

ORIGINAL

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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In the Matter of

Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Cheyenne, Wyoming))

RM-_____

TO: Chief, Allocations Broach

PETITION FOR RULEMAKING

Mountain States Radio, Inc. ("MSR") the licensee of broadcast station KZCY(FM) in Cheyenne, Wyoming, pursuant to Rule 1.401 requests that the Commission institute a Rulemaking proceeding to amend Section 73.202(b) of its rules, the *FM Table of Allotments*, in order to allow KZCY(FM) to upgrade from its current Channel 285A to Channel 280C1. MSR requests that Channel 280C1 be substituted for its present Channel 285A. In order to accommodate this channel change, MSR also requests that Channel 285C2 be substituted for vacant and unapplied for Channel 280C2 in Cheyenne, Wyoming. Channel 285C2 can be used in Cheyenne with a site restriction of 14.9 kilometers north of Cheyenne.

Channel 280C1 can be allotted to Cheyenne with a site restriction of 22.2 kilometers east of Cheyenne. Although this proposal is seemingly short spaced with KOLT, Gering, Nebraska currently operating on Channel 280C3, KOLT has been ordered to change channels to Channel 239C3. See *Cheyenne, Wyoming and Gering, Nebraska*, 15 FCC Rcd. 7528 (2000).¹

The proposed channel substitutions are in the public interest. The substitution of Channel 280C1 for Chanel 285A would result in an increase in the population of KZCY's 1 mV contour from 68,608 to 103,654 people -- a net gain of 35,046 people. Substitution of Channel 285C2 for Channel

¹ TSBII, Inc. is required to reimburse Tracy Broadcasting Corporation for the cost of switching KOLT, currently on Channel 280C3 to Channel 239C3. Therefore, MSR believes it has no obligation to reimburse any costs. However, MSR is willing to reimburse Tracy Broadcasting for the channel change to 239C3 to the extent it is required to do so under Commission policy in order to accommodate MSR's Petition for Rulemaking.

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280C2 at the proposed allotment points for these channels would result in a net loss of only 1,041 people within the 1 mV contour.

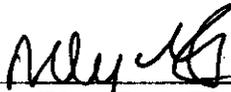
MSR respectfully requests that the table of allotments for Cheyenne, Wyoming be amended as follows:

	<u>Present</u>	<u>Proposed</u>
Cheyenne, Wyoming	229A, 250C1, 260C2, 264C2, 285A, 292C3, 280C2	229A, 250C1, 260C2, 264C1, 285C2, 292C3, 280C1

MSR certifies that if Channel 280C2 is substituted for Channel 285A it will immediately file an application for authority to operate on Channel 280C2 and will construct the station as authorized.

Respectfully submitted,

MOUNTAIN STATES RADIO, INC.

By 
A. Wray Fitch III
Its Counsel

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February 22, 2002

[KA0524\Petition for Rulemaking4.awf]

TECHNICAL STATEMENT

This Technical Statement is filed in support of a Petition for Rulemaking filed by Mountain States Radio, Inc. ("MSR") licensee of KZCY(FM) Cheyenne, Wyoming. In this Petition, MSR seeks to upgrade the allotment for KZCY(FM) from channel 285A to channel 280C1 and modify the operation of KZCY Cheyenne accordingly.

To accommodate this channel change, MSR is proposing to substitute the currently vacant allotment at Cheyenne, Wyoming, channel 280C2, with channel 285C2, thus allowing the upgrade of KZCY on channel 280C1.

Figure 1 is a channel study showing that channel 280C1 can be allotted to Cheyenne with a site restriction of 22.2 kilometers east of Cheyenne. The channel study shows a short spaced condition with KOLT Gering, Nebraska on channel 280C3, however this station has been ordered to change channels to channel 239C3 as part of MM Docket 97-106, RM-9044 and RM-9741, which also provides for the new allotment of channel 280C2 at Cheyenne, Wyoming.

Figure 2 shows the present and proposed 60 dBu coverage area of KZCY Cheyenne. This improved facility would increase the population of the KZCY facilities from 68,608 to 103,654 persons, a gain of 35,046 persons. Since the proposed 60 dBu coverage of KZCY on channel 280C1 would encompass the entire 60 dBu coverage area of the present KZCY facilities, there would be no loss of service.

Figure 3 shows a channel study for channel 285C2 for Cheyenne. It shows that channel 285C2 can be used at Cheyenne with a site restriction of 14.9 kilometers north of Cheyenne. While the allotment point for the current channel 280C2 would have to be

changed to accommodate the substitute channel of 285C2, it would be a minor change. In fact, a full class C2 operation on channel 280C2 at the current allotment point would produce a 60 dBu contour that would cover 73,266 persons. A full class C2 operation on channel 285C2 would produce a 60 dBu contour that would cover 72,255 persons.

