

Before the
FEDERAL COMMUNICATIONS COMMISSION RECEIVED
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202)
Table of Allotments,)
FM Broadcast Stations.)
(Toledo, Ohio, Oak Harbor, Ohio)
and Genoa, Ohio))

MB Docket No. _____

RM No. _____

To: Assistant Chief, Audio Division, Media Bureau

JOINT PETITION FOR RULEMAKING

Rasp Broadcasting Enterprises, Inc. ("Rasp"), licensee of WJZE(FM),
Channel 247A, Oak Harbor, Ohio (Facility ID No. 55183), and Citicasters
Licenses, Inc. ("Citicasters"), licensee of WRVF(FM), Channel 268B, Toledo, Ohio
(Facility ID No. 62188), by their respective attorneys, hereby jointly petition the
Commission for the following four modifications (collectively, the "Proposal"):

- a) modification of the Commission's Table of Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules) to: (i) delete Channel 247A from Oak Harbor, Ohio, and (ii) add Channel 247A to Genoa, Ohio;
- b) contingent on Commission approval of the above change in the Table of Allotments, modification of the Commission's Table of Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules) to: (i) delete Channel 268B from Toledo, Ohio, and (ii) add Channel 268B to Oak Harbor, Ohio; and
- c) modification of the license of WJZE to specify operations on Channel 247A in Genoa, Ohio, in lieu of operation on Channel 247A in Oak Harbor, Ohio, and

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- d) contingent on the above changes, modification of the license of WRVF to specify operations on Channel 268B in Oak Harbor, Ohio, in lieu of operation on Channel 268B in Toledo, Ohio.

In reviewing a proposed change to the FM Table of Allotments, the Commission asks whether the proposal would serve one or more of the Commission's four allotment priorities. 1/ Here, the Proposal would serve the third allotment priority by providing a first local aural transmission service to Genoa, Ohio.

The community of Genoa has been identified in both the 1990 and 2000 Censuses and has a 2000 Census population of 2,230 residents. 2/ Genoa has its own government, its own schools, its own fire and police departments, its own churches, its own retail outlets, its own post office and its own zip code (43430). 3/ Under any reading of Commission precedent, Genoa also deserves its own local transmission service. 4/

1/ See *Parker & Port St. Joe R&O*, 11 FCC Rcd 1095, 1095 (¶ 4) (1996). The four allotment priorities are: i) one full-time aural reception service to a community; ii) a second full-time aural reception service to a community; iii) one local transmission service to a community; or iv) other public interest factors. *Id.* The second and third criteria have equal priority. *Id.*

2/ See Exhibit 1.

3/ See *id.*

4/ The proposed re-allotment of Channel 247A from Oak Harbor to Genoa does not require a *Tuck* showing that Genoa is separate and distinct from Toledo. See *Faye and Richard Tuck*, 3 FCC Rcd 5347 (1988). Under *Tuck* (and subsequent Commission precedent), a showing that the new community of license of a proposed allotment is not interdependent on a nearby major city is required if: i) for the first time, the allotment, from the proposed reference coordinates, will encompass at least 50 percent of the relevant urbanized area within its projected 70 dBu contour; or ii) if the proposed allotment will not encompass at least 50 percent of the

The Proposal will cause no disruption to existing levels of service.

Under the Proposal, and consistent with FCC precedent, Oak Harbor will maintain a local FM transmission service through the reallocation of WRVF from Toledo to Oak Harbor, 5/ while Toledo will remain the community of license of 12 other radio stations, even after the proposed move of WRVF. Also, because the proposed allotment changes will be made without the need to re-locate the transmitting facilities of either WJZE or WRVF, the Proposal will not result in any loss of established service. 6/

The attached Technical Exhibit demonstrates that the Proposal is consistent with the Commission's technical requirements, assuming that the Commission employs a sensible reading of its established allocations policy regarding stations that seek to change their communities of license without changing their actual transmitter sites and are already subject to Section 73.215 of the Commission's Rules. Under Section 73.215 of the Commission's Rules, the

relevant urbanized area, the proposed community of license, but not the current community of license, is part of the relevant urbanized area. *See, e.g., Memphis, Tennessee, Olive Branch and Horn Lake, Mississippi, Report and Order, MM Docket No. 02-31 (Allocations, May 1, 2002).* Here, Genoa is not part of the Toledo Urbanized Area, *see* Technical Exhibit (attached as Exhibit 2) at Figure 1, and the proposed reallocation of Channel 247A to Genoa does not involve *any* change in WJZE's established parameters. Accordingly, the proposal does not require a *Tuck* showing. Likewise, the proposed re-allocation of Channel 268B from Toledo to Oak Harbor does not require a *Tuck* showing because it does not involve any change in the allotment's reference coordinates, and Oak Harbor is not part of any urbanized area. *See id.*

5/ *See id.*

6/ *See* Technical Exhibit at 1, 3.

