

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

In the Matter of:)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations,)
(Clarksdale and Friars Point,)
Mississippi))

MM Docket No. _____
RM - _____

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

CSN International ("CSN"), by Counsel, and pursuant to §§ 1.401 and 1,420 of the Commission's Rules, hereby respectfully petitions the Commission to institute Rule Making proceedings for amendment of the FM Table of Allocations, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Clarksdale, Mississippi	221A, 243A, 268A, 293C2	221A, 243A, 293C2
Friars Point, Mississippi	254A	254A, 268C3

In support hereof, the following is shown:

Background

1. CSN is the Licensee of Radio Station WWUN-FM at Clarksdale, Mississippi. CSN proposes the reallocation of Channel 268 from Clarksdale to Friars Point, Mississippi, and the modification of the WWUN-FM license to

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specify Friars Point as its community of license with operations on Channel 268C3 so that WWUN-FM can better serve the public through the most efficient use of its frequency. The reallocation of Channel 268 to Friars Point, Mississippi would provide that community with its first local aural service.¹ CSN would continue to provide 1 mV/M coverage service to Clarksdale, Mississippi should the Commission approve this proposal.²

Technical Criteria

2. An allocation study conducted by CSN's consulting engineer shows that Channel 268 may be reallocated to Friars Point, Mississippi, and upgraded to Class C3 status, in compliance with §73.213(c) and §73.207 spacing requirements to all other applicable facilities, at allocation site North

¹ The Commission's records will reflect that Channel 254A was previously allotted to Friars Point but remains unapplied for. In the Commission's *Report and Order, MM Docket No. 99-140, DA 00-1108 (released May 19, 2000)* Channel 254A was allotted to Friars Point. The Channel 254A allotment would have been the subject of FM Auction No. 37, but the Commission has postponed FM Auction No. 37 several times as the result of various legal challenges relating to the auction selection process. See e.g., *PUBLIC NOTICE, DA 01-2148 (released September 14, 2001)*. The Commission continues to contemplate how to proceed with a revised or new selection process, and no decision is likely in the near future regarding Channel 254A at Friars Point. Therefore, it is likely that reallocation of Channel 268 from Clarksdale, Mississippi to Friars Point, Mississippi will result in the first actual local broadcast service to Friars Point.

² Presently there are four radio stations licensed to Clarksdale: WAID-FM, WKDJ-FM, WROX-AM and WWUN-FM. In addition, WKXY-FM should initiate broadcast operations in the near future. Thus, the reallocation of WWUN-FM from Clarksdale to Friars Point would ultimately leave Clarksdale with two AM broadcast stations and two FM broadcast stations.

Latitude 34 - 25 - 30; West Longitude 90 - 35 - 39.³ See, Attachment No. 2 (Technical Statement of Robert Moore).

Community Qualifications of Friars Point, Mississippi

3. Friars Point, Mississippi is qualified and deserving to receive the reallocation of Channel 268 since it has its own elected government (a Mayor and an Alderman, elected every four years), its own volunteer fire department, its own police department, an elementary school, a city maintenance department, and its own Post Office and postal zip code -- 38631.⁴ The City of Friars Point also provides water and gas service to its residents.⁵

4. According to the Year 2000 U.S. Census, Friars Point hosts a population of 1,480, which is a 10.9% increase from the Year 1990 U.S. Census results (1,334). Friars Point is also home to numerous businesses and houses of worship, such as:

Union Planters Bank (574 2nd Street)
Webb's Sundry Cafe & Soul Food (1102 Factory Street)
Willie's Food & Games (700 4th & Washington Streets)

³ Should the Commission grant this request, CSN would immediately apply for a modification of the WWUN-FM facilities to operate on Channel 268C3 at Friars Point, Mississippi.

⁴ The Mayor's office, police and fire department can be reached at (662) 383-2233, which serves as the central telephone number for the Friars Point government and city services. The Friars Point Elementary School can be reached at (662) 383-2477.

⁵ Much of the foregoing information was obtained from the Coahoma County Chamber of Commerce (tele. no. 662-627-7337), the Friars Point Office of City Clerk (tele. no. 662-383-2233) and the Friars Point, Mississippi Resource Guide located at www.pe.net/~rksnow/mscountyfriarspoint.htm.