Since, no applications have been filed for the operation on channel 280C2 at Cheyenne, channel 285C2 can be substituted in place of channel 280C2 at Cheyenne with no adverse consequences.

CONCLUSION

It has been shown that channel 285C2 can be substituted for the vacant and as yet un-applied for channel 280C2 at Cheyenne. Thus, MSR respectfully requests that Channel 280C1 be substituted for channel 285A at Cheyenne, Wyoming and the operation of KZCY Cheyenne be changed to specify operation on that channel. To accommodate this change, channel 285C2 be substituted for channel 280C2 for the vacant allotment at Cheyenne.

	<u>Present</u>	<u>Proposed</u>
Cheyenne, Wyoming	229A, 250C1, 260C2, 264C1, 285A, 292C3, 280C2	229A, 250C1, 260C2, 264C1, 285C2, 292C3, 280C1

Respectfully Submitted,



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February 14, 2002

FIGURE 1
KZCY 280C1 CHANNEL STUDY

REFERENCE
41 04 35 N
104 33 49 W

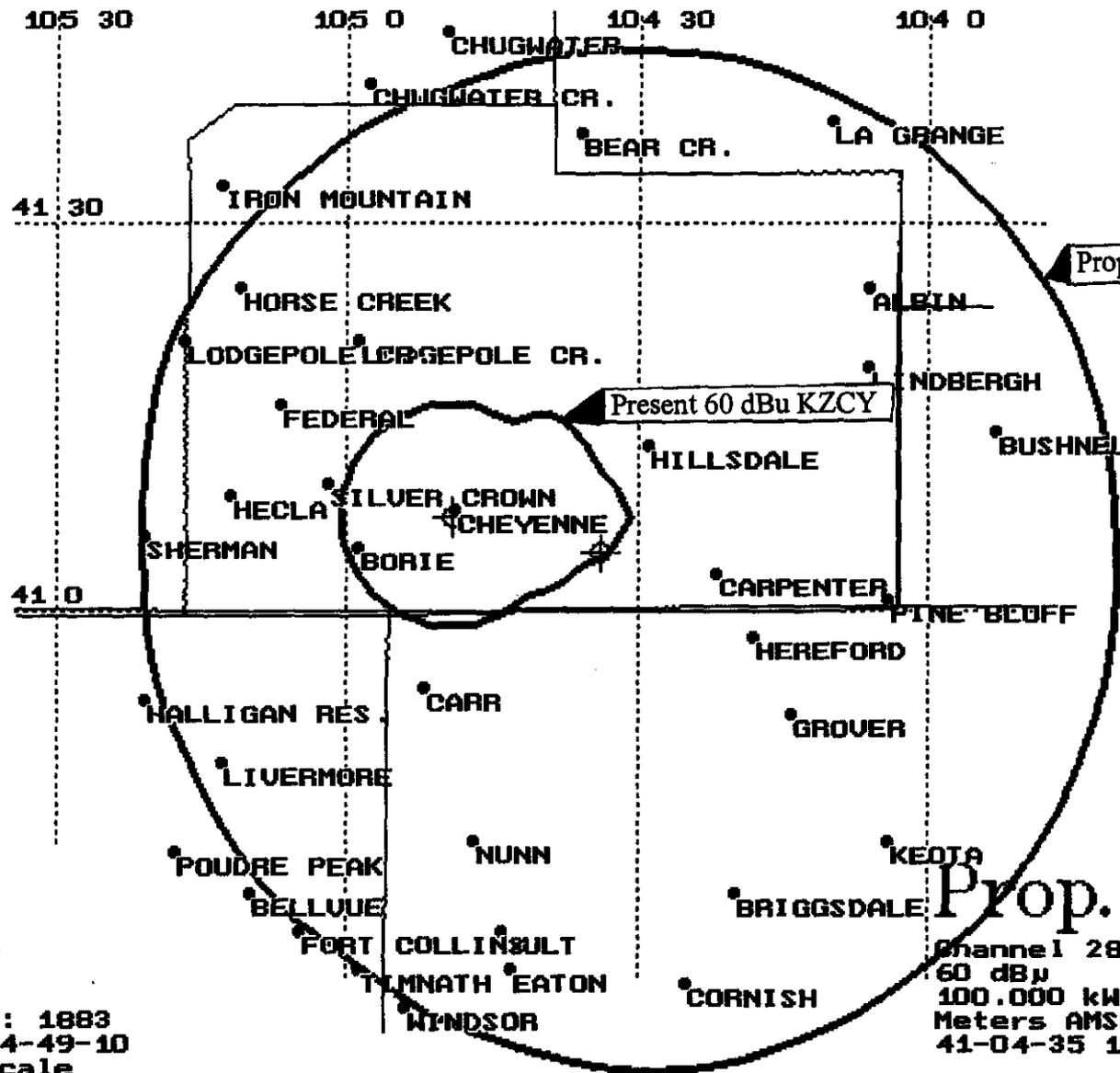
CLASS = C1
Current Spacings

DISPLAY DATES
DATA 02-08-02
SEARCH 02-11-02

----- Channel 280 - 103.9 MHz -----

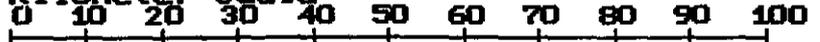
Call	Channel	Location		Dist	Azi	FCC	Margin
ALLO	VAC 280C2	Cheyenne	WY	21.49	288.7	224.0	-202.51
KOZYFM	LIC 280C3	Gering	NE	113.08	38.9	211.0	-97.92
KKHI.C	CP 283C2	Laramie	WY	79.05	289.6	79.0	0.05
ALLO	VAC 281A	Guernsey	WY	133.06	353.6	133.0	0.06
KKHI.C	CP 283C2	Laramie	WY	79.54	294.7	79.0	0.54
KKHI	LIC 283C3	Laramie	WY	77.49	287.8	76.0	1.49
KQLT	LIC 279C	Casper	WY	235.06	322.7	209.0	26.06
KYZX	LIC 280C2	Pueblo West	CO	260.17	185.7	224.0	36.17
KRFX	LIC 278C	Denver	CO	159.95	201.0	105.0	54.95
KTCL	LIC 227C	Fort Collins	CO	112.51	194.8	41.0	71.51