Commission will approve an application to move a station's transmitter site to a location closer to another station's site than would be permitted under Section 73.207, so long as the re-locating station provides contour protection to the other station. For allotment purposes, Commission precedent has accepted a proposed reference site that is the existing site of a station seeking to change its community of license, even though that site satisfies the Commission's technical requirements only through Section 73.215. ^{7/} In this precedent, the Commission approves the proposed change if "no new short-spacing would be created and no existing short-spacing exacerbated." ^{8/} To date, the Commission has used this policy only to authorize a community of license change by a station that became subject to Section 73.215 because of a processing request by *another* station. But the Commission likewise should not deny a qualified community its first local transmission service simply because a station wishing to be re-assigned to that community previously had requested Section 73.215 processing in a permit application. At a minimum, there is no reason to deny a community its first local transmission service when the relevant station encompassed the proposed community with its projected 70 dBu contour (pursuant to Allocations' uniform terrain, maximum facilities methodology) prior to the application in which the station requested Section 73.215 processing.

^{7/} See *Killeen and Cedar Park, Texas*, Report and Order, 15 FCC Rcd 1945 (Allocations, 2000).

^{8/} *Id.*

An example demonstrates the point. Under the Commission's current Section 73.215 allotment policy, a station that has never requested Section 73.215 processing could petition to become the first local transmission service for an eligible community (the "Community") so long as its 70 dBu contour encompasses the Community (and it satisfies other technical standards). Once that change occurs, the station then could request Section 73.215 processing with respect to a second station as part of an application to move to a better transmitter site. Accordingly, the same station should be able to obtain Commission approval for the exact same requests in reverse order: first, the station requests Section 73.215 processing to move closer to another station; second, the station requests a change in its community of license to a community that had been encompassed by its predicted 70 dBu signal from both its pre-Section 73.215 and its current transmitter site. As each set of changes reach the same real world result, there is no non-arbitrary basis for permitting the first set of moves as consistent with the public interest but precluding the second as contrary to the public interest.

Here, the Proposal does not involve a station that seeks to be re-assigned to a community that was outside its projected 70 dBu contour from its pre-Section 73.215 site. WJZE, using the maximum facilities and uniform terrain projection method employed in the allocations process, provided 70 dBu coverage of Genoa from its pre-Section 73.215 site. ^{9/} Also, the proposed re-allotment satisfies the actual test employed by the Commission in its precedent approving the

^{9/} See Technical Exhibit at 3.

reallotment of Section 73.215-designated stations: the proposed Genoa re-allotment neither creates nor exacerbates any short spacing prohibited by Section 73.215. Accordingly, that WJZE requested Section 73.215 processing with respect to a single station — WMEE(FM), Fort Wayne, Indiana — in order to improve service several years ago, should not preclude the proposed reallotment, which does not exacerbate or create any short-spacing, and will not enable a station to be assigned to a community to which it could not have been assigned but for a previous Section 73.215 request by that station.

Grant of the proposal advances the public interest. First, it satisfies one of the Commission's key allotment priorities: it provides a deserving community its first local transmission service. Second, adoption of the proposal will confirm that the Commission does not intend to maintain an arbitrary disparity in the way it processes an allotment request depending on when a station might have requested Section 73.215 treatment, which also will ensure that all stations are able to maximize their service to the public.

For all the foregoing reasons, the Commission should issue an appropriate Notice of Proposed Rule Making, and then approve the proposed modifications of the Table of Allotments and WJZE's and WRVF's licenses under Section 1.420(i) of the Commission's Rules.

Respectfully submitted,

REDDY BEGLEY & MCCORMICK

HOGAN & HARTSON L.L.P.

By: *Dennis F. Begley*
Dennis F. Begley

By: *Marissa G. Repp*
Marissa G. Repp

2175 K Street, NW
Suite 350
Washington, DC 20037-1803

555 Thirteenth Street, N.W.
Washington, DC 20004-1109
Telephone: 202-637-6845
Facsimile: 202-637-5910

Telephone: 202-659-5700
Facsimile: 202-659-5711

Attorneys for Rasp Broadcasting
Enterprises, Inc.

Attorneys for
Citicasters Licenses, Inc.

September 26, 2002

EXHIBIT 1

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic Area: Genoa village, Ohio

