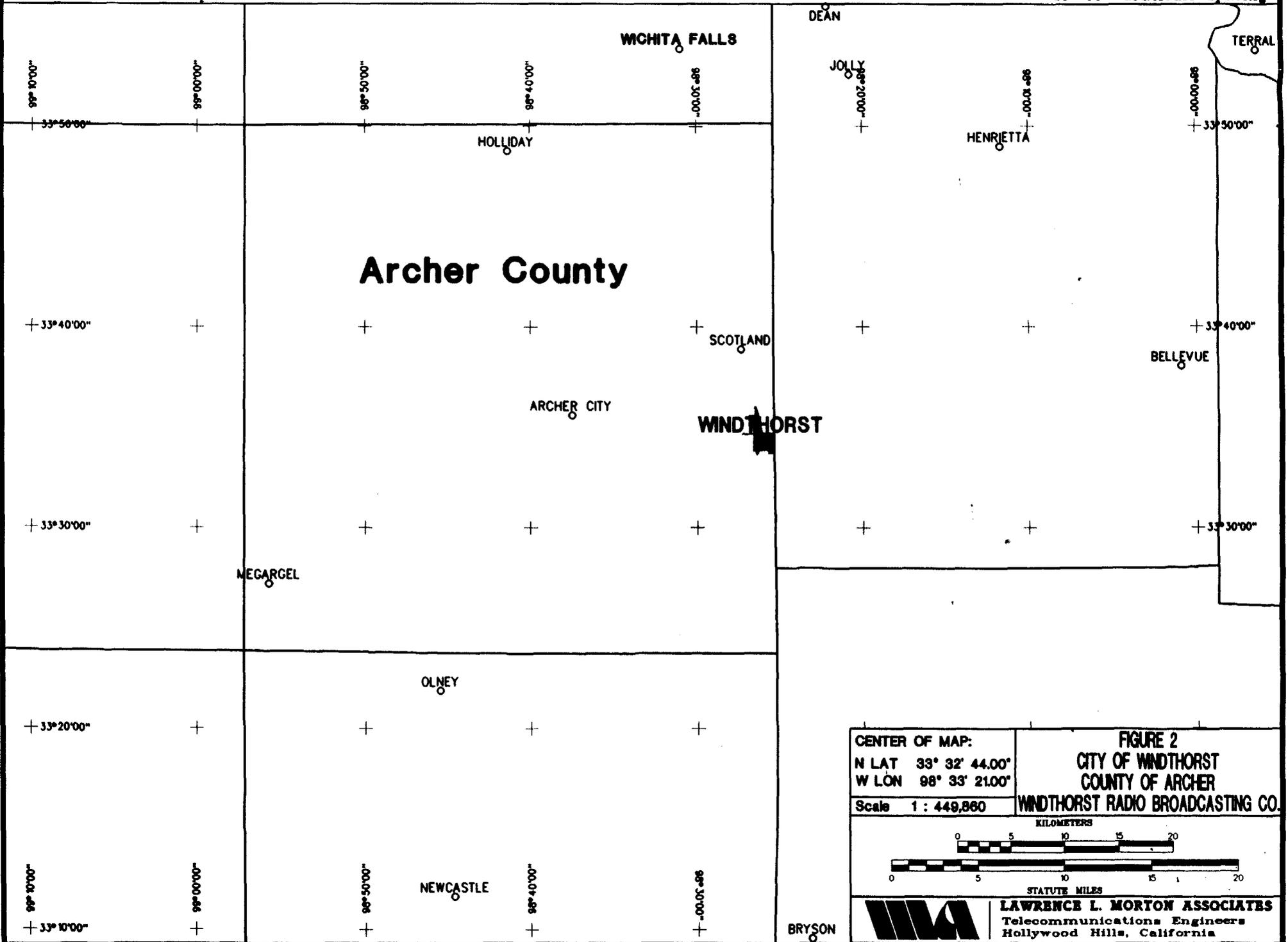


LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California

Gulf of Mexico

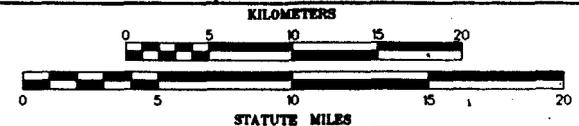
Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing



