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FEDERAL COMMUNICATIONS COMMISSION
Federal Communications Commission
Washington, D.C. 20554

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C. Y. Derel
C. M. J. L. L. L.

JUN 27 2 32 PM '00

June 26, 2000

Robert Lewis Thompson
Thiemann Aitken Vohra & Rutledge, LLC
908 King Street, Suite 300
Alexandria, Virginia 22314

Dear Mr. Thompson:

This is in response to your request withdrawing the Petition for Rule Making you filed on behalf of Hewitt Radio Broadcasting Company proposing the allotment of Channel 295A at Hewitt, Texas. In compliance with Section 1.420(j) of the Commission's Rules, Hewitt Radio Broadcasting Company provided an affidavit stating that it will not receive, either directly or indirectly, any money or other consideration in connection with the dismissal of its petition for rule making at Hewitt, Texas.

In accordance with your request, no further action will be taken on the proposal to allot an FM channel to Hewitt, Texas.

Sincerely,

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

Enclosure

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

RECEIVED
JUN 14 2000
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Hewitt, TX))

MM Docket No. _____

To: Kathleen Sheuerle
Allocations Branch
Mass Media Bureau

Motion to Dismiss Petition

Hewitt Radio Broadcasting Company ("HRBC") respectfully moves that the FCC dismiss its Petition, filed on or about March 29, 2000, to allot a new FM channel to Hewitt, TX.

An appropriate Affidavit, required by 47 CFR 1.420(j), is attached hereto.

Respectfully submitted,



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

June 14, 2000

Counsel for Hewitt Radio
Broadcasting Company

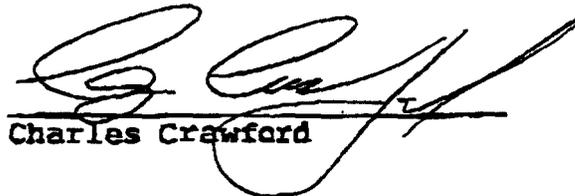
SWORN AFFIDAVIT

Charles Crawford does state under penalty of perjury:

1. My name is Charles Crawford and I am the sole proprietor of Hewitt Radio Broadcasting Co., which filed a Petition for Rulemaking to allot a new FM channel to Hewitt, TX, on or about March 29, 2000.

2. I have concluded to request that the FCC dismiss with prejudice my Petition/expression of interest. I hereby certify that I have not nor will not receive, either directly or indirectly, any money or other consideration in connection with the dismissal of the Petition/expression of interest. The Petition was not filed for the purpose of reaching a settlement.

Executed this 13th day of June, 2000.


Charles Crawford

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20054

RECEIVED
MAR 29 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of 73.202(b)) MM Docket No. 99-_____
Table of Allotments)
FM Broadcast Stations)
(Hewitt, TX))

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 CFR 1.401, Hewitt Radio Broadcasting Company respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add channel 295A at Hewitt, TX.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating channel 295A to Hewitt, TX, as that community's first FM broadcast transmission service.

Hewitt is an incorporated city (in McLennan County Texas), whose 1990 Census population was 8,983 persons, an increase of more than 70% over its 1980 population. The 1998 population was estimated to have risen to 10,718. ^{1/}

Hewitt has its own schools, its own police and fire departments, and its own post office. Like other "communities" to

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

which the FCC has allotted a local FM service, Hewitt has numerous local churches, ^{2/} local medical clinics, ^{3/} a local library, a local weekly newspaper, 344 commercial business establishments, a Chamber of Commerce, several local banks and a nearby airport. Attached hereto is an engineering report, which contains a channel study confirming that channel 295A can be allocated to Hewitt, TX consistent with the FCC's separation rules. See Appendix A.

Allotment of channel 295A to Hewitt, TX would provide that community with its first FM transmission 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 this Petition be granted, and channel 295A be allotted to Hewitt, TX, Petitioner will apply for channel 295A and, after it is authorized, will promptly construct the new facility.

Respectfully submitted,



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

March 29, 2000

Counsel for Hewitt Radio
Broadcasting Company

^{2/} First United Methodist Church of Hewitt, Hewitt First Baptist Church, etc.

^{3/} Three clinics, including a branch of the highly regarded Scott & White Clinic.

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

March 24, 2000

**Hewitt Radio Broadcasting Co.
FM Channel 295A □ 106.9 Megahertz
Hewitt, 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 Hewitt 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 295A to Hewitt, Texas.

I. HEWITT, TEXAS

Hewitt is an incorporated city located within McLennan County, Texas. The 1990 U.S. Census population of Hewitt was 8,983 persons, an increase of 71.2 percent above the 1980 U.S. Census population of 5,247 persons. The 1990 U.S. Census population of McLennan County was 189,123 persons.

