



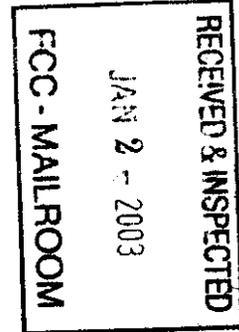
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C40203
Tracing letter

Federal Communications Commission
Washington, D.C. 20554

December 20, 2002

Barry D. Umansky, Esq.
THOMPSON HINE, LLP
1920n Street, N.W., Suite 800
Washington, D.C. 20036-1600



Dear Mr. Umansky:

This concerns the petition for rulemaking which you submitted on behalf of Cole Camp Community Broadcasters ("CCCB"), requesting the allotment of Channel 273A to Cole Camp, Missouri, as that community's first local aural transmission service.

CCCB's proposal for Channel 273A at Cole Camp must be returned as unacceptable for filing because it is short-spaced to the authorized transmitter site of Station KMMO-FM, Channel 275C1, Marshall Missouri. Although you explain that the Commission has granted a construction permit (File No. BPH-20000811AAQ) for Station KMMO-FM that is not short-spaced to CCCB's petition for rulemaking, CCCB's rulemaking petition remains short-spaced to Station KMMO's licensed transmitter site and will retain that short-spacing until the station makes the changes permitted by the construction permit and is licensed at that location. Pursuant to Section 73.208(a)(1)(i), a petition for rulemaking may not be short-spaced to either the authorized transmitter site of Station KMMO-FM or the referenced construction permit application that has received protection pursuant to Section 73.208(a)(3) of the Commission's Rules. *See Cut and Shoot, Texas*, 11 FCC Rcd 16383 (1996).

In addition CCCB's rulemaking petition is short-spaced to an application (File No. BMPH-20020925ABQ) filed by Station KMMO-FM on September 25, 2002, the day before CCCB's rulemaking petition was filed. Thus, CCCB's petition for rulemaking does not comply with Section 73.208(a)(3)(iii) of the Commission's Rules and must be returned pursuant to that rule.

Accordingly, the petition for rulemaking submitted on behalf of Cole Camp Community Broadcasters is returned as unacceptable for consideration.

Sincerely,

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

September 26, 2002

By *Messenger*

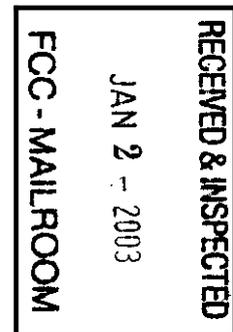
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street S.W.
Room TW-204B
Washington, DC 20554

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SEP 26 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Petition for Rule Making
Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Cole Camp, MO



Dear Ms. Dortch:

Transmitted herewith, on behalf of Cole Camp Community Broadcasters ("CCCB"), are an original and four copies of a Petition for Rule Making to amend the FM 'Table of Allotments

It respectfully is requested that the enclosed "stamp and return" copy of this transmittal be date-stamped as "received" and returned to us in the enclosed, stamped self-addressed envelope.

Should any questions arise in connection with this matter, please communicate directly with undersigned counsel for CCCB.

Very truly yours,

A handwritten signature in black ink, appearing to read "Barry D. Umansky".

Barry D. Umansky

Enclosures

cc: Mr. Kenneth Kuenzie

pdp 119609 1

RECEIVED

SEP 26 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
Cole Camp, MO)

RECEIVED & INSPECTED
JAN 2 - 2003
FCC - MAILROOM

PETITION FOR RULE MAKING

Cole Camp Community Broadcasters ("CCCB"), by its attorneys, hereby requests the Commission to institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules -- the FM Table of Allotments -- to allot Channel 273A to Cole Camp, MO as that community's first local aural service. CCCB proposes an amendment to the FM Table of Allotments as follows:

	Channel Number	Channel Number
City	Present	Proposed
Cole Camp, RIO	-----	273A

I. ARGUMENT

Cole Camp, MO is an incorporated city of 1028 persons (2000 Census). Cole Camp has its own municipal government, its Cole Camp Chamber of Commerce office and is the site of a regional library. It has both a municipal police department and a municipal fire department. It

also is the site of a Missouri State Department of Transportation office. It has its own post office and zip code (65325). Several fraternal organizations maintain offices in Cole Camp.