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	2,230	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	2,230	100.0
Male.....	1,062	47.6	Hispanic or Latino (of any race).....	152	6.8
Female.....	1,168	52.4	Mexican.....	125	5.6
Under 5 years.....	122	5.5	Puerto Rican.....	2	0.1
5 to 9 years.....	169	7.6	Cuban.....	-	-
10 to 14 years.....	173	7.8	Other Hispanic or Latino.....	25	1.1
15 to 19 years.....	159	7.1	Not Hispanic or Latino.....	2,078	93.2
20 to 24 years.....	88	3.9	White alone.....	2,042	91.6
25 to 34 years.....	291	13.0	RELATIONSHIP		
35 to 44 years.....	353	15.8	Total population	2,230	100.0
45 to 54 years.....	294	13.2	In households.....	2,140	96.0
55 to 59 years.....	90	4.0	Householder.....	851	38.2
60 to 64 years.....	90	4.0	Spouse.....	443	19.9
65 to 74 years.....	152	6.8	Child.....	720	32.3
75 to 84 years.....	178	8.0	Own child under 18 years.....	533	23.9
85 years and over.....	71	3.2	Other relatives.....	70	3.1
Median age (years).....	38.3	(X)	Under 18 years.....	29	1.3
18 years and over.....	1,659	74.4	Nonrelatives.....	56	2.5
Male.....	751	33.7	Unmarried partner.....	26	1.2
Female.....	908	40.7	In group quarters.....	90	4.0
21 years and over.....	1,583	71.0	Institutionalized population.....	90	4.0
62 years and over.....	451	20.2	Noninstitutionalized population.....	-	-
65 years and over.....	401	18.0	HOUSEHOLD BY TYPE		
Male.....	129	5.8	Total households	851	100.0
Female.....	272	12.2	Family households (families).....	583	68.5
RACE			With own children under 18 years.....	283	33.3
One race.....	2,197	98.5	Married-couple family.....	443	52.1
White.....	2,120	95.1	With own children under 18 years.....	206	24.2
Black or African American.....	8	0.4	Female householder, no husband present.....	98	11.5
American Indian and Alaska Native.....	7	0.3	With own children under 18 years.....	54	6.3
Asian.....	6	0.3	Nonfamily households.....	268	31.5
Asian Indian.....	1	-	Householder living alone.....	248	29.1
Chinese.....	-	-	Householder 65 years and over.....	123	14.5
Filipino.....	-	-	Households with individuals under 18 years.....	304	35.7
Japanese.....	2	0.1	Households with individuals 65 years and over ..	241	28.3
Korean.....	-	-	Average household size.....	2.51	(X)
Vietnamese.....	2	0.1	Average family size.....	3.11	(X)
Other Asian ¹	1	-	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	1	-	Total housing units	883	100.0
Native Hawaiian.....	-	-	Occupied housing units.....	851	96.4
Guamanian or Chamorro.....	-	-	Vacant housing units.....	32	3.6
Samoan.....	1	-	For seasonal, recreational, or		
Other Pacific Islander ²	-	-	occasional use.....	-	-
Some other race.....	55	2.5	Homeowner vacancy rate (percent).....	0.3	(X)
Two or more races.....	33	1.5	Rental vacancy rate (percent).....	4.3	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units	851	100.0
White.....	2,152	96.5	Owner-occupied housing units.....	651	76.5
Black or African American.....	11	0.5	Renter-occupied housing units.....	200	23.5
American Indian and Alaska Native.....	14	0.6	Average household size of owner-occupied units.....	2.70	(X)
Asian.....	9	0.4	Average household size of renter-occupied units.....	1.93	(X)
Native Hawaiian and Other Pacific Islander.....	4	0.2			
Some other race.....	74	3.3			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.

² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.



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Business Name	Address
Clay Township Trustees (419) 855-7878	21774 E Holts Rd Genoa, OH Map
Genoa Village Adm (419) 855-7791	102 E 6th St Genoa, OH Map
Genoa Village Offices (419) 855-7791	102 E 6th St Genoa, OH Map
Genoa Village Utility Office (419) 855-7791	102 E 6th St Genoa, OH Map

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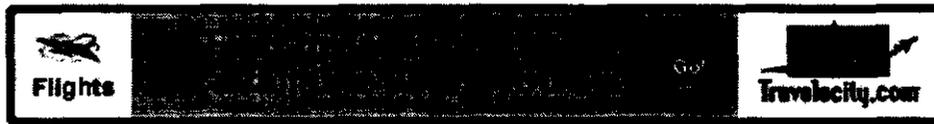
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Business Name

Address

Genoa Fire Dept
(419) 855-7000

101 6th St
Genoa, OH [Map](#)

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Business Name

Address

Clay Township Police Dept
(419) 855-3444

21774 E Holts Rd
Genoa, OH [Map](#)

Genoa Police Dept
(419) 855-7717

102 E 6th St
Genoa, OH [Map](#)

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Business Name	Address
Brunner Elementary School (419) 855-8373	1224 West St Genoa, OH Map
Community Christian Academy (419) 855-4187	303 W 4th St Genoa, OH Map
Genoa Area High School (419) 855-7735	2980 N Genoa Clay Center Rd Genoa, OH Map
Genoa Area Junior High School (419) 855-7781	303 W 4th St Genoa, OH Map

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Business Name

Address

Genoa Library
(419) 855-3380

602 West St
Genoa, OH [Map](#)

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Business Name

Address

[Christ Community Church](#)
(419) 855-4187

303 W 4th St
Genoa, OH [Map](#)

[Genoa Christian Church](#)
(419) 855-3464

415 Main St
Genoa, OH [Map](#)

[Our Lady Of Lourdes Catholic](#)
(419) 855-8501

204 Main St
Genoa, OH [Map](#)

[St John's United Church-Christ](#)
(419) 855-3906

1213 Washington St
Genoa, OH [Map](#)

[Trinity United Methodist Chr](#)
(419) 855-3575

313 Main St
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Business Name

Address

Millers New Market
(419) 855-4541

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Genoa, OH [Map](#)

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Business Name

Address

Ernesto's Restaurant
(419) 855-9063

20825 State Route 51 W
Genoa, OH [Map](#)

Hardee's
(419) 855-3092

6164 County Road 165
Genoa, OH [Map](#)

Hardee's
(419) 855-3991

6410 County Road 165
Genoa, OH [Map](#)

Mc Donald's
(419) 855-8116

22201 State Route 51 W
Genoa, OH [Map](#)

Ray & Jet's Genoa Country Cafe
(419) 855-8496

608 Main St
Genoa, OH [Map](#)

Subway Sandwiches & Salads
(419) 855-3844

22049 State Route 51 W
Genoa, OH [Map](#)

T T Topp Cafe
(419) 855-4325

638 Main St
Genoa, OH [Map](#)

Taco Bell
(419) 855-9916

22210 W State Route 51
Genoa, OH [Map](#)

Zsuzska's
(419) 855-2021

21950 W State Route 51
Genoa, OH [Map](#)

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Business Name

Address

[Family Services Of Ottawa Cnty](#)
(419) 855-7704

22055 State Route 51 W
Genoa, OH [Map](#)

[Genoa Care Ctr](#)
(419) 855-7755

300 Cherry St
Genoa, OH [Map](#)

[Genoa Medical Ctr](#)
(419) 855-7772

22614 W State Route 51
Genoa, OH [Map](#)

[Harvey, Roy MD - Harvey Roy MD](#)
(419) 855-8168 [PhysicianInfo](#)

