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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	MM Docket No. _____
FM Broadcast Stations.)	RM- _____
(Crisfield, Maryland))	
)	
TO: Chief, Mass Media Bureau)	

PETITION FOR RECONSIDERATION

Bay Broadcasting, Inc. ("Bay"), by its attorney, hereby respectfully requests the Chief, Mass Media Bureau, to reconsider and set aside the action of the Chief, Allocations Branch, taken by letter dated February 5, 2002, a copy of which is attached as Exhibit A, returning a Petition for Rule Making filed by Bay on September 26, 2001, as unacceptable for filing. Furthermore, Bay respectfully requests that its petition be reinstated, nunc pro tunc. In support thereof, it is alleged:

1. On September 26, 2001, Bay filed a petition, asking the Chief, Allocations Branch to initiate a rule making, looking towards the substitution of Channel 250A for Channel 245A at Crisfield, Maryland, and requesting that an order be issued modifying the license of FM Broadcast Station WBEY, Crisfield, Maryland, to specify operation on the new channel. By letter dated February 5, 2002, the Chief, Allocations Branch, returned the petition because, allegedly, the transmitter site specified in the petition does not provide 100% city grade (70 dbu) coverage of the Crisfield community.

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2. Bay's legal and engineering counsel are experienced and know full well that it is necessary for purposes of a rule making to specify a transmitter site from which 100% of the community receives 70 dbu or better coverage. Bay's legal and engineering counsel would not have filed the petition if it did not demonstrate 100% coverage. Figure 4 of the original engineering report accompanying the original petition is attached and marked Exhibit B. The city limits of Crisfield were marked in yellow and there is no portion of those city limits which fall outside the 70 dbu contour. Thus, 100% coverage was demonstrated and the petition should not have been returned.

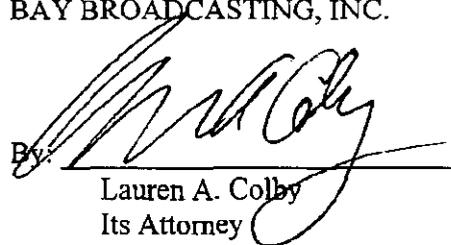
3. Admittedly, from the site specified in the original petition, there is no room for error; the 70 dbu contour exactly circumscribes the western edge of the city limits. A new engineering report is attached hereto and marked Exhibit C, specifying an alternative site which provides a "cushion". From this alternative site, the 70 dbu contour is pushed westward into the Chesapeake Bay, thereby achieving more than the required coverage. If, for any reason, the Commission is unwilling to initiate a rule making predicated upon the site specified in the original petition, Bay respectfully requests that a rule making be initiated specifying the alternate site.

Respectfully submitted,

BAY BROADCASTING, INC.

February 15, 2002

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

By: 

Lauren A. Colby
Its Attorney

EXHIBIT A



Federal Communications Commission
Washington, D.C. 20554

February 5, 2002

Law Office of
Lauren A. Colby
10 E. Fourth Street
P.O. Box 113
Frederick, Maryland 21705-0113

Dear Mr. Colby:

This concerns the petition for rule making you filed on September 27, 2001 on behalf of Bay Broadcasting, Inc. in which it requests that the Commission amend Section 73.202(b) of its Rules, FM Table of Allotments, to substitute Channel 250A for the current Channel 245A as the frequency utilized by Station WBEY(FM), Crisfield, Maryland.

The foregoing petition does not comply with Section 73.315(a) of the Commission's Rules, which requires that a proposed transmitter site be chosen in such a manner that the proposal will provide signal coverage with a field strength of at least 70 dBu over the entire principal community to be served. Specifically, from the proposed transmitter site, the rulemaking proposal will not provide a 70 dBu signal that completely encompasses Crisfield, Maryland.

In light of the foregoing, Bay Broadcasting, Inc.'s petition for rule making is being returned as unacceptable for filing.

