

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

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In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. _____
Table of Allotments) RM- _____
)
FM Broadcast Stations)
(Dulac, LA))

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

PETITION FOR RULEMAKING

SSR Communications Incorporated hereby petitions the Federal Communications Commission for the initiation of a rulemaking proceeding to amend the FM Table of Allotments (§73.202(b) of the Commission’s Rules) to assign FM Channel 230A to Dulac, Louisiana, as that community’s *first full-power* FM broadcast service, as follows:

| <u>City</u> | <u>Present</u> | <u>Proposed</u> |
|------------------|----------------|-----------------|
| Dulac, Louisiana | 230L1 | 230A, 234L1* |

1. Dulac is an incorporated community with a July, 2002 U.S. Census estimated population of 1,650 persons. Dulac is a bona-fide community for allotment purposes: it is home to businesses, government, and civic organizations identifying themselves with the community (See attached Exhibit 1 for evidence of this claim).

* SSR does realize that “full power” stations, according to current LPFM rules, have absolute priority in any mutually exclusive situation with conflict to a LPFM station. SSR believes, however, that the current LPFM allotment at Dulac should not be forced to cease operations. A simple channel switch from 230L1 to 234L1 will ease the situation. Although SSR cannot find any prior petition proposing this scenario, we are confident that it is a trend that all involved parties will find worth setting. SSR further promises to give the LPFM license holder full engineering-related assistance in this proposed channel swap.

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2. As indicated in the attached Engineering Statement (attached hereto as Exhibit 2), Channel 230A can be assigned to Dulac using the reference site 29-21-23 N, 90-42-29 W. These reference coordinates do not require a site restriction; the site is fully within the incorporated city limits of Dulac. At the reference site, all minimum distance separation requirements of §73.202(b) of the Commission's Rules are met, as well as the principal community contour coverage requirements of §73.315. This allotment *does* short-space station one current station: WQUE-FM (New Orleans, LA) on 227C by more than 4 kilometers. The station does not, at present, meet the Commission's requirements for a full class C station. SSR proposes that WQUE-FM be downgraded to Class CO status. SSR wishes the Commission to put forth a Show Cause Order to WQUE-FM and allowing the requisite 30-day window to express in writing its intention to file for full class C status. Absent of such expression, SSR wishes for the Commission to downgrade the status of WQUE-FM to CO.

3. In the event that Channel 230A is allotted to Dulac, Louisiana, SSR Communications Incorporated will file an application (Form 301) for a Construction Permit to operate the stations and, if authorized, will build the station promptly.

Dated: October 10, 2002

SSR Communications Incorporated

5270 West Jones Bridge Road
Norcross, GA 30092-1628
(770) 447-0026

Respectfully submitted,

SSR Communications Incorporated

By 

Matthew K. Wesolowski
General Manager

SSR Communications Incorporated
Petition for Rulemaking
October 10,2002

EXHIBIT 1
Dulac Entities and Organizations

Note: All listings below have Dulac city mailing addresses.

Government/Protective Bodies

| NAME | ADDRESS | PHONE |
|-------------------------------|-----------------------|----------------|
| Dulac Post Office (70353) | 7661 Grand Caillou Rd | (985) 563-7177 |
| Grand Caillou Vol. Fire Dept. | 6974 Grand Caillou Rd | (985) 563-4112 |
| Dulac Community Center | 125 Coast Guard Rd | (985) 563-7483 |
| Dulac Community Ctr Disaster | 125 Coast Guard Rd | (985) 563-7497 |
| LA St Trans & Dev Dept- Dulac | 8185 Grand Caillou Rd | (985) 563-2679 |

Educational Entities

| | | |
|----------------------------|-----------------------|----------------|
| Grand Caillou Elem. School | 6741 Grand Caillou Rd | (985) 563-4488 |
|----------------------------|-----------------------|----------------|

