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FEB 7 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

February 7, 2001

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Petition for Rulemaking
Amendment of Section 73.202(b), Table of Allotments – Auburn, Alabama
Auburn Network, Inc., Petitioner

Dear Ms. Salas:

Transmitted herewith, on behalf of Auburn Network, Inc., is an original and four (4) copies of its Petition For Rulemaking for a new FM broadcast station on Channel 263A at Auburn, Alabama.

Should there be any questions, please contact undersigned counsel.

Sincerely,

M. Scott Johnson
Lee G. Petro

Enclosures

cc: Ms. Nancy Joyner, 3-A267
Federal Communications Commission

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

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FEB 7 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket _____
Table of Allotments,	)	RM - _____
FM Broadcast Stations	)	
(Auburn, Alabama)	)	

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now AUBURN NETWORK, INC., (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 263A to Auburn, Alabama, as that community's second local FM service.

Proposal of Petitioner:

City	Channel Numbers Present	Channel Numbers Proposed
Auburn, Alabama	249A	249A, 263A

In support of this proposal, the following information is herewith submitted for consideration:

Auburn is an incorporated community located in Lee County in east central Alabama, approximately 160 kilometers southeast of Birmingham, Alabama. The city population is 33,830 and the county population is 87,146 1/. It is the largest city in Lee County and is the home of Auburn University. Adoption of this proposal will provide Auburn with its second commercial FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Auburn, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

Petitioner is the licensee of WANI(AM), which is licensed to the contiguous community of Opelika, Alabama. If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Auburn, Alabama. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

1/ Population figures from the 1990 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

AUBURN NETWORK, INC.

Michael G. Hubbard
P.O. Box 950
Auburn, AL 36831
(334) 826-2929

1/8/01

Contemporary Communications

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P. O. BOX 1787 ❑ CLEVELAND, MS 38732

TECHNICAL EXHIBIT

IN SUPPORT OF

PETITION FOR RULE MAKING

NEW FM - CHANNEL 263A

AUBURN, ALABAMA

AUBURN NETWORK, INC.

CONTEMPORARY COMMUNICATIONS
Broadcast Consultants
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Cleveland, MS 38732
Phone: (662) 846-1787
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TECHNICAL EXHIBIT

IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 263A
AUBURN, ALABAMA

AUBURN NETWORK, INC.

INTRODUCTION

This Technical Exhibit supports the petition of AUBURN NETWORK, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 263A to Auburn, Alabama, as that community's second local FM channel.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 263A could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 263A may be allocated to Auburn in full compliance with Section 73.207(b), without the imposition of a site-restriction.

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The "area-to-locate" for Channel 263A is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Auburn in which to locate a transmitter site. Assuming maximum Class A facilities (6 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 263A is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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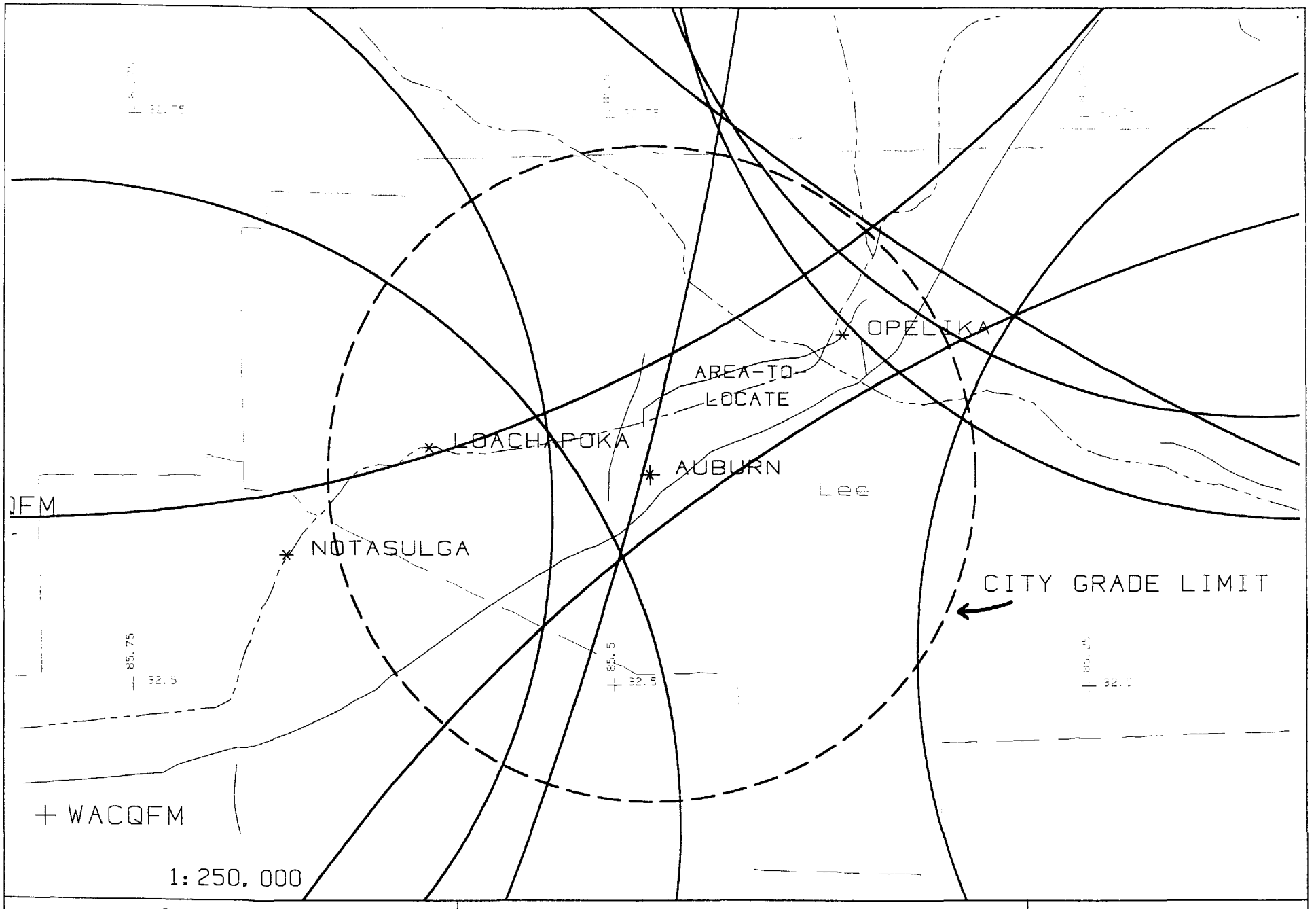

