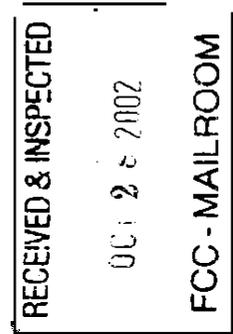




Federal Communications Commission  
Washington, D.C. 20554

October 23, 2002

Cherokee Broadcasting Company  
c/o Harold K. McCombs  
Suite 800  
1090 Vermont Avenue, NW  
Washington, DC 20005



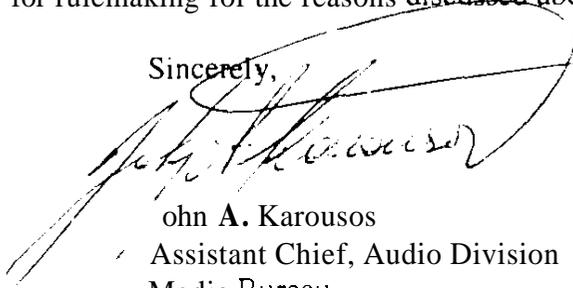
Dear Mr. McCombs:

This letter refers to the petition for rule making you filed on July 26, 2002, on behalf of Cherokee Broadcasting Company, requesting the allotment of Channel 261C3 to Cherokee, Alabama, as the community's first local commercial FM service.

A staff engineering analysis reveals that your petition is unacceptable for consideration at this time. The proposal for Channel 261C3 at Cherokee is shon-spaced to the licensed facilities of Station WLAY-FM, Channel 262C1, Tuscumbia, Alabama. Although, Clear Channel Broadcasting Licenses, Inc., licensee of Station WLAY-FM, filed a petition for rulemaking to substitute Channel 262C2 for Channel 262C1 at Tuscumbia, Alabama, and reallocation of Channel 262C2 at Meridianville, Alabama, MB Docket No. 02-114. *See Meridianville, Tuscumbia, Carrollton, and Gurley, Alabama, 17 FCC Rcd 8890 (2002)*. There is no final disposition in this rulemaking proceeding. Moreover, any rule making proposal must protect the authorized Class C1 facilities until the Class C2 facilities is licensed. *See Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment, 4 FCC Rcd 2413 (1989)*. Furthermore, your request is contingent on the outcome of MB Docket No. 02-114 and we do not accept such contingent petitions for rule making. *See Cut and Shoot, Texas, 11 FCC Rcd 16383 (1996)*.

Therefore, we are returning your petition for rulemaking for the reasons discussed above.

Sincerely,



John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau

Enclosure

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

**RECEIVED**

JUL 26 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
)  
Amendment of Section 73.202(b). )  
Table of Allotments. )  
FM Broadcast Stations. )  
(Cherokee. Alabama) )

MB Docket No. 02 - \_\_\_\_\_  
RM - \_\_\_\_\_

To: Assistant Chief, Audio Division  
Media Bureau

**RECEIVED & INSPECTED**  
OCT 28 2002  
**FCC - MAILROOM**

**PETITION FOR RULEMAKING**

Cherokee Broadcasting Company ("Petitioner"). by its attorney. hereby requests that the Commission institute a rulemaking proceeding to allot new FM Channel 261C3 at Cherokee, Alabama, as that community's first local commercial **FM** service. Petitioner proposes to amend Section 73.202(b) of the Commission's Rules. FM Table of Allotments. as follows:

<b>City</b>	<b>Channel Number</b>	
	<b>Present</b>	<b>Proposed</b>
Cherokee. Alabama	--	261C3

No reassignment of any existing allotments is requested

1. If the requested allotment is made, then Petitioner will cause to be filed an application for a construction permit for a new FM radio broadcast station on Channel 261C3 at Cherokee, Alabama. If the Commission grants that construction permit, then Petitioner will cause to be constructed a new FM station on Channel 261C3 to serve Cherokee.

2. As demonstrated in the attached engineering statement of Kirk Tollett, the allotment of Channel 261C3 at Cherokee, Alabama, can be accomplished in compliance with all

minimum distance separation requirements from the assumed transmitter site.<sup>1</sup> As shown in Mr. Tollett's engineering statement, the requisite 3.16 mV/m signal strength contour will cover the entire community of Cherokee from the assumed site.

