



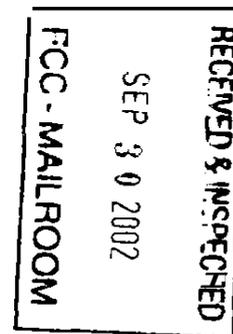
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Federal Communications Commission
Washington, D.C. 20554

September 25, 2002

Dennis F. Begley, Esq.
Reddy, Begley & McCormick, LLP
2175 K Street, N.W., Suite 350
Washington, D.C. 20037-1845



Dear Mr. Begley:

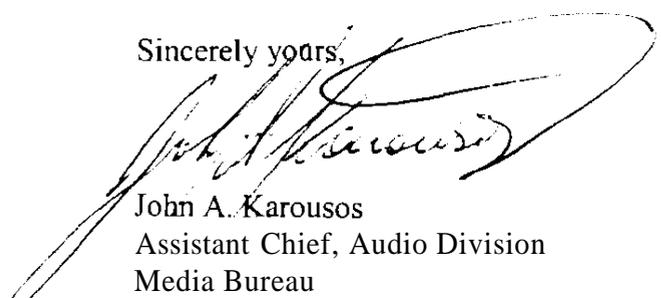
This concerns the petition for rule making filed January 10, 2002, on behalf of Vernon R. Baldwin, Inc., licensee of Station WWLT(FM), Channel 276A, Manchester, Kentucky, and Morgan County Industries, Inc., licensee of Station WLKS-FM, Channel 275A, West Liberty, Kentucky ("Joint Petitioners").

The Joint Petitioners seek to amend the FM Table of Allotments by changing Station WWLT's community of license from Manchester, Kentucky, to East Bernstadt, Kentucky, and to upgrade Station Station WLKS-FM's channel from Channel 275A to Channel 275C3. In order to effectuate the foregoing changes, the Joint Petitioners request that Channel 270A be substituted for vacant Channel 275A at Mount Vernon, Kentucky, and that Channel 235A be substituted for the vacant Channel 270A allotment at Brodhead, Kentucky.

The latter proposed channel change, from Channel 270A to Channel 235A at Brodhead, Kentucky, would downgrade the current Class A FM allotment to an allotment that could only accommodate a station operating with 3 kilowatts of effective radiated power (ERP), instead of the usual limit of 6 kilowatts of ERP. Sections 73.207 and 73.211 of the Commission's Rules would not allow a new allotment of a Class A channel to Brodhead, Kentucky, if that allotment did not allow an FM station utilizing that allotment to operate with maximum facilities for a Class A FM station, namely 6 kilowatts of ERP and 100 meters in antenna height above average terrain. Further, we cannot find a Class A channel to replace Channel 270A that would comply with Sections 73.207 and 73.211 of the Rules and accomplish the other goals of the Joint Petitioners' proposal.

In view of the foregoing, the Joint Petitioners' petition for rule making is returned as unacceptable for filing.

Sincerely yours,



John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosure

(zip code 50729); at least five churches;² numerous businesses;³ two medical facilities;⁴ manufacturing concerns⁵ and a Veteran's Lodge.

4. The reallocation of Channel 276A from Manchester, Kentucky to East Bernstadt, Kentucky will not deprive the community of Manchester, Kentucky of its sole aural service. Manchester, Kentucky would be left with three other local aural transmission services (WKLK(AM), Manchester, Kentucky; WTBK(FM), Manchester, Kentucky; and WWXL(AM), Manchester, Kentucky). Additionally, as shown in the attached Technical Statement a loss of service will occur from the reallocation of Channel 276A from Manchester, Kentucky to East Bernstadt, Kentucky. However, no gray or white areas would be created by the reallocation. In fact, all of the loss area is served by more than five (5) other primary services. **Also**, this loss is off-set by the increased service to 35,684 persons that will result from the reallocation.

5. Finally, the reallocation of Channel 276A to East Bernstadt, Kentucky would provide East Bernstadt with its first local aural transmission service. The proposal would result in a preferential arrangement of FM allotments. See Revision of FM Assignment Policies and Procedures, 9 FCC 2d 88 (1992).

² East Bernstadt Church of God (200 members); Community Baptist Church (200 members); East Bernstadt Baptist Church (175 members); East Bernstadt Methodist Church (150 members); and Sylvester Roman Catholic Church (membership unknown).