Scale in km

0 10 20

AREA-TO-LOCATE - CH. 263A

N. Lat. 32 36 09 W. Lng. 85 28 52

EXHIBIT A

AUBURN, ALABAMA

CONTEMPORARY COMMUNICATIONS
BROADCAST CONSULTANTS

EXHIBIT B

AUBURN NETWORK INC.
NEW FM DROP-IN SEARCH

REFERENCE
32 36 09 N
85 28 52 W

CLASS = A
Current Spacings

DISPLAY DATES
DATA 06-22-00
SEARCH 06-24-00

---------- Channel 263 - 100.5 MHz ----------

Call	Channel	Location		Dist	Azi	FCC	Margin
N. Lat.	W. Lng.		Power		HAAT		
RDEL	DEL 263C	Anniston	AL	119.89	341.6	226.0	-106.11
33 37 38	85 53 25		0.000 kW		0 M		
			RM9268		0		
WHMAFM	LIC 263C	Anniston	AL	119.89	341.6	226.0	-106.11
33 37 38	85 53 25	CN	100.000 kW		348 M		
Wnnx Lico, Inc.			BLH19890803KB		6809		
WLXY.A	APP 263C1	Northport	AL	200.02	285.1	200.0	0.02
33 03 15	87 32 57	CX	100.000 kW		299 M		
Radio South, Inc.			BPH19991012AAG		70914		
AVAC	VAC 263C1	Northport	AL	200.02	285.1	200.0	0.02
33 03 15	87 32 57		0.000 kW		0 M		
Radio South, Inc.					70914		
WMRZ.C	CP 264C3	Cuthbert	GA	92.26	143.9	89.0	3.26
31 55 49	84 54 15	CN	11.500 kW		146 M		
Alaga Communications Corp.			BPH19971028ME		89045		
WACQFM	LIC 260A	Tallassee	AL	34.53	238.9	31.0	3.53
32 26 30	85 47 45	CN	2.950 kW		142 M		
Hughey Communications, Inc.			BMLH19951006KC		68310		
RADD	ADD 264A	Ashland	AL	75.80	335.0	72.0	3.80
33 13 15	85 49 35		0.000 kW		0 M		
			RM9268		0		
WACQFM	CP 260A	Tallassee	AL	35.87	265.5	31.0	4.87
32 34 37	85 51 43	CN	3.100 kW		134 M		
Hughey Communications, Inc.			BPH19970609IA		68310		
WCJMFM	CP 265A	West Point	GA	42.48	49.1	31.0	11.48
32 51 07	85 08 14	CN	5.800 kW		100 M		
Root Communications License C			BPH19990129IG		54863		
WCJMFM	LIC 265A	West Point	GA	44.60	42.8	31.0	13.60
32 53 48	85 09 24	CN	6.000 kW		54 M		
Root Communications License C			BLH19941017KC		54863		
WGSY	LIC 261A	Phenix City	AL	45.25	102.8	31.0	14.25
32 30 42	85 00 41	CN	6.000 kW		100 M		
Cumulus Licensing Corp			BMLH19900403KA		66668		
RADD	ADD 263C3	College Park	GA	157.39	35.0	142.0	15.39
33 45 32	84 30 10		0.000 kW		0 M		
			RM9268		0		
WXUS	LIC 263A	Fort Rucker	AL	141.80	184.3	115.0	26.80
31 19 38	85 35 35	CN	2.800 kW		145 M		
Skyway Broadcasting Ltd.			BLH19921102KD		60591		

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CERTIFICATION

State of Mississippi)
) ss.
County of Bolivar)

I, Larry G. Fuss, do hereby certify as follows:

1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).

2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.

3) I have been retained by AUBURN NETWORK, INC., to prepare the attached Technical Exhibit.

4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

Larry G. Fuss
Affiant

1/24/01
Date