3. Cherokee is an incorporated community and had a 2000 U.S. Census population of 1,237 persons. Cherokee is located in Colbert County. The allotment of Channel 261C3 will provide Cherokee with its first local commercial FM service. Therefore, the public interest will be served by the allotment of Channel 261C3 at Cherokee, Alabama.

WHEREFORE, for the foregoing reasons, Petitioner requests that the Commission grant this petition, adopt and release a Notice of Proposed Rule Making to amend Section 73.202(b) of the Rules proposing to allot Channel 261C3 at Cherokee, Alabama.

Respectfully Submitted  
**CHEROKEE BROADCASTING  
COMPANY**

By: Harold K. McCombs  
Harold K. McCombs

Suite 800  
1090 Vermont Avenue, NW  
Washington, DC 20005  
202-454-9905 (voice)/202-454-9906 (FAX)  
e-mail: hkmcombs@earthlink.net

Its Attorney

July 26, 2002

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<sup>1</sup> As noted in Mr. Tollett's engineering statement, this proposal assumes favorable action by the Commission with respect to other FM radio allotments and assignments. To the extent necessary, Petitioner requests waiver of any rule, policy or practice that might either preclude, limit or restrict the filing of this petition or the receipt of this petition. The public interest is served by facilitating, advancing and expediting a request for a new first local FM radio service and, thereby, the inauguration of that new radio service.

# **TECHNICAL STATEMENT**

**Cherokee Broadcasting Company**

**Cherokee, Alabama**

**July, 2002**

## **INTRODUCTION**

This technical statement has been prepared on behalf of Cherokee Broadcasting Company, in support of a Petition for Rule Making, requesting a change in the FM Table of Assignments, Paragraph 73.202(b) of the FCC Rules as follows:

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Location	Present	Proposed
Cherokee, Alabama	None	261C3

---

As can be gleaned from the attached exhibits, Channel 261C3 can be added to the Federal Communications Commission Table of Assignments without the necessity of any other changes and without the creation of any new preclusion area.

## **DISCUSSION**

Figure 1, is a computer generated allocation study using the Commission's specified method of distance computations, demonstrating *the assignability Of* FM Channel 261C3 to Cherokee, Alabama. The information contained in Figure 1, was utilized in preparation of the pertinent arcs contained in Figure 2.

Figure 2 is a full scale reproduction of a portion of a computer generated 1:1,000,000 scale map upon which has been superimposed a cross mark which represents the coordinates utilized in the preparation of this Report.. The geographic coordinates selected for this study were:

N 34° 45' 30"

W 88° 02' 12"

Figure 2, details the area of Cherokee and the pertinent arcs from all co-channel as well as adjacent channel facilities, allocated, assigned or operational within 200 kilometers of the proposed allocation. For purposes of demonstrating clearance, the license site of WLAY-FM has been ignored because of it's pending city of license change from Tuscumbia to Meridianville, Alabama. The Commission has just cut off comments in MB Docket 01-114/RM-10426 in which no comments or counter proposals were filed This petition fully protects the WLAY-FM allocation reference site at Meridianville. Based on the allocation study and map attached, it is believed that there is ample clearance to locate a tower site that would place the required unobstructed city grade signal, (70 dBu), over the entire Community of Cherokee, Alabama.

Figure 3 demonstrates the possible city grade signal of the proposed facility utilizing a hypothetical tower, with a center of radiation 100 meters above average terrain and an effective radiated power of twenty five kilowatts from the reference coordinates used in this petition. As can be gleaned from Figure 3, the proposed 70 dBu city grade signal of Channel 261C3 would encompass

100% of the corporate boundaries of the community of Cherokee, Alabama and a total population of 19,878 persons.

### CONCLUSION

Based on this information, and the figures that are included in this Report, we believe that the proposed assignment would be in full compliance with the Federal Communications Commission's Rules, and that Channel 261C3 could be assigned to Cherokee, Alabama as that community's first local broadcast service

Therefore, Cherokee Broadcasting Company, respectfully requests amendment of the Commission's Table of Assignments, Section 73.202(b), and will promptly apply for a construction permit, should the Federal Communications Commission make the requested assignment

Respectfully,

A handwritten signature in black ink, appearing to read "Kirk A. Tollett", with a stylized flourish at the end.

