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AUG 7 2003

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August 1, 2003  
VIA FIRST-CLASS MAIL

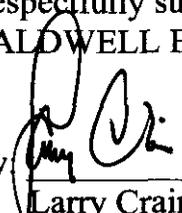
Federal Communications Commission  
Office of the Secretary  
445 Twelfth Street, S.W.  
TW-A325  
Washington, D.C. 20554

RE: KKSJ (FM)  
Bald Knob and Greenbrier, Arkansas

To Whom It May Concern:

Enclosed please find an original and four (4) copies of a Petition for Rulemaking seeking to effect a change in the city of license of FM broadcast station KKSJ, presently assigned to Bald Knob, Arkansas. Should there be any questions, please contact the undersigned.

Respectfully submitted,  
CALDWELL BROADCASTING, LLC

By   
Larry Crain, Managing Member

Enclosures

FILED AS REC'D 0+4  
FLOODE  
MB-FM  
03-254

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

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AUG 7 2003  
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In the Matter of )  
 )  
Amendment of Section 73.202(b), ) MB Docket No. \_\_\_\_\_  
Table of Allotments, ) RM - \_\_\_\_\_  
FM Broadcast Stations. )  
(Bald Knob and Greenbrier, Arkansas )

To: Chief, Audio Division  
Media Bureau

PETITION FOR RULE MAKING

Caldwell Broadcasting, LLC ("Caldwell"), licensee of Station KKSX (FM), hereby requests that the Commission amend the FM Table of Allotments to delete Channel 296 C-3 at Bald Knob, Arkansas and allot Channel 296 C-3 to Greenbrier, Arkansas. No other changes are requested. If this petition is granted, Caldwell will file an application for a construction permit on Channel 296 C-3 at Greenbrier and construct the facilities promptly upon grant of its application. In support hereof, Caldwell states as follows:

1. The following table summarizes the changes requested in this Petition:

Approved \_\_\_\_\_  
DATE \_\_\_\_\_

Petition for Rulemaking  
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Community	Channel No.	
	Present	Proposed
Greenbrier, Arkansas	-----	296 C-3
Bald Knob, Arkansas	296 C-3	-----

2. As demonstrated in Figure 1 of the Engineering Exhibit, Channel 296 C-3 can be allotted to Greenbrier, Arkansas at the following reference coordinates: 35-17-28 N / 92-19-14 W consistent with Section 73.207 of the Commission's Rules. (See Engineering Exhibit, Figure 1) From the allotment coordinates, a 70 dBu signal is provided over all of Greenbrier. (See Engineering Exhibit, Figure 2.) A gain / loss study is provided in Figure 3 of the Engineering Exhibit, showing the area that will receive a new service as a result of this move as well as the area that KKSJ will no longer serve. The proposed move would result in a net increase of 63,555 persons, or 83%. KKSJ (FM) is presently short-spaced at Bald Knob. As a fully-spaced Greenbrier station, KKSJ (FM) could increase its coverage area by 698 km<sup>2</sup>, or 18%. A remaining services study is provided in Figure 4 of the Engineering Exhibit. This study demonstrates that there will be no white or gray area created by the proposed move.

3. Caldwell desires to change the community of license for Station KKSJ (FM) from Bald Knob to Greenbrier under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989), *recon granted in part*, 5 FCC Rcd 7094 (1990) ("*Community of License*"). There, the Commission stated that a station may change its community of license without subjecting the licensee to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 296 C-3 at Greenbrier is mutually exclusive with the current use of Channel 296 C-3 at Bald Knob. (See Engineering Exhibit, Figure 1) Second, Bald Knob will not be deprived of its only local service because it is currently served by daytime AM station KAPZ. See *Headland, Alabama, and Chattahoochee, Florida*, 10 FCC Rcd

20 (1995). Third, the provision of a first local service at Greenbrier (2000 population 3042) under Priority 3 will result in a preferential arrangement of allotments over the retention of Channel 296 C-3 at Bald Knob (2000 population 3210) under Priority 4. See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