Sincerely,

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

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

EXHIBIT B

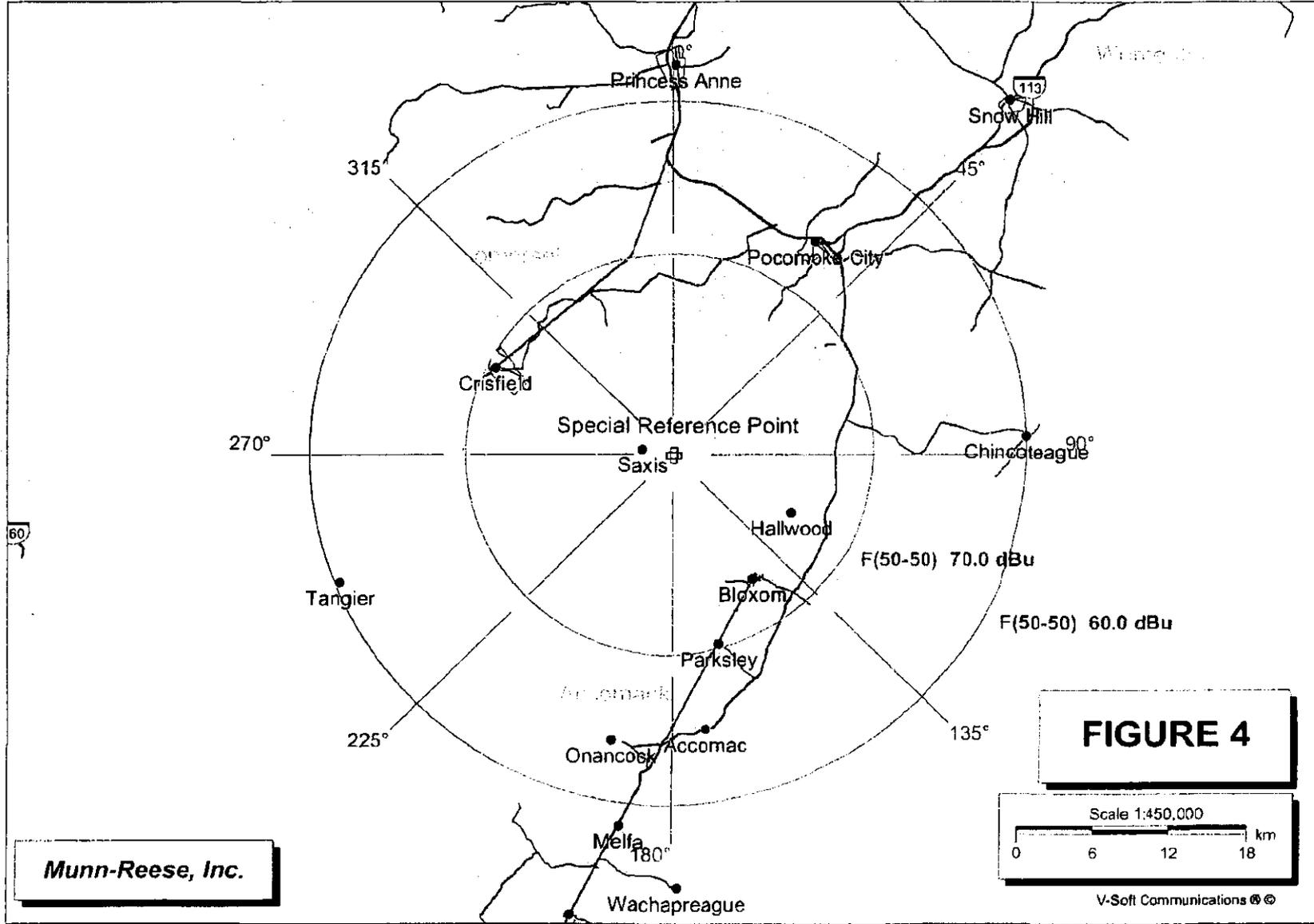
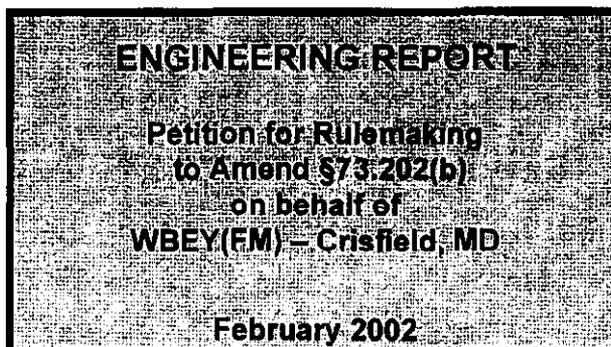


EXHIBIT C



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Broadcast Engineering Consultants
Coldwater, MI 49036

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7. Figure 4A – Expanded View of City Coverage for Channel 250A

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Broadcast Engineering Consultants
Coldwater, MI 49036

CERTIFICATION OF ENGINEERS

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of such data errors or omissions.

The report has been prepared by properly trained electronics specialists under the direction of the undersigned whose qualifications are 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.