Ezee Rider's (742 Rozell Lane)
G & J Snack Bar (833 Amez Avenue)
Sanders Jimmy Seed - Friars Point Terminal (Highway 1)
Mississippi Limestone Corp. - (1500 Port Road)⁶

Mount Avery MB Church (840 Dickerson Lane)
Beautiful Zion MB Church (1945 Larsen Road)
New Prospect Church
Friendship Baptist Church
First Baptist Church - Friars Point (951 Sheriff Ridge Ave.)

Source: www.superpages.com

5. Historical Significance of Friars Point: In addition to Friars Point being a growing, modern community, the Commission should be aware of the historical significance of the community. Friars Point was founded in 1836 by Robert C. Friar, and is on the National Register of Historic Places. The town was a major steamboat port, was occupied by Union troops during the Civil War, and still houses the Robinson-Slack-Marinelli homes which served as local Union Headquarters. Friars Point was visited and written about by Charles Lindbergh in his book "WE." Friars Point is also home to popular country musician and singer Conway Twitty.

⁶ The Mississippi Limestone Corp. (tele. number 662-383-2207) has been the recent recipient of a government contract by the U.S. Army Corps of Engineers to cast an articulated concrete mattress for the delta of the Mississippi River. See, www.mvk.usace.army.mil/offices/pa/release2001/012301.htm.

6. The North Delta Museum in Friars Point houses an extensive collection of early Delta artifacts up to and including World War II.⁷

7. CSN submits that when all of the above factors are considered -- namely, the Friars Point Zip Code, the existence of several businesses and churches in Friars Point, and the establishment of a local government, school system, police and fire department, and the rich history of the community -- the Commission should agree that Friars Point has a geographically identifiable population grouping and that objective indicia of community status are present. *See, FM Channel Assignments: Middletown, California, 69 RR 2d 1626 (MMB 1991).*⁸

Public Interest Showing

8. Acceptance of this Petition and the modification of the WWUN-FM license to specify Channel 268C3 and Friars Point as its community of license is in the public interest.

9. The reallocation of Channel 268 to Friars Point, Mississippi will permit WWUN-FM to increase its 70 dBu areas and population of service from 24,747 persons within 821.72 square kilometers to 47,821 persons within 1,690.21 square kilometers, as well as increase its 60 dBu areas and population

⁷ The above-noted historical information was obtained from the "Friars Point, Mississippi Resource Guide" at www.pe.net/~rksnow/mscounty/friarspoint.htm.

⁸ It should be noted that in the Commission's *Report and Order, MM Docket No. 99-140, supra*, Friars Point was indisputably found to be a community for allotment purposes. *Id.*, at *para. 7*.

of service from 43,438 persons within 2,518.21 square kilometers to 71,794 persons within 4,782.92 square kilometers. Furthermore, this proposal provides first local aural service to the community of Friars Point, without depriving Clarksdale of any local aural service since four radio broadcast stations would continue to be licensed to Clarksdale. *See, footnote No. 1, hereinabove.* Based upon the foregoing, CSN submits that this proposal results in a preferential arrangement of allotments, a new service benefit to the communities involved, and qualifies for consideration without affording other interested parties an opportunity to file competing expressions of interest. *See, Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).*

Statement of Continuing Interest

10. CSN hereby states that, should the Commission institute the requested Rule Making proceedings and ultimately adopt the amendment to the FM Table of Allotments proposed herein, it would file an application for modification of the WWUN-FM license to specify operations on Channel 268C3 while specifying Friars Point, Mississippi as its community of license.

Conclusion

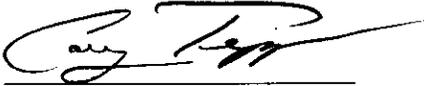
WHEREFORE, the above premises considered, CSN respectfully urges that the Commission commence Rule Making Proceedings proposing to amend

§ 73.202(b) of the Commission's Rules, FM Table of Allotments, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Clarksdale, Mississippi	221A, 243A, 268A, 293C2	221A, 243A, 293C2
Friars Point, Mississippi	254A	254A, 268C3

Respectfully submitted,

CSN INTERNATIONAL

By: 
Cary S. Tepper

Its Attorney

Booth, Freret, Imlay & Tepper, P.C.
5101 Wisconsin Avenue, N.W.
Suite 307
Washington, D.C. 20016-4120

(202) 686-9600

January 31, 2002

Attachment No. 1

(Technical Statement of Robert Moore)

TECHNICAL STATEMENT

Petition for Rule Making

CSN International, Inc.

