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Federal Communications Commission
Washington, D.C. 20554

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June 15, 2001

Mr. Tom Barnett
4401 Ledey Drive
Midland, Texas 79703

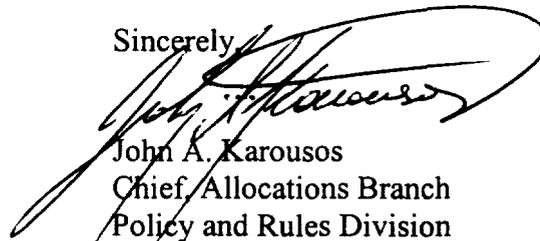
Dear Mr. Barnett:

This is in response to the Petition for Rule Making you filed on May 4, 2001, requesting the allotment of Channel 287A at Odessa, Texas, as the community's eighth competitive local aural transmission service.

Your request is unacceptable for consideration. Our engineering analysis indicates that the site which you specify in your proposal (31-42-51 and 102-23-00) does not comply with the city grade coverage requirements described in Section 73.315 of the Commission's Rules. The proposed Class A facility would not provide the required 70 dBu signal to the entire community of Odessa from that site. Although the Commission's concerns at the rule making stage do not generally require detailed showings concerning the availability or suitability of a specific transmitter site, we do, however, require a showing demonstrating that such an area does exist that will provide city grade coverage to the entire community. Further, although you state that Mexican concurrence is not required for the allotment of Channel 287A at Odessa, a staff analysis has determined that your selected site is within 320 kilometers of the U.S.-Mexican border which would require concurrence of the Mexican Government.

Based on the above discussion, we are returning your petition for rule making. You may resubmit the petition, provided you make a showing that a suitable transmitter site is available that provides city grade coverage to the entire community.

Sincerely,



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

Enclosure

Before the
Federal Communications Commission

Washington, D.C. 20554

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Amendment of section 73.202(b))
Table of Allotments,)
FM Broadcast stations,)
Channel 287A (105.3 Mhz))
)
(Odessa, TX))

To: Chief, Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Tom Barnett (Petitioner), in pursuant to section 1.401 and 1.420 of the Commission's Rules, hereby requests the commission to amend section 73.202(b) of its rules, the FM Table of Allotments, to allot channel 287A (105.3 Mhz) at Odessa, Texas in the following manner:

Community:	Existing	Proposed
Odessa, TX	Ch. 232D	Ch. 232D
	Ch. 238C1	Ch. 238C1
	Ch. 241C1	Ch. 241C1
	Ch. 245C1	Ch. 245C1
	Ch. 250C1	Ch. 250C1
	Ch. 256C1	Ch. 256C1
	Ch. 300C1	Ch. 300C1
		Ch. 287A

There is a channel allocation study prepared by MBC Consulting which demonstrates that channel 287A may be allotted to Odessa, Texas, in full compliance with minimum distance separation and principal community coverage requirements of the rules (Ibid., p.1, and Exhibit 1). There is ample area in which to locate a channel 287A facility. The proposed allocation does not

require a B1 study because it falls outside 320 kilometers of Canada, or Mexico.

Odessa, Texas is an incorporated community and located in Ector County. Odessa has a population of 91,006(2000 census). The proposed channel 287A would be the eighth competitive local aural transmission service to Odessa and will provide additional diversity and an outlet for local self-expression to Odessa residents and therefore is in the public interest.

Petitioner hereby states that if the commission grants this petition, he will apply for the channel when it is allotted, and, if his application is granted, he will promptly build the station.

WHEREFORE, for the foregoing reasons, Petitioner respectfully requests the commission to grant this petition and to allot channel 287A to Odessa, TX.

Respectfully submitted,

Tom Barnett

By: Tom Barnett
Tom Barnett

Tom Barnett
4401 Ledey Drive
Midland, TX 79703
(915) 694-1295

April 23, 2001

TECHNICAL EXHIBIT
PETITION TO MODIFY
FM TABLE OF ALLOTMENTS
CHANNEL 287 CLASS A
Odessa, Texas

Petitioner: Tom Barnett

Narrative

The technical exhibit of which this narrative was prepared on behalf of Mr. Tom Barnett petitioner, in support of a petition to modify the FM TABLE OF ALLOTMENTS (47CFR 73.202(b)). In the petition the petitioner proposes to add FM Channel 287A, as a fully spaced Class A FM Commercial Service, to serve Odessa, Texas as that communities eighth FM Broadcast transmission service.