4. Greenbrier, Arkansas is a community for allotment purposes. Greenbrier is an incorporated community with a 2000 population of 3042 persons (2000 U.S. Census). See *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, (1982) (requirement of an allocation to a community is generally satisfied if the community is either incorporated or listed in the U.S. Census). Greenbrier has experienced rapid growth in recent years, growing from 2130 residents in 1990 to 3042 in 2000, a 43 percent increase. Greenbrier, Arkansas is self-governing with its own Mayor, City Council, and volunteer fire department, police department and municipal court. Greenbrier has its own municipal water and sewer system, public library (the Greenbrier Public Library), school district (Greenbrier

School District) including an elementary school, middle school, junior high, and high school. Further, there are several churches, banks, restaurants, and other businesses and organizations that serve the community of Greenbrier. Many of these businesses and organizations incorporate the community's name in its business or organization. Some examples are: Bank of Greenbrier, Greenbrier Family Medicine, Greenbrier Animal Clinic, Greenbrier Auto Sales, Greenbrier Pharmacy, Greenbrier United Methodist Church, Greenbrier Travel Center. See *Kenansville, Florida*, 10 FCC Rcd 9831 (1995) (existence of a number of organizations that incorporate the community's name is indicative of community status).

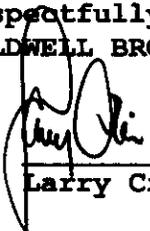
5. Greenbrier is not located within an urbanized area. The City-Grade (70 dBu) contour of Channel 296 C-3 at Greenbrier will not cover more than 50% of the Little Rock Urbanized Area, therefore a *Tuck* analysis is not required.
6. Grant of this petition is in the public interest because Greenbrier, Arkansas will receive its first local service.

Petition for Rulemaking  
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Caldwell reiterates that if the Commission allocates Channel 296 C-3 to Greenbrier, Arkansas, it will file an application and construct the facility. Caldwell prays that the Commission will promptly issue a Notice of Proposed Rulemaking as requested herein.

7. The information contained in this Petition for Rulemaking is true and correct to the best of my knowledge and belief.

Respectfully submitted,  
CALDWELL BROADCASTING, LLC

By: 

\_\_\_\_\_  
Larry Crain, Managing Member

August 1, 2003

Caldwell Broadcasting, LLC  
425 West Capitol Avenue  
Suite 1584  
Little Rock, Arkansas 72201  
501.537.0720

Engineering Exhibit

Petition for Rulemaking

KKSY (FM), Channel 296 C3

Caldwell Broadcasting, LLC

This exhibit is provided in support of a Petition for Rulemaking (“PRM”) on behalf of Caldwell Broadcasting, LLC (“Caldwell”) to change the community of license of FM broadcast station KKSY from Bald Knob to Greenbrier, Arkansas. This PRM would also change the reference coordinates of KKSY.

Caldwell requests the following changes to the Table of Allotments:

<u>Community</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Greenbrier, Arkansas	-----	296 C3
Bald Knob, Arkansas	296 C3	-----

Figure 1 is an allocation study showing that the proposed coordinates for channel 296 C3 at Greenbrier are fully spaced to all other stations.

Figure 2 is a map demonstrating compliance with Section 73.315(e), showing that the proposed facility places a hypothetical 70 dBu contour over 100% of Greenbrier.

Figure 3 is a gain / loss study, showing the area that will receive a new service as a result of this move as well as the area that KKSY will no longer serve.

Figure 4 is a remaining services study. This study demonstrates that there will be no white or gray area created by the proposed move.

Based on the foregoing and the information provided in the attached figures, it is believed that this proposal conforms to the Commission’s engineering

standards set forth in its rules and regulations governing Petitions for Rulemaking.

Should there be any questions regarding this exhibit, please contact the undersigned.