Re-Allot

Channel 268A Clarksdale, MS

to

Channel 268C3 Friars Point, MS

Robert Moore

January 29, 2002

Petition for Rule Making
CSN International, Inc.
Re-Allot Channel 268A Clarksdale, MS
to Channel 268C3 Friars Point, MS
January 29, 2002

Technical Statement

Objective

This technical statement and the associated exhibits were prepared on behalf of CSN International, licensee of WWUNFM, Clarksdale, MS. CSN's requests the reallocation to an as yet unserved city, Friars Point, MS, from Clarksdale, MS which is currently served by 3 class A FM stations, one class C3 FM station, and one AM station. In order to accomplish this, CSN herein proposes an increase in class from class A to class C3 and demonstrates a fully spaced allocation site. The reallocation creates a substantial increase in both the area and population covered. It continues to provide 1 mv/m F(50,50) coverage to Clarksdale, the original city of license, as well as 3.16 mv/m F(50,50) coverage of Friars Point, the proposed city of license. The new allocation is mutually exclusive with the present Clarksdale allocation.

Present Situation:

WWUN is running 6 kW ERP, but at only 54 meters HAAT. The station, as it exists, operates within the city limits of Clarksdale and covers 23,906 in the 70 dBu and 30,578 in the 60 dBu F(50,50) contours. Of more interest, the station operated at a full 100 meters height above average terrain is shown in Exhibit E-1 and summarized below.

Clarksdale, MS is served by WROX, AM 1450 kHz, and by FM stations WKXY (under construction), WKDJ, WWUN and WAID (C2), which are licensed to Clarksdale. In addition, stations WDFX, WDTL, WYMX, KFPA-FM, WJIW, WMAV, and WMJW deliver 60 dBu F(50,50) signals to the portions of city.

Proposed Reallocation:

The city of Friars Point, MS lies 19.5 km NNW of Clarksdale, MS. No station licenses or construction permits are assigned to Friars Point. There is an unused class A allocation on channel 254 for the city, which is not available due the current freeze involving commercial FM auctions. Thus WWUN will be the first actual aural service in Friars Point. In addition to the four Clarksdale stations, KKFA, KJIW, KVRN and KCLT place a 60 dBu signal into any portion of Friars Point. Notice that these are all profoundly non-local, originating from the west side of the Mississippi River, which is not spanned by a bridge for a considerable distance in either direction.

Points up to 8 km to the northeast of Friars Point are fully spaced for a class C3 station against all allocations and stations in the FCC database (except WWUN and the Clarksdale allotment that supports it) per §73.207 of the rules. This is shown in Exhibit E-2, where a specific site, N34 25 30, W90 35 39 is demonstrated.

Population and area coverage for the proposed reallocation site are in Exhibit E-3.

Summary of changes resulting from the requested reallocation:

	70 dBu pop	60 dBu pop	70 dBu area	60 dBu area
Present WWUN	23,906	30,578	449.31	1,440.57
E-1 Clarksdale A	24,747	43,438	821.72	2,518.21
E-3 Friars Point C3	47,821	71,794	1,690.21	4,782.92

Clearly, one benefit of the proposed reallocation is the nearly doubling of the 70 dBu and 60 dBu populations and areas covered by the station.

The map provided in Exhibit E-4 shows the relative locations of the old and new cities of license within the coverage contours of a station located at the allocation coordinates. Note that Friars Point is well within the 70 dBu F(50,50) contour, as required by §73.315(a). It actually receives a strong 89.9 dBu F(50,50) signal. Clarksdale receives a 67.9 dBu F(50,50) signal, ample to serve the existing listeners of the station with excellent reception, but insufficient to remain the city of license.