106 E 8th St
Genoa, OH [Map](#)

[Hutton, Kim - P T Svc Inc](#)
(419) 855-8301

1515 Main St
Genoa, OH [Map](#)

[Keith A Norwalk Inc](#)
(419) 855-4700

103 W 5th St
Genoa, OH [Map](#)

[Laub, Dennis R OD - Laub Dennis R OD](#)
(419) 855-3640

626 Main St
Genoa, OH [Map](#)

[Norwalk, Keith A DDS - Keith A Norwalk Inc](#)
(419) 855-4700

103 W 5th St
Genoa, OH [Map](#)

[Packer Creek Independent Livng](#)
(419) 855-4238

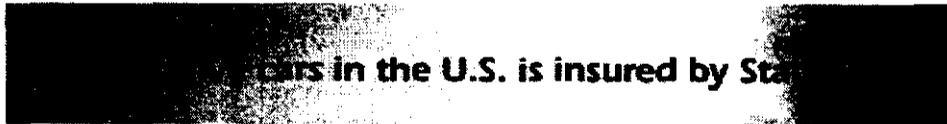
300 Cherry St
Genoa, OH [Map](#)

[Rich, Mark E DC - Rich Chiropractic Ctr](#)
(419) 855-7776

23285 State Route 51 W
Genoa, OH [Map](#)

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Business Name

Address

Genoa Bank
(419) 855-8381

801 Main St
Genoa, OH [Map](#)

Sky Bank
(419) 855-8346

1509 Main St
Genoa, OH [Map](#)

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Business Name

Address

Genoa Motors Inc
(419) 855-8366

22110 State Route 51 W
Genoa, OH [Map](#)

Pat & Son Towing
(419) 693-2222

1524 Genoa Rd
Genoa, OH [Map](#)

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Business Name

Address

US Post Office
(800) 275-8777

606 Washington St
Genoa, OH [Map](#)

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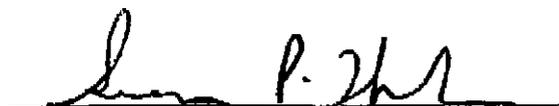
EXHIBIT 2

DECLARATION

I, Gregory P. Theokas, declare as follows:

1. I am Vice President of RASP Broadcast Enterprises, Inc. ("RASP"), the licensee of WJZE(FM), Channel 247A, Oak Harbor, Ohio.
2. RASP intends to apply for a construction permit for Channel 247A to specify operations for WJZE in Genoa, Ohio, upon adoption of the Proposal as outlined herein through the relevant Notice of Proposed Rule Making.
3. If awarded the construction permit for Channel 247A, RASP promptly will construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.



Gregory P. Theokas

September 23, 2002

DECLARATION

I, Jeff Littlejohn, declare as follows:

3. I am Senior Vice President, Engineering, of Citicasters Licenses, Inc. ("Citicasters"), the licensee of WRVF(FM), Channel 268B, Toledo, Ohio.
4. Citicasters intends to apply for a construction permit for Channel 268B to specify operations for WRVF in Oak Harbor, Ohio, upon adoption of the Proposal as outlined herein through the relevant Notice of Proposed Rule Making.
3. If awarded the construction permit for Channel 268B, Citicasters promptly will construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.



Jeff Littlejohn

August 20th, 2002

TECHNICAL EXHIBIT
PETITION FOR RULE MAKING

Technical Narrative

This Technical Exhibit, of which this Narrative is part, proposes an FM Rule Making to modify the Commission's Table of Allotments contained within Section 73.202 within the Commission's Rules. It is proposed herein to modify the community of license of two FM stations. No change in the stations reference coordinates are proposed.

Summary of Rule Making Proposal

Below is a summary of the allocation changes requested in the Joint Petition for Rule Making.

- Delete Channel 247A at Oak Harbor, Ohio and allot Channel 247A at Genoa, Ohio.
- Contingent on the adoption of the above change, delete Channel 268B at Toledo, Ohio and allot Channel 268B at Oak Harbor, Ohio.

Pursuant to Section 1.420(i) of the Commission's Rules, the Petition also requests modifications to the licenses of WJZE(FM), Channel 247A, Oak Harbor, Ohio, and WRVF(FM), Channel 268B, Toledo, Ohio, accordingly.

Proposed Channel 247A Genoa, Ohio

It is proposed to delete Channel 247A at Oak Harbor and allot Channel 247A to Genoa, Ohio. The Genoa proposal is mutually exclusive with the current Oak Harbor allotment. As no change in the reference site change is proposed, there is no 60 dBu gain or loss area created. Operation from the reference site identified below will provide the requisite city grade signal to all of Genoa as shown in Figure 1.

