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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 CFR 1.401, Waelder Radio Broadcasting Company respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add channel 232C3 at Waelder, TX.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating channel 232C3 to Waelder, TX, as that community's first local aural service.

Waelder is an incorporated city in Gonzales County, in south central Texas. Waelder has a Mayor (Mr. Roy Tovar) and five City Councilmen. Its 1990 Census population was 745 persons but Waelder grew to more than 820 persons by 1998, a growth rate of more than 10 percent. ^{1/}

Waelder has its own independent school district, its own fire and police departments, and its own post office.

Like other "communities" to which the FCC has allotted a "first competing FM service," Waelder has numerous local church-

^{1/} Texas State Data Center estimate, January 1, 1998.

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MJB

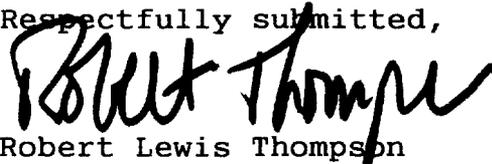
es, a Senior Citizens Center (which meets at the American Legion Hall), more than two dozen commercial business establishments,^{2/} and numerous local civic clubs^{3/}.

Attached hereto is an engineering report, which contains a channel study confirming that channel 232C3 can be allocated to Waelder, TX consistent with FCC rules. See Appendix A.

Allotment of channel 232C3 to Waelder, TX would provide that city with its first local aural service and would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992).

Finally, should channel 232C3 be allocated to Waelder, TX, Petitioner will apply for channel 232C3 and, if it is granted a CP, will promptly construct the new facility.

Respectfully submitted,



Robert Lewis Thompson
THIEMANN AITKEN et al, LLC
908 King Street, Suite 300
Alexandria, VA 22314
(703) 836-9400

June 6, 2000

Counsel for Waelder Radio
Broadcasting Company

^{2/} Businesses include, for example, Opie's Cafe, two Texaco gas stations, two restaurants, hardware store, propane store etc.

^{3/} Clubs such as the Future Farmers of America, Future Homemakers of America, Boy Scouts, 4-H Club and the Board of the Waelder Livestock Show.

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

March 18, 2000

**Waelder Radio Broadcasting Co.
FM Channel 232C3 □ 94.3 Megahertz
Waelder, 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 Waelder 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 232C3 to Waelder, Texas.

I. WAELDER, TEXAS

Waelder is an incorporated city located within Gonzales County, Texas. The 1990 U.S. Census population of Waelder was 745 persons. The 1990 U.S. Census population of Gonzales County was 17,205 persons, an increase of 1.9 percent above the 1980 U.S. Census population of 16,883 persons.

Waelder has been assigned Postal ZIP Code 78959 by the U.S. Postal Service. The city has no aural broadcast services. The Bureau of the Census centroid geographic coordinates of Waelder, referenced to the North American Datum of 1927, are:

North Latitude: 29 degrees, 41 minutes, 38 seconds
West Longitude: 97 degrees, 17 minutes, 47 seconds

Because of stations KLBJ-FM on Channel 229C at Austin, KULF(FM) on Channel 231C3 at Brenham, KHTZ(FM) on Channel 232A at Cameron, KLDE(FM) on Channel 233C at Houston, and KAMX(FM) on Channel 234C at Luling, a site restriction is required for the Channel 232C3 allotment at Waelder. At a point corresponding to the following geographic coordinates, which is 7.5 kilometers southwest of Waelder, the Channel 232C3 allotment can be made at Waelder in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 29 degrees, 32 minutes, 42 seconds
West Longitude: 97 degrees, 19 minutes, 33 seconds

From these reference geographic coordinates, Channel 232C3 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 Gonzales County within the State of Texas, and of the City of Waelder within Gonzales County. Figures three and four show the incorporated city limits of Waelder 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 232C3.