Hewitt has been assigned Postal ZIP Code 76643 by the U.S. Postal Service. The city has no aural broadcast services. The Bureau of the Census centroid geographic coordinates of Hewitt, referenced to the North American Datum of 1927, are:

North Latitude: 31 degrees, 27 minutes, 04 seconds
West Longitude: 97 degrees, 11 minutes, 37 seconds

Because of stations KRVF(FM) on Channel 295A at Kerens and KDXT-FM on Channel 296C1 at Benbrook, a site restriction is required for the Channel 295A allotment at Hewitt. At a point corresponding to the following geographic coordinates, which is 8.7 kilometers southeast of Hewitt, the Channel 295A allotment can be made at Hewitt in compliance with the minimum distance separation requirements 47 C.F.R. § 73.207.

North Latitude: 31 degrees, 22 minutes, 54 seconds
West Longitude: 97 degrees, 09 minutes, 09 seconds

From these reference geographic coordinates, Channel 295A 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 McLennan County within the State of Texas, and of the City of Hewitt within McLennan County. Figures three and four show the incorporated city limits of Hewitt and the allotment reference site. Figure five demonstrates that the entire city limits of Hewitt are within city-grade distance from the proposed 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 295A.

As required by § 73.207 all minimum distance separation requirements are met from the Channel 295A allotment reference site proposed for Hewitt. 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 |
| PRM | 241-C2 | 30° 45' 26" | 96° 24' 33" | 99. Km | 15. Km |
| KXXM | 241-C1 | 29° 38' 00" | 98° 37' 50" | 240 | 22 |
| KSCS | 242-C | 32° 35' 15" | 96° 57' 59" | 135 | 29 |
| ALLOC | 292-C2 | 32° 28' 34" | 99° 42' 22" | 270 | 55 |
| KOOC | 292-C3 | 31° 03' 46" | 97° 31' 54" | 51 | 42 |
| KOOI | 293-C | 32° 03' 40" | 95° 18' 50" | 190 | 95 |
| NEW | 293-C3 | 30° 46' 21" | 98° 47' 20" | 170 | 42 |
| ALLOC | 294-C2 | 33° 49' 16" | 95° 24' 16" | 316 | 106 |
| PRM | 294-A | 31° 17' 00" | 95° 53' 00" | 121 | 72 |
| KDXT-FM ¹ | 294-C | 32° 15' 07" | 98° 02' 48" | 128.37 | 165 |
| KKHT | 295-C | 30° 13' 53" | 95° 07' 26" | 232 | 226 |
| KRVF | 295-A | 32° 08' 15" | 96° 19' 10" | 115 | 115 |
| KWBU ¹ | 296-A | 31° 31' 51" | 97° 09' 10" | 16.54 | 72 |
| KDXT-FM | 296-C1 | 32° 26' 17" | 97° 49' 06" | 133 | 133 |
| KLFX | 297-A | 31° 05' 38" | 97° 34' 51" | 52 | 31 |
| KISX | 297-C2 | 32° 17' 19" | 95° 11' 56" | 211 | 55 |
| ALLOC | 297-C3 | 30° 39' 00" | 96° 10' 08" | 124 | 42 |
| KXTN-FM | 298-C | 29° 16' 29" | 98° 15' 52" | 257 | 95 |
| KOAI | 298-C1 | 32° 35' 05" | 96° 57' 46" | 135 | 75 |

¹KDXT-FM is moving from Channel 294C at Granbury to Channel 296C1 at Benbrook, and KWBU(FM) is moving from Channel 296A to Channel 277A at Waco, Texas, by *Report and Order*, MM Docket No. 98-198, released March 21, 2000.

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

| <u>CITY</u> | <u>PRESENT</u> | <u>CHANNEL</u> |
|-------------|----------------|----------------|
| Hewitt, TX | | ---- |