Kirk A. Tollett  
Consultant to Cherokee Broadcasting Company  
July 25, 2002

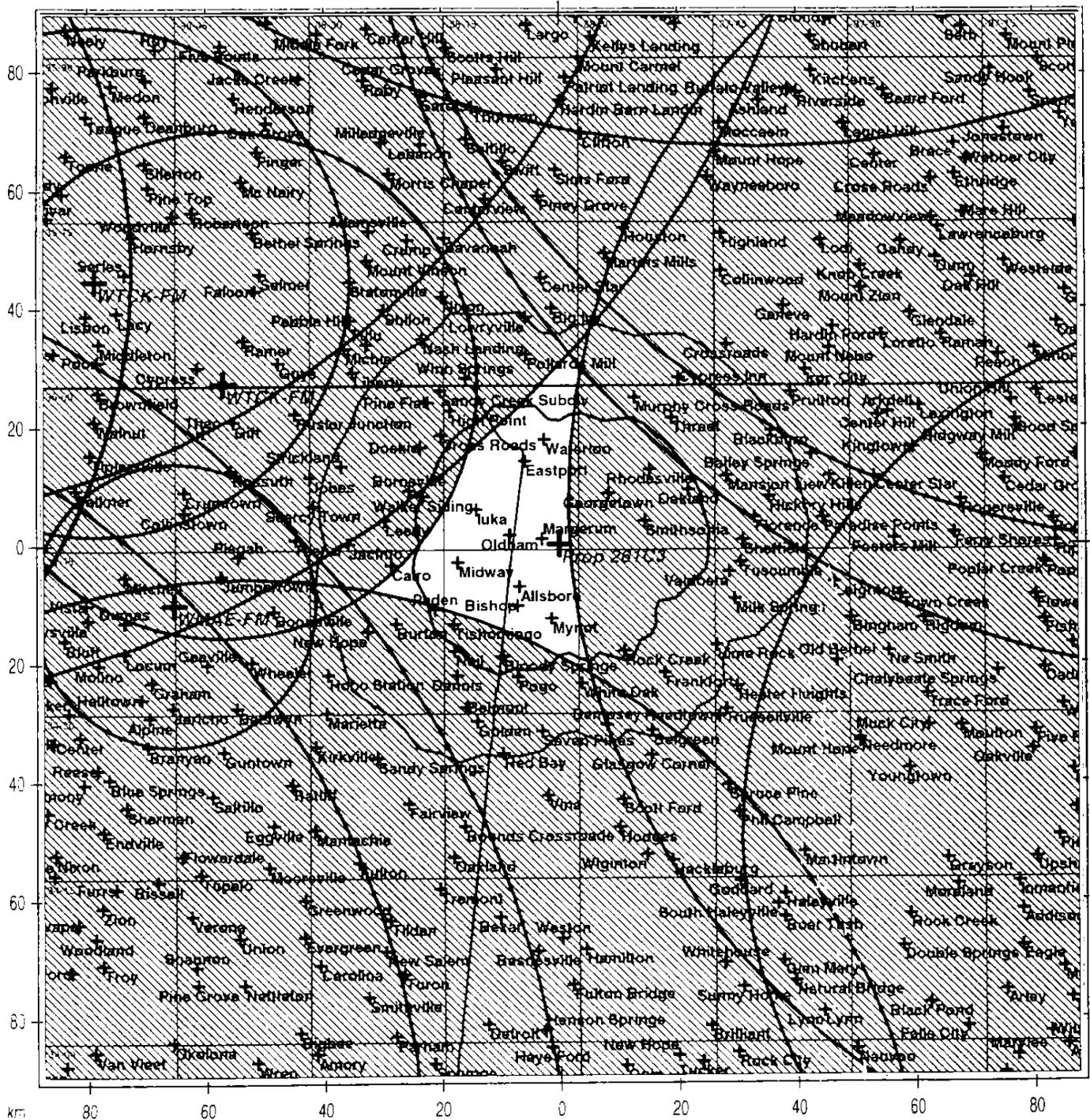
# Figure 1

search of channel 261 (100.1 MHz Class C3)  
at 34-45-30.0 N, 88-02-12.0 W.

