

December 6, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie R. Salas, Secretary
Federal Communications Commission
Portals II, TW-A325, 445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Petition for Rule Making
Chillicothe, Texas

Dear Ms. Salas:

Enclosed is an original and four (4) copies of a Petition for Rule Making for Chillicothe, Texas.

Respectfully Submitted,



Robert Fabian
4 Hickory Crossing Lane
Argyle, TX 76226
(940) 241-1204

Tele

RFChillicothe

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

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

To: John Karousos, Chief
Allocations Branch
Mass Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Robert Fabian respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 255A at Chillicothe, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 255A to Chillicothe, Texas, as that community's first local aural broadcast transmission service. Chillicothe, Texas is an incorporated community of 784 people as of January 1, 1998 according to the Texas State Data Center. Chillicothe has its own mayor, Wallace Clay, its own school district, its own post office and numerous local churches. The proposed channel 255A will provide additional diversity and an outlet for local self-expression to Chillicothe residents and therefore is in the public interest.

Petition for Rule Making
Chillicothe, Texas
Page 2

Attached hereto is a channel study confirming that Channel 255A can be allocated to Chillicothe, Texas consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). Note: Channel 255C3 Petition for Rule Making to Chillicothe, Texas was returned by the Commission as unacceptable for consideration on September 7, 2001, see exhibit 1. Channel 255C3 at Quanah, Texas, MM Docket No. 00-148, was withdrawn on November 30, 2001, see exhibit 2.

Reference coordinates are:

34 07 25 N
99 31 12 W

Should this petition be granted, and Channel 255A be allotted to Chillicothe, Texas, Petitioner will apply for Channel 255A, and after it is authorized, will promptly construct the new facility.

The information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Robert Fabian
4 Hickory Crossing Lane
Argyle, TX 76226
(940) 241-1204 Tele

December 6, 2001

RFChill

MAPFM search of channel 255A6 (98.9 MHz), at N. 34 7 25, W. 99 31 12.

Searching Channel 255A6 (98.9 MHz):

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
KTIJ	ELK CITY	OK	253	C	U	95.3	95.0	6.1°	0.3
KTIJ	ELK CITY	OK	253	C	L	95.3	95.0	6.1°	0.3
ALC	SEYMOUR	TX	254	A	V	73.6	72.0	160.3°	1.6
KYIS	OKLAHOMA CITY	OK	255	C	U	245.0	226.0	49.4°	19.0
KYIS	OKLAHOMA CITY	OK	255	C	L	245.0	226.0	49.4°	19.0
ALC	QUANAH	TX	255	C3	A	28.0	142.0	313.7°	-114.0
ALC	CHILLICOTHE	TX	255	C3	A	15.6	142.0	351.2°	-126.4
KHCK	DENTON	TX	256	C	U	198.6	165.0	114.2°	33.6
KHCK	DENTON	TX	256	C	L	198.6	165.0	114.2°	33.6
ALC	BENJAMIN	TX	257	C2	A	64.8	55.0	206.7°	9.8
NEW	VERNON	TX	257	A	A	20.4	31.0	75.4°	-10.6