Request:

CSN therefore requests that §73.202(b) of the rules be amended as follows:

Clarksdale, MS

<u>Present</u>	<u>Proposed</u>
221A, 243A, 268A, 293C2	221A, 243A, 293C2

Friars Point, MS

<u>Present</u>	<u>Proposed</u>
254A	254A, 268C3

As shown above, this amended channel at the site given satisfies all the spacing requirements of §73.207 and city coverage requirements of §73.315(a). Once channel 268C3 is allocated to Friars Point, MS, CSN will file an FCC Form 301 modification application for WWUN to utilize the newly created allocation.

Public Interest and Summary:

A significant improvement in use of the spectrum is possible by moving the allotment from a well served community to an under served community. This is consistent with the provisions of the Communications act of 1934 as amended:

Section 307 [47 USC Section 307].
Allocation of Facilities
...

(b) In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of

operation, and of power among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same.

The request satisfies this explicitly as well as the detailed provisions of the rules, and yet does not deny coverage to those already served by WWUN.

Certification of Consultant:

Robert Moore, at 1908 Sweetbriar Drive, Goshen, IN, has been retained as broadcast engineering consultant for the purposes of preparing the technical data included in this report.

The maps included in this report, unless otherwise indicated, are computer generated using U.S. Geological Survey Digital Line Graph data which was originally digitized from 1:2,000,000 scale maps. The topographic data utilized is the N.G.D.C. 30 arc second database provided by RadioSoft in \trn format. Individual elevations were determined using the required four-point interpolation. The radial height above average terrain (HAAT) was calculated at intervals along the radials of 0.1 kilometer along a path from 3 to 16 km from the applicable station. The Commission's own TVFMINT computer algorithm was used to determine the distance to the pertinent contours based upon the radial HAAT and operating ERP at each azimuth. This process was repeated at 1 degree intervals to determine the coverage, protected and interfering curves utilized here. The population data was determined based on population centroids defined by U.S. Census 2000 (Redistricting Release) digital census data taken at the State-County-Voting District/Remainder-County Subdivision, Place/Remainder-Census Tract/Block Numbering Area-Block Group.

Mr Moore first began working in radio broadcasting engineering in 1963. Mr Moore's work is a matter of record before the Federal Communications Commission.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.



Robert C. Moore

1908 Sweetbriar Drive
Goshen, Indiana 46528

(219) 534-2002

Exhibit E-1
Terrain and Contour Data
WWUNFM Clarksdale, MS at full HAAT

ERP 6 kW

N. Lat. 34 11 33

W. Lon. 90 34 17

Center of Radiation 147.00 m AMSL

Az. Deg T.	Avg Elev 3-16 km Meters AMSL	Effective Antenna Ht Meters AAT	ERP Kilowatts	Distance to Contour (km)	
				70.0 dBu F(50,50)	60.0 dBu F(50,50)
0	46.9	100.1	6.0000	16.2	28.3
10	47.4	99.6	6.0000	16.1	28.2
20	47.2	99.8	6.0000	16.1	28.3
30	48.6	98.4	6.0000	16.0	28.1
40	48.8	98.2	6.0000	16.0	28.1
50	48.4	98.6	6.0000	16.0	28.1
60	48.7	98.3	6.0000	16.0	28.1
70	46.2	100.8	6.0000	16.2	28.4
80	48.0	99.0	6.0000	16.1	28.2
90	46.5	100.5	6.0000	16.2	28.4
100	46.0	101.0	6.0000	16.3	28.4
110	47.3	99.7	6.0000	16.1	28.3
120	47.4	99.6	6.0000	16.1	28.2
130	47.3	99.7	6.0000	16.1	28.3
140	47.2	99.8	6.0000	16.1	28.3
150	46.4	100.6	6.0000	16.2	28.4
160	44.0	103.0	6.0000	16.5	28.7
170	43.7	103.3	6.0000	16.5	28.7
180	43.6	103.4	6.0000	16.5	28.7
190	45.0	102.0	6.0000	16.4	28.6
200	46.1	100.9	6.0000	16.2	28.4
210	46.1	100.9	6.0000	16.2	28.4
220	45.0	102.0	6.0000	16.4	28.6
230	46.4	100.6	6.0000	16.2	28.4
240	46.0	101.0	6.0000	16.3	28.4
250	46.4	100.6	6.0000	16.2	28.4
260	46.0	101.0	6.0000	16.3	28.4
270	47.8	99.2	6.0000	16.1	28.2
280	48.5	98.5	6.0000	16.0	28.1
290	48.8	98.2	6.0000	16.0	28.1
300	48.7	98.3	6.0000	16.0	28.1
310	47.4	99.6	6.0000	16.1	28.2
320	46.3	100.7	6.0000	16.2	28.4
330	46.8	100.2	6.0000	16.2	28.3
340	48.1	98.9	6.0000	16.1	28.1
350	48.2	98.8	6.0000	16.0	28.1
Average	46.867	100.133	<--HAAT m		

