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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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OCT 29 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Arlington, The Dalles, and Moro, Oregon, and)
Covington and Trout Lake, Washington)

MM Docket No. _____
RM - _____

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

FIRST BROADCASTING COMPANY, L.P.

MID-COLUMBIA BROADCASTING, INC.

Mark N. Lipp
Shook, Hardy & Bacon, LLP
600 14th Street, N.W.
Suite 800
Washington, DC 20005
(202) 783-8400

J. Dominic Monahan
Luvaas Cobb Richards & Fraser, P.C.
777 High Street
Suite 300
Eugene, OR 97401
(541) 484-9292

Its Counsel

Its Counsel

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SUMMARY

In this petition to amend the FM Table of Allotments, the petitioners seek a change in community of license for Station KMCQ (FM) from The Dalles, Oregon to Covington, Washington. The Dalles will remain well served, with four local services and a vacant FM allotment. Covington, with a population of 13,081, will receive its first local service.

Although Covington is located within the Seattle Urbanized Area, it is a vibrant and active self-governed community with its own unique identity. Its independence from Seattle, as demonstrated by a number of factors, justifies granting Covington a preference for a first local service under the Commission's allotment priorities.

The area formerly served by KMCQ will remain well served by virtue of three new allotments proposed herein. Moro, Oregon (pop. 337), Arlington, Oregon (pop. 524), and Trout Lake, Washington (pop. 494) will each receive their first local service. These new allotments will also provide currently unserved and underserved areas (white and grey areas) with their first and second aural services (Priorities 1 and 2).

As a result of the amendments proposed herein, there will be a net increase in service to 802,176 persons. The Commission should proceed to issue a Notice of Proposed Rule Making.

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PETITION FOR RULE MAKING

Mid-Columbia Broadcasting, Inc. (“Mid-Columbia”), licensee of Station KMCQ(FM), The Dalles, Oregon and First Broadcasting Company, L.P. (“FBC”),¹ jointly (“Joint Parties”) by their respective counsel, hereby request the Commission to amend the FM Table of Allotments to delete Channel 283C from The Dalles and add Channel 283C3 to Covington, Washington, as its first local service, and to modify Station KMCQ’s license, accordingly. If the petition is granted, Mid-Columbia or FBC, both state that, as the licensee, it will apply for the channel at Covington and construct the facility as authorized. To provide service to unserved and underserved areas resulting from this reallocation, the Joint Parties request the allotments of Channel 283C1 to Moro, Oregon, Channel 261C2 to Arlington, Oregon and Channel 226A to Trout Lake, Washington. FBC hereby states that it will apply for these channels and construct these facilities as authorized. In support hereof, the Joint Parties state as follows:

1. FBC is the holder of an option to purchase Station KMCQ.

I. COVINGTON, WASHINGTON

A. Technical Analysis

1. Channel 283C3 can be allotted to Covington, Washington with a site restriction that covers the entire community with a 70 dBu signal provided Channel 283C is deleted from The Dalles. See Technical Exhibit; Figures 1A-1B. At the new site, the 60 dBu signal coverage will increase from 92,556 persons currently to 822,425 persons for a net increase in service to 802,176 persons. The loss area is discussed in later paragraphs.

B. Change in Community of License

2. The Joint Parties desire to change the Community of License for Station KMCQ from The Dalles to Covington, Washington to provide a first local service under the guidelines set forth in Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 3870 (1989), recons. granted in part, 5 FCC Rcd 7094 (1990) ("Community of License"). The proposed use of Channel 283C3 at Covington is mutually exclusive with the current use of Channel 283C at The Dalles. See Figure 1A. The Dalles will not be deprived of its only local service because it is currently served by four other stations - - KMSW(FM) (Channel 224C3); KACI-FM (Channel 249C2); KACI(AM) on 1300 kHz; and KODL(AM) on 1440 kHz and it has a vacant FM allotment on Channel 268C3. The provision of a first local service at Covington, Washington (population 13, 801)² under Priority 3 will result in a preferential arrangement of allotments over the retention of a sixth local station

2. All population figures are taken from the 2000 U.S. Census.

at The Dalles (population 12,156) under Priority 4. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

3. Covington is located within the Seattle Urbanized Area. Therefore, the Joint Parties are providing a showing that Covington is independent of Seattle under the factors set forth in Faye and Richard Tuck, 3 FCC Rcd 5374 (1988). As to relative size and proximity, Covington is 2.5% of the size of Seattle and Covington is located 15 km from the closest border of Seattle. As to signal population coverage, the 70 dBu signal will reach only 8.8% of the Seattle Urbanized Area.