Below are the Channel 247A Genoa reference site geographic coordinates:

41° 29' 17" North Latitude
83° 19' 25" West Longitude

The existing Channel 247A reference coordinates do not satisfy the spacing requirements of Section 73.207 with respect to three stations as identified in the allocation study provided in Figure 2. Each is discussed below.

First, under Section 73.207, the proposed Channel 247A reference site is short-spaced to CHYR-FM on Channel 244C1 at Leamington, Ontario, Canada. The required minimum separation distance is 90 kilometers; the actual separation distance is 86 kilometers, a short-spacing of 4 kilometers. This Canadian allotment is a specially negotiated, short-spaced allotment, which was accepted by the Commission on September 2, 1992. Petitioner's Channel 247A is also a specially negotiated short-spaced allotment, which was accepted by Canada on December 14, 1992. Therefore, because the proposed allotment does not involve any change in the relevant site, this previously accepted spacing should satisfy the Commission's allocation requirements.

Second, under Section 73.207, the proposed Channel 248A reference site is short-spaced to WKRK-FM on Channel 246B at Detroit, Michigan. The required minimum separation distance is 113 kilometers; the actual separation distance is 111 kilometers, a short-spacing of 2 kilometers. Petitioner's Channel 247A was initially allocated as a 3 kilowatt/100 meter facility, and it remains as an equivalent facility. Therefore, for allotment purposes, WKRK-FM can be protected pursuant to Section 73.213(c) of the Commission's Rules, which requires a minimum separation distance of 105 kilometers. The proposed reference coordinates satisfies this requirement.

Third, under Section 73.207, the proposed Channel 247A reference site is short-spaced to WMEE(FM) on Channel 247B at Fort Wayne, Indiana. The station was authorized to operate from the reference site (its current site) pursuant to the station's request to be processed under Section 73.215. The required minimum separation distance is 178 kilometers; the actual separation distance is 162 kilometers, a short-spacing of 16 kilometers.

However, the proposed allotment does not create a new short or not exacerbate any short-spacing (under Section 73.207) with regard to WMEE(FM). In addition, WJZE(FM) already has been approved to operate at the reference site to the extent it affords WMEE(FM) contour protection pursuant to Section 73.215, and the proposed allotment contemplates no change in WJZE(FM)'s operating parameters. Moreover, WJZE(FM)'s former (pre-Section 73.215) transmitter site satisfied the relevant spacing requirement - the Section 73.213(c) separation distance of 163 kilometers with regard to WMEE(FM). As shown in Figure 1, the projected city grade reference contour (70 dBu) of the allotment from this former site encompassed

the proposed community of Genoa. An allocation study from this pre-Section 73.215 site is provided in Figure 2.

Figure 5 is an Area-to-Locate map for Channel 247A. As can be seen, there is no present fully-spaced area-to-locate for this allotment.

Proposed Channel 268B Oak Harbor, Ohio

It is proposed to delete Channel 268B at Toledo and allot Channel 268B to Oak Harbor, Ohio. This Oak Harbor proposal is mutually exclusive with the current Toledo allotment. As no change in the reference site is proposed, there is no 60 dBu gain or loss area created. Operation from the reference site identified below will provide the requisite city grade signal to all of Oak Harbor as shown in Figure 1.

Below are the Channel 268B Oak Harbor reference site geographic coordinates:

41° 40' 23" North Latitude
83° 25' 31" West Longitude

The existing Channel 268B reference coordinates do not satisfy Section 73.207 requirements with respect to five stations as shown by the allocation study provided in Figure 4. Each short-spacing is discussed below.

First, under Section 73.207, the proposed Channel 268B reference site is short-spaced to WMJK(FM) on Channel 265A at Clyde, Ohio. The required minimum separation distance is 69 kilometers; the actual separation distance is 64 kilometers, a short-spacing of 5 kilometers. WMJK(FM) is a 3 kilowatt/100 meter type Class A facility and therefore is processed pursuant to Section

73.213 of the Rules as the short-spacing (under Section 73.207) is not exacerbated.

Second, under Section 73.207, the proposed Channel 268B reference site is short-spaced to WNCO-FM on Channel 267B at Ashland, Ohio. The required minimum separation distance is 169 kilometers; the actual separation distance is 129 kilometers, a short-spacing of 40 kilometers. However, because the Channel 268B allotment and WNCO-FM have been continually short-spaced since prior to 1964, any site modification would be processed pursuant to Section 73.213(a). Therefore the proposed spacing satisfies the Commission's allocation requirements.

Third, under Section 73.207, the proposed Channel 268B reference site is short-spaced to a Canadian allotment on Channel 268A. The required minimum separation distance is 210 kilometers; the actual separation distance is 167 kilometers, a short-spacing of 43 kilometers. This Canadian allotment is a specially negotiated short-spaced allotment. Therefore, because the proposed allotment does not involve a change in the relevant site, this previously accepted spacing should satisfy the Commission's allocation requirements.

Fourth, under Section 73.207, the proposed Channel 268B reference site is short-spaced to the current licensed and authorized facility of WWBN(FM) on Channel 268A at Tuscola, Michigan because WWBN(FM) is authorized pursuant to Section 73.215 with regard to WRVF(FM). Therefore, as WRVF(FM) did not initiate this short-spacing, and the proposed re-allotment involves no change in the WRVF(FM)'s current transmitter site, the proposed spacing satisfies the Commission's allotment requirements.