Area (sq. km.)
2000 Grouped Population

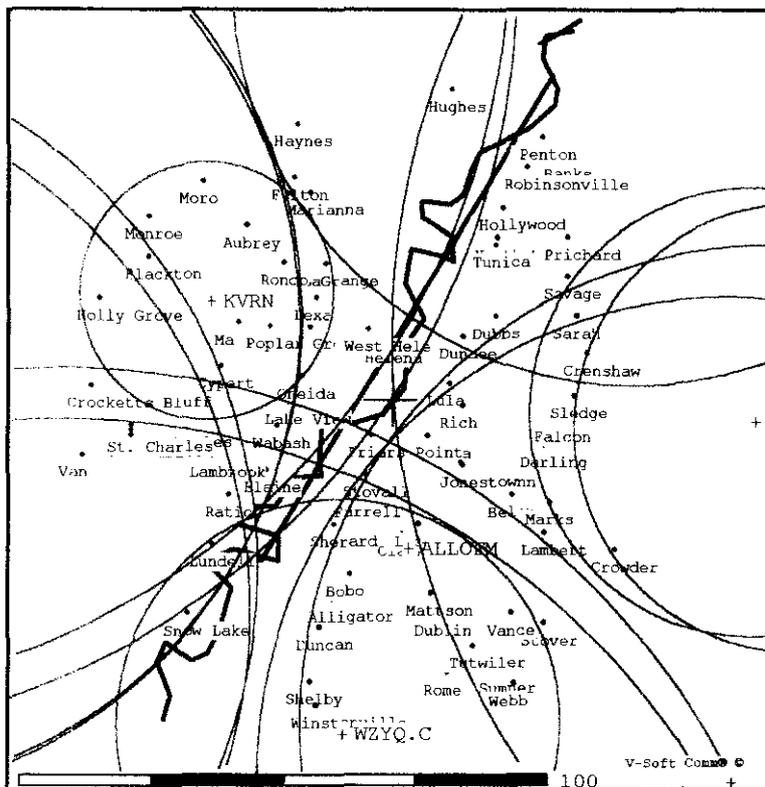
821.72 2518.21
24747 43438

Exhibit E-2
Clarksdale MS

FMCONT-T^(TM) LOCATE STUDY

Ch 268 C3
101.5 MHz

N. Lat. 34 25 30
W. Lng. 90 35 39



Call	CH#	Location		D-KM	Azi	FCC	Margin
WWUNFM	268A	Clarksdale	MS	25.87	175.4	142.0	-116.13
ALLO	268A	Clarksdale	MS	25.87	175.4	142.0	-116.13
ALLO	268A	New Albany	MS	142.18	85.3	142.0	0.18
ALLO	268A	Beebe	AR	142.40	303.6	142.0	0.40
WMUT	267A	Grenada	MS	93.15	130.0	89.0	4.15
ALLO	267A	Grenada	MS	94.15	137.7	89.0	5.15
KBGR	268A	Beebe	AR	147.53	305.6	142.0	5.53
KAVH	268A	Eudora	AR	149.29	204.5	142.0	7.29
ALLO	266C1	Memphis	TN	90.97	30.0	76.0	14.97
RDEL	266C1	Memphis	TN	90.97	30.0	76.0	14.97
RADD	266C1	Olive Branch	MS	90.97	30.0	76.0	14.97