February 14, 2002

MUNN-REESE, INC.

By Wayne S. Reese
Wayne S. Reese, President

By Justin W. Asher
Justin W. Asher, Project Engineer

100 Airport Drive, PO Box 220
Coldwater, Michigan 49036

Telephone: 517-278-7339

MUNN-REESE, INC.
Broadcast Engineering Consultants
Coldwater, MI 49036

ENGINEERING STATEMENT

In Support of a Petition to Amend §73.202(b)

The office of Munn-Reese, Inc. has been retained to prepare this engineering statement in support of a petition to amend 47 C.F.R. Section 73.202(b), the FM Table of Allotments.

It is proposed to amend the Table of Allotments to substitute Channel 250A, 97.9 MHz, for Channel 245A, 96.9 MHz, at Crisfield, MD and reserve its use for the licensee of WBEY. A special reference point located at 37° 55' 13" NL; 75° 41' 59" WL has been used for this rulemaking. However, the current WBEY site or an alternate site is anticipated to be used for actual operation. The special reference point is to be fully spaced. This petition is being requested to allow the station to achieve maximum Class A facilities and eliminate severe ducting interference observed from WFPG-FM, Atlantic City, NJ. Due to its unique location between Chesapeake Bay and the Atlantic Ocean, Crisfield receives overriding interference from WFPG-FM on a regular basis. This ducting at times causes interference to within 10 miles of the transmitter site and at its worst levels within the city of license.

Data contained in this report is responsive to the requirements of the Rules, as amended.

Figure 1 is a pertinent portion of the V-Soft™ Communications, FMContours™ spacing allocation study for the present channel. As shown, the WBEY licensed site is short-spaced to WCEI-FM, Easton, MD, 4.54 kilometers with 0.5 km rounding employed. The channel was originally allocated at a 3 kW Class A facility. It presently is licensed at 2.8 kW at 123 meters HAAT, halfway between an equivalent 3 kW and 6 kW Class A facility at 100 meters HAAT, due to the short spacing to WCEI-FM.

Figure 2 is a Probe II™ map showing the Channel 250A open area. **Figure 3** is the pertinent portion of the V-Soft™ Communications, FMContours™ spacing allocation study for the alternate Channel 250A. A portion of 7.5 minute topographic mapping showing the special reference point will be supplied upon request. Channel 250A will be fully spaced from the special reference point. A map showing 70 dBu coverage of Crisfield from the special reference point has been included as **Figure 4** and **4A**.

It is requested that 47 C.F.R. §73.202(b) be amended as follows:

<u>City, State</u>	<u>Present</u>	<u>Proposed</u>
Crisfield, MD	245A	250A

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Coldwater, MI 49036

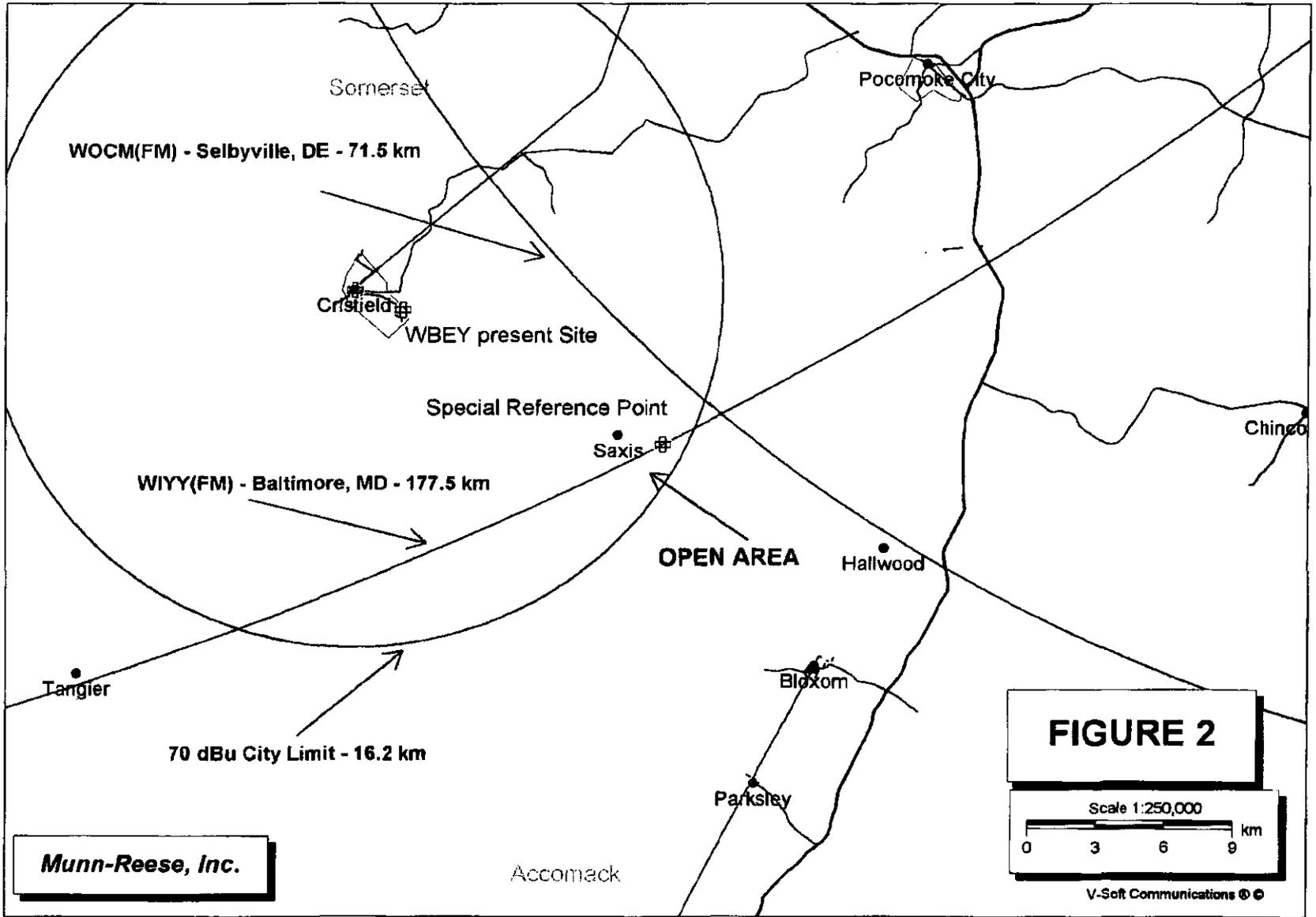
Figure 1

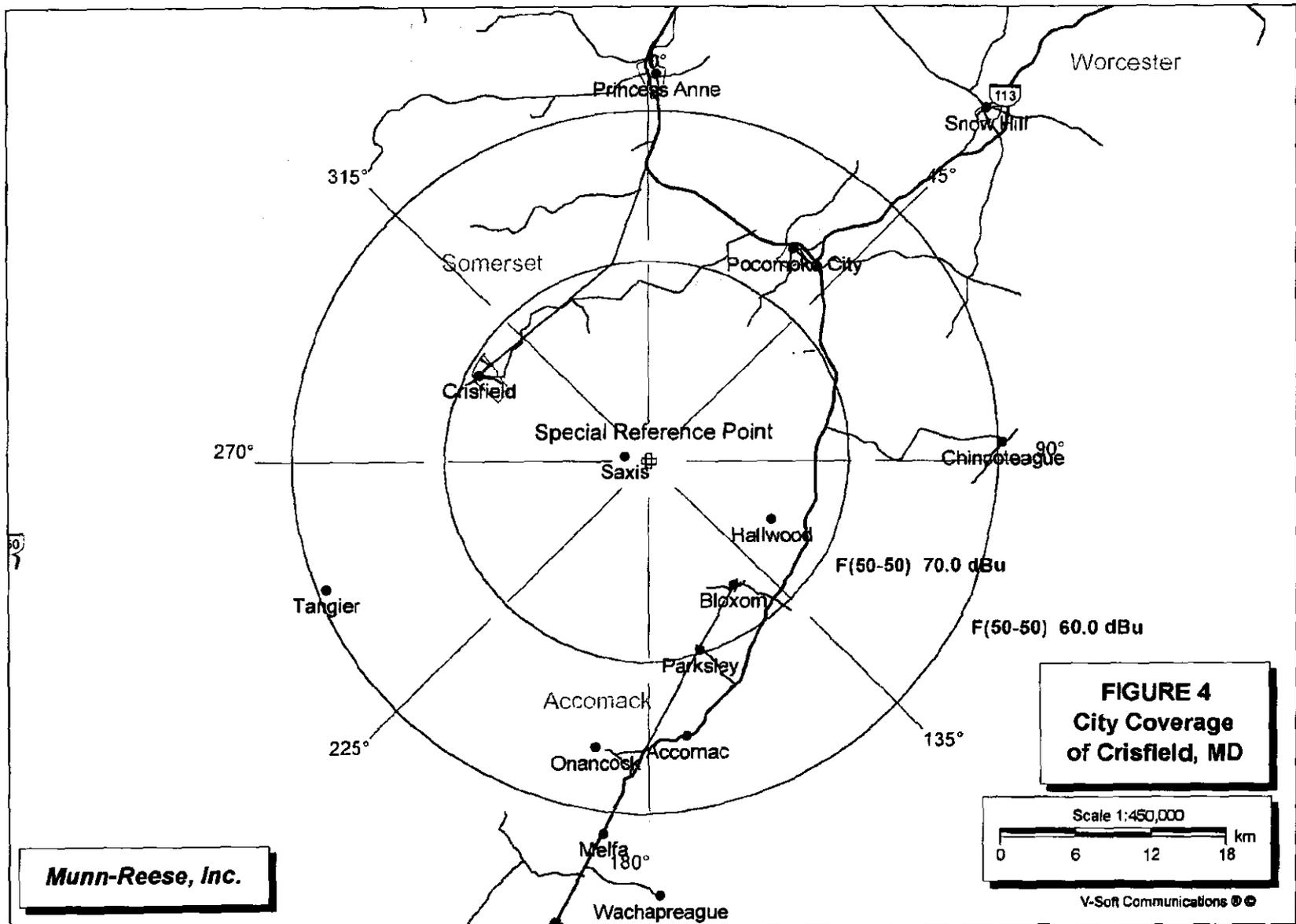
Present WBEY Channel 245A Allocation

REFERENCE 37 58 31 N CLASS - A DISPLAY DATES
 75 49 46 W Current Spacings DATA 09-08-01
 Channel 245 - 96.9 MHz SEARCH 09-14-01

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.				HAAT		
WBEY	LIC 245A	Crisfield	MD	0.00	0.0	114.5	-114.50
37 58 31	75 49 46	CN	2.800 kW		123 M		
		Bay Broadcasting, Inc.					
WCEIFM	LIC 244B1	Easton	MD	90.96	346.1	95.5	-4.54
38 46 13	76 04 55	CN	25.000 kW		78 M		
		First Media Radio, Llc					
WQJZ	LIC 246A	Ocean Pines	MD	72.88	51.5	71.5	1.38
38 22 52	75 10 32	ZCN	4.600 kW		114 M		
		Delmarva Broadcasting Comp					
970911	CP 243A	Chincoteague	VA	39.53	98.7	30.5	9.03
37 55 14	75 23 06	CN	2.800 kW		145 M		
		Sebago Broadcasting					
Latitude degrees 37 (not 35) per exhibits, Vert ERP assumed from 7(b).							