Gray Media Corporation

By:   
Scott A. Gray, President

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KKSY - 296 C3  
Greenbrier, Arkansas

Allocation Study at  
Proposed Allotment Site

N 35 17 28 / W 92 19 14

Figure 1

Note	Callsign	Latitude (NAD27)	Longitude (NAD27)	City	State	Channel	Class	Status	Dist (km)	Req'd Min	Clearance	ERP	HAAT	Beangng
1	KKSY	N35 17 28	W092 19 14	GREENBRIER	AR	296 107 1 MHz	C3	PRM	0 00	153	-153 00	25 0	100	0
2	KKSY	N35 17 29	W091 40 24	BALD KNOB	AR	296 107 1 MHz	C3	LIC	58 87	153	-94 13	19 0	93	90
	KLAL	N34 36 34	W092 14 14	WRIGHTSVILLE	AR	299 107 7 MHz	C1	CP	76 00	76	0 00	100 0	226	174
	KHKN	N34 47 56	W092 29 53	BENTON	AR	294 106 7 MHz	C2	LIC	56 96	56	0 96	16 0	264	197
	KTHS-FM	N36 20 45	W093 29 17	BERRYVILLE	AR	296 107 1 MHz	C3	LIC	157 57	153	4 57	3 6	191	318
	KXIO	N35 33 07	W093 24 33	CLARKSVILLE	AR	295 106 9 MHz	A	LIC	103 02	89	14 02	5 9	34	286
	KOMS	N34 57 50	W094 22 34	POTEAU	OK	297 107 3 MHz	C	LIC	190 85	176	14 85	100 0	552	259
	KLAL	N34 36 24	W092 14 17	WRIGHTSVILLE	AR	299 107 7 MHz	C2	LIC	76 30	56	20 30	50 0	95	174
	NEW	N35 08 51	W092 32 09	CONWAY	AR	243 96 5 MHz	L1	APP	25 26	0	25 26	0 0	30 91	231
	KDRS-FM	N36 01 46	W090 35 50	PARAGOULD	AR	296 107 1 MHz	A	LIC	176 24	142	34 24	3 0	129	62
	KBMV-FM	N36 56 03	W091 43 07	BIRCH TREE	MO	296 107 1 MHz	C3	APP	190 20	153	37 20	25 0	100	17
	KOMT	N36 29 13	W092 29 39	MOUNTAIN HOME	AR	298 107 5 MHz	C0	APP	133 61	87	46 61	100 0	310	353
	KOMT	N36 29 13	W092 29 39	MOUNTAIN HOME	AR	298 107 5 MHz	C0	RSV	133 61	87	46 61	0 0	0	353
	KBMV-FM	N36 59 07	W091 32 54	BIRCH TREE	MO	296 107 1 MHz	C3	LIC	200 42	153	47 42	15 0	100	20
	KQIX-LP	N35 02 06	W092 47 32	PERRYVILLE	AR	243 96 5 MHz	L1	CP	51 52	0	51 52	0 0	103 5	237
	KOMT	N36 29 13	W092 29 39	MOUNTAIN HOME	AR	298 107 5 MHz	C1	LIC	133 61	76	57 61	90 0	310	353
	NEW	N35 17 29	W091 40 35	SEARCY	AR	242 96 3 MHz	DX	APP	58 61	0	58 61	0 1	0	90
	KXHT	N35 09 23	W090 05 46	MARION	AR	296 107 1 MHz	A	LIC	203 07	142	61 07	2 8	146	94
	KXFE	N33 58 11	W091 32 58	DUMAS	AR	295 106 9 MHz	C3	LIC	162 75	99	63 75	25 0	82	154
	KYXK	N33 56 42	W093 10 43	GURDON	AR	295 106 9 MHz	C3	LIC	168 79	99	69 79	17 5	92	208
	970404MO	N36 15 22	W091 55 23	HORSESHOE BEND	AR	293 106 5 MHz	C3	CP	112 94	43	69 94	12 0	145	19
	NEW	N34 37 34	W092 26 05	LITTLE ROCK	AR	297 107 3 MHz	DX	APP	74 51	0	74 51	0 1	0	188
	NEW	N34 38 36	W092 32 12	BENTON	AR	296 107 1 MHz	DX	APP	74 51	0	74 51	0 2	0	195
	KHTE-FM	N34 29 10	W092 09 27	ENGLAND	AR	243 96 5 MHz	C3	LIC	90 54	14	76 54	10 5	151	171
	NEW	N35 52 07	W091 35 14	BATESVILLE	AR	242 96 3 MHz	DX	APP	92 33	0	92 33	0 1	0	46

- 1 Proposed allocation site for subject station  
2 Applicant's presently licensed facility