Fifth, under Section 73.207, the proposed Channel 268B reference site is short-spaced to WNSN(FM) on Channel 268B at South Bend, Indiana. The required minimum separation distance is 74 kilometers; the actual separation distance is 68 kilometers, a short-spacing of 6 kilometers. However, because the Channel 268B allotment and WNSN(FM) have been continually short-spaced since prior to 1964, any site modification would be processed pursuant to Section 73.213(a). Therefore, the proposed spacing satisfies the Commission's allocation requirements.

Proposed Modifications to Table of Allotments

This proposal provides for the following allotment changes to Section 73.202, The Commission's Table of FM Allotments.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Genoa, Ohio	---	247A
Oak Harbor, Ohio	247A	268B
Toledo, Ohio	223B, 260B, 268B , 284B	223B, 260B 284B

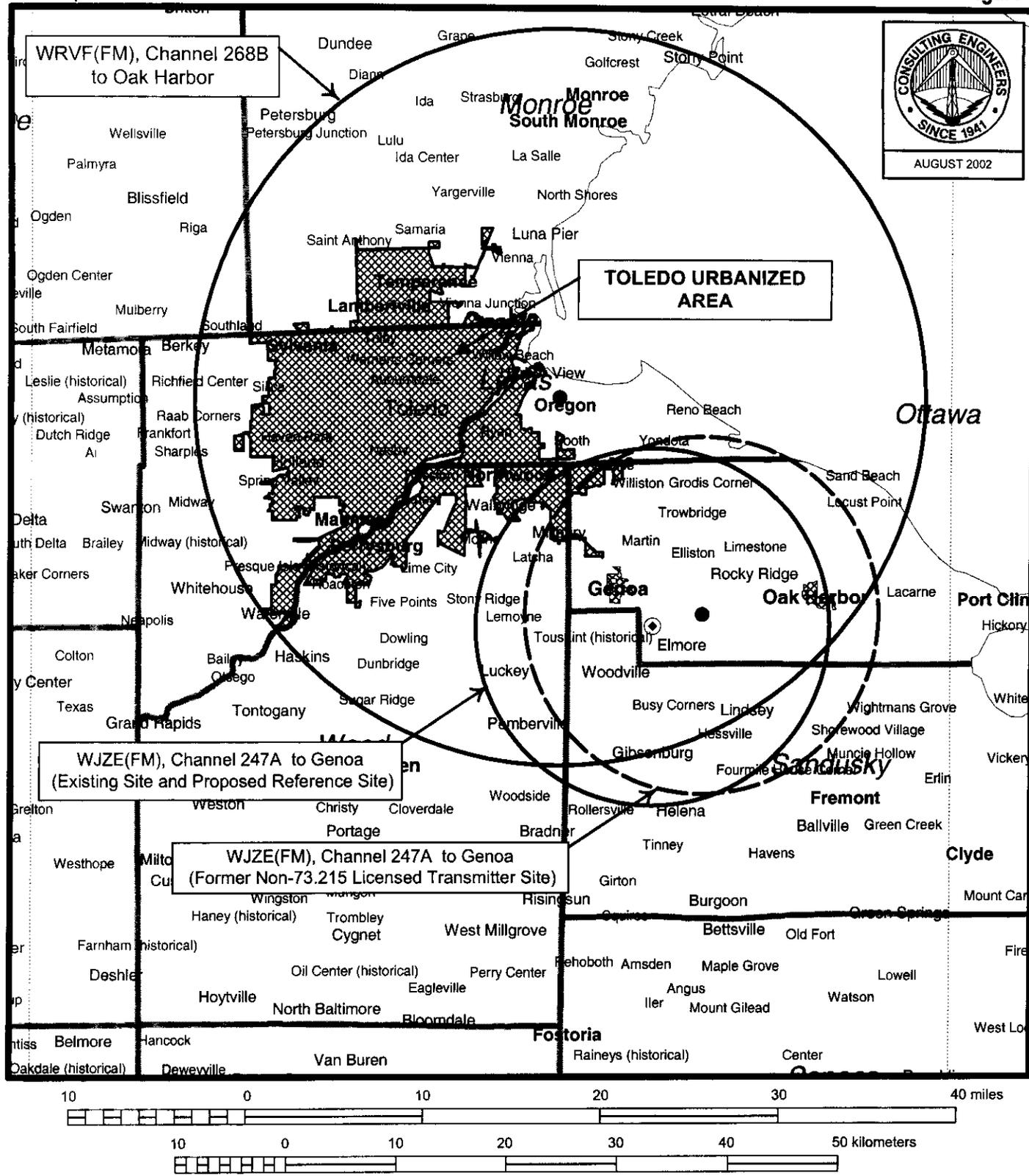


Charles A. Cooper

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237
941.329.6000

August 16, 2002

Figure 1



CITY GRADE REFERENCE CONTOURS

PREPARE FOR
CLEAR CHANNEL COMMUNICATIONS

du Treil, Lundin & Rackley, Inc., Sarasota, Florida

TECHNICAL EXHIBIT
PETITION FOR RULE MAKING

Channel 247A Genoa, Ohio Allocation Study
Proposed Reference Site

41° 29' 17" North Latitude
83° 19' 25" West Longitude

Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist. (km)	Req. (km)
WBVI 67709	POSTORIA OH LIC C	BLH 19970721KA	244A 96.7	3.0 88	41-06-00 083-28-32	196.4	44.94	31.0
CHYR-F 94837	LEAMINGTON ON OPE C		244C1 96.7	91.0 145	42-00-35 082-33-45	47.2	85.82	90.0
<i>(Existing short-spacing to a specially negotiated Canadian station.)</i>								
WXQQ 78441	WAUSEON OH CP C	BMPH 20000724ABJ	245A 96.9	5.0 109	41-36-03 083-54-27	284.7	50.30	31.0
WKRK-F 9618	DETROIT MI LIC C	BLH 19940512KD	246B 97.1	15.0 272	42-28-58 083-12-19	5.0	110.92	113.0