As required by § 73.207 all minimum distance separation requirements are met from the Channel 232C3 allotment reference site proposed for Waelder. 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
KLBJ-FM	229-C	30° 18' 36"	97° 47' 33"	96. Km	96. Km
KKRW	229-C	29° 34' 27"	95° 29' 37"	178	96
KMXR	230-C1	27° 46' 50"	97° 38' 03"	198	76
KQXY-FM	231-C1	30° 06' 56"	94° 00' 00"	328	144
KGDE	231-C	32° 35' 22"	96° 58' 10"	339	176
KAJI	231-C3	28° 46' 08"	96° 42' 39"	105	99
KLEY-FM	231-C2	29° 11' 03"	98° 30' 49"	122	117
KHTZ	232-A	30° 51' 30"	97° 01' 47"	148	142
KRVL	232-C2	30° 15' 08"	99° 08' 01"	191	177
ALOC	232-B	27° 52' 51"	101° 30' 56"	448	211
KLDE	233-C	29° 34' 34"	95° 30' 36"	176	176
KBPL	233-C2	28° 27' 12"	98° 26' 07"	162	117
KAMX	234-C	30° 19' 23"	97° 47' 58"	98	96
KWRD-FM	235-C	32° 35' 22"	96° 58' 10"	339	96
KQUR	235-C1	27° 31' 14"	99° 31' 19"	311	76
KBAE	285-C2	30° 26' 34"	98° 14' 48"	133	17