4. The Commission will consider eight factors in assessing the independence of a specified community: (1) the extent to which the community residents work in the larger metropolitan area, rather than the specified community; (2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (6) whether the community has its own commercial establishments, health facilities, and transportation systems; (7) the extent to which the specified community and the central city are part of the same advertising market; and (8) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries. Faye and Richard Tuck, 3 FCC Rcd 5374, 5378 (1988). All eight factors need not favor the applicant; however, if a majority of the factors demonstrate that the specified community is distinct from the urbanized area, the Commission will treat it as an independent community. Id.; Parker and Port St. Joe,

Florida, 11 FCC Rcd 1095, ¶¶ 9-11 (1996) (finding that the proposed community was independent, although it lacked its own telephone directory and local newspaper, and was included in the urbanized area's market by Arbitron); accord Jupiter and Hobe Sound, Florida, 12 FCC Rcd 3570, ¶ 3 (1997) (citing Parker and Port St. Joe, Florida).

5. In this case, the evidence presented, evaluated in light of Commission precedent in other change of community allocation proceedings, supports a finding that Covington is independent from the Seattle, Washington urbanized area.

(1) *Extent to Which the Residents of Covington Work in the Town of Covington.*

The 1990 and 2000 Census statistics on the percentage of Covington residents that work in Covington are unavailable.³

(2) *Newspapers and Other Media.* Covington does not have its own newspaper,

but is served by the *South County Journal*, a daily newspaper. The newspaper covers local news for the southern portion of King County, including Covington, and contains advertisements from local Covington businesses. A premier State of Washington business magazine, *Washington CEO*, is located in Covington, and features local businesses in the State. Covington also has its own website, <www.ci.covington.wa.us>, that contains general information concerning the City's government as well as listings of local events. Sample pages from the City's website are attached as Exhibit 2.

3. In 1990, when only the Covington-Sawyer-Wilderness CDP statistics existed, the number of residents working in that area was 431 (or a little less than 10% of the population). It cannot be determined from this statistic the number of Covington residents represented in this statistic. The 2000 Census materials have not been released.

(3) *Community Leaders and Residents Perceive Themselves as Separate From Seattle.* Incorporated in 1997, the City of Covington established itself as an independent, self-governed city. Incorporation was a major step for Covington, and the residents perceive this formal process of incorporation as evidence of independence as well as substantial growth and progress of their City. Covington residents perceive themselves as being separate from the Seattle urbanized area. Community leaders and local residents are concerned about the welfare and the affairs of Covington, not Seattle. As indicated in the City's Vision Statement, "the City of Covington is a place where community, businesses and civic leaders are partners in building a city that is family-oriented, safe and pedestrian-friendly." See Exhibit A.

(4) *The City of Covington Has its Own Local Government and Elected Officials.* The City of Covington functions independently of any other governmental units. The City has a Mayor, currently Julie Holbrook, and a Mayor Pro-tem, currently Alice Matz. The City of Covington also a seven-member City Council, a City Manager and City Clerk. With the exception of the council members, each elected office has a full-time staff. The City also has a number of departments, boards and commissions, such as the Finance Department, the Planning and Community Development Commission, Youth and Family Services Commission and the Public Works Department. City residents can serve on any of these boards or commissions. See Exhibit A.

(5) *The City of Covington Has Its Own Zip Code.* The City of Covington has its own zip code, 98042. The U.S. Postal Service maintains a branch office in Covington to serve its residents. Because of the City's fairly recent incorporation, many of the address listings (churches, schools and some businesses) still maintain an address with Kent, Washington as the

city name. However, these establishments are located in the Covington city limits. See Exhibit A for the City's map.

Quest Dex publishes the local telephone directory for South King County, which includes Covington and 21 other communities. This telephone directory excludes the Seattle metropolitan area from its listings.