The city has an elementary school with 324 students, a middle school with 191 students and a high school with 242 students. There also are over a dozen retail stores in the city

CCCB has determined that Channel 273A can be allocated to the City of Cole Camp, consistent with Section 73.207 of the Commission's Rules, as its first local aural service. The attached engineering study of the proposed allocation demonstrates compliance of the proposal with the technical standards for allocating a new channel. The proposed Channel 273A allotment can be awarded to Cole Camp in full compliance with the FM spacing rules.'

The reference coordinates for operation of the proposed Cole Camp Channel 273A are 38° 34' 33.4" North Latitude, 93° 07' 38.3" West Longitude. As set forth in the attached Engineering Exhibit, operation from these coordinates would provide a 70 dBu city grade signal to Cole Camp

If the Commission amends the FM Table of Allotments in the fashion requested herein, CCCB promptly will file an application for such facilities, swiftly will place those facilities in operation if the application is granted and also will seek a license covering such FM broadcast facilities.

'Until recently, there was a predicted short-spacing with the licensed facilities of Station KMMO-FM, Marshall, MO, operating on that Channel 275C1 allotment. However, the licensee of Station KMMO-FM filed an application (BPH - 20000811AAQ), which was accepted for filing by the Commission ("Broadcast Applications," Report No. 24804, August 23, 2000). On September 6, 2002, the Station KMMO-FM minor change application was granted by the Commission. The modified facilities of Station KMMO-FM, now authorized by the FCC, serve to eliminate the short spacing condition that once had existed.

II. CONCLUSION

As mentioned above, the proposal set forth in this petition would provide Cole Camp, MO with its first local, aural transmission service, an essential outlet for local expression. Therefore, this proposal would result in a preferential arrangement of FM allotments and thereby serve the public interest. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1992). As such, we urge the Commission to institute a rule making responsive to the CCCB proposals.

Respectfully submitted,

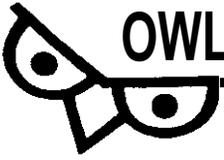


Barry D. Umansky
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1920 N Street, N.W. Suite 800
Washington, DC 20036-1600
202-263-4128

Counsel for

Cole Camp Community Broadcasters

September 26, 2002



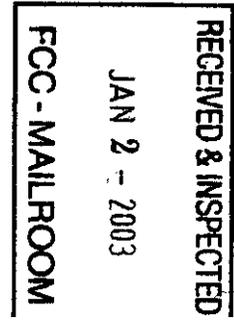
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CONSULTING COMMUNICATIONS ENGINEERS EMC TEST LABORATORIES

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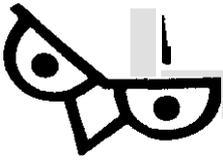
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**ENGINEERING STATEMENT ON BEHALF OF
COLE CAMP COMMUNITY BROADCASTERS
IN SUPPORT OF A PETITION TO AMEND
THE FM TABLE OF ALLOTMENTS
CHANNEL 273 COLE CAMP, MISSOURI**

September 20.2002



ENGINEERING & EMC TEST , INC.

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1-800-797

Owl Engineering, Inc. has been retained by **Cole Camp Community Broadcasters** to prepare this engineering statement in support of a Petition to Amend the FM Table of allotments, FCC Rule Section 73.202(b) *as follows*:

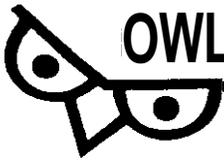
<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Cole Camp, MO	----	273A

The reference coordinates for Cole Camp used in this study are:

<p>NAD 27 38° 34' 33.4" North Latitude 93° 07' 38.3" West Longitude</p>

These coordinates are based on the reference coordinates for the transmitter location needed to provide coverage to the community of Cole Camp, Missouri. The community of Cole Camp has a population of 1,022 persons based on 2000 US Census data.

An engineering study was performed to determine compliance with FCC Rule Section 73.207 regarding the Commission's minimum mileage spacing requirements. Included is a channel allocation study based on the reference coordinates listed above. As can be seen from this exhibit the Cole Camp Community Broadcasters's proposal is in complete conformance with FCC Rule Section 73.207. There is an area to locate a transmitter site that will satisfy these minimum mileage spacing requirements and FAA obstruction concerns.