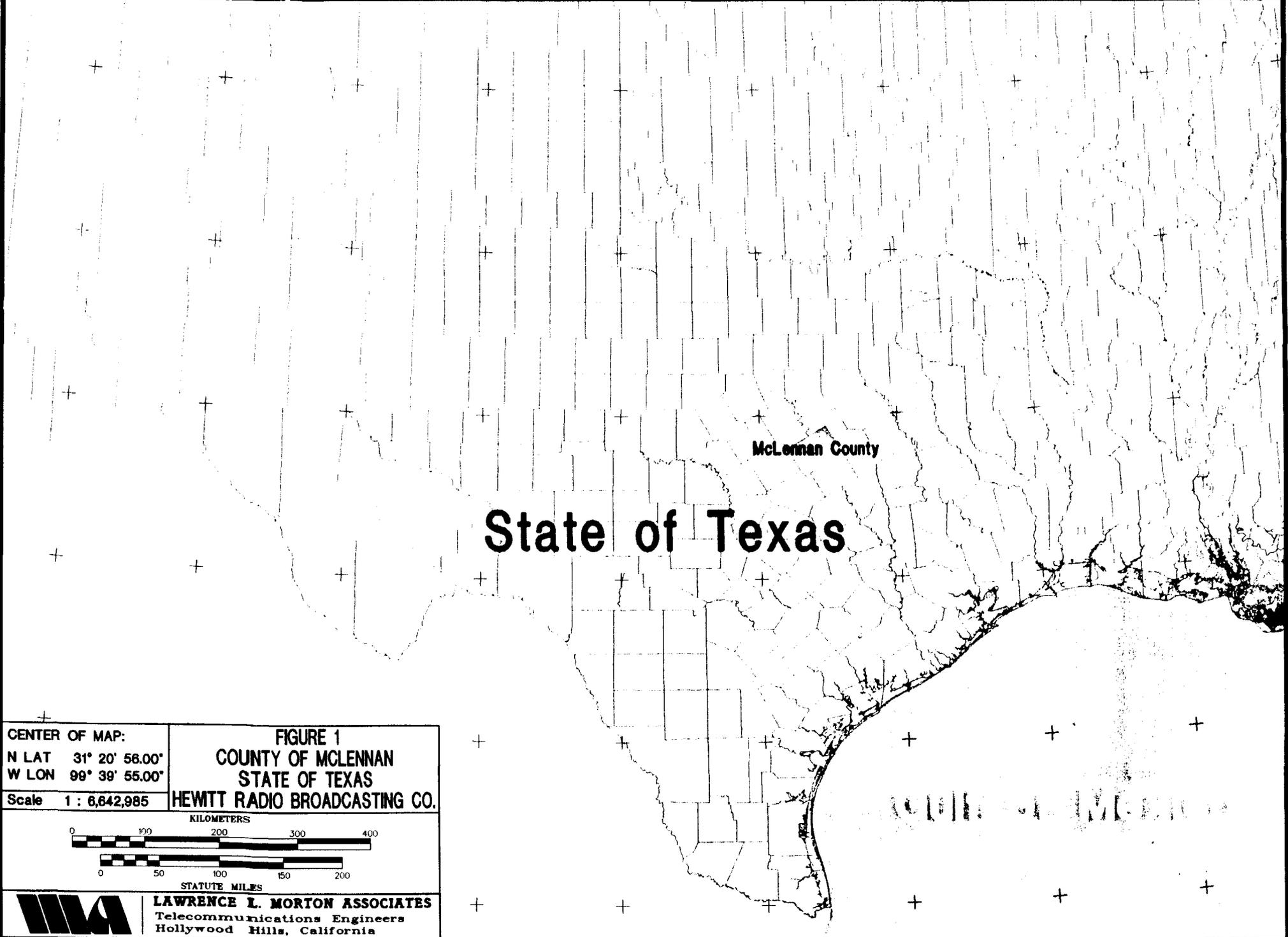
| <u>CITY</u> | <u>PROPOSED</u> | <u>CHANNEL</u> |
|-------------|-----------------|----------------|
| Hewitt, TX | | 295A |

The petitioner asserts that, upon allotment of Channel 295A to Hewitt and the lifting of the present freeze on new applications, an application for construction permit to build a new Class A facility will be filed promptly to serve Hewitt, Texas.

Respectfully Submitted,

**Lawrence L. Morton, P.E.
Consulting Engineer to the Petitioner
March 24, 2000**

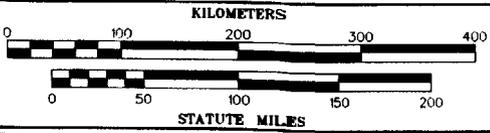




CENTER OF MAP:
N LAT 31° 20' 58.00"
W LON 99° 39' 55.00"

FIGURE 1
COUNTY OF MCLENNAN
STATE OF TEXAS
HEWITT RADIO BROADCASTING CO.