Chillicothe, TX CH. 255A 3.16mv

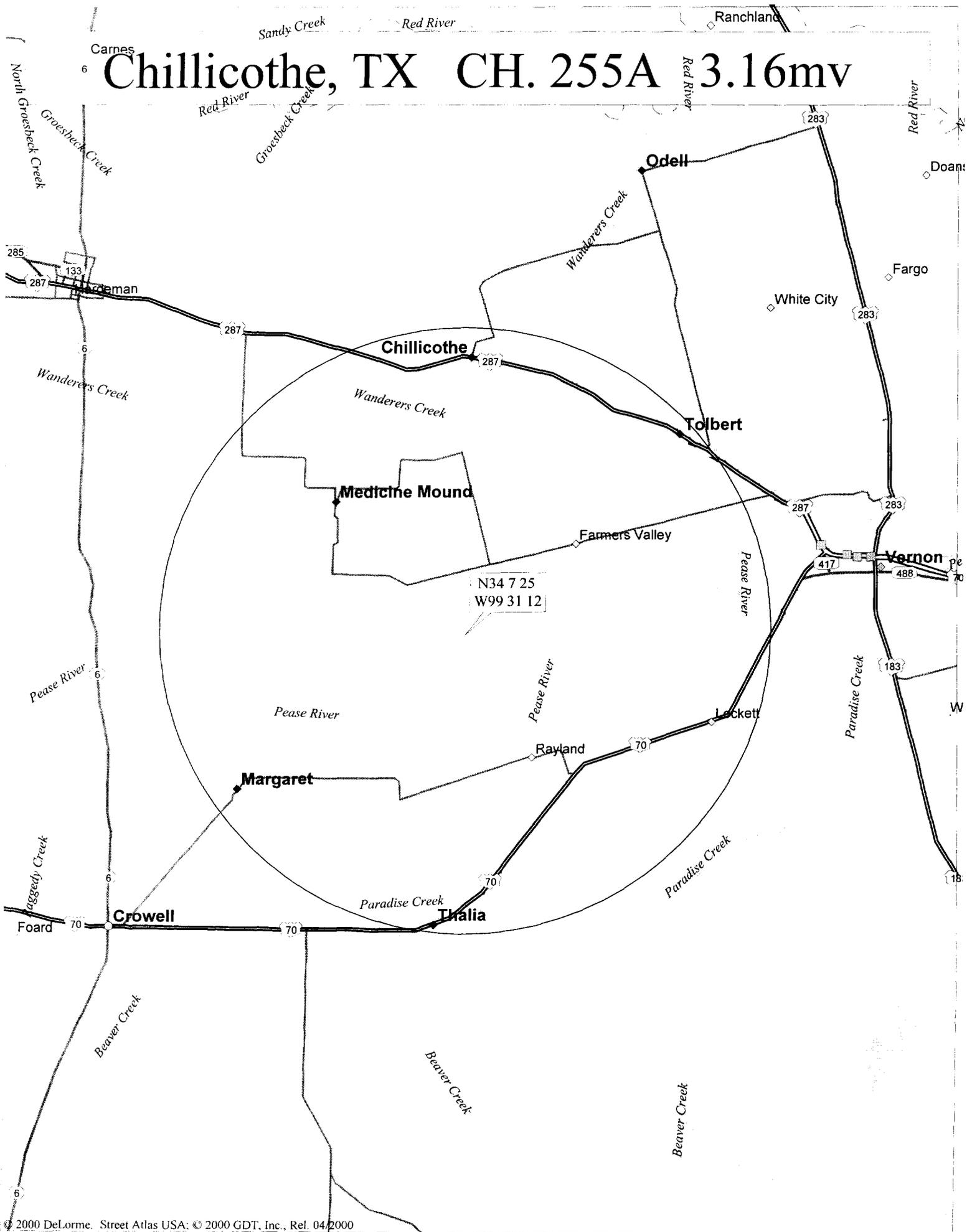


Exhibit 1



Federal Communications Commission
Washington, D.C. 20554

September 7, 2001

Charles Crawford
4553 Bordeaux Ave.
Dallas, TX 75205

Dear Mr. Crawford:

This is in response to the petition for rule making you filed requesting the allotment of Channel 255C3 to Chillicothe, Texas, as that community's first local aural transmission service.

A staff engineering analysis of the proposal reveals that Channel 255C3 cannot be allotted to Chillicothe consistent with the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's Rules. Based upon the use of the transmitter site coordinates specified in your petition at 34-24-04 NL and 99-40-01 WL, your proposal is 197.7 kilometers short spaced to a pending counterproposal in MM Docket No. 00-148 to allot Channel 255C3 to Quanah, Texas, at proposed coordinates 34-17-52 NL and 99-44-23 WL. The comment period in that proceeding expired on October 25, 2000, and therefore the filing of competing proposals is cut off.

Based upon the above, we find that your petition for rule making is unacceptable for consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Karousos", written over a large, stylized, looped flourish.

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

Exhibit 2

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. 00-148
FM Broadcast Stations.)	RM-9939
(Quanah, Archer City, Converse, Flatonia,)	RM-10198
Georgetown, Ingram, Keller, Knox City,)	
Lakeway, Lago Vista, Llano, McQueeney,)	
Nolanville, San Antonio, Seymour, Waco and)	
Wellington, Texas, and Ardmore, Durant,)	
Elk City, Healdton, Lawton and Purcell,)	
Oklahoma.))	

SUPPLEMENT

First Broadcasting Company, L.P., Next Media Licensing, Inc., Rawhide Radio, L.L.C., Capstar TX Limited Partnership, and Clear Channel Broadcast Licenses, Inc. ("Joint Parties") hereby withdraw their alternative Channel 255C3 at Quanah, Texas due to a previously undisclosed conflict with another allotment.

In their counterproposal filed on October 10, 2000, the Joint Parties advanced a proposal which contained a conflict with the initial petition for Channel 233C3 at Quanah, Texas in this proceeding. The Joint Parties offered Channel 255C3 as an alternative channel at Quanah so that both proposals could be granted, and the petitioner accepted the alternative Channel 255C3. *See* Reply Comments of NationWide Radio Stations, filed October 25, 2001. Unfortunately, Channel 255C3 cannot be allotted to Quanah because it would be short spaced to Channel 253C at Elk City, Oklahoma. That short spacing was not revealed on the Joint Parties' channel spacing studies because the coordinates for the Elk City allotment were incorrectly listed in the Commission's data base and on the license issued for Station KTIJ. Those coordinates were recently corrected and the KTIJ license reissued. *See* Exhibit A. As shown in Attachment 2 to

Exhibit A, Channel 255C3 is short-spaced to Channel 253C at Elk City at its corrected coordinates.

The Joint Parties have been unable to identify another substitute channel for a Class C3 allotment at Quanah. However, for reasons already detailed by the Joint Parties, their counterproposal must prevail over the Quanah proposal under the Commission's allotment priorities. See Counterproposal at ¶¶ 6-7. The counterproposal offers first local services to five communities with a total population of 33,597, whereas the Quanah proposal offers only a third local service to a single community of 3,413 (all population figures taken from 1990 U.S. Census). The public interest clearly favors the grant of the counterproposal.

Respectfully submitted,

FIRST BROADCASTING COMPANY, L.P.
RAWHIDE RADIO L.L.C.

NEXT MEDIA LICENSING, INC.

By:



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

By:



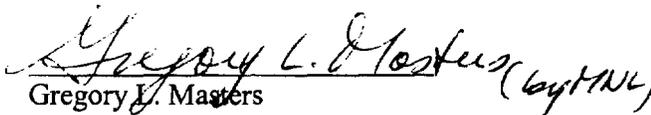
Matthew L. Leibowitz
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Their Counsel

Its Counsel

CAPSTAR TX LIMITED PARTNERSHIP
CLEAR CHANNEL BROADCASTING LICENSES, INC.

By:



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Wiley Rein & Fielding
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Washington, DC 20006
(202) 719-7370

Their Counsel

November 30, 2001