

Before the
Federal Communications Commission
Washington, DC

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,) RM-
FM Broadcast Stations)
(Emmetsburg, Iowa))

To: Chief, Allocations Branch

PETITION FOR RULEMAKING AND FOR ISSUANCE OF SHOW CAUSE ORDER

Emmetsburg Radio Project, by its attorney, hereby requests that the FM Table of Allotments be modified as follows:

<u>CITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Emmetsburg, IA	261A	261A, 231A

With respect thereto, the following is stated:

Emmetsburg, Iowa is an incorporated community, with a 2000 U.S. Census population of 2,958 persons. It is the county seat of Palo Alto County. At present, Emmetsburg has only one aural service.

As indicated in the attached Proposal for new FM Station, Channel 231A can be assigned to Emmetsburg, using reference site coordinates of 42-02-54 N, 94-44-37 W, which is 8.7 km southwest of Emmetsburg, to avoid shortspacings. At the reference site, all minimum distance separation requirements of §73.202(b) of the rules are met, except with respect to Station KMXM. Station KMXM is a Class C station that does not satisfy full Class C parameters under the Commission's current rules. Downgrading Station KMXM to Class C0 status will allow the new allotment to be added.

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In accordance with the Commission's new procedures, the Commission should issue a Show Cause Order, and require the licensee of Station KMXM 30 days to express in writing an intention to seek authority to upgrade the subject station's technical facilities to preserve Class C status, or to otherwise challenge the proposed action. If no such intention is expressed and the proposed action is not challenged, the staff must reclassify the subject station as a Class C0 station, and complete its processing of this rulemaking proposal. *1998 Biennial Regulatory Review -- Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules*, 22 C.R. 612, ¶¶ 26, 28 (2000)

In the event that channel 231A is allotted to Emmetsburg, Emmetsburg Radio Project will file an application for a construction permit to operate a new FM broadcast station at Emmetsburg, and, if authorized, will promptly construct the station.

Accordingly, Emmetsburg Radio Project respectfully requests that this Petition be adopted, that the Commission issue a Show Cause Order requiring Station KMXM to show cause why its allotment should not be downgraded, and following resolution of that matter, issue a Notice of Proposed Rule Making to amend the FM Table of Allotments to specify the new channel at Emmetsburg, Iowa, and request comment on the proposal contained herein.

Respectfully submitted,

EMMETSBURG RADIO PROJECT

By: _____

Dan J. Alpert

Its Attorney

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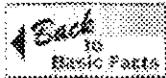
March 15, 2002

ATTACHMENT 1

U.S. Census Bureau

American FactFinder

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Quick Tables



DP-1. Profile of General Demographic Characteristics: 2000
 Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data
 Geographic Area: Emmetsburg city, Iowa

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/datanotes/expsf1u.htm>.

Subject	Number	Percent
Total population	3,958	100.0
SEX AND AGE		
Male	1,898	48.0
Female	2,060	52.0
Under 5 years	203	5.1
5 to 9 years	198	5.0
10 to 14 years	231	5.8
15 to 19 years	411	10.4
20 to 24 years	322	8.1
25 to 34 years	357	9.0
35 to 44 years	499	12.6
45 to 54 years	458	11.6
55 to 59 years	183	4.6
60 to 64 years	199	5.0
65 to 74 years	365	9.2
75 to 84 years	340	8.6
85 years and over	192	4.9
Median age (years)	40.9	(X)
18 years and over	3,145	79.5
Male	1,449	36.6
Female	1,696	42.8
21 years and over	2,803	70.8
62 years and over	1,020	25.8
65 years and over	897	22.7
Male	314	7.9
Female	583	14.7
RACE		
One race	3,938	99.5
White	3,902	98.6
Black or African American	3	0.1
American Indian and Alaska Native	7	0.2
Asian	21	0.5
Asian Indian	0	0.0
Chinese	9	0.2
Filipino	3	0.1
Japanese	2	0.1
Korean	3	0.1
Vietnamese	0	0.0
Other Asian ¹	4	0.1
Native Hawaiian and Other Pacific Islander	0	0.0
Native Hawaiian	0	0.0
Guamanian or Chamorro	0	0.0
Samoan	0	0.0

ATTACHMENT 2

**Proposal for a New FM Station
Emmetsburg, IA
94.1 MHz
6,000 Watts at 328 Feet**

This is a request to assign a new FM station to Emmetsburg, IA as detailed in the table below.