KJMS	266C1	Memphis	TN	90.97	30.0	76.0	14.97
ALLO	268A	Eudora	AR	158.08	203.1	142.0	16.08
KVRN	214C1	Marvell	AR	40.81	300.1	24.0	16.81
ALLO	269A	Humnoke	AR	107.41	278.2	89.0	18.41
KKRN	269A	Humnoke	AR	107.72	277.7	89.0	18.72
ALLO	270A	Mound Bayou	MS	61.31	189.7	42.0	19.31
WZYQ.C	270A	Mound Bayou	MS	61.31	189.7	42.0	19.31
ALLO	271A	Sardis	MS	67.87	91.9	42.0	25.87
ALLO	267C3	Pine Bluff	AR	128.60	255.7	99.0	29.60
KPBQFM	267C3	Pine Bluff	AR	131.97	252.8	99.0	32.97
KBUD	271A	Sardis	MS	76.49	93.9	42.0	34.49

Exhibit E-3
Terrain and Contour Data
Prop Alloc - Friars Point, MS

ERP 25 kW

N. Lat. 34 23 30

W. Lon. 90 35 39

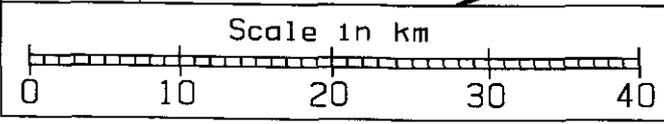
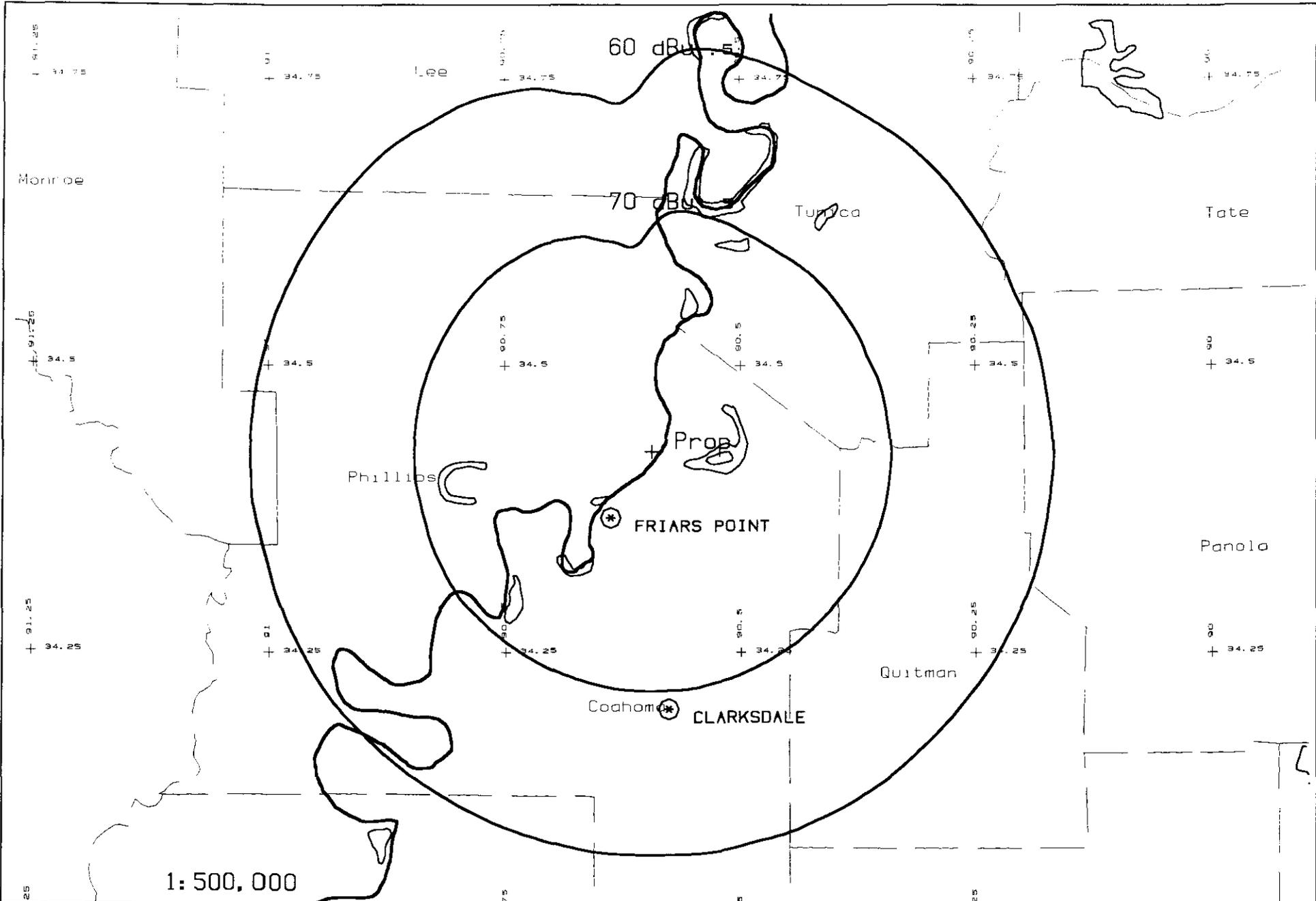
Center of Radiation 148.00 m AMSL

