

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 01-62
FM Broadcast Stations.)	RM-10053
(Ardmore, Brilliant, Gadsden, Moundville,)	
Pleasant Grove, Scottsboro, Trussville,)	
Tuscaloosa and Winfield, Alabama,)	
Columbus and Okolona, Mississippi,)	
McMinnville, Pulaski and Walden,)	
Tennessee))	
)	
TO: Chief, Allocations Branch		

**COMMENTS AND COUNTERPROPOSAL OF
JIM LAWSON COMMUNICATIONS, INC.**

Jim Lawson Communications, Inc. ("Lawson"), by its attorney, hereby submits the following Comments and Counterproposal in this proceeding:

I. Counterproposal:

1. In this proceeding, the FCC proposes a number of different allocations changes, including the allotment of Channel 279C1 to Trussville, Alabama. Lawson is the licensee of FM Broadcast Station WQZZ, Eutaw, Alabama. Presently, Station WQZZ operates as a 6 kW station on Channel 282 in Eutaw. Lawson has determined that Channel 278C3 can be assigned to Eutaw to enable an upgrade in Station WQZZ from a Class A station to a Class C3 station. This can only be done, however, if Channel 279C1 is not assigned to Trussville.

2. By this Counterproposal, Lawson respectfully requests that Channel 278C3 be

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substituted for Channel 282 at Eutaw, Alabama, and an Order be issued, directing Lawson to show cause why the license of Station WQZZ should not be modified to provide for the operation of Station WQZZ as a Class C3 facility.

3. Additionally, Lawson proposes that its existing channel, Channel 282, be reallocated to Moundville, Alabama (population 1349), as that community's first local broadcast service.

II. Advantages of the Counterproposal:

4. The first and most obvious advantage of the Counterproposal is that it allows an upgrade in the facilities of Station WQZZ. Station WQZZ is a Black-owned station, serving the needs of the Black community throughout the Tuscaloosa, Alabama, area. In many parts of the area, however, the signal from Station WQZZ is weak and afflicted with noise and interference. The upgrade will resolve these problems.

5. A second, no less important, but less obvious advantage of the counterproposal relates to the efficiency of the utilization of the frequencies involved. Under the proposal advanced in the NPRM, there would be no increase in the number of FM stations serving the affected areas. That is because Station WRTR is merely changing channels from Channel 279C to 279C1 and moving from Gadsden, Alabama, to Moundville, Alabama.

6. Lawson's Counterproposal, on the other hand, allows a net gain in the number of FM stations serving the affected area. It doesn't just shuffle around existing allotments; it enables the creation of a new station at Moundville, without depriving any other community of existing broadcast service.

III. Feasibility of the Counterproposal:

7. Attached and marked Exhibit A is an engineering statement, prepared by Jack

Mullaney, demonstrating that the Counterproposal complies with the Commission's Rules and Policies.

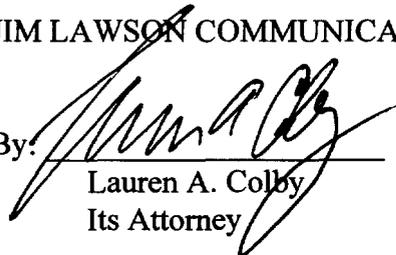
April 17, 2001

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

Respectfully submitted,

JIM LAWSON COMMUNICATIONS, INC.

By:



Lauren A. Colby
Its Attorney

EXHIBIT A

MULLANEY ENGINEERING, INC.