<i>(Section 73.213(c) minimum separation distance of 105 kilometers is satisfied.)</i>								
WJZE 55183	OAK HARBOR OH LIC C	BLH 19950124KA	247A 97.3	1.6 124	41-29-17 083-19-25	99.3	0.00	
<i>(Petitioner's existing licensed transmitter site.)</i>								
WMEE 51726	FORT WAYNE IN LIC C	BLH 19890914KB	247B 97.3	26.0 210	41-06-42 085-11-43	255.6	162.24	178.0
<i>(Section 73.215 short-spacing toward WMEE(FM))</i>								
WGGN 11028	CASTALIA OH LIC C	BLH 19860724KB	249A 97.7	0.64 221	41-23-48 082-47-31	102.7	45.58	31.0

TECHNICAL EXHIBIT
 PETITION FOR RULE MAKING

Channel 247A Genoa, Ohio Allocation Study
Former Non-Section 73.215 Licensed Site (BLH-19930823KD)

41° 29' 51" North Latitude
 83° 16' 12" West Longitude

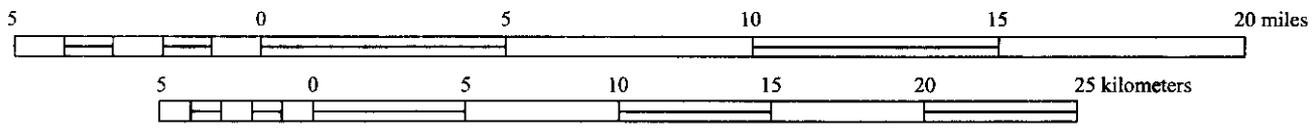
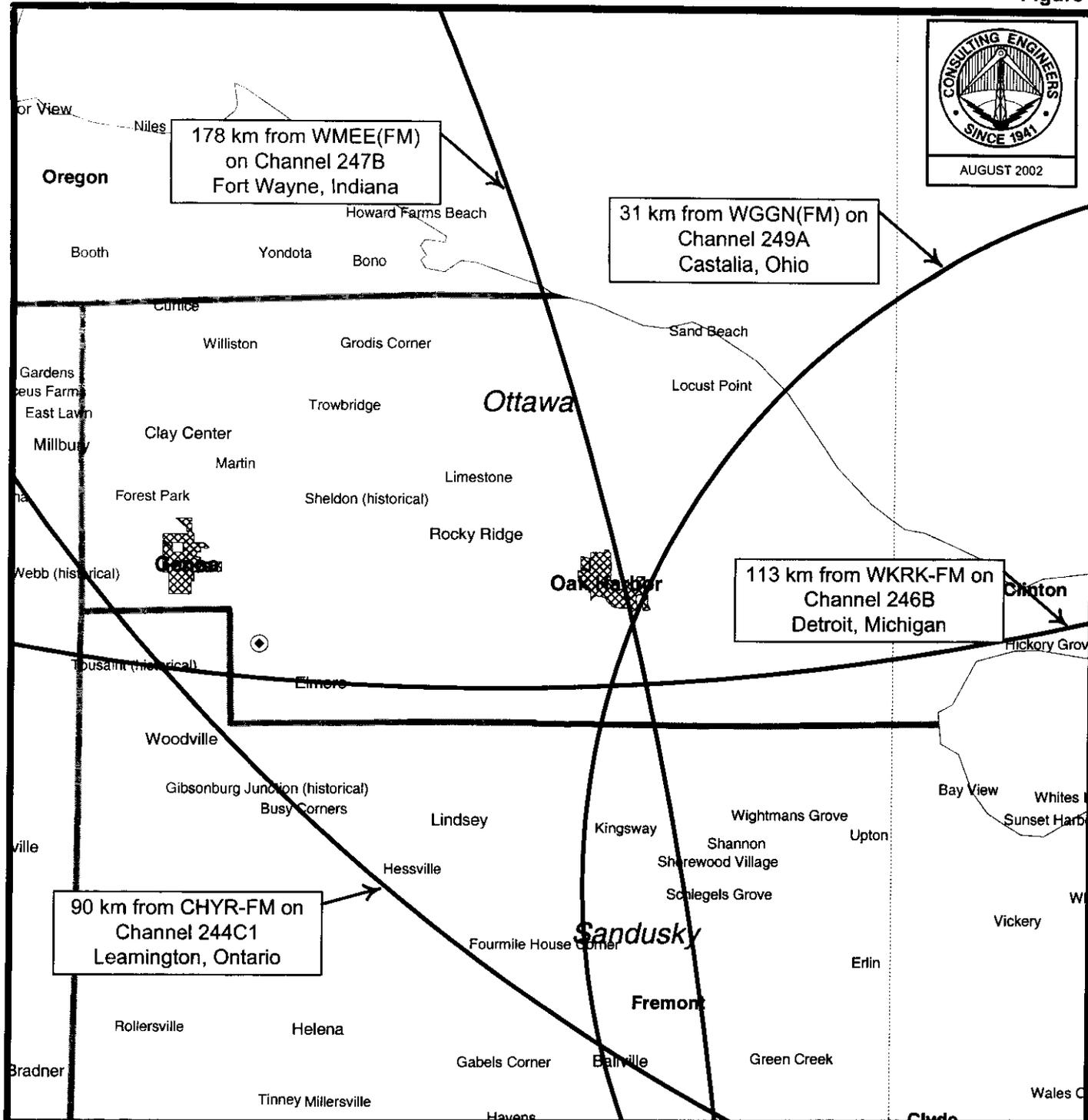
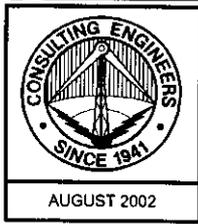
Call Status	City State	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist. (km)	Req. (km)
WBVI 67709	FOSTORIA OH	BLH LIC C 19970721KA	244A 96.7	3.0 88	41-06-00 083-28-32	201.3	47.38	31.0
CHYR-FM 94837	LEAMINGTON ON		244C1 96.7	91.0 145	42-00-35 082-33-45	45.6	81.85	90.0
<i>(Existing short-spacing to a specially negotiated Canadian station.)</i>								
WKRK-FM 9618	DETROIT MI	BLH LIC C 19940512KD	246B 97.1	15.0 272	42-28-58 083-12-19	2.8	109.57	113.0
<i>(Section 73.213(c) minimum separation distance of 105 kilometers is satisfied.)</i>								
WJZE 55183	OAK HARBOR OH	BLH LIC C 19950124KA	247A 97.3	1.6 124	41-29-17 083-19-25	256.8	4.60	
<i>(Petitioner's existing licensed transmitter site.)</i>								
WMEE 51726	FORT WAYNE IN	BLH LIC C 19890914KB	247B 97.3	26.0 210	41-06-42 085-11-43	255.7	166.84	178.0
<i>(Section 73.213(c) minimum separation distance of 163 kilometers is satisfied.)</i>								
WGGN 11028	CASTALIA OH	BLH LIC C 19860724KB	249A 97.7	0.64 221	41-23-48 082-47-31	105.6	41.49	31.0