(6) *Covington Has Numerous Commercial Establishments and Several Health Care Providers.* There are many small businesses located within the City of Covington, some of which identify with the City by using "Covington" in their name (such as Covington Chiropractic, Covington Insurance Services, Covington School of Karate, Covington Mini Storage, Covington NAPA Auto Parts, Covington Tire Service Center, Covington Way Insurance, Covington Floral Designs and Covington Pharmacy). There are other small businesses in Covington including, Anthony's Jewelry and Goldsmiths, Apex Collections, Bernard's Awards & Hi-Tech Engraving, Big Dipper Farm, Bruce's Shakemill & Roofing, Delta Communications Systems, Inc., Fanco Construction Inc., GMS Realty, LLC, Drlleovich Construction, Northwest Water Treatment, Inc. Green River Log, Sand, and Gravel, LLC, Java! Java! Coffee Co., Inc., Lakeside Industries, Nason's Graphic Factory, and Unique Tours Co., Inc. See Exhibit A.

Moreover, there are a number of health care providers located in Covington. The citizens of Covington receive medical assistance at the Covington MultiCare Clinic and the Covington MultiCare Urgent Care Center. There also are several specialists who provide medical services for Covington residents. Covington's medical specialists include: dentists, pediatricians, oncologists, urologists, obstetricians/gynecologists, chiropractors, physical therapists, general surgeons and veterinarians. Covington also has a women's clinic, Valley Women's Clinic, which

deals exclusively with medical issues pertaining to women such as pregnancy, birth, menopause and breast cancer. See Exhibit A.

Residents enjoy excellent recreation facilities and a broad range of sports programs. The Parks Commission is a newly-established commission within the local Covington government. Its first meeting was held in June 2001, but this commission has already identified several park sites and working toward developing several park and recreational facilities for Covington residents, including a skate park and a golf course. In the meantime, Covington residents of all ages enjoy a number of recreational activities at the local schools' playgrounds and athletic fields. The Covington Citizen's Action Committee and the Covington Community Center both sponsor events and activities for the residents. For example, the Covington Community Center has team sports throughout the year for adults and youth. The Citizen's Action Committee sponsors the Covington Weekend Market, which is open from June-September, the Whistelstop Days Fair and the annual Incorporation Day Parade, which celebrates Covington's incorporation. See Exhibit A.

Covington is also home to several churches and religious organizations, such as Covington Christian Fellowship, Cornerstone United Methodist Church, Covington Community Church and Covington Baptist Church, to name a few. There also are several civic and service organizations in Covington, including the Covington Lions Club, the Covington Chamber of Commerce, Reach Out Covington, Covington Quilt Guild, Covington Neighbors' Council and the Covington Citizen's Action Committee. See Exhibit A.

(7) *Extent to which the community and the central city are part of the same advertising market.* Local Covington businesses are not only listed in the Covington Chamber of

Commerce business directory, but also in the South King County telephone directory. The business listings in this directory are aimed at serving residents of southern King County. Local businesses in Covington can also advertise in *South County Journal*, which enable them to reach the residents of Covington as well as residents in other southern King County communities. The *Washington CEO*, which is a publication that features articles on how to start and maintain a successful business, permits local Covington businesses to advertise in its magazine. Again, its circulation reaches not only the Covington area, but the entire State of Washington. See Exhibit 2. Thus, the residents of Covington do not need to travel to Seattle to seek out other media sources in order to find out what is happening in their community.

(8) *Covington Has Its Own Police and Fire Protection. Covington Library is Governed by King County, and its Local Schools are Governed by the Kent School District.* Covington provides many of the municipal services to its residents. Covington has its own police department. The police department has eight full-time officers and one part-time traffic enforcement officer. The City of Covington Police Department also is a precinct location for the King County Sheriff's Department. Covington has its own Fire department as well.

The Covington Water District provides water and sanitation services, including a trash collection and recycling for Covington residents. This department also handles road maintenance, drainage, litter control, and building maintenance for county facilities located in Covington. Reading materials and public reference materials are made available to the community at the Covington Library. The King County Library System has a branch in Covington, and offers many activities and special programs for the entire family including, weekly story hours for children, a summer reading program and adult programs throughout the year. See Exhibit A.

The City's education system is provided through the Kent School District. Covington has four (4) elementary schools (one is named Covington Elementary), two junior high schools (Cedar Heights and Mattson Junior High) and a high school (Kentwood High School). Covington also has a number of private schools. See Exhibit A.