9049 SHADY GROVE COURT
GAITHERSBURG, MD 20877

ENGINEERING EXHIBIT EE-RM:

COUNTERPROPOSAL - MM DOC 01-62

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**ALLOT CH. 278C3 TO EUTAW, AL
RE-ALLOT CH. 282A TO MOUNDVILLE, AL**

APRIL 16, 2001

**ENGINEERING STATEMENT PREPARED ON BEHALF OF
JIM LAWSON COMMUNICATIONS, INC.
LICENSEE OF WQZZ (FM)
CHANNEL 282A - EUTAW, ALABAMA**

Facility ID: 31145

APR 16 2001
10 10 AM
COMMUNICATIONS
DIVISION

ENGINEERING EXHIBIT EE-RM:

COUNTERPROPOSAL - MM DOC 01-62

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**ALLOT CH. 278C3 TO EUTAW, AL
RE-ALLOT CH. 282A TO MOUNDVILLE, AL**

TABLE OF CONTENTS:

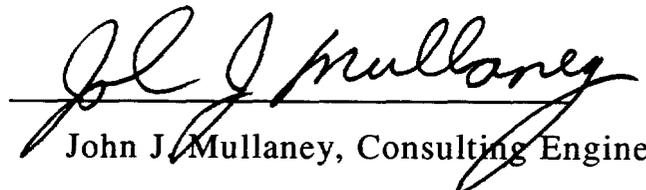
1. Declaration of Engineer
2. Narrative Statement
3. Figure 1, Allowable Area Map - Ch. 278C3 - Eutaw, AL
4. Figure 2, Channel Allocation Study for Ch. 278C3.
From Special Ref. Point for Eutaw, AL.
5. Figure 3, Allowable Area Map - Ch. 282A - Moundville, AL
6. Figure 4, Channel Allocation Study for Ch. 282A.
From Special Ref. Point for Moundville, AL.

Declaration

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an principal engineer in the firm of Mullaney Engineering, Inc., and that I have provided engineering services in the area of telecommunications since 1977. My qualifications as an expert in radio engineering are a matter of record with the Federal Communications Commission.

The firm of Mullaney Engineering, Inc., has been requested by Jim Lawson Communications, Inc., to prepare the instant engineering exhibit in support of a rule making petition to amend the FM Table of Allotments (FCC Facility ID: 31145).

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "John J. Mullaney", is written over a horizontal line. The signature is cursive and somewhat stylized.

John J. Mullaney, Consulting Engineer

Executed on the 16th day of April 2001

ENGINEERING EXHIBIT EE-RM:

COUNTERPROPOSAL - MM DOC 01-62

**RULE MAKING TO AMEND
FM TABLE OF ALLOTMENTS**

**ALLOT CH. 278C3 TO EUTAW, AL
RE-ALLOT CH. 282A TO MOUNDVILLE, AL**

NARRATIVE STATEMENT:

This engineering statement has been prepared on behalf of Jim Lawson Communications, Inc., licensee of Radio Station WQZZ, at Eutaw, Alabama (Facility ID: 31145). The purpose of this statement is to provide engineering in support of a rule making petition to amend the FM Table of Allotments to (1) Allot Ch. 278C3 to Eutaw, Alabama and to (2) Delete Ch. 282A at Eutaw and re-allot Ch. 282A to Moundville, Alabama, and to modify the license of WQZZ to upgrade to Ch. 278C3 while remaining licensed to Eutaw, AL. The proposal to allot channel 278C3 to Eutaw is in direct conflict with a proposal contained in MM Docket 01-62 by WQEN to re-allot Ch. 279C/C1 at Gadsden, AL to Ch. 279C1 at Trussville, AL.

The city of Eutaw is presently served by only WQZZ on 278A and the town of Moundville presently has no aural service licensed to it. However, WRTR in Doc 01-62 proposes the re-allotment of 288A at Tuscaloosa to 290A at Moundville, AL. The counterproposal contained herein represents

a first service to Eutaw and potentially a first service to Moundville should the WRTR proposal not be adopted.

The proposed reference point is not within 290 kilometers (180 miles) of a United States Border and, therefore, foreign concurrence is not required.

Proposed Reference Site - Ch. 278C3

For the purposes of this rule making the applicant proposes to use the following special reference coordinates for Ch. 278C3 at Eutaw, Alabama.

N. Latitude:	32°	51'	00"	NAD-27
W. Longitude:	88°	00'	00"	

The proposed reference site will provide an unobstructed view of the city of license, Eutaw, AL and is located close enough to serve the entire community with the required 3.16 mV/M or 70 dBu contour. Figure 1 is an allowable area map showing Eutaw along with a 23 km circle used for city grade allotment purposes.