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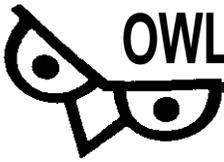
***** FM CHANNEL SPACING STUDY *****

Proposed latitude: N 38 34 33.40
Proposed longitude: W 93 7 38.30
Database file name: C:\FCCnewdata\2002
Use pre-1989 Class A spacings!: N

Proposed channel: 273A

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
273C	KEZK-FM	13882	ST. LOUIS	MO	LIC	89.2	244.2	226.0	18.2
273C	KEZK-FM	13901	ST. LOUIS	MO	LIC	88.2	243.2	226.0	17.2
273C	KEZK-FM	13924	ST. LOUIS	MO	LIC	89.2	244.2	226.0	18.2
273C2	KKDY	14416	WEST PLAINS	MO	LIC	152.3	235.9	166.0	
273C2	KKDY	14431	WEST PLAINS	MO	LIC	152.2	232.5	166.0	
276A		14479	LINN	MO	ADD	94.8	111.7	31.0	
276A		14489	LINN	MO	DEL	94.8	111.7	31.0	
272A	KJFW-FM	15090	WAYNESVILLE	MO	LIC	134.3	119.8	72.0	
274C3	KJPWFM	15097	WAYNESVILLE	MO	ADD	134.3	119.8	72.0	
272A	KJPW-FM	15103	WAYNESVILLE	MO	ADD	134.3	119.8	72.0	
274A	KJPWFM	15108	WAYNESVILLE	MO	ADD	134.3	119.8	72.0	
270A	DKRMX	15123	ELDON	MO	LIC	124.7	57.6	31.0	
219C3	KCVO-FM	15132	CAMDENTON	MO	LIC	152.3	69.6	12.0	
274A	KQUL	15134	LAKE OZARK	MO	LIC	141.1	77.1	72.0	5.1
270A	DKBMX	15149	ELDON	MO	LIC	124.7	51.6	31.0	
274A	920507MC	15152	LAKE OZARK	MO	LIC	137.8	72.4	72.0	0.4
270A	NEW	15176	ELDON	MO	APP	134.9	64.7	31.0	
270A	NEW	15177	ELDON	MO	APP	123.9	58.8	31.3	
270A	NEW	15179	ELDON	MO	APP	124.7	57.0	31.0	
270A	NEW	15181	ELDON	MO	APP	119.2	53.6	31.0	22.6
270C1	KEMX	15183	ELDON	MO	ADD	132.5	82.9	75.0	7.9
272C3	KBXR	15209	COLUMBIA	MO	LIC	56.3	88.6	89.0	-0.4
272A	NEW	15808	WHEATLAND	MO	ADD	202.9	71.9	72.0	-0.1
219A	KMVC	15849	MARSHALL	MO	LIC	354.7	59.4	10.0	
275C1	KMMO-FM	15863	MARSHALL	MO	APP	354.2	80.5	75.0	5.5
273C1	KIXQ	16459	JOPLIN	MO	LIC	217.1	207.6	200.0	7.6
273C1	KIXQ	16486	JOPLIN	MI	LIC	217.1	207.6	200.0	7.6
273C1	KIXQ	16509	JOPLIN	MO	AFF	218.1	207.7	200.0	7.7
220A	990104MM	16514	LAKE LOCTAWANA	MO	APP	230.3	97.1	10.0	
271C	KSRC	16522	KANSAS CITY	MO	LIC	293.9	138.9	95.0	

***** End of channel 273 study *****



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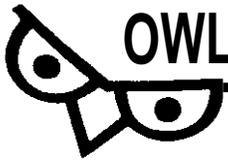
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Further analysis was performed to determine compliance with FCC Rule Section **73.315** regarding City Grade (70-dBu) service to the community of Cole Camp. The effective antenna height for each of the eight standard 45-degree spaced radials, along with the radial through the principal community was used in conjunction with the F(50.50) metric curves of Figure 1 of Section **73.333** of the Rules was used to determine the distances to the 70 dBu coverage contour, as required by the Rules. This analysis shows that all of Cole Camp will receive a signal in excess of 70 dBu, there meeting the coverage requirements of the Rules. Figures I shows the predicted 70-dbu signal coverage contour.

An engineering study was performed to determine the number of persons predicted to be served by a Class **A** facility located at the reference coordinates. The 60-dBu contour was calculated for a maximized Class **A** facility and it was determined that a total of 41,680 persons are encompassed within the 60-dBu-signal coverage area.