³ Food Land Super Market; Shell Gas Station and Carry Out; Thompson Pharmacy and Drug Store; Elmo Furniture; Rieser Furniture and Design; Ruby Coal Company; East Bernstadt Car Wash and Lube Center; Ruth's Clothing Store; Apeyard Food Market; East Bernstadt Hardware and Accent Marble Company.

⁴ East Bernstadt Medical Center and East Bernstadt Eye Center,

⁵ Industrial Distributors (employs several hundred people) and Green Brothers Construction Co (employs a large number of people).

RECEIVED
 JAN 10 2002
 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

BEFORE THE
Federal Communications Commission

WASHINGTON, D C 20554

DUPLICATE

In re Matter of)
)
 Amendment of Section 73.202(b),)
 Table of FM Allotments)
 (Brodhead, Kentucky)
 Mount Vernon, Kentucky)
 West Liberty, Kentucky)
 Manchester, Kentucky)
 East Bernstadt, Kentucky)

File No. RM-_____

RECEIVED & INSPECTED
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To: Chief, Allocations Branch

JOINT PETITION FOR RULEMAKING

Vernon R. Baldwin, Inc. ("VRB"), licensee of FM Broadcast Station WWLT, Manchester, Kentucky and Morgan County Industries, Inc., licensee of FM Broadcast Station WLKS-FM, West Liberty, Kentucky ("MCI"), hereby request, pursuant to Section 1.420(g) of the Rules, that the Commission institute a rulemaking proceeding that proposes the following amendments to the Table of FM Allotments, Section 73.202(b) of the Commission's Rules:

CITY OF LICENSE	PRESENT ALLOCATION	PROPOSED ALLOCATION
Brodhead, Kentucky	270A	235A (3 kw)
Mount Vernon, Kentucky	275A (3 kw)	270A
West Liberty, Kentucky	275A	275C3
Manchester, Kentucky	276A (3 kw), 289C3	289C3
East Bernstadt, Kentucky	----	276A

In support of this request, the following is stated:

1. Attached hereto is the Technical Exhibit of Bromo Communications, Inc., which contains the required channel studies confirming that the proposed allocation can be made consistent with the Commission's mileage separation rules.

2. The proposed allocation changes will result in significant public interest benefits. First, it will permit the upgrade of Station WLKS-FM, West Liberty, Kentucky from a Class **A** station to a Class C3 station. The upgrade would increase the persons within its 60 dbu signal by 33,848 persons (from a coverage of 46,760 persons to 80,608 persons). Second, the change in city of license for WWLT from Manchester, Kentucky to East Bernstadt, Kentucky will increase the persons in its 60 dbu contour by 35,684 persons (from 52,134 persons to 87,818 persons). Third, the change in the city of license for WWLT will bring a first local transmission service to East Bernstadt, Kentucky. To accomplish these changes the vacant allocations at Brodhead, Kentucky and Mount Vernon, Kentucky would have to be amended. However, each community would continue to be allocated a local broadcast outlet.

3. East Bernstadt, Kentucky is a census designated place with a 2000 U.S. Census Population of 774 persons. The community has a local fire department; two schools; a post office

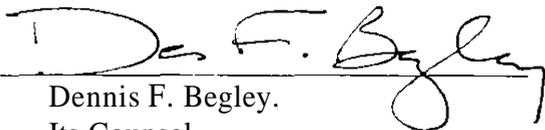
¹ Hazelgreen Elementary (grades K through 5; enrollment 375) and East Bernstadt Elementary (grades K through 8; enrollment 530).

6. If Channel 276A is reallocated to East Bernstadt, Kentucky, VRB will apply for and, if ultimately granted a construction permit, VRB will promptly construct the new FM facility. Additionally, if Channel 275A is upgraded to Channel 275C3 at West Liberty, Kentucky, MCI will apply for and, if ultimately granted a construction permit, will promptly construct the new FM facility.

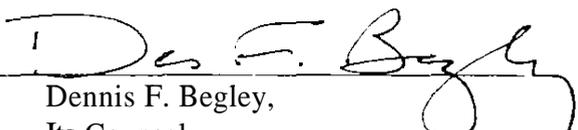
7. In sum, the proposal will result in the substitution of a Class C3, two (2) full Class As and a 3 kw Class A for two (2) 3 kw Class As and two (2) full Class As. The proposal would also provide a first local transmission service to a new community and an additional service to 69,532 persons. As such, significant public interest benefits would accrue from adoption of the proposal.