Channel Allocation Study - Ch. 278C3

Figure 2 is a Channel Allocation Study from the proposed special reference point for Ch. 278C3 at Eutaw, AL. The study indicates the actual &

required separation in kilometers to all licenses, construction permits, applications, vacant allocations and pending rule makings. From this study it can be determined that proposed reference point exceeds all of these minimum separations with the exception of the proposal to ADD Ch. 279C1 to Trussville, AL which is short spaced by 20.5 km. The required 144 km separation specified by the rules is shown in red on the allowable area map.

Proposed Reference Site - Ch. 282A

For the purposes of this rule making the applicant proposes to use the following special reference coordinates for Ch. 282A at Moundville, Alabama.

N. Latitude: 32° 58' 35" NAD-27
W. Longitude: 87° 46' 36"

The proposed reference site will provide an unobstructed view of the city of license, Moundville, AL and is located close enough to serve the entire community with the required 3.16 mV/M or 70 dBu contour. An application (BPH-20010402AAI) is already on file, proposing the use of Channel 282A at the proposed reference site and as demonstrated in the application, while there is a short spacing to another licensed FM station, that short spacing is grandfathered, so that the application is fully grantable. Operating from the reference site, Channel 282 can be used to provide a first local service to Moundville. Figure 3 is an allowable area map showing Moundville along with a 16 km circle used for

city grade allotment purposes. This map also demonstrates that the 70 dBu F(50,50) contour as proposed in the pending application will totally encompass the town of Moundville.

Channel Allocation Study - Ch. 282A

Figure 4 is a Channel Allocation Study from the proposed special reference point for Ch. 282A at Moundville, AL. The study indicates the actual & required separation in kilometers to all licenses, construction permits, applications, vacant allocations and pending rule makings. From this study it can be determined that proposed reference point exceeds all of these minimum separations with the exception of the existing license of WQLD on Ch. 282C1 at Luverne, AL which is short spaced by 11.9 km. The required 200 km separation specified by the rules is shown in red on the allowable area map.

It should be noted that the existing license of WQLD was granted with a 73.215 condition with respect to WQZZ on 282A at Eutaw and that WQZZ has no such condition on its license. Since the purpose of Section 73.215 is to provide protection similar to that inherent in the domestic minimum separation distance requirements (73.207) then it follows that Ch. 282A must be considered properly spaced for allotment purposes. To assume otherwise would imply that WQZZ's license was damaged to some extent by WQZZ's grant of contour protection per Section 73.215.

Public Interest Showing

As proposed herein, the allotment of Ch. 278C3 to Eutaw will provide a continuing first service without depriving any other community of its existing radio service. Assuming maximum facilities from the proposed reference point will result in 30,960 persons being encompassed within the 60 dBu contour. The city of Eutaw, AL, has a 1990 population of 2,281 persons and is located in Greene County Alabama.

The proposed re-allotment of Ch. 282A will provide a first or second service to Moundville, AL. The proposed re-allotment to Moundville will insure that Moundville will be served by at least one local aural facility should the proposed re-allotment of 288A at Tuscaloosa to 290A at Moundville not be adopted. Assuming the equivalent maximum facilities proposed in the WQZZ application 25,450 persons will be encompassed within the 60 dBu contour. The town of Moundville, AL, has a 1990 population of 1,349 persons and is mainly located in Hale County Alabama with 36 persons in Tuscaloosa County Alabama.

Based upon the above information, WQZZ believes that its request results in a preferential arrangement of allotments and therefore, serves the public interest.

SUMMARY

Jim Lawson Communications, Inc., licensee of Radio Station WQZZ, at Eutaw, Alabama (Facility ID: 31145) requests that the FM Table of Allotments be amended to (1) Allot Ch. 278C3 to Eutaw, Alabama and to (2) Delete Ch. 282A at Eutaw and re-allot Ch. 282A to Moundville, Alabama, and to modify the license of WQZZ to upgrade to Ch. 278C3 while remaining licensed to Eutaw, AL. This request is submitted as a counterproposal in MM Docket 01-62 involving WQEN & WRTR.