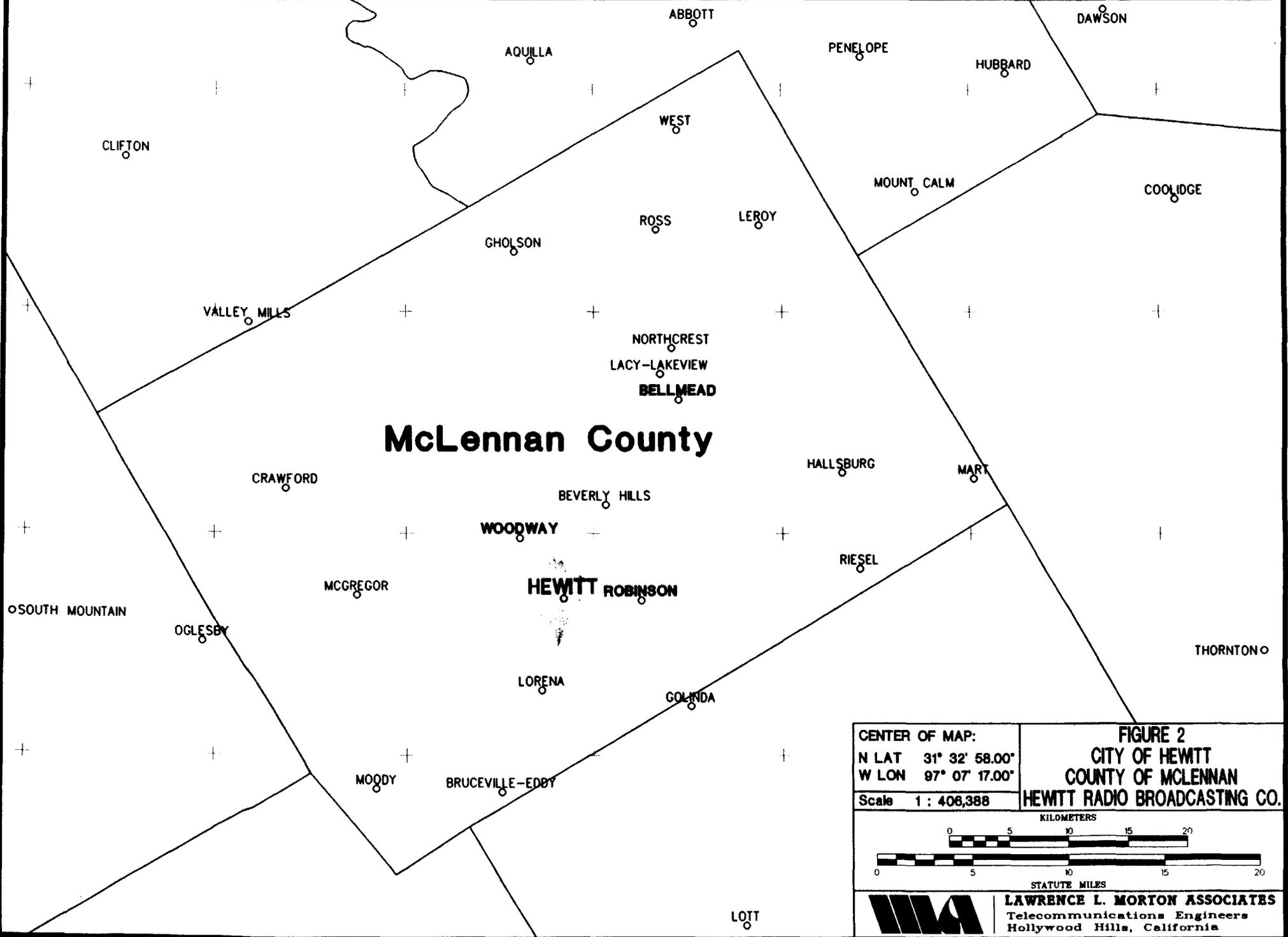
Scale 1 : 6,642,985



LAWRENCE L. MORTON ASSOCIATES
Telecommunications Engineers
Hollywood Hills, California