Spiritual Bodies

| | | |
|-------------------------------|-----------------------|----------------|
| Church of God of Dulac | 5741 Grand Caillou Rd | (985) 563-4315 |
| Clanton Chapel Utd. Methodist | (unable to obtain) | (985) 563-2549 |
| Grand Caillou Baptist Mission | 5210 Shrimpers Row | (985) 563-2421 |
| Holy Family Church | 6641 Grand Caillou Rd | (985) 563-2325 |
| Living Word of God | 5232 Shrimpers Row | (985) 563-2848 |
| Vision Christian Ctr Of Dulac | 7447 Grand Caillou Rd | (985) 873-7765 |

Restaurants

| | | |
|-----------------------|-----------------------|----------------|
| Annie's Restaurant | 7444 Grand Caillou Rd | (985) 563-7619 |
| Ceana's Cajun Cooking | 6478 Grand Caillou Rd | (985) 563-4141 |
| Mom's Kitchen | 8136 Grand Caillou Rd | (985) 563-7001 |
| Schmoopy's | 7244 Grand Caillou Rd | (985) 563-7809 |

Businesses Identifying Themselves With Dulac (by their title)

| | | |
|----------------------|-----------------------|----------------|
| Dulac Food Store | 8102 Grand Caillou Rd | (985) 563-2463 |
| Dulac Propeller | 8610 Grand Caillou Rd | (985) 563-7190 |
| Dulac Shipyard, Inc. | 8610 Grand Caillou Rd | (985) 563-7144 |
| Hi Seas of Dulac | 6570 Grand Caillou Rd | (985) 563-4479 |

A Sampling of Other Dulac Businesses

| | | |
|-----------------------|-----------------------|----------------|
| P & S Grocery | 7303 Grand Caillou Rd | (985) 563-7845 |
| The Look Beauty Salon | 112 Oak Lane | (985) 594-6210 |
| Buquet Auto Service | 7164 Grand Caillou Rd | (985) 563-7670 |
| Aces Mini Mart | 6481 Grand Caillou Rd | (985) 563-7139 |

Statement:

Dulac deserves its first local “full power” FM service, as it is clearly a bona-fide community for allotment purposes. SSR believes that, in addition to the community being an incorporated city of Louisiana (generally sufficient for allotments purposes), the community has ample evidence to show that the community is distinct from the “hinterland.” Dulac’s 1650 residents also make up a large population base relative to some of the Commission’s other rulings on similar “smaller” communities of license’.

1. See Docket 00-211, where the petitioner specified the **unincorporated** community of Pine Level, Alabama as a bona-fide community for allotment purposes. The Commission agreed that Pine Level is a bona-fide community in this case. Pine Level has far fewer community characteristics than those shown in this petition for Dulac, and Pine Level has only 400 residents (according to the petitioner), compared to 1650 in incorporated city of Dulac.

SSR Communications Incorporated
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EXHIBIT 2
Site Map and Separation Requirements