C. Loss Area

6. As shown in Figures 5 and 10, a portion of the loss area will receive fewer than 5 aural services. To provide service to these underserved areas, the Joint Parties are proposing to allot FM channels to these new communities and provide first local services. See e.g., Anniston, Alabama, et al., 15 FCC Rcd 9971 (2000); recons. denied, 16 FCC Rcd 3411 (2001); application for review pending. These new allotments also cover existing areas where there currently is no aural service or only one aural service (white or grey areas). As a result of these allotments, 1,362 persons will receive a second aural service (Priority 2) and 58 persons will receive a first aural service (Priority 1). On the other hand, there will be no populated areas left without at least four services. See Figure 10 . This complies with Commission policy in Old Forge and Newport Village, New York, 13 FCC Rcd 14001 (1998) (reallotment approved where unserved and underserved areas were unpopulated). See also Littlefield, Wolfforth and Tahoka, Texas, 12 FCC Rcd 3215 (1997), recons. granted 15 FCC Rcd 5532 (2000).

II . MORO, OREGON

7. Moro (population 337) is located in Sherman County and would receive a first local service. Channel 283C can be allotted to Moro consistent with the Commission's Rules. See Figures 2A and 2B. It is the county seat for Sherman County and the largest city in the county. The U.S. Post Office associates ZIP Code 97039 with Moro, and operates a Post Office in Moro.

See Exhibit A. Moro is governed by a Mayor and City Council which meet the first Tuesday of the month. Moro provides many municipal services to its residents, including fire protection, sewer, water, garbage, public works, and street maintenance. The Sherman County Courthouse, the District Attorney for Sherman County for the State of Oregon, Sherman County Sheriff, Sherman County Juvenile Department, Sherman County Corrections and the Columbia Basin Agriculture are located in Moro. *See Exhibit A.*

8. Moro was founded in 1899. It is located off Highway 97. Associations and organizations located in Moro include the Sherman County Historical Society and Museum. The community is served by the Sherman County Journal newspaper. *See Exhibit A.*

9. Moro retail businesses include a wide variety of companies such as the Brandon Iron Restaurant, Tall Winds Motel, Sherman County Bus, Inc., a florist, Basket Bar, Fritz Insurance, Klamath First Federal Savings Bank, and a grocer, Huskey's 97 Market. *See Exhibit A*

10. The Sherman County School District provides public education for children in Moro, and its Sherman County High School is located in Moro. The public library is located at Sherman County Public School and offers regular programs for Moro children and adults. Oregon State University Sherman County Extension is located in Moro. The Moro Community Presbyterian Church is located in Moro. Medical services are available from the Moro Medical Center. *See Exhibit A.*

III. ARLINGTON, OREGON

11. Arlington (population 524), located in Gillam County, is an incorporated community deserving of a first local service. Channel 261C2 can be allotted to Arlington consistent with the Commission's spacing rules. See Figures 3A and 3B. Arlington is governed by a Mayor and City

Council. Arlington provides many municipal services to its residents, including police and fire protection, finance, public works, recorders' office, planning and community development, zoning and permitting, street maintenance, water and wastewater handling. Arlington has a Post Office with Zip Code 97812. *See Exhibit A.*

12. Arlington was incorporated as a new city on August 31, 1997. It is located on the old Oregon Trail along the banks of the Columbia River. It is a thriving community with an active populace. Associations and organizations located in Arlington include the Arlington Lions Club, the Arlington Masons and the Arlington Chamber of Commerce. The city of Arlington holds annual community events at the Arlington Arena, such as the Arlington Jackpot Rodeo, Fall Music Festival, Arlington Mayday and the Arlington High School Homecoming. There are numerous parks and attractions in Arlington such as the Columbia River Gorge and Columbia River Resort. *See Exhibit A.*

13. Arlington retail businesses include a wide variety of companies ranging from service to construction to shopping and tourism, including Java Highway, Ann's Craft Shop, Hattenhauer Distributing Co., Arlington Ace Hardware, Arlington Appliances & Repair, Arlington TV Co-Op, Bank of Eastern Oregon, Four Seasons Taxidermy, Blackberry Patch and Arlington Union 76 and Subshop. Arlington has numerous dining and hotel establishments such as Happy Canyon Pizza Parlor, Pheasant Grill, Village Inn and Arlington Hotel.