WHEREFORE, In light of the foregoing, Vernon R. Baldwin, Inc. and Morgan County Industries, Inc. respectfully request that the FM Table of Allotments be amended as noted above.

VERNON R. BALDWIN, INC

By: 
Dennis F. Begley,
Its Counsel

MORGAN COUNTY INDUSTRIES, INC.

By: 
Dennis F. Begley,
Its Counsel

Reddy, Begley & McCormick, LLP
2175 K Street, N.W., Suite 350
Washington, D.C. 20037-1845
(202) 059-5700

January 10, 2002

PROPOSED RULEMAKING
Vernon R. Baldwin, Inc.
Morgan County Industries, Inc.
 January 2002

This Technical Exhibit supports the joint Proposed Rulemaking by Vernon R. Baldwin, Inc licensee of WWLT at Manchester, Kentucky and Morgan County Industries, Inc. licensee of WLKS-FM at West Liberty, Kentucky.

It is proposed to change the FM table of allotments by substituting Channel **275C3** for Channel **275A** at West Liberty and changing the city of license for Channel **276A** from Manchester to East Bernstadt, Kentucky.

In order to effectuate this change Channel **275A**¹ a vacant allocation at Mount Vernon, KY must be eliminated. At nearby Brodhead, KY Channel **270A** is also a vacant allocation. Thus the proposal is to substitute Channel **270A (6 kW)** for Channel **275A (3 kW)** at Mount Vernon. It is then proposed to substitute Channel **235A (3kW)** for Channel **270A (6 kW)** at Brodhead.

PROPOSAL

<i>Community</i>	<i>Present</i>	<i>Proposed</i>	<i>Allocation Site</i>
Brodhead	270A (6 kW)	235A (3 kW)	N 37-27-21 W 84-29-40
Mount Vernon	275A (3kW)	270A (6 kW)	N 37-22-36 W 84-27-00
WLKS-FM - West Liberty	275A	275C3	Licensed Site
WWLT - Manchester	276A (3 kW), 289C3	289C3	
WWLT - East Bernstadt	-----	276A	N 37-08-05 W 84-07-37

It should be noted that this proposal will substitute a fully spaced Channel **270A** allocation at Brodhead for a 3 kW limited Channel **235A**. The proponents are aware that by downgrading two under developed Class **C** stations to Class **CO** the Brodhead Channel **235A** could be assigned as a fully spaced

¹ Channel 275A is allocated to Mount Vernon under the previous 3 kW spacing rules. This station has never been in operation.

6 kW Class A facility. It was felt however that the public need would be served with the allocation as proposed alone without the need to downgrade the two under developed Class C stations.

Each of the allocation site reference points are fully spaced under Section 73.207 with the exception of Channel 235A at Brodhead which must be limited to the former Section 73.207 (3 kW) spacing. From each of the proposed reference sites a 70 dBu or greater signal will be provided to its community of license. We have attached a tabulated allocation study for each of the channels and maps showing the 70 dBu contour of the proposed facility operating at maximum height and power for its respective class.

Exhibit #4A of this Petition shows the area of lost service with the relocation of WWLT. Exhibit #4B is a tabulated list of services shown in Exhibit #4A. There are numerous additional stations not mentioned which provide service to the loss area. We felt it unnecessary to include all of these stations in this exhibit. We compared the present WWLT 60 dBu contour with the proposed contour. We assumed the East Bernstadt reference location with maximum Class A facilities. With more than five primary services in the loss area, we show this area is adequately served.

Benefits of This Proposal

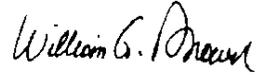
Presently there are two fully spaced Class A stations and two Class A stations operating under the former 3 kW spacing tables. With this proposal there will be only one 3 kW Class A plus a Class C3, and two fully spaced 6 kW Class A stations

<u>2000 Population Data'</u> <u>Community</u>	<u>Within 60 dBu</u>		
	<u>Present</u>	<u>Proposed Gain/(Loss)</u>	
Brodhead	68.228	62,136	(6,092)
Mount Vernon	50.076	68,757	18,681
WLKS - West Liberty	46.760	80,608	33,848
WWLT - Manchester	52.134	-----	
WWLT - East Bernstadt		87,818	35,684
Totals	217.198	299.319	82.121

East Bernstadt will receive its first local service. This community of over 700 persons is an incorporated community as designated by the US Census Bureau. It is an independent community

with schools, businesses and churches Details of this community can be found elsewhere in this proposal Manchester will continue to receive service from WTBK-FM Channel 289C3 plus fulltime WWXL-AM 1450 kHz and daytime WKLB-AM 1290 kHz

Bromo Communications, Inc.