	Present	Proposed
Eutaw, Alabama	282A	278C3
Moundville, Alabama	---	282A

WQZZ believes that the proposed allotment of a new FM service along with a change in community will result in a preferential arrangement of allotments and therefore, serves the public interest. If granted, WQZZ will quickly file an CP application for operation on 278C3 at Eutaw and when appropriate will file a construction permit application for 282A at Moundville.


John J. Mullaney, Consulting Engineer

April 16, 2001.

NEW 278 C3 FM POLARIZATION ERP (KW) HAAT RCAMSL
 EUTAW AL US HOR PLN BM TILT (METER) (METER)
 32.5100 88.0000 (D.MMSS) 103.5 MHz HORIZONTAL 25.000 0.000 100.0
 VERTICAL 25.000 0.000 100.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:
 ERP= 25.000 (KW) 14.0 (DBK) HAAT= 100.0 (METERS)

CALCULATED HAAT FROM TOPO DATA BASE

INTERFERING	DOMESTIC	AZIMUTH	HAAT	HAAT	CONTOURS (KM)	
	DBU KM	DEGREES	(METERS)	(FEET)	70 DBU	60 DBU
CO CHANNEL (40.0)	113.6	0.0	91.9	301.6	22.3	37.7
1ST ADJACENT (54.0)	60.2	45.0	77.7	255.0	20.5	34.9
2ND ADJACENT (80.0)	12.9	90.0	92.8	304.6	22.4	37.8
3RD ADJACENT (100.0)	4.1	135.0	102.1	335.1	23.5	39.4
		180.0	102.0	334.7	23.5	39.4
		225.0	121.7	399.2	25.4	42.2
PROTECTED (60.0)	39.1	270.0	114.1	374.3	24.7	41.2
		315.0	97.6	320.3	23.0	38.7
CITY GRADE (70.0)	23.2	AVERAGE	100.0	328.1	23.2	39.1
		EST SITE ELEVATION :	48.8 m.;	160.0 ft.		
		EST RAD CENTER AGL :	96.6 m.;	317.1 ft.		
		RAD CENTER A.M.S.L.:	145.4 m.;	477.1 ft.		

AZIMUTH	FROM	TO	CALL	STS	FILE NUMBER	CITY	ST C	LAT	LONG	REL	CHN	ERP (KW)	HAAT D	I-CON	P-CON	IR	IC	REZLT			
								(D.MMSS)				HORZ	VERT	(M)	F5010	F5050	DIST	RSEP	RSEP	IR	IC
															(KM)	(KM)	(KM)	(KM)	(KM)		
61.5	241.8		WTUG-F	LIC	BLH910318KD	TUSCALOOS	AL A	33.0315	87.3257	IF	225C1	100H	100V	2990			47.9	24.			
137.3	317.5		WNPT-F	LIC	BLH910318KE	LINDEN	AL A	32.2740	87.3430	3RD	275C2	40H	40V	168			58.7	56.			C
317.4	137.1		WMBC	LIC	BLH900507KA	COLUMBUS	MS A	33.2040	88.3247	2ND	276C2	22H	22V	230			74.9	56.			
105.9	286.9		WMXS	LIC	BLH890419KB	MONTGOMER	AL A	32.2411	86.1148	1ST	277C	100H	100V	334			176.3	176.			C
237.9	57.4		WZKR	CP	BMPH990830IE	DECATUR	MS A	32.2146	88.5448	1ST	277C3	4.8H	4.8V	1800			101.3	99.			C
322.7	141.7		WRBO	LIC	BLH980617KC	COMO	MS A	34.5144	89.5242	CO	278C1	100H	100V	179			282.9	211.			
322.7	141.7		WRBO	CP	BPH991021AA	COMO	MS A	34.5144	89.5242	CO	278C1	100B	100B	207D			282.9	211.			
216.3	35.7		WUSW	LIC	BLH860609KD	HATTIESBU	MS A	31.3137	89.0807	1ST	279C	100H	100V	322			181.6	176.			C
52.6	233.5		WQEN	LIC	BLH980710KF	GADSDEN	AL A	33.4933	86.2646	1ST	279C1	77H	77V	337			180.7	144.			
53.0	233.9		WQEN	APP	BPH980713IA	GADSDEN	AL A	33.5711	86.1304	1ST	279C	100H	100V	326			206.0	176.			
52.7	233.7			DEL	RMRAH10	GADSDEN	AL A	33.5804	86.1235	1ST	279C1	H	V				207.6	144.			
57.4	238.0			ADD	RMRAH10	TRUSSVILL	AL A	33.2638	86.5247	1ST	279C1	H	V		MX		123.5	144.			S
348.1	168.0		WACR-F	LIC	BLH961212KA	COLUMBUS	MS A	33.2427	88.0827	2ND	280C2	50H	50V	150			63.2	56.			C
347.3	167.2			DEL	RMRAH10	COLUMBUS	MS A	33.3700	88.1225	2ND	280C2	H	V				87.2	56.			
245.0	64.6		WZKS	LIC	BLH990921AA	UNION	MS A	32.2953	88.5320	3RD	281C2	19H	19V	163D			92.1	56.			