KBUK	285-A	29° 52' 57"	96° 51' 58"	58	12
PRM	286-A	30° 36' 54"	97° 12' 18"	119	12
KHTZ	286-C3	30° 51' 30"	97° 01' 47"	148	14

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,

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

<u>CITY</u>	<u>PRESENT</u>	<u>CHANNEL</u>
Waelder, TX		----

<u>CITY</u>	<u>PROPOSED</u>	<u>CHANNEL</u>
Waelder, TX		232C3

The petitioner asserts that, upon allotment of Channel 232C3 to Waelder 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 Waelder, Texas.

Respectfully Submitted,

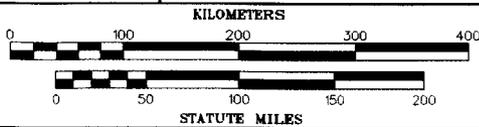
**Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
March 18, 2000**



State of Texas

Gulf of Mexico

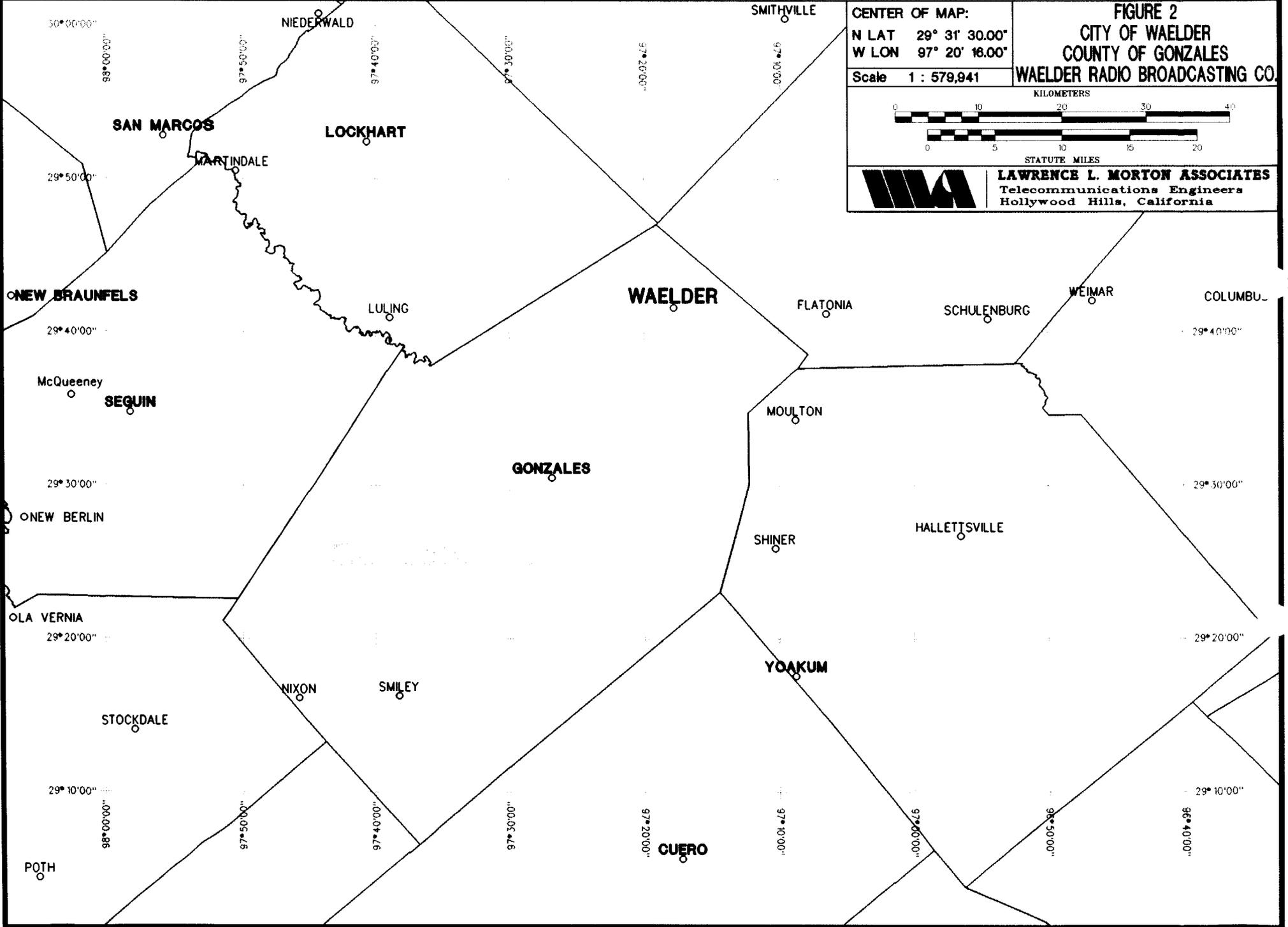
CENTER OF MAP:	FIGURE 1
N LAT 31° 20' 56.00"	COUNTY OF GONZALES
W LON 99° 39' 55.00"	STATE OF TEXAS
Scale 1 : 6,642,985	WALDER RADIO BROADCASTING CO.