A handwritten signature in black ink that reads "William G. Brown". The signature is written in a cursive style with a large initial "W".

William G Brown

² Population Data assume 2000 US Census and the 60 dBu contours calculated with each facility operating at maximum class height and power

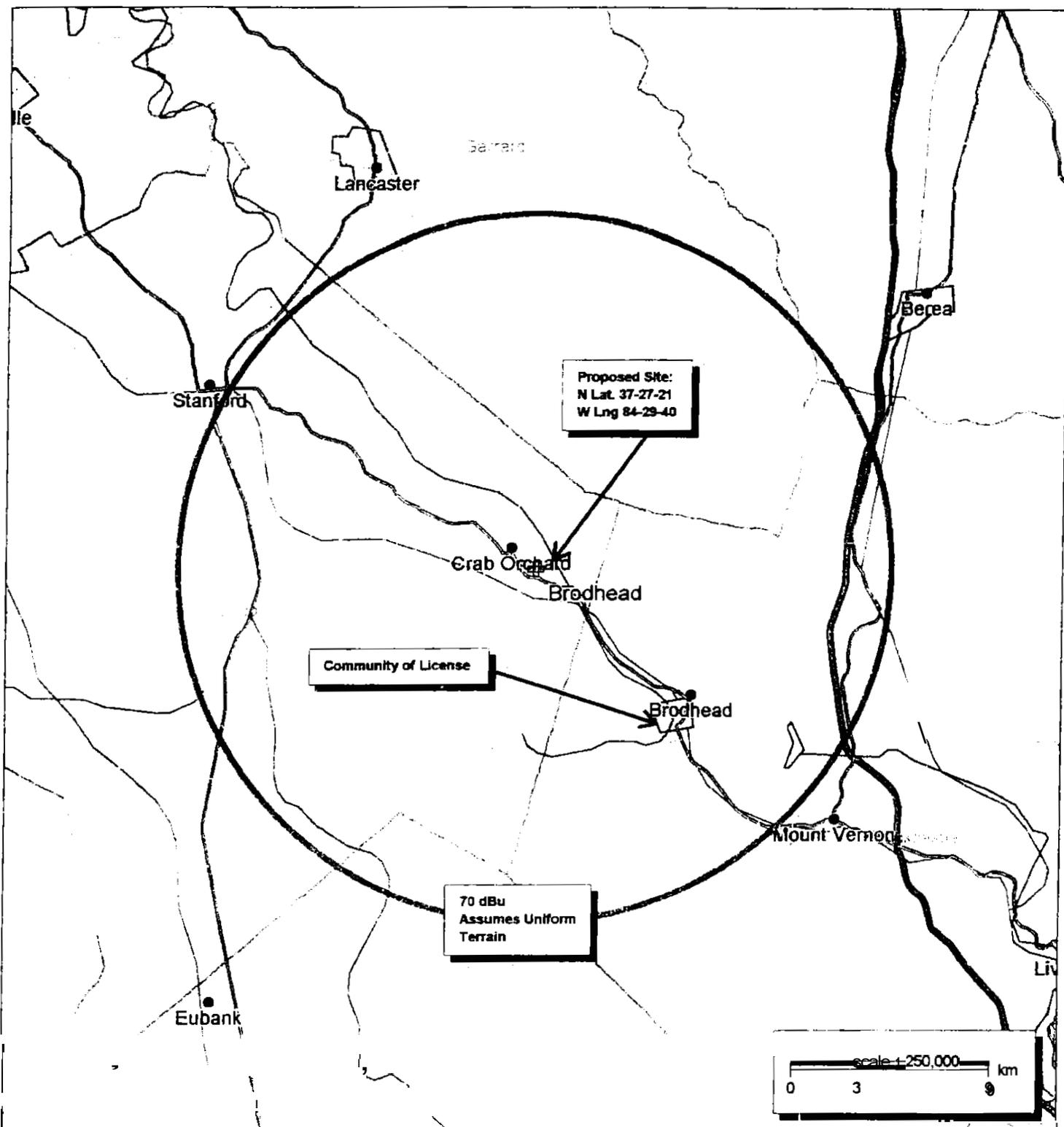


Exhibit #1
ALLOCATION STUDY CHANNEL 235A
Broadhead, Kentucky

Bromo Communications, Inc.
 Atlanta, Georgia
 January 2002

Bromo Communications Inc.
 Atlanta Georgia
 Allocation Study - Channel 235A (6 kW)
 Brodhead Kentucky

REFERENCE
 37 27 21 N
 84 29 40 W

CLASS = A
 Former Spacings

DISPLAY DATES
 DATA 12-26-01
 SEARCH 12-27-81

----- Channel 235 - 94.9 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Nargin