Channel 287A, if allocated to Odessa will require a site restriction in order to cover the city of license with a 70 dbu contour. This restriction will limit the construction of the site approximately 12 kilometers south of Odessa.

As an aid in determining the feasibility of the proposed allocation, a suitable site within the area was chosen with the following geographical coordinates:

31-42-51^o North Latitude

102-23-00^o West Latitude

A separation study was conducted from this site and the results of the study are contained herein as exhibit 1. Additionally, as this proposed allocation is outside 320 kilometers of the U.S./Canada and Mexican borders it is not

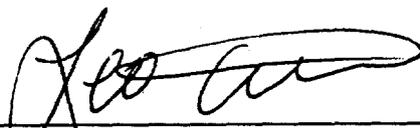
required to meet separation rules to those countries. The allocation of channel 287A at Odessa, Texas, meets all U.S. separation requirements.

There are currently seven FM radio stations licensed to Odessa, Texas, which is listed in the 2000 U.S. Census as having a population of 91,006 persons. The proposed allocation will provide Odessa, Texas with its eighth competitive local aural service.

For further information if required concerning engineering portion, please contact the undersigned.

MBC Consulting
P.O. Box 433
Mt. Vernon, TX 75457

BY:



Leo Ashcraft (Technical Consultant)

Leo Ashcraft
(903) 537-2789
(903) 537-7901 FAX
engineer@mbradio.org

April 22, 2001

EXHIBIT 1

Allocation Study for Channel 287A - Odessa, TX

CALL	CITY	ST	CHN	CL	DIST	S	BRNG	CLEARANCE
KACT-FM	ANDREWS	TX	288	A	72.07	72	347.0	0.07
KACT-FM	ANDREWS	TX	288	A	72.07	72	347.0	0.07
890313MD	STANTON	TX	290	C2	56.60	55	76.8	1.60
KKJW	STANTON	TX	290	C2	56.88	55	74.1	1.88
KMMX	LAMESA	TX	284	C1	85.72	75	27.8	10.72
KTXC	LAMESA	TX	284	C1	85.72	75	27.8	10.72
KWMW	MALJAMAR	NM	286	C	181.62	165	314.7	16.62
	GOLDSMITH	TX	234	A	37.12	10	305.4	27.12
KERB-FM	KERMIT	TX	289	C3	72.53	42	280.9	30.53
KERB-FM	KERMIT	TX	290	C3	72.53	42	280.9	30.53
KERB-FM	KERMIT	TX	290	C3	77.24	42	274.2	35.24
KERB-FM	KERMIT	TX	289	C3	77.24	42	274.2	35.24
KWMW	MALJAMAR	NM	286	C1	178.11	133	317.0	45.11
DKBYG-FM	COAHOMA	TX	288	A	120.46	72	57.4	48.46
	OZONA	TX	285	C1	163.52	75	132.6	88.52
	PLAINS	TX	290	C2	178.41	55	344.4	123.41
KMDX	SAN ANGELO	TX	289	C3	175.01	42	99.7	133.01
	SAN ANGELO	TX	289	C3	175.01	42	99.7	133.01
KLVT-FM	LEVELLAND	TX	288	A	207.10	72	359.5	135.10
KLVT-FM	LEVELLAND	TX	288	A	207.10	72	359.5	135.10
961220MB	SAN ANGELO	TX	289	C3	186.87	42	98.1	144.87
KIXY-FM	SAN ANGELO	TX	234	C1	185.29	22	97.3	163.29
KIXY-FM	SAN ANGELO	TX	234	C1	185.29	22	97.3	163.29
	ELDORADO	TX	285	A	194.45	31	118.8	163.45
KFMX-FM	LUBBOCK	TX	233	C1	206.05	22	13.7	184.05
KFMX-FM	LUBBOCK	TX	233	C1	206.05	22	13.7	184.05
901101MJ	IDALOU	TX	289	A	226.04	31	16.8	195.04
KRBL	IDALOU	TX	289	A	228.34	31	18.5	197.34

Datasource - Comstudy/FCC Database