Spacing Study for New FM Station in Emmetsburg, IA

Frequency: 94.1 MHz
Power: 6000 Watts
Site: 43-02-54 North Latitude
94-44-37 West Longitude

Existing and Proposed Stations Requiring Protection

Call Letters	Frequency	Power	City	Distance Required	
KMXM	94.1	100,000	Omaha, NE	220.9	215*
???	94.1	6,000	Vernon Center, MN	115.2	115
KKEZ	94.5	100,000	Ft. Dodge, IA	75.4	75
KIAI	93.9	100,000	Mason City, IA	134.3	133

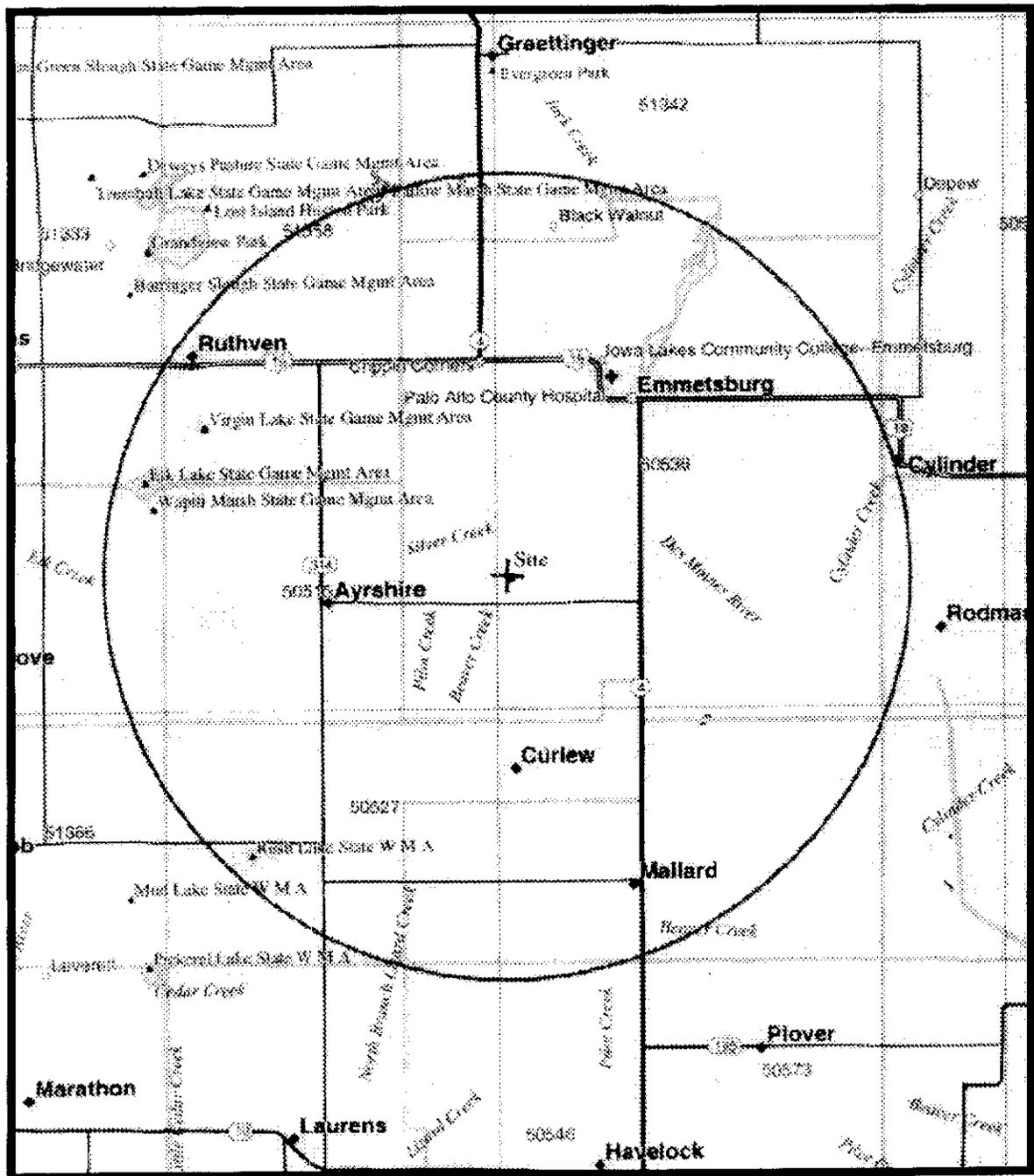
Distances are in kilometers

* Ordinarily, another station could not be built in Emmetsburg on 94.1 because of KMXM in Omaha. But because of the recent rules change and because KMXM's antenna is lower than it can be, this new station is possible.

We checked and there is only one other frequency that we could find that might work and that is 98.3 but unfortunately KBEW is too far south to allow for coverage of Emmetsburg and moving north would move KBEW further from Blue Earth.

So if KMXM does not have plans to build a new, taller tower and the FCC does not have other plans for this frequency, this request can be approved and we hope it will be.

Prepared this 15th day of March by the Emmetsburg Radio Project and approved by all involved.



Coverage map of the requested Emmetsburg, IA station. Emmetsburg can be seen to the northeast of the planned site. Scale of the map is 1 to 250,000.

Emmetsburg Radio Project.