14. The Arlington School District provides public education for children in grades 1-12 provided by the Arlington Elementary School and Arlington High School. The Arlington City Public Library offers regular programs for Arlington children and adults. Medical services are available from the Arlington Medical Center. *See Exhibit A.*

IV. TROUT LAKE, WASHINGTON

15. Trout Lake (population 494), located in Klickitat County, would also receive a first local service. Channel 226A can be allotted to Trout Lake consistent with the Commission's spacing rules. See Figures 4A and 4B. The city of Trout Lake is a community deserving of a first local service. The U. S. Post Office associates ZIP code 98650 with Trout Lake, and operates a Post Office at 2393 Highway 141 in Trout Lake. *See Exhibit A.*

16. Trout Lake is a peaceful town in Klickitat County at the foot of Mount Adams. The natural, wholesome environment is a perfect for raising a family or vacationing. Trout Lake and the surrounding area offer opportunities for those who enjoy the pleasures of the outdoors such as: camping; fishing; hiking; bird watching; whitewater rafting; boating; kayaking; canoeing; rock climbing; horseback riding; and skiing. The Mount Adams Ranger Station is open to the public all year long and is located at Trout Lake. Trout Lake boasts one of the largest organic herb farms in the United States, Trout Lake Farm. This farm produces 3 million pounds of herbs each year! It also has an organic dairy which provides Trout Lake with fresh milk at its local grocery store. Quaint accommodations are available for those who want to experience all its splendor at: Kelly's Trout Creek Inn Bed & Breakfast; Serenity Cabins; Trout Lake Country Inn; and The Farm, a B&B. During the summer locals and visitors travel to Trout Lake Saturday Market (operating from the beginning of July through the end of August), appreciate the Trout Lake Festival of the Arts in July, and enjoy the Trout Lake Fair in August. The Festival of the Arts, organized by the Trout Lake Arts Council, includes works of local painters, sculptors, jewelers, wood crafters, potters, and photographers while musicians and published writers entertain and inform. There are a number

of religious organizations in Trout Lake which include: Bridgehouse; Church of Christ; Jonah Ministries Mt. Adams Baptist Church; and Presbyterian Church. *See Exhibit A.*

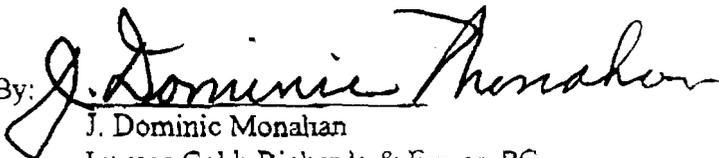
17. Trout Lake retail businesses include restaurants such as KJ's Bear Creek Café, Time Out Pizza, Bonnie's Place Café, Tsulgali's Deli; a grocery store, Trout Lake Grocery; a gas station, Joe's Valley Service; a plumbing company, DK's Plumbing; a general contractor, Kingcraft Inc. Design; a hardware store, Little Mountain Hardware; an accounting and tax service, Trout Lake Accounting & Tax; a hair salon, Trout Lake's Upper Cut; a florist, Mckim Bea-Florist; a real estate office, Omni Enterprises. A law firm by the name of Willner Keaney Mata & U'Ren is located at Trout Lake. Trout Lake provides an educational facility, known to locals as "the Grange." Officially it is called Trout Lake School District R-400 which educates children from Kindergarten through High School. *See Exhibit A.*

CONCLUSION

18. The reallocation of Channel 283 from The Dalles, which has four remaining local services and a vacant FM channel, to the larger community of Covington as a first local service is in the public interest. In addition, a net increase in coverage will reach 802,176 persons and three new channels can be allotted to replace service to loss areas in a manner which will result in the provision of first and second aural services and first local services while not depriving any populated unserved or underserved areas of service. Accordingly, the Joint Parties urge the Commission to issue a Notice of Proposed Rule Making.

Respectfully submitted,

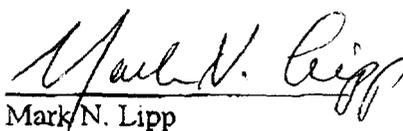
MID-COLUMBIA BROADCASTING, INC.

By: 

J. Dominic Monahan
Luvaas Cobb Richards & Fraser, PC.
777 High Street
Suite 300
Eugene, OR 97401
(541) 484-9292

Its Counsel

FIRST BROADCASTING COMPANY, L.P.

By: 

Mark N. Lipp
Shook, Hardy & Bacon, LLP.
600 14th Street, NW
Suite 800
Washington, DC 20005
(202) 783-8400

Its Counsel

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