Az. Deg T.	Avg Elev 3-16 km Meters AMSL	Effective Antenna Ht Meters AAT	ERP Kilowatts	Distance to Contour (km)	
				70.0 dBu F(50,50)	60.0 dBu F(50,50)
0	51.5	96.5	25.0000	22.8	38.5
10	46.3	101.7	25.0000	23.4	39.4
20	48.2	99.8	25.0000	23.2	39.0
30	48.4	99.6	25.0000	23.2	39.0
40	49.0	99.0	25.0000	23.1	38.9
50	49.7	98.3	25.0000	23.0	38.8
60	47.0	101.0	25.0000	23.3	39.2
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130	48.5	99.5	25.0000	23.2	39.0
140	48.6	99.4	25.0000	23.2	39.0
150	48.1	99.9	25.0000	23.2	39.1
160	48.7	99.3	25.0000	23.2	39.0
170	47.1	100.9	25.0000	23.3	39.2
180	48.8	99.2	25.0000	23.1	38.9
190	46.8	101.2	25.0000	23.4	39.3
200	48.8	99.2	25.0000	23.1	38.9
210	48.8	99.2	25.0000	23.1	38.9
220	48.8	99.2	25.0000	23.1	38.9
230	47.9	100.1	25.0000	23.2	39.1
240	47.4	100.6	25.0000	23.3	39.2
250	44.6	103.4	25.0000	23.6	39.6
260	43.2	104.8	25.0000	23.8	39.9
270	47.6	100.4	25.0000	23.3	39.1
280	48.1	99.9	25.0000	23.2	39.1
290	48.5	99.5	25.0000	23.2	39.0
300	48.7	99.3	25.0000	23.2	39.0
310	48.8	99.2	25.0000	23.1	38.9
320	48.8	99.2	25.0000	23.1	38.9
330	49.2	98.8	25.0000	23.1	38.9
340	50.8	97.2	25.0000	22.9	38.6
350	55.6	92.4	25.0000	22.4	37.8
Average	48.364	99.636	<--HAAT m		

Area (sq. km.)
2000 Grouped Population

1690.21
47821

4782.92
71794



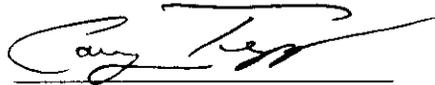
Prop 268C3 25kW 148M AMSL
 N. Lat. 34 25 30 W. Lng. 90 35 39

E-4 Prop. Alloc.
 Bob Moore - 01/02

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 31st day of January, 2002, I have served a copy of the foregoing "**Petition for Rule Making**" first-class, postage-prepaid, on the following:

*John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
445 12th Street, S.W.; Room 3-A266
Washington, D.C. 20554

A handwritten signature in black ink, appearing to read "Cary Tepper", written over a horizontal line.

Cary S. Tepper, Esq.

*/ indicates delivery by hand