WGSQ	LIC 234C	Cookeville	TN	161.18	208.2	161.0	0.18
WAEZ	LIC 235C	Greeneville	TN	222.19	133.1	222.0	0.19
WMXL	LIC 233C1	Lexington	KY	74.22	3.4	74.0	0.22
WGGC	LIC 236C	Glasgow	KY	162.14	248.6	161.8	1.14
WGGC.C	CP 236C	Glasgow	KY	162.14	248.6	161.0	1.14
WVRB	LIC 237A	Wilmore	KY	56.16	355.5	27.0	29.16
WMOJ	LIC 235B	Fairfield	OH	193.65	359.3	163.0	30.65
WMKJ	LIC 288C3	Mt. Sterling	KY	69.94	13.2	11.0	58.94
WQHY.C	CP 238C	Prestonsburg	KY	155.76	79.5	94.0	61.76
WQHY	LIC 238C	Prestonsburg	KY	155.81	79.6	94.0	61.81
WTBK.C	CP 289C3	Manchester	KY	74.06	117.2	11.0	63.06
WTBK	LIC 289A	Manchester	KY	74.06	117.2	8.8	66.06
WFLEFM	LIC 236A	Flemingsburg	KY	133.21	36.8	64.0	69.21
WKLWFM	LIC 234C3	Paintsville	KY	154.18	75.3	84.8	78.18