THERE WERE 0 AM STATIONS WITHIN 6.43 KM (4 MI) OF THE FM REFERENCE COORDINATES

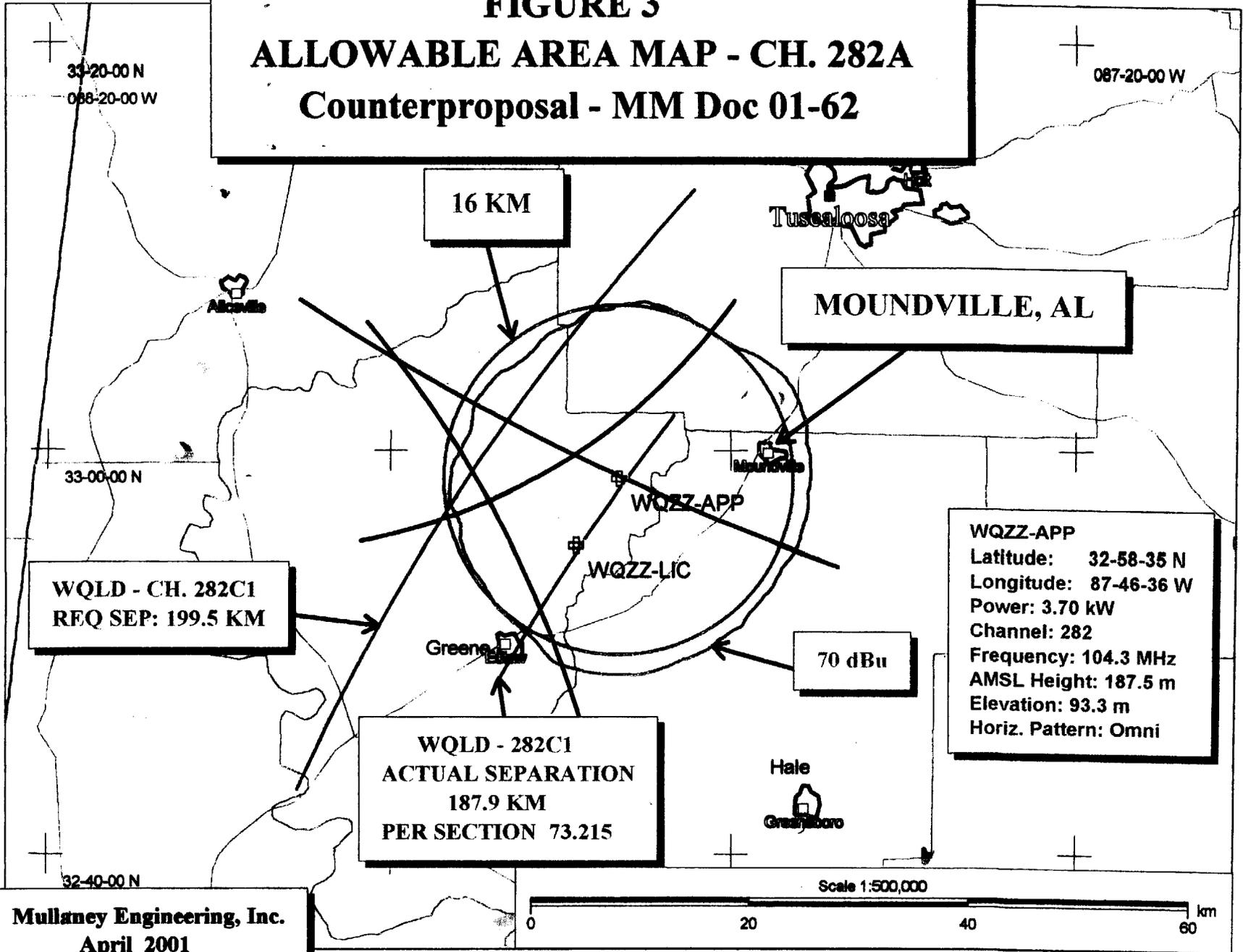
**CHANNEL ALLOCATION STUDY FOR CH. 278C3
 FROM SPECIAL REF. POINT FOR EUTAW, AL.**