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Summary

Based on the engineering studies provided, the following conclusions can be obtained:

1. The proposal will provide Cole Camp, Missouri with a local full time broadcast service.
2. The proposal meets the requirements of FCC Rule Section 73.315
3. The proposal meets the requirements of FCC Rule Section 73.207
4. Based on 1990 US Census data 41,680 persons will be served by a signal of 60 dBu or greater with a transmitter located at the reference coordinates.

Respectfully Submitted,

A handwritten signature in black ink that reads "Garrett G. Lysiak".

Garrett G. Lysiak, P.E

September 20, 2002

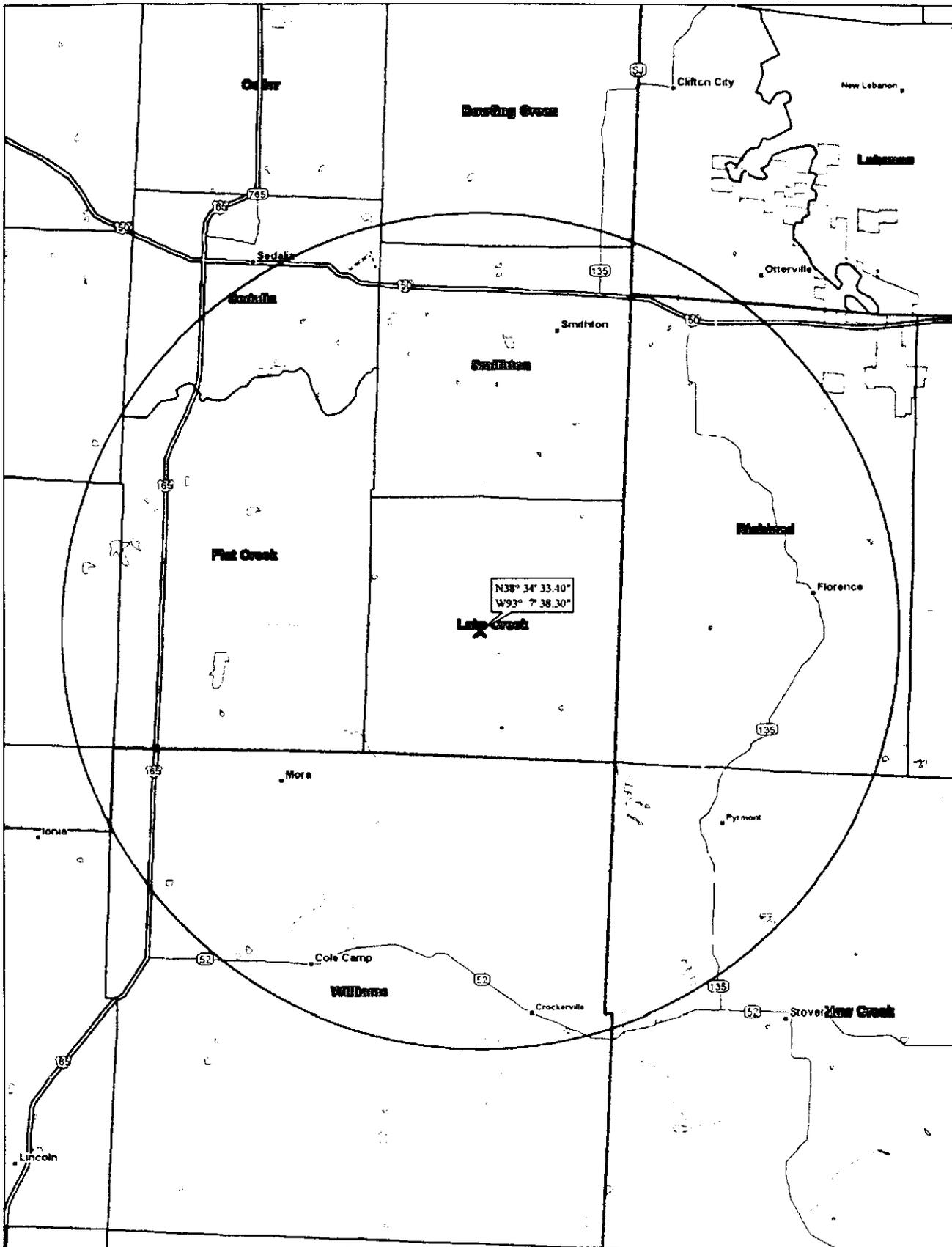


FIGURE 1