ALLO	RSV 298B1	Fruitland	MD	26.64	25.2	11.5	15.14
38 11 32	75 41 58		25.000 kW		100 M		
WICOFM	LIC 248A	Salisbury	MD	46.68	23.4	30.5	16.18
38 21 39	75 37 00	C	4.500 kW		91 M		
		Delmarva Broadcasting Comp					
WICOFM	LIC 248A	Salisbury	MD	46.68	23.4	30.5	16.18
38 21 39	75 37 00	CN	3.000 kW		91 M		
		Delmarva Broadcasting Comp					
WKHI	LIC 298B	Exmore	VA	32.79	158.6	14.5	18.29
37 42 01	75 41 36	CN	50.000 kW		82 M		
		Great Scott Broadcasting					
WFPGFM	LIC 245B	Atlantic City	NJ	196.74	37.1	177.5	19.24
39 22 42	74 26 53	CN	50.000 kW		110 M		
		Millennium Atlantic City L					
WWUZ	LIC 245A	Bowling Green	VA	135.54	270.0	114.5	21.04
37 57 56	77 22 19	CN	2.800 kW		144 M		
		Rappahannock Communication					
RDEL	DEL 298B	Exmore	VA	50.02	188.4	14.5	35.52
37 31 46	75 54 44		50.000 kW		150 M		
WASH	LIC 246B	Washington	DC	154.30	315.4	112.5	41.80
38 57 21	77 04 57	CN	26.0				

MUNN-REESE, INC.
 Broadcast Engineering Consultants
 Coldwater, MI 49036





Munn-Reese, Inc.

FIGURE 4
City Coverage
of Crisfield, MD

Scale 1:450,000
0 6 12 18 km
V-Soft Communications