KFMUFM	LIC 281C3	Oak Creek	CO	216.61	245.2	144.0	72.61

FIGURE 2



KZCY

Channel 285
60 dB μ
6.000 kW
Meters AMSL: 1883
41-07-26 104-49-10
Kilometer Scale



Prop.

Channel 280
60 dB μ
100.000 kW
Meters AMSL: 2058
41-04-35 104-33-49

Map Scale
1:1000000

FIGURE 3
 CHEYENNE SUBSTITUTE CHANNEL ALLOTMENT 285C2

REFERENCE
 41 15 29 N
 104 45 01 W

CLASS = C2
 Current Spacings

DISPLAY DATES
 DATA 02-08-02
 SEARCH 02-11-02

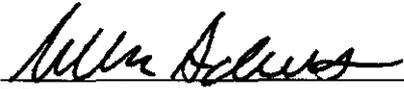
----- Channel 285 - 104.9 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
KZCY	LIC 285A	Cheyenne	WY	15.99	201.2	166.0	-150.01
KKHI.C	CP 283C2	Laramie	WY	58.12	282.8	58.0	0.12
KXKLFM	LIC 286C	Denver	CO	188.20	192.1	188.0	0.20
KKHI.C	CP 283C2	Laramie	WY	59.19	275.9	58.0	1.19
KIMX	LIC 288C3	Laramie	WY	58.21	273.5	56.0	2.21
KKHI	LIC 283C3	Laramie	WY	58.27	273.2	56.0	2.27
KREO	LIC 287A	Pine Bluffs	WY	57.54	100.1	55.0	2.54
KNNG	LIC 284C1	Sterling	CO	163.02	116.9	158.0	5.02
KIMX.C	CP 288C2	Laramie	WY	75.24	253.5	58.0	17.24
961127	CP 232C3	Wellington	CO	49.33	222.0	17.0	32.33
KTRSFM	LIC 284C1	Casper	WY	209.44	322.6	158.0	51.44
KSKEFM	LIC 284C1	Vail	CO	230.65	219.0	158.0	72.65

CERTIFICATE OF SERVICE

I, Millie Adams, in the law offices of Gammon & Grange, P.C., hereby certify that I have sent this 22nd day of February 2002, by first-class, postage prepaid, U.S. Mail, copies of the foregoing PETITION FOR RULEMAKING to the following:

John A. Karousos, Chief
Allocations Branch
Federal Communications Commission
445 Twelfth Street, S.W., Room 3-A266
Washington, DC 20554



Millie Adams

* Delivered By Hand

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