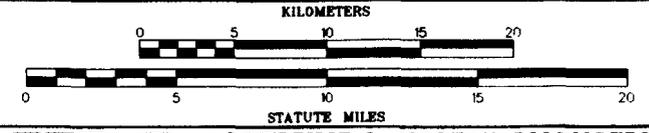
Lambert Azimuthal Equal-Area

10' 00" Graticule Spacing



CENTER OF MAP:
 N LAT 31° 32' 58.00"
 W LON 97° 07' 17.00"
 Scale 1 : 408,388

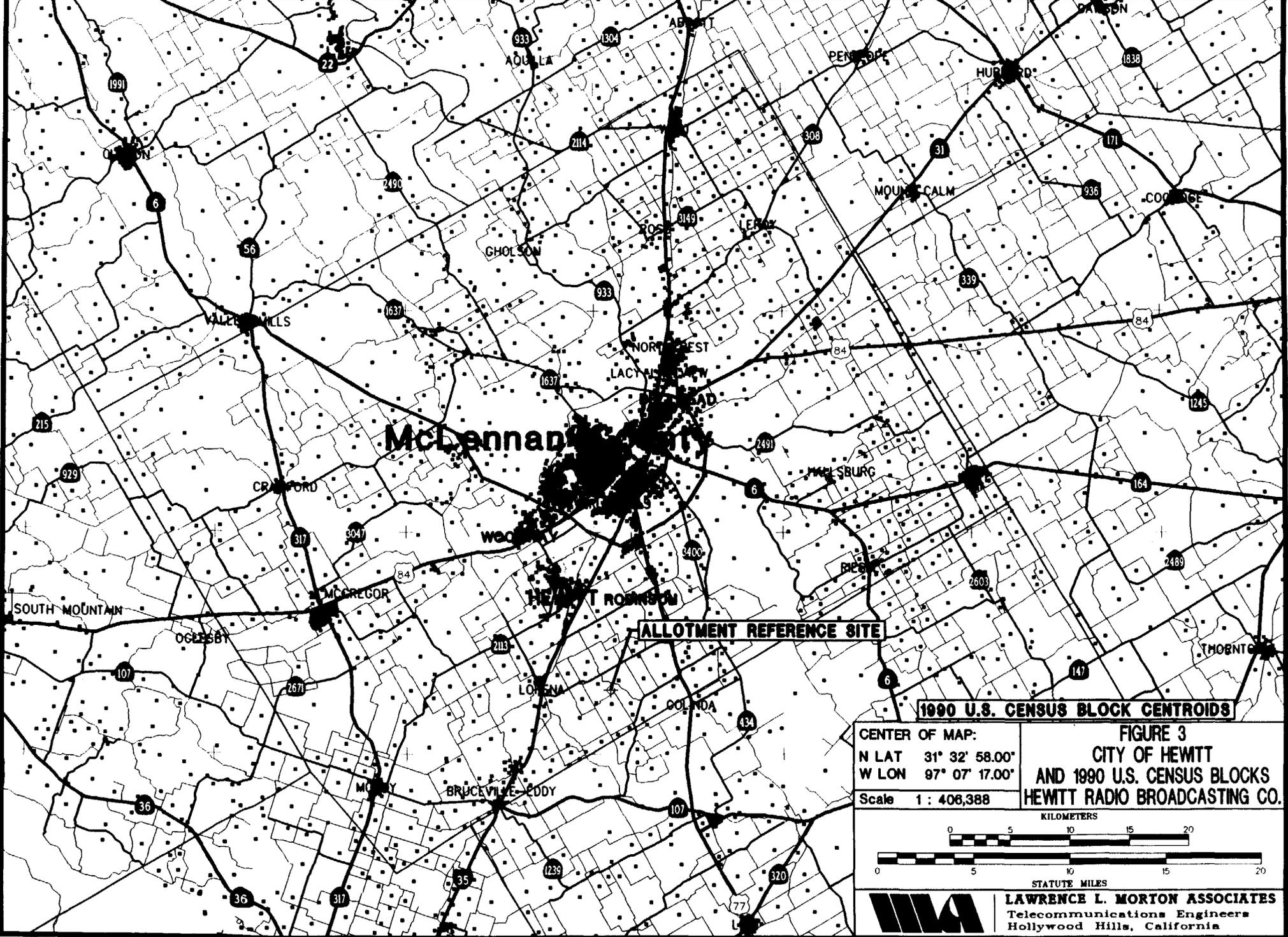
FIGURE 2
 CITY OF HEWITT
 COUNTY OF MCLENNAN
 HEWITT RADIO BROADCASTING CO.



LMA | **LAWRENCE L. MORTON ASSOCIATES**
 Telecommunications Engineers
 Hollywood Hills, California

Lambert Azimuthal Equal-Area

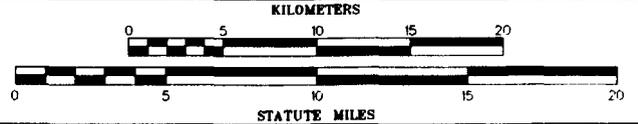
10' 00" Graticule Spacing



1990 U.S. CENSUS BLOCK CENTROIDS

CENTER OF MAP:
 N LAT 31° 32' 58.00"
 W LON 97° 07' 17.00"
 Scale 1 : 406,388

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



LAWRENCE L. MORTON ASSOCIATES
 Telecommunications Engineers
 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 24, 2000

ORIGINAL COPY SIGNED

Lawrence L. Morton, P.E.

On March 24, 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

ORIGINAL COPY NOTARIZED

Notary Public