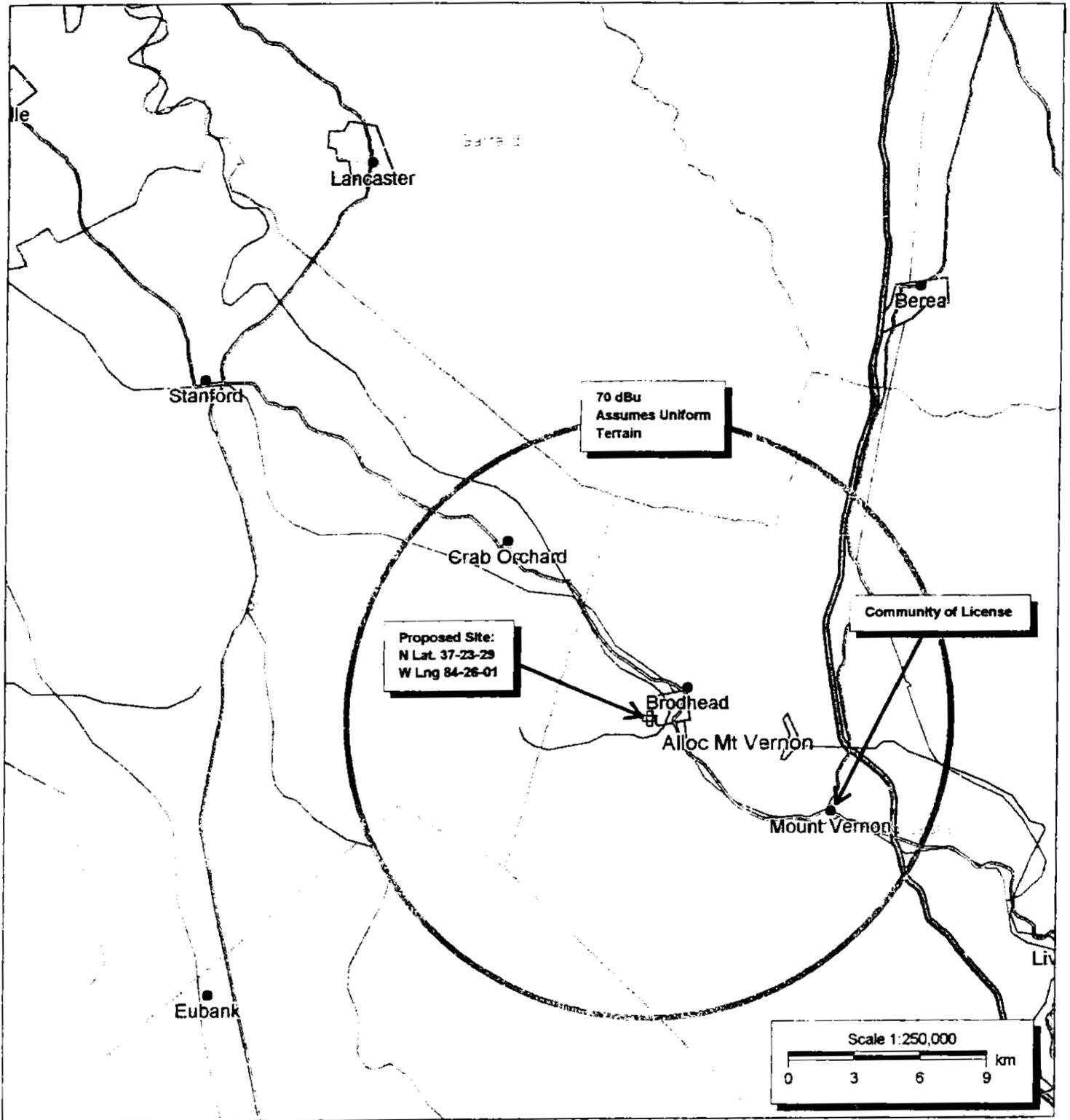


Exhibit #2
ALLOCATION STUDY CHANNEL 270A (3kW)
 Mount Vernon, Kentucky

Bromo Communications, Inc.
 Atlanta, Georgia
 January 2002

Bromo Communications Inc.
 Atlanta Georgia
 Allocation Study - Channel 270A (3 kW)
 Mount Vernon Kentucky

REFERENCE
 37 23 29 N
 84 26 81 W

CLASS = A
 Former Spacings

DISPLAY DATES
 DATA 12-26-81
 SEARCH 12-27-81

----- Channel 270 - 101.9 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
WLJC	LIC 271A	Beattyville	KY	70.14	69.8	64.0	6.14
WLJC.C	CP 271A	Beattyville	KY	71.73	69.6	64.8	7.73
WKYM	LIC 269A	Monticello	KY	74.25	289.7	64.0	18.25
WLRO	LIC 268C3	Richmond	KY	54.97	9.9	42.8	12.97
WKIIFM	LIC 272A	Somerset	KY	40.96	211.9	27.8	13.96
WKYL	LIC 271A	Lawrenceburg	KY	80.91	338.9	64.8	16.91
WUKY	LIC 217C	Lexington	KY	49.15	333.9	28.0	21.15
WLTO	LIC 273A	Nicholasville	KY	49.21	352.7	27.8	22.21
WKRQ	LIC 270B	Cincinnati	OH	191.57	358.2	163.8	28.57
WQXQ	LIC 270C1	Central City	KY	227.22	276.2	196.8	31.22
WTHQ	LIC 269A	Shelbyville	KY	111.99	324.9	64.8	47.99
WWST	LIC 271C1	Sevierville	TN	188.21	158.5	129.8	59.21
WVOWFH	LIC 270B	Logan	WV	223.47	75.8	163.0	68.47