**ALLOT CH. 278C3 TO EUTAW, AL
 RE-A LOT CH. 282A TO MOUNDVILLE, AL**

**MULLANEY ENGINEERING, INC.
 GAITHERSBURG, MARYLAND**

**FIGURE 2
 APRIL 2001**

FIGURE 3
ALLOWABLE AREA MAP - CH. 282A
Counterproposal - MM Doc 01-62



Mullaney Engineering, Inc.
April 2001

WQZZ	BPH010402AA	282 A	FM	POLARIZATION	ERP (KW)	HAAT	RCAMSL
EUTAW AL	US		APP		HOR PLN	BM TILT	(METER)
	32.5835	87.4636 (D.MMSS)	104.3 MHz	HORIZONTAL	3.700	0.000	130.0
JIM LAWSON COMMUNICATIONS, INC.				VERTICAL	3.700	0.000	187.5

THE FOLLOWING CONTOURS ARE CALCULATED USING:

CALCULATED HAAT FROM TOPO DATA BASE

ERP= 3.700 (KW) 5.7 (DBK) HAAT= 130.4 (METERS)

INTERFERING	DOMESTIC	AZIMUTH	HAAT	HAAT	CONTOURS (KM)	
	DBU KM	DEGREES	(METERS)	(FEET)	70 DBU	60 DBU
CO CHANNEL (40.0)	84.1	0.0	124.1	407.2	15.9	27.9
1ST ADJACENT (54.0)	43.4	45.0	134.0	439.7	16.6	28.8
2ND ADJACENT (80.0)	9.2	90.0	147.7	484.7	17.6	30.1
3RD ADJACENT (100.0)	2.7	135.0	140.5	461.0	17.1	29.4
		180.0	152.7	501.1	17.9	30.6
		225.0	126.7	415.7	16.1	28.1
PROTECTED (60.0)	28.5	270.0	115.9	380.4	15.3	27.1
		315.0	101.1	331.7	14.3	25.5
CITY GRADE (70.0)	16.4	AVERAGE	130.4	427.7	16.4	28.5