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California

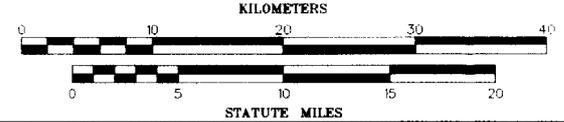
Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing

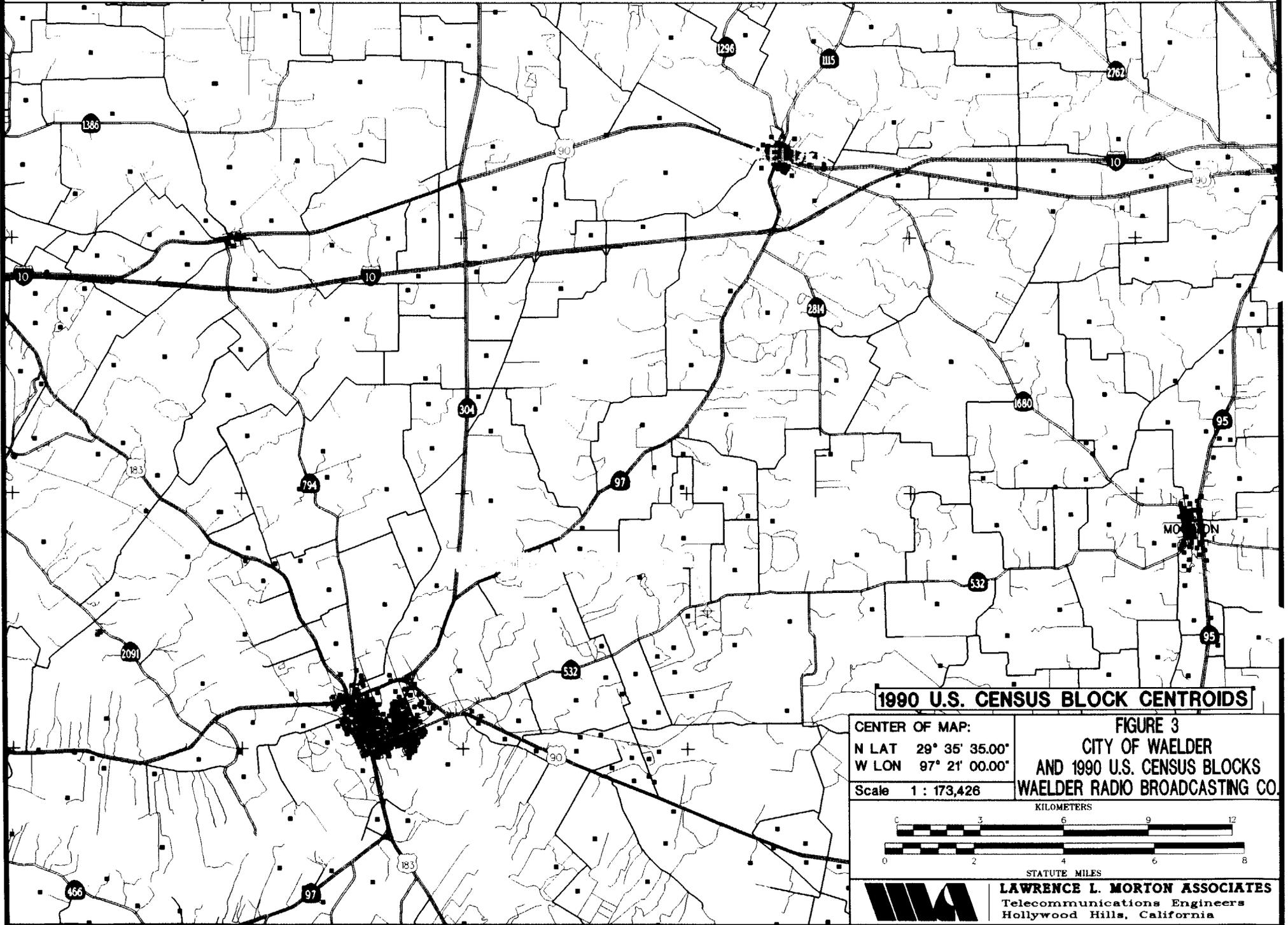


CENTER OF MAP:
 N LAT 29° 31' 30.00"
 W LON 97° 20' 16.00"
 Scale 1 : 579,941

FIGURE 2
CITY OF WAELEDER
COUNTY OF GONZALES
WAELEDER RADIO BROADCASTING CO.



LAWRENCE L. MORTON ASSOCIATES
 Telecommunications Engineers
 Hollywood Hills, California