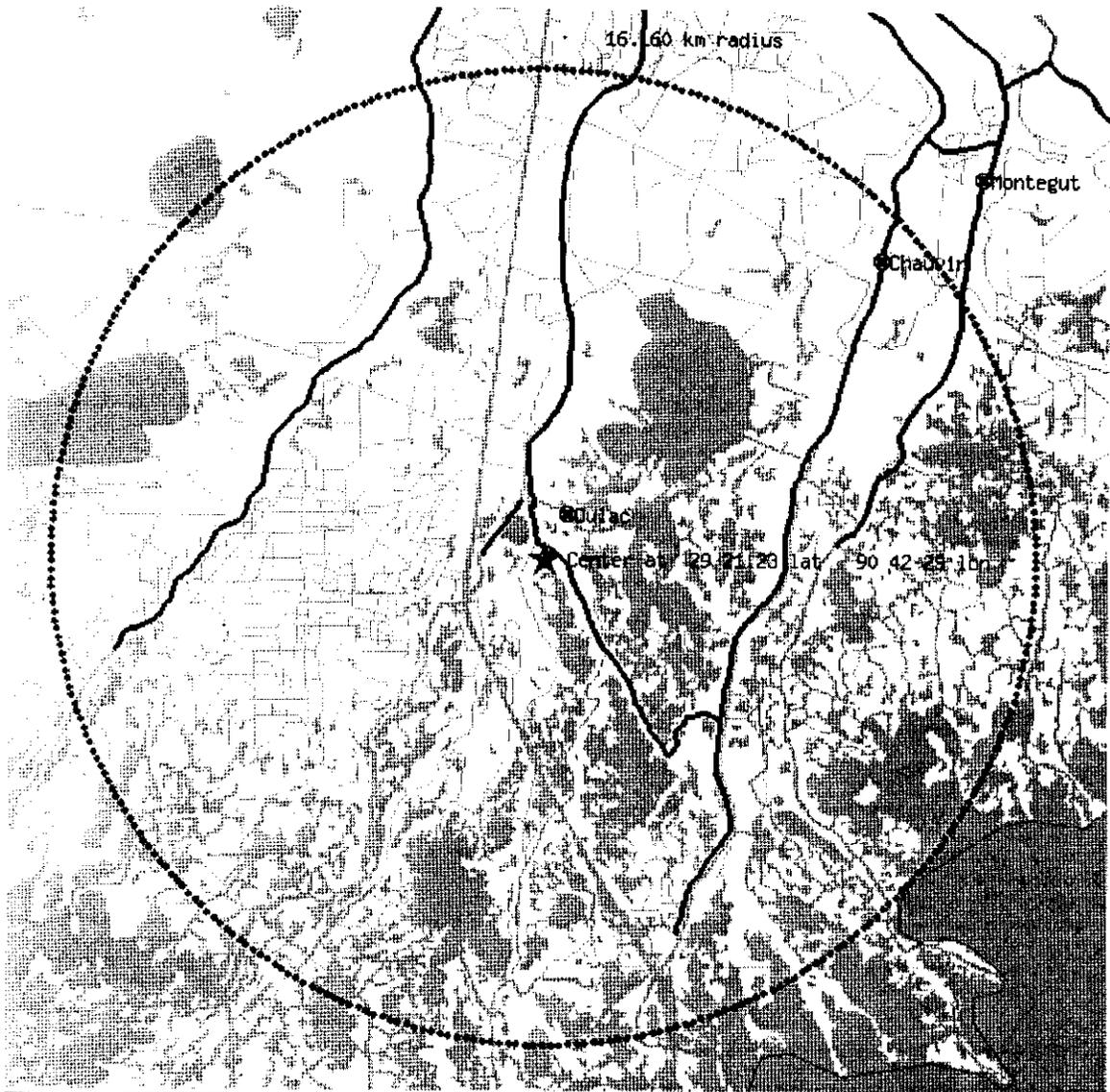


FIGURE 1 - SITE MAP

Proposed Channel 230A (93.9 MHz) Dulac, LA
70 dBu Contour

TABLE 1 - ALLOCATION STUDY

Location: Dulac, LA
 (Reference Site: 29-21-23 N, 90-42-29 W)
 Channel: 230A (93.9 MHz)
 Database: 10/10/2002