AZIMUTH	FROM	TO	CALL	STS	FILE NUMBER	CITY	ST C	LAT	LONG	REL CHN	ERP (KW)	HAAT D	I-CON	P-CON	IR	IC	REZLT
								(D.MMSS)			HORZ VERT	(M)	F5010	F5050	DIST	RSEP	RSEP
													(KM)	(KM)	(KM)	(KM)	(KM)
57.8	238.3		ADD		RMRAH10	TRUSSVILL	AL A	33.2638	86.5247	3RD 279C1	H V				98.4	75.	
324.8	144.6	WACR-F	LIC		BLH961212KA	COLUMBUS	MS A	33.2427	88.0827	2ND 280C2	50H 50V	150			58.6	55.	C
330.8	150.6		DEL		RMRAH10	COLUMBUS	MS A	33.3700	88.1225	2ND 280C2	H V				81.5	55.	
177.3	357.4	WYOK	LIC		BMLH880321KA	ATMORE	AL A	30.3735	87.3850	1ST 281C	100H 100V	474			260.9	165.	
243.2	62.6	WZKS	LIC		BLH990921AA	UNION	MS A	32.2953	88.5320	1ST 281C2	19H 19V	163D			117.0	106.	
125.9	306.8	WQLD	LIC		BLH970731KB	LUVERNE	AL A	31.5828	86.0944	CO 282C1	13.5H 13.5V	558E			188.1	200.	S
															187.9	200.	S
120.6	301.6	WQLD	USE			LUVERNE	AL A	32.0405	85.5935	CO 282C1	H V				195.5	200.	S
0.0	0.0	WQZZ	APP		BPH010402AA	EUTAW	AL A	32.5835	87.4636	CO 282A	3.7B 3.7B	187.40			0.0	115.	-
213.1	33.0	WQZZ	LIC		BLH900806KD	EUTAW	AL A	32.5519	87.4908	CO 282A	2.3H 2.3V	113			7.2	115.	-
214.5	34.5	WQZZ	USE			EUTAW	AL A	32.5024	87.5318	CO 282A	H V				18.4	115.	-
286.0	104.7	WGNL	LIC		BLH980202KE	GREENWOOD	MS A	33.3130	90.0952	CO 282C2	50H 50V	84			230.7	166.	
24.8	205.4	WZYP	LIC		BLH880510KB	ATHENS	AL A	34.4905	86.4416	CO 282C	100H 100V	340			225.7	226.	s
294.7	114.1	961115	APP		BPH961115MI	STATE COL	MS A	33.2214	88.4851	1ST 283C3	25H 25V	99D			106.2	89.	
294.9	114.3	961115	VAC			STATE COL	MS A	33.2400	88.5300	1ST 283C3	H V				113.4	89.	
57.7	238.3	WZZK-F	LIC		BLH831014AB	BIRMINGHA	AL A	33.2902	86.4821	2ND 284C	100B 100B	396			106.6	95.	
210.3	30.1	WSLY	LIC		BLH940822KB	YORK	AL A	32.1654	88.1523	3RD 285C2	50H 50V	150			89.2	55.	

THERE WERE 0 AM STATIONS WITHIN 6.43 KM (4 MI) OF THE FM REFERENCE COORDINATES

THE WQZZ APPLICATION SITE IS ACTUALLY 0.2 KM FURTHER AWAY FROM WQLD THAN WQZZ'S LICENSED SITE.
 WQLD PROVIDES CONTOUR PROTECTION OF WQZZ LICENSE & APPLICATION SITES.

**CHANNEL ALLOCATION STUDY FOR CH. 282A FROM
 SPECIAL REF. POINT FOR MOUNDVILLE, AL.**

**ALLOT CH. 278C3 TO EUTAW, AL
 RE-A LOT CH. 282A TO MOUNDVILLE, AL**

**MULLANEY ENGINEERING, INC.
 GAITHERSBURG, MARYLAND**

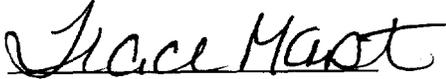
**FIGURE 4
 APRIL 2001**

CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 18th day of April, 2001, to the offices of the following:

Mark N. Lipp, Esq.
Shook, Hardy & Bacon
600 14th Street, N.W.
Suite 800
Washington, D.C. 20005

Gregory L. Masters, Esq.
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, D.C. 20006


Traci Maust