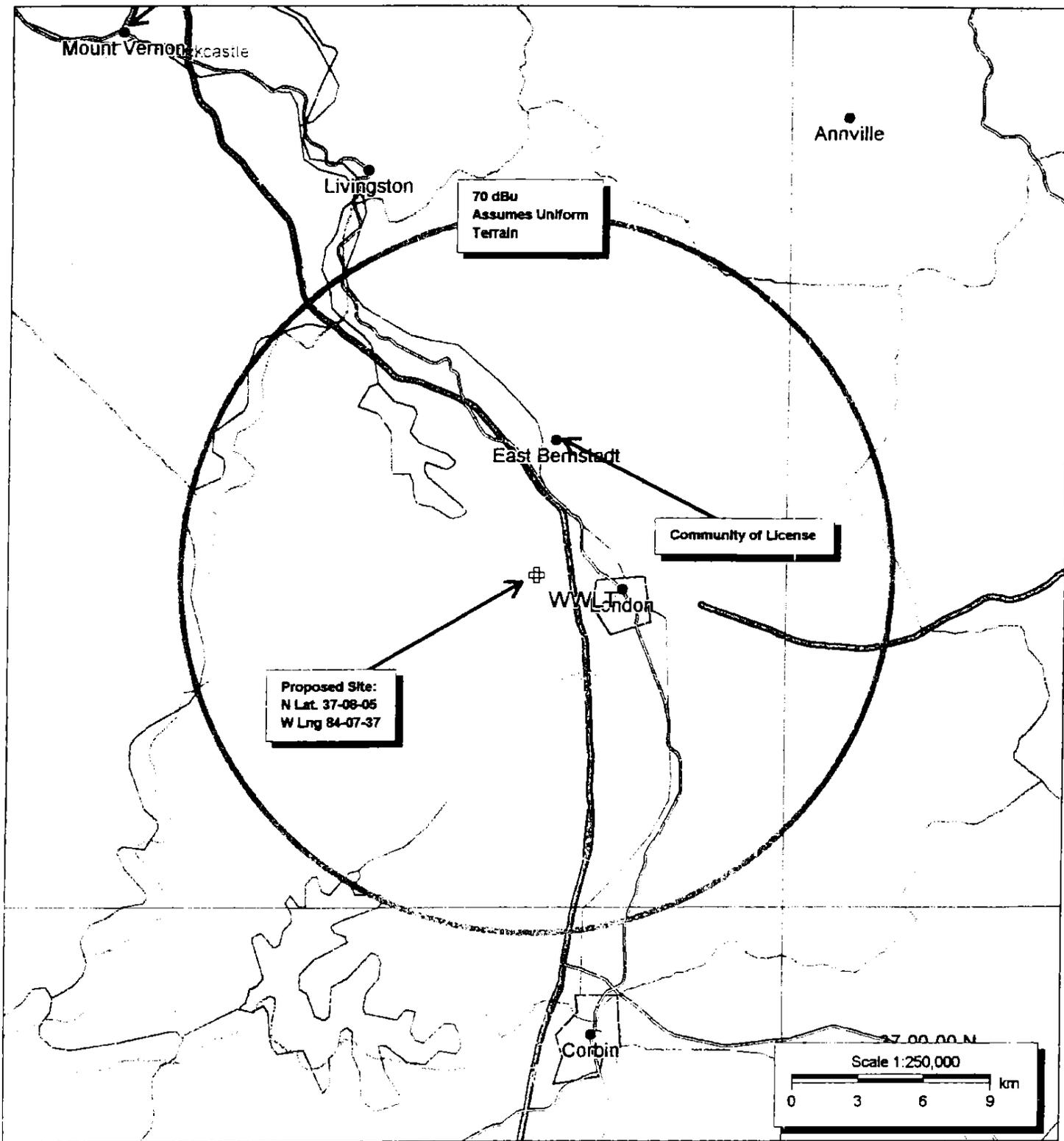


Exhibit #3
ALLOCATION STUDY CHANNEL 276A
 East Bernstadt, Kentucky

Bromo Communications, Inc.
 Atlanta, Georgia
 January 2002

Bromo Communications Inc.
 Atlanta Georgia
 Allocation Study - Channel 276A (6 kW)
 East Bernstadt Kentucky