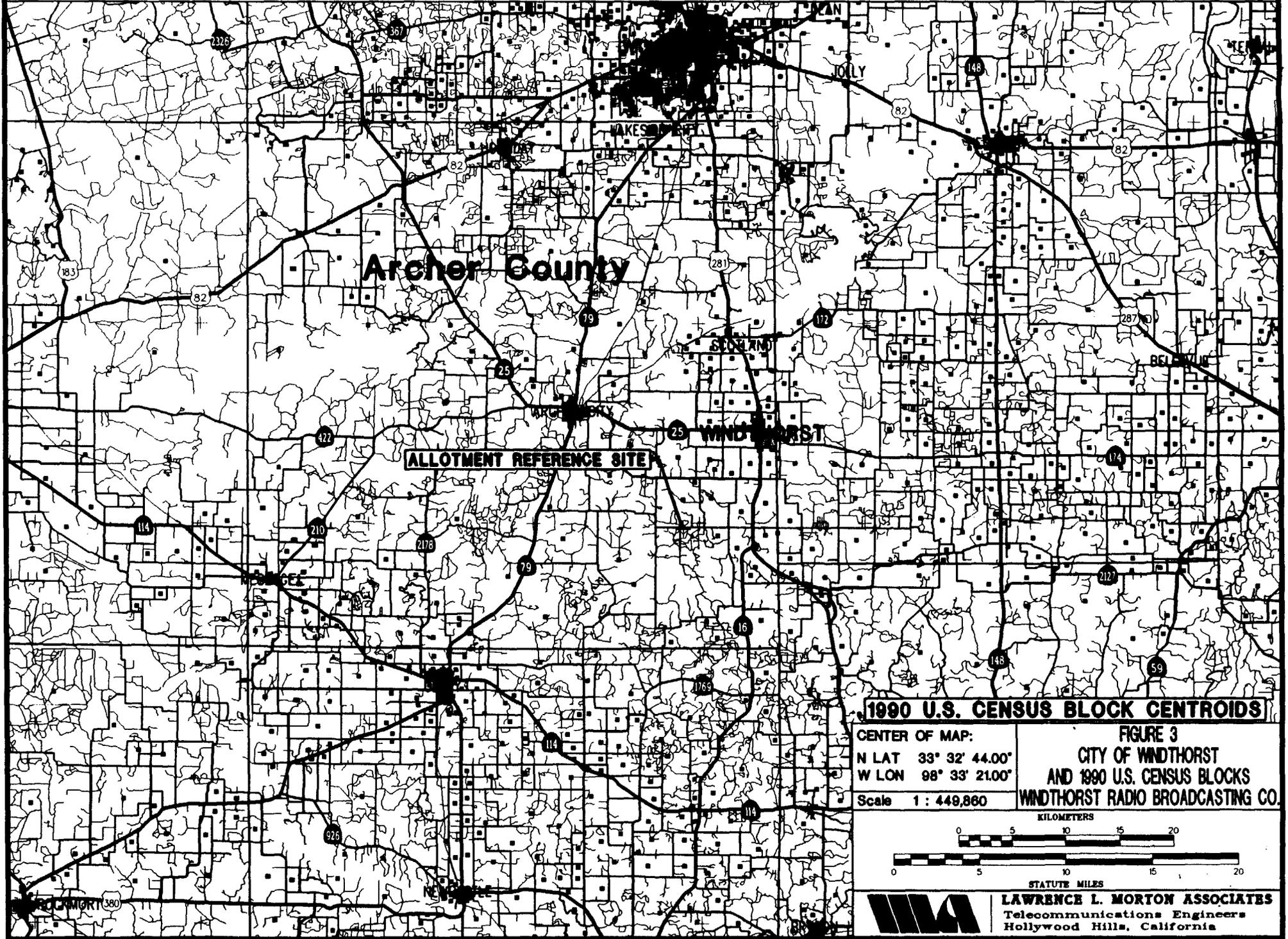
CENTER OF MAP:
 N LAT 33° 32' 44.00"
 W LON 98° 33' 21.00"
 Scale 1 : 449,860

FIGURE 2
 CITY OF WINDHORST
 COUNTY OF ARCHER
 WINDHORST RADIO BROADCASTING CO.



LAWRENCE L. MORTON ASSOCIATES
 Telecommunications Engineers
 Hollywood Hills, California

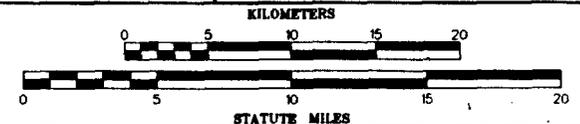
BRYSON



1990 U.S. CENSUS BLOCK CENTROIDS

CENTER OF MAP:
 N LAT 33° 32' 44.00"
 W LON 98° 33' 21.00"
 Scale 1 : 449,860

FIGURE 3
CITY OF WINDHORST
AND 1990 U.S. CENSUS BLOCKS
WINDHORST RADIO BROADCASTING CO.



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 Telecommunications Engineers
 Hollywood Hills, California

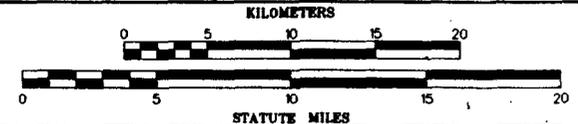


ALLOTMENT REFERENCE SITE

WINTHORST

CENTER OF MAP:
 N LAT 33° 32' 44.00"
 W LON 98° 33' 21.00"
 Scale 1 : 449,860

FIGURE 4
FULLY-SPACED AREA TO LOCATE
FM CHANNEL 230C3 AT WINTHORST
WINTHORST RADIO BROADCASTING CO.



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