TECHNICAL EXHIBIT
PETITION FOR RULE MAKING

Proposed Channel WRVF-FM Channel 268B Oak Harbor
Proposed Reference Site

41° 40' 23" North Latitude
83° 25' 31" West Longitude

Call Status	City State	FCC File No.	Channel File No. Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist. (km)	Req. (km)
WMJK 58344	CLYDE OH	BMLH LIC C 19931119KA	265A 100.9	3.0 91	41-14-57 082-54-47	137.7	63.62	69.0
<i>(WMJK is Section 73.213(c) to WRVF(FM), existing short-spacing, as it was initially authorized on October 17, 1978.)</i>								
WBNO-FM 72782	BRYAN OH	BLH LIC C 19910201KA	265A 100.9	6.0 91	41-28-44 084-34-50	257.7	98.73	69.0
WRIF 11278	DETROIT MI	BLH LIC C 19990708KC	266B 101.1	11.0 291	42-27-13 083-09-50	13.9	89.36	74.0
WNCO-FM 2925	ASHLAND OH	BLH LIC C 20001218AAJ	267B 101.3	50.0 152	40-50-25 082-21-26	135.7	128.71	169.0
<i>(WMJK is Section 73.213(a) to WRVF(FM), as it was initially authorized July 26, 1946)</i>								
WRVF 62188	TOLEDO OH	BLH LIC C 20020503AAB	268B 101.5	41.0 148	41-40-23 083-25-31	107.1	0.0	
<i>(Subject station of concern, initially authorized December 12, 1946.)</i>								
95643	SARNIA ON	C	268A 101.5		42-58-20 082-23-48	30.0	167.38	210.0
<i>(Existing short-spacing to a specially negotiated Canadian allotment.)</i>								
WWBN 20448	TUSCOLA MI	BPH CP C 20010129ADG	268A 101.5	1.8 149	43-12-00 083-33-30	356.4	169.97	178.0
<i>(WWBN(FM) at Tuscola sought Section 73.215 processing to WRVF(FM).</i>								
WWBN 20448	TUSCOLA MI	BLH LIC C 19971103KD	268A 101.5	6.0 100	43-16-06 083-30-20	357.9	177.33	178.0
<i>(WWBN(FM) at Tuscola sought Section 73.215 processing to WRVF(FM).</i>								
WNSN 73984	SOUTH BEND IN	BMLH LIC C 19900206KG	268B 101.5	13.0 296	41-37-00 086-13-01	269.4	232.66	241.0
<i>(WNSN is Section 73.213(a) to WRVF(FM), as it was initially authorized March 21, 1962.)</i>								
WDET-FM 71189	DETROIT MI	bled LIC C 19980624KB	270B 101.9	48.0 169	42-21-06 083-03-48	21.5	81.12	74.0



CHANNEL 247A AREA-TO-LOCATE MAP

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du Treil, Lundin & Rackley, Inc., Sarasota, Florida