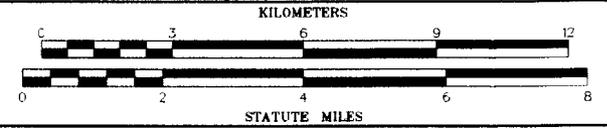


1990 U.S. CENSUS BLOCK CENTROIDS

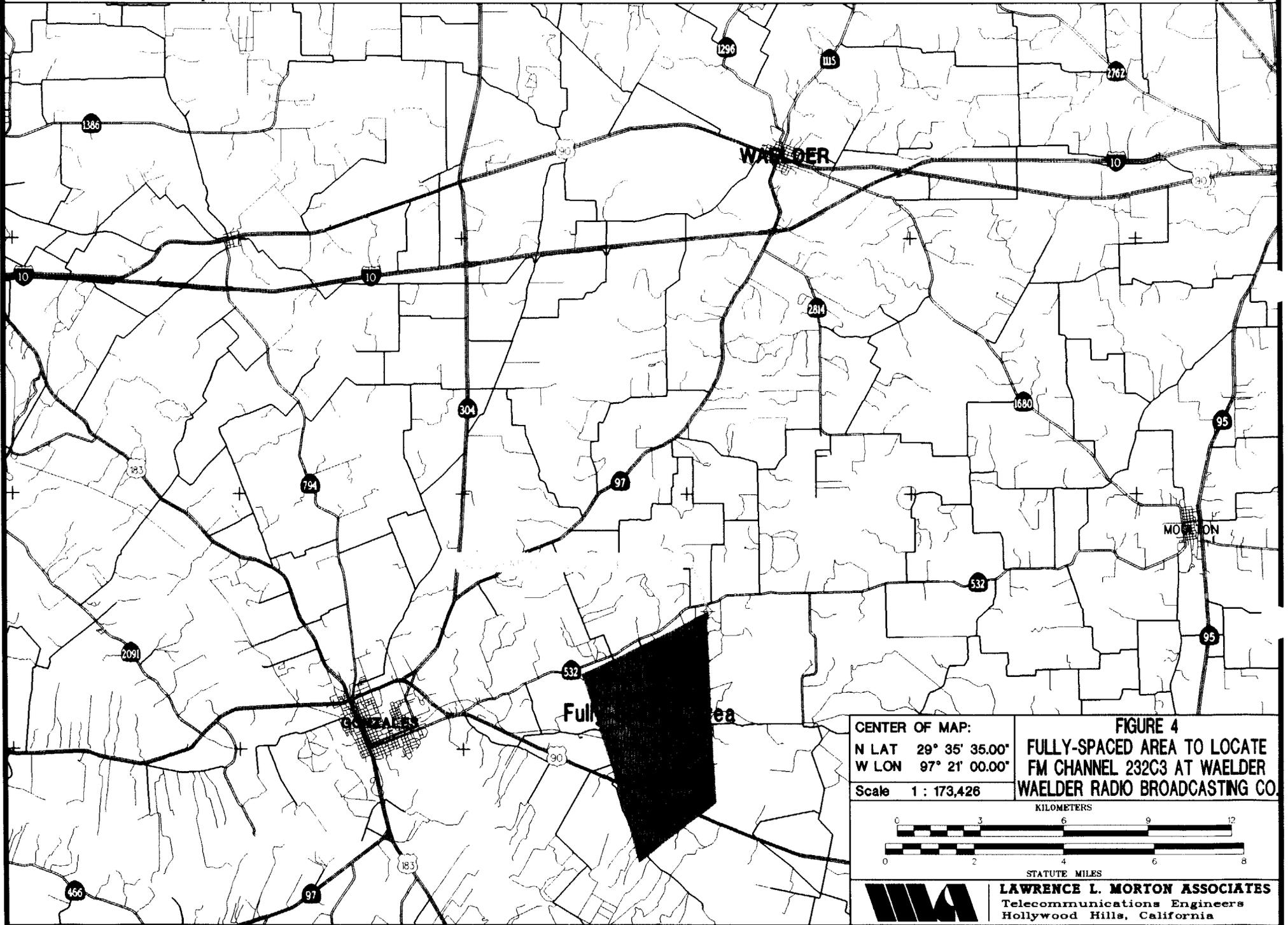
CENTER OF MAP:
 N LAT 29° 35' 35.00"
 W LON 97° 21' 00.00"

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

Scale 1 : 173,426

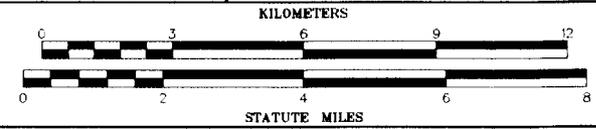


LAWRENCE L. MORTON ASSOCIATES
 Telecommunications Engineers
 Hollywood Hills, California



CENTER OF MAP:
 N LAT 29° 35' 35.00"
 W LON 97° 21' 00.00"
 Scale 1 : 173,426

FIGURE 4
FULLY-SPACED AREA TO LOCATE
FM CHANNEL 232C3 AT WAELEDER
WAELEDER RADIO BROADCASTING CO.



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 Hollywood Hills, California

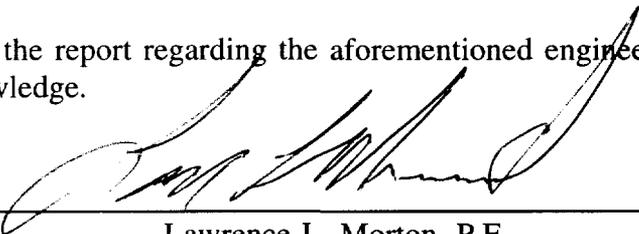
AFFIDAVIT

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.

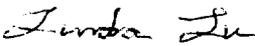
Date: March 18, 2000



Lawrence L. Morton, P.E.

On March 18, 2000, 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 11/30/2001



Notary Public