CALL	CITY	ST	CHN	CL	DIST	S	BRNG	CLEARANCE
<b>WLAY-FM*</b>	TUSCUMB ■ A	AL	262	<b>C1</b>	30.97	144	107.8	-113.03
WLAY-FM	TUSCUMBIA	AL	262	<b>C1</b>	32.10	144	90.2	-111.90
WLAY-FM	TUSCUMBIA	AL	262	<b>C1</b>	32.10	144	90.2	-111.90
	TUSCUMBIA	AL	262	<b>C1</b>	32.10	144	90.2	-111.90
	MERIDIANVILLE	AL	262	<b>C2</b>	119.07	117	86.4	2.07
WSMS	ARTESIA	MS	260	<b>C2</b>	130.55	117	204.1	13.55
WASL	DYERSBURG	TN	261	<b>C2</b>	191.71	177	318.6	14.71
WSMS	ARTESIA	MS	260	<b>C2</b>	133.82	117	203.5	16.82
WTCK-FM	MIDDLETON	TN	264	<b>C3</b>	<b>63.22</b>	<b>43</b>	295.8	20.22
WASL	DYERSBUKG	TN	261	<b>C2</b>	198.73	177	319.1	21.73
WRLT	FRANKLIN	TN	261	<b>C3</b>	176.52	153	42.5	23.52
WRLT	FRANKLIN	TN	261	<b>C3</b>	176.52	153	42.5	23.52
<b>WQXB</b>	GRENADA	MS	261	<b>C2</b>	211.01	177	<b>236.2</b>	34.01
WRLT	FRANKLIN	TN	261	A	178.09	142	36.8	36.09
WKLT	FRANKLIN	TN	261	A	178.09	142	36.8	36.09
<b>921113MA</b>	EVA	AL	260	A	127.17	89	<b>111.5</b>	38.17
WQXB	GRENADA	MS	261	<b>C2</b>	217.01	177	238.4	40.01
<b>970109MA</b>	MIDDLETON	TN	264	<b>C3</b>	83.56	<b>43</b>	238.2	40.56
WRIL-FM	EVA	AL	260	A	129.63	89	<b>112.2</b>	40.63
WMAE-FM	BOONEVILLE	MS	208	<b>C1</b>	66.26	24	261.3	42.26
WTCK-FM	<b>MIDDLETON</b>	TN	264	<b>C3</b>	90.35	<b>43</b>	299.8	47.35
WASL	DYERSBURG	TN	261	A	<b>190.99</b>	142	<b>320.2</b>	48.99
WQXB	GRENADA	MS	261	A	197.29	142	236.9	55.29
<b>WVVR</b>	HOPKINSVILLE	KY	262	C	245.34	176	7.6	69.34
WWR	HOPKINSVILLE	KY	262	C	245.34	176	7.6	69.34
WMC-FM	MEMPHIS	TN	259	C	174.95	96	285.7	78.95
WMC-FM	MEMPHIS	TN	259	C	175.00	96	285.7	79.00
WMC-FM	MEMPHIS	TN	259	C	175.01	96	285.7	79.01