REFERENCE
 37 88 05 N
 84 87 37 W

CLASS = A
 Current Spacings
 Channel 276 - 103.1 MHz

DISPLAY DATES
 DATA 12-26-01
 SEARCH 12-27-01

Call	Channel	Location	Dist	Az	FCC	Margin
DWXJJ	CP 275A	Mount Vernon	KY 39.39	316.5	72.8	-32.61
WYGE	LIC 222C3	London	KY 12.09	81.7	12.8	8.09
WGRKFM	LIC 276A	Greensburg	KY 124.08	276.9	115.0	9.08
WEKX	LIC 274A	Jellico	TN 49.76	188.4	31.8	18.76
WIMZFM	LIC 278C	Knoxville	TN 116.62	162.0	95.8	21.62
WLLJ	LIC 276C2	Etowah	TN 192.68	195.8	166.0	26.68
WPKEFM	APP 276A	Coal Run	KY 144.47	74.7	115.8	29.47
RADD	ADD 276A	Coal Run	KY 146.49	77.9	115.8	31.49
RADD	ADD 276A	Coal Run	KY 146.49	77.9	115.0	31.49
WXZZ	LIC 277A	Georgetown	KY 108.09	343.1	72.8	36.09
WXZZ.C	CP 277A	Georgetown	KY 108.09	343.1	72.0	36.89
ALLO	VAC 276C3	Tusculum	TN 181.94	133.7	142.0	39.94
WPKEFH	LIC 276A	Elkhorn City	KY 157.54	84.1	115.8	42.54
RDEL	DEL 276A	Elkhorn City	KY 157.54	84.1	115.0	42.54
WLKSFM	LIC 275A	West Liberty	KY 122.85	34.4	72.0	50.05
WCBJ.C	CP 279A	Campton	KY 83.61	46.4	31.0	52.61
WCBJ	LIC 279A	Campton	KY 83.61	46.4	31.8	52.61
WLTO	LIC 273A	Nicholasville	KY 84.21	336.8	31.8	53.21
WIKQ	LIC 276A	Tusculum	TN 174.22	129.6	115.0	59.22
WRKA	LIC 276A	St. Matthews	KY 187.18	322.8	115.0	72.10

Bromo Communications Inc.
 Atlanta Georgia
 Allocation Study - Channel 275C3
 West Liberty Kentucky

REFERENCE
 38 82 16 N
 83 20 18 W

CLASS = C3
 Current Spacings

DISPLAY DATES
 DATA 12-26-81
 SEARCH 12-27-81

----- Channel 275 - 102.9 MHz -----

Call	Channel	Location	Dist	Az	FCC	Margin
DWXJJ	CP 275A	Mount Vernon	KY 120.31	233.6	142.8	-21.69
WUGO	LIC 272A	Grayson	KY 45.31	44.3	42.0	3.31
WPKEFH	APP 276A	Coal Run	KY 94.84	132.3	89.0	5.84
WRAC	LIC 276A	West Union	OH 94.18	345.5	89.0	5.10
WSRFH	LIC 274B	Charleston	WV 158.55	75.8	145.0	5.55
WDHT	LIC 275B	Springfield	OH 217.53	348.8	211.8	6.53
WEBN	LIC 2748	Cincinnati	OH 156.98	328.2	145.8	11.98
RADD	ADD 276A	Coal Run	KY 101.84	134.0	89.0	12.84
RADD	ADD 276A	Coal Run	KY 101.84	134.0	89.0	12.84
WTCRFM	LIC 2778	Huntington	WV 92.33	62.3	71.0	21.33
WELCFM	LIC 275A	Welch	WV 166.73	114.8	142.8	24.73
WWLT	LIC 276A	Manchester	KY 115.84	281.8	89.0	26.84
WPKEFM	LIC 276A	Elkhorn City	KY 121.44	134.5	89.0	32.44
RDEL	DEL 276A	Elkhorn City	KY 121.44	134.5	89.8	32.44
ALLO	VAC 221C2	Carlisle	KY 51.15	295.4	17.8	34.15
WSEH	LIC 274A	Cumberland	KY 130.34	162.7	89.8	41.34
RDEL	DEL 274A	Cumberland	KY 130.34	162.7	89.0	41.34
WZAQ	LIC 222A	Louisa	KY 64.28	75.9	12.0	52.28
WCYNFM	LIC 272A	Cynthiana	KY 95.31	296.1	42.8	53.31
WXZZ	LIC 277A	Georgetown	KY 100.86	272.1	42.8	58.86
WXZZ.C	CP 277A	Georgetown	KY 100.86	272.1	42.8	58.86
WLTO	LIC 273A	Nicholasville	KY 185.18	257.7	42.0	63.10
WBVX.C	CP 221C3	Carlisle	KY 78.35	287.0	14.0	64.35
WDXC	LIC 272A	Pound	VA 115.84	148.8	42.0	73.84