ALL DISTANCES GIVEN IN KILOMETERS

| ID | CH. | Freq. | Cl. | Type | City of Lic. | St. | Distance | Req Dist | Difference | Outcome |
|-----------------|------------|-------------|-----------|---------------|--------------------|-----------|--------------|--------------|--------------|--------------|
| -- | 227 | 93.3 | C | FA USE | NEW ORLEANS | LA | 90.45 | 95.00 | 4.55 | short' |
| WQUE-FM | 227 | 93.3 | C | FM LIC | NEW ORLEANS | LA | 90.98 | 95.00 | 4.02 | short* |
| PROPOSED | 227 | 93.3 | CO | FA USE | NEW ORLEANS | LA | 90.45 | 86.00 | -4.45 | close |
| PROPOSED | 227 | 93.3 | CO | FM LIC | NEW ORLEANS | LA | 90.98 | 86.00 | -4.98 | close |
| KOOJ | 229 | 93.7 | C1 | FM LIC | NEW IBERIA | LA | 134.37 | 133.00 | -1.37 | okay |
| KOOJ | 229 | 93.7 | C1 | FS CP | NEW IBERIA | LA | 134.37 | 133.00 | -1.37 | okay |
| -- | 229 | 93.7 | C1 | FA USE | NEW IBERIA | LA | 134.49 | 133.00 | -1.49 | okay |
| PROPOSED | 234 | 94.1 | L1 | FL APP | DULAC | LA | 1.85 | 0.00 | -1.85 | okay |
| NEW | 230 | 93.9 | L1 | FL APP | DULAC | LA | 1.85 | 0.00 | -1.85 | okay |
| WTIX-FM | 232 | 94.3 | C1 | FM LIC | GALLIANO | LA | 88.24 | 75.00 | -13.24 | okay |
| WTIX-FM | 232 | 94.3 | C1 | FS CP | GALLIANO | LA | 88.24 | 75.00 | -13.24 | okay |
| -- | 232 | 94.3 | C1 | FA USE | GALLIANO | LA | 89.30 | 75.00 | -14.30 | okay |
| -- | 231 | 94.1 | C1 | FA USE | KENTWOOD | LA | 166.17 | 133.00 | -33.17 | okay |
| WEMX | 231 | 94.1 | C1 | FM LIC | KENTWOOD | LA | 168.24 | 133.00 | -35.24 | okay |
| WMJY | 229 | 93.7 | C | FS LIC | BILOXI | MS | 217.60 | 165.00 | -52.60 | okay |
| -- | 229 | 93.7 | C | FA USE | BILOXI | MS | 229.62 | 165.00 | -64.62 | okay |
| WMJY | 229 | 93.7 | C | FM LIC | BILOXI | MS | 229.62 | 165.00 | -64.62 | okay |
| NEW | 230 | 93.9 | L1 | FL APP | LUCY | LA | 79.20 | 0.00 | -79.20 | okay |
| -- | 233 | 94.5 | C | FA USE | LAFAYETTE | LA | 183.37 | 95.00 | -88.37 | okay |
| KSMB | 233 | 94.5 | C | FM LIC | LAFAYETTE | LA | 183.37 | 95.00 | -88.37 | okay |
| W228AN | 228 | 93.5 | D | FX LIC | BATON ROUGE | LA | 135.90 | 0.00 | -135.90 | okay |
| -- | 233 | 94.5 | A | FA USE | LONG BEACH | MS | 186.48 | 31.00 | -155.48 | okay |
| WJZD | 233 | 94.5 | A | FM LIC | LONG BEACH | MS | 200.82 | 31.00 | -169.82 | okay |

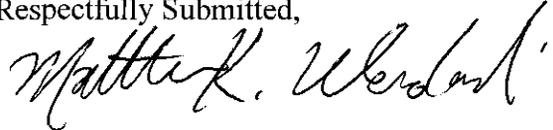
*this shortspacing would be resolved with the proposed CO downgrade to WQUE-FM

CERTIFICATION

I certify that I have directly prepared or supervised the preparation of this entire document. Although I have received no legal counsel on the authoring of this Petition for Rule Making, I believe it to be accurate and true, to the best of my knowledge.

Date: October 10,2002

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Matthew K. Wesolowski". The signature is written in a cursive style with a large, stylized initial 'M'.

Matthew K. Wesolowski
General Manager
SSR Communications, Inc.
5270 West Jones Bridge Road
Norcross, GA 30092-1628

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