TO Meridianville, AL per MB Docket No. 02-114/RM-10426

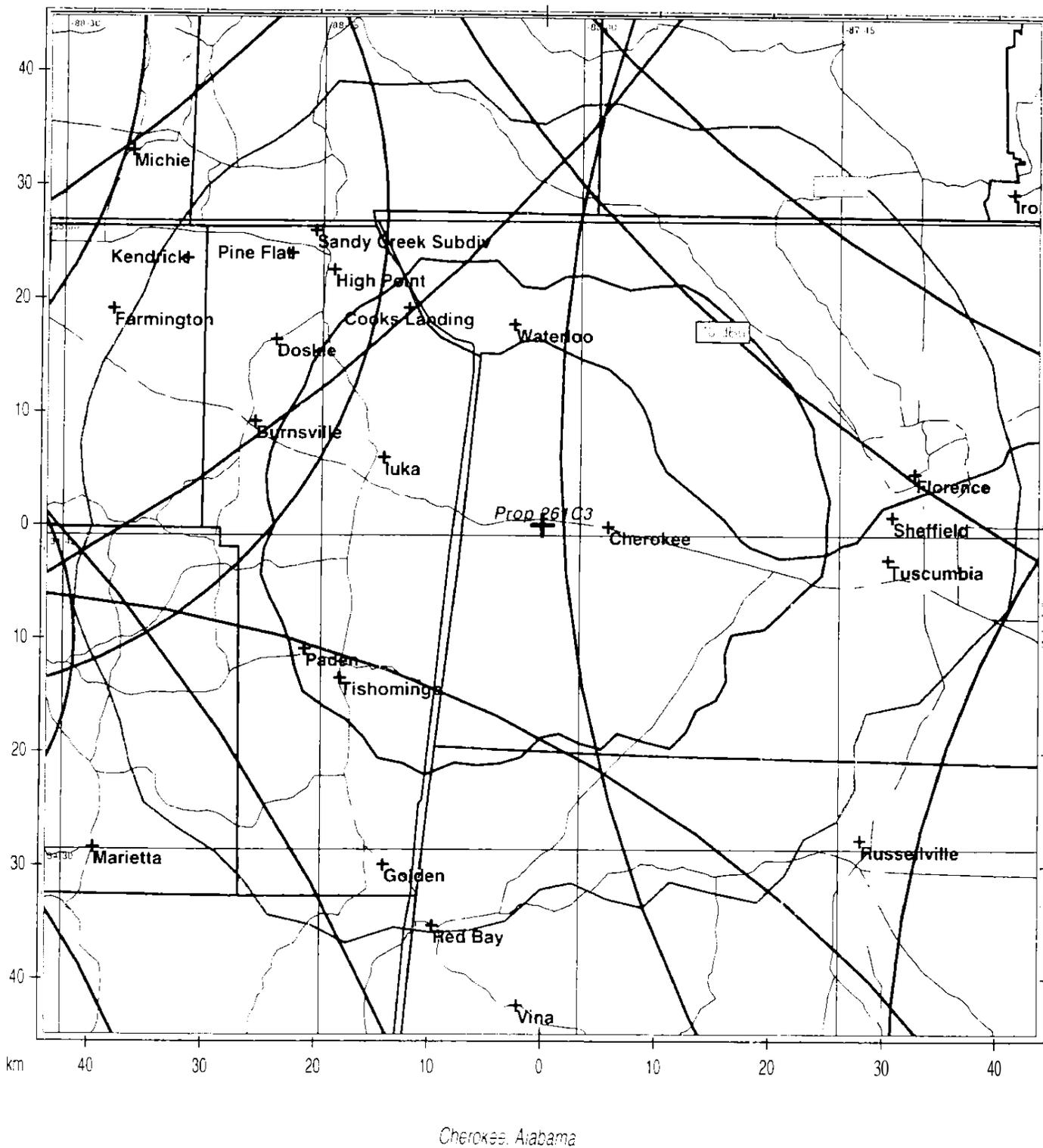
Proposed Channel 261C3



Cherokee, Alabama

State Borders Lat/Lon Grid

Proposed Channel 26.1 C3 25.0 kW @ 100 Meters HAAT



County Borders    State Borders    City Borders    Highways    Lat/Lon Grid

## CERTIFICATION

Kirk A. Tollett hereby certifies that;

He is owner of Commsouth Media, Inc., a broadcast consulting firm based in South Daytona, Florida;

His qualifications in broadcast matters are a matter of record before the Federal Communications Commission having been presented and accepted on many occasions over the past:

That he has been retained by Cherokee Broadcasting Company, for the purpose of developing technical exhibits and analyses for the instant filing;

That the accompanying technical report and exhibits were developed by him personally or under his immediate supervision and that all the information presented therein is true and correct to the best of his knowledge and belief.

Signed and dated this 25th day of July, 2002.



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Kirk A. Tollett  
Commsouth Media, Inc  
400 Venture Drive, Suite A  
South Daytona, Florida 32119  
(386)788-0899  
Fax (386)788-8206  
[kirk@commsouthmedia.com](mailto:kirk@commsouthmedia.com)