Database Date JUL 29 2003

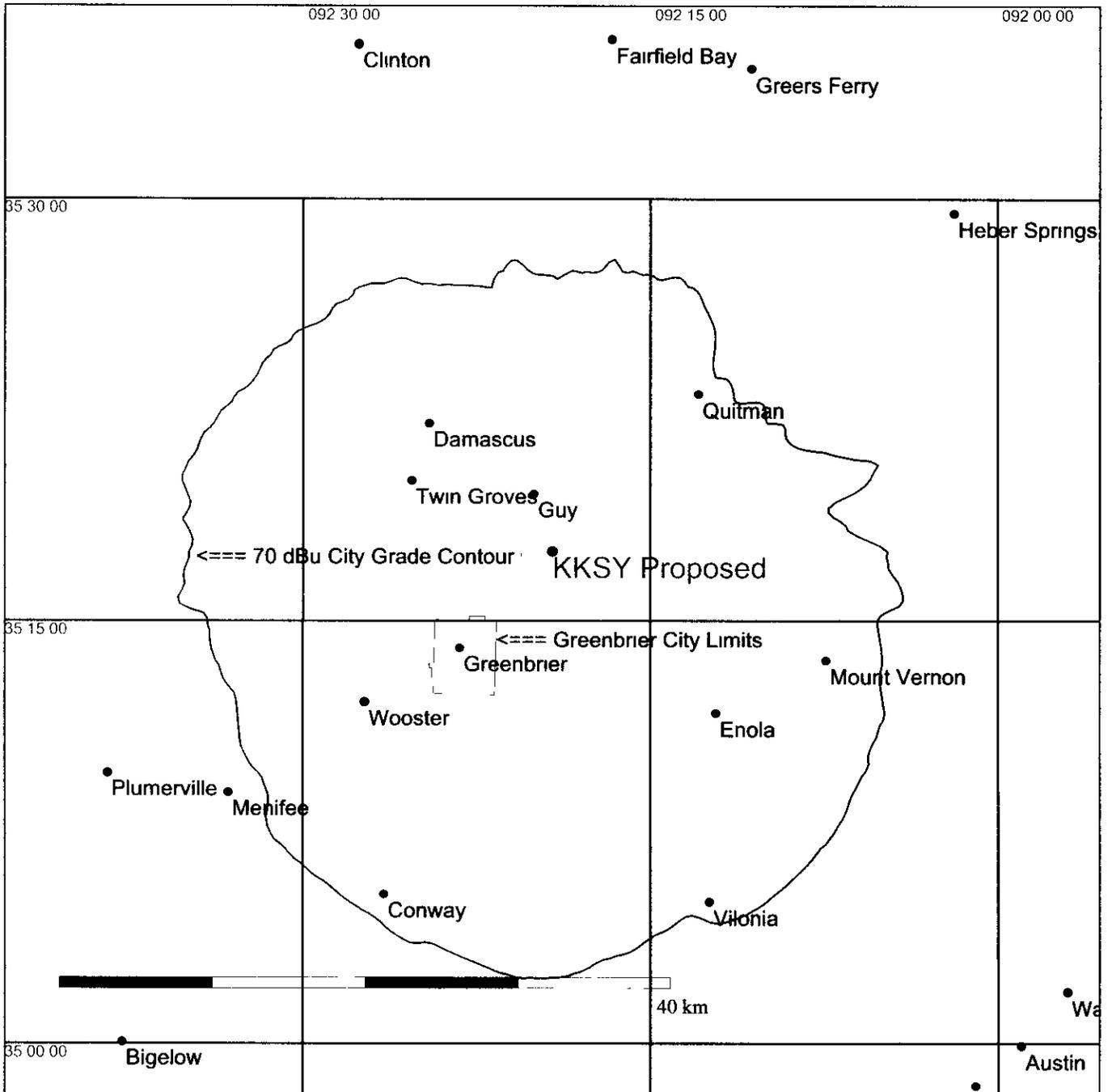
KKSY (FM) Ch 296 C3

Greenbrier, AR

FIGURE 2

Proposed 70 dBu Contour Map

N 35:17:28 / W 92:19:14



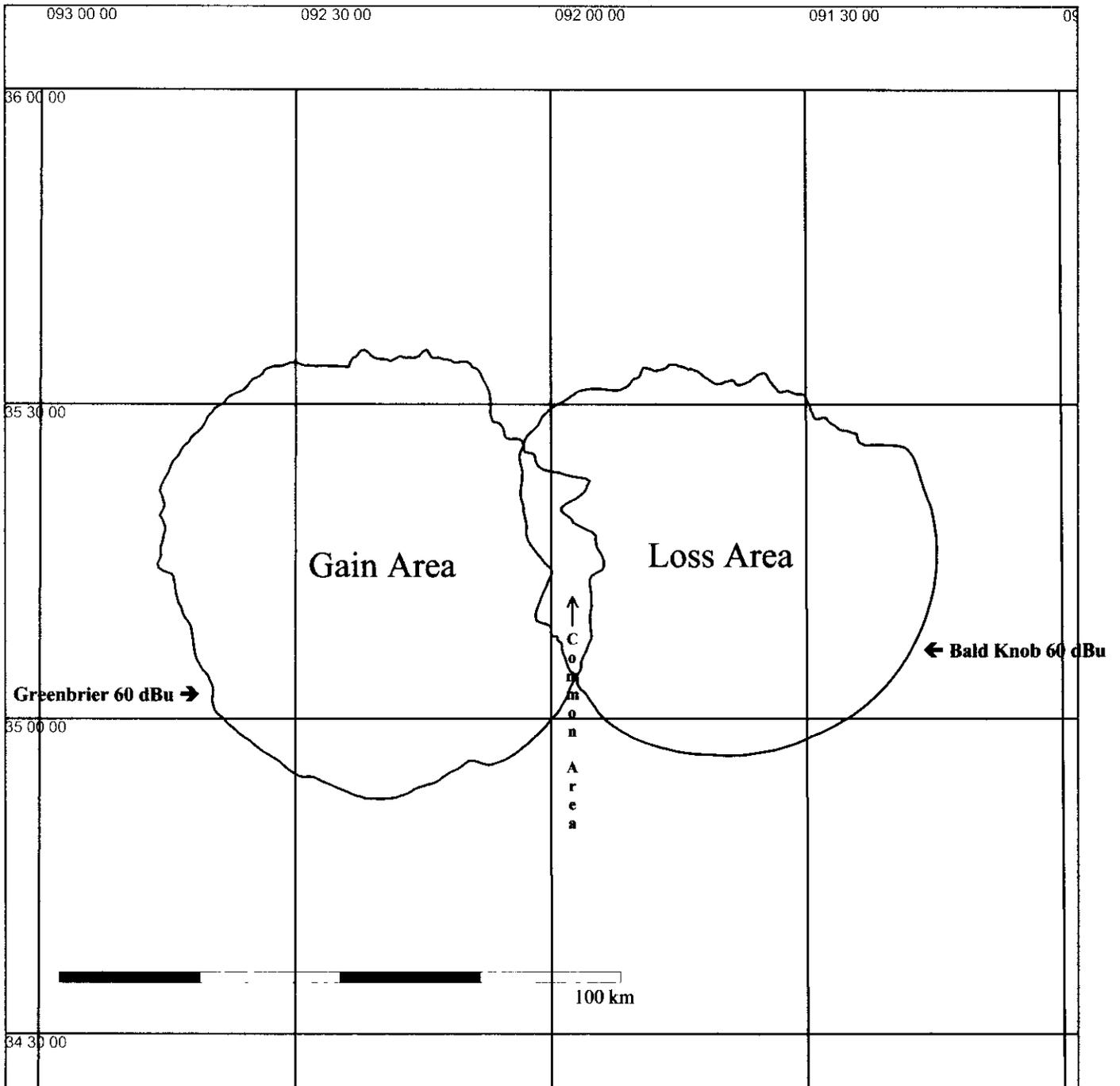
# KKSY (FM) Ch 296 C3

## Greenbrier, AR

### FIGURE 3

#### Gain / Loss Study

	<u>Area (sq km)</u>	<u>Population</u>
Greenbrier 60 dBu	4636	140586
Bald Knob 60 dBu	3938	77031
Common Area	308	3949
Gain Area	4328	136637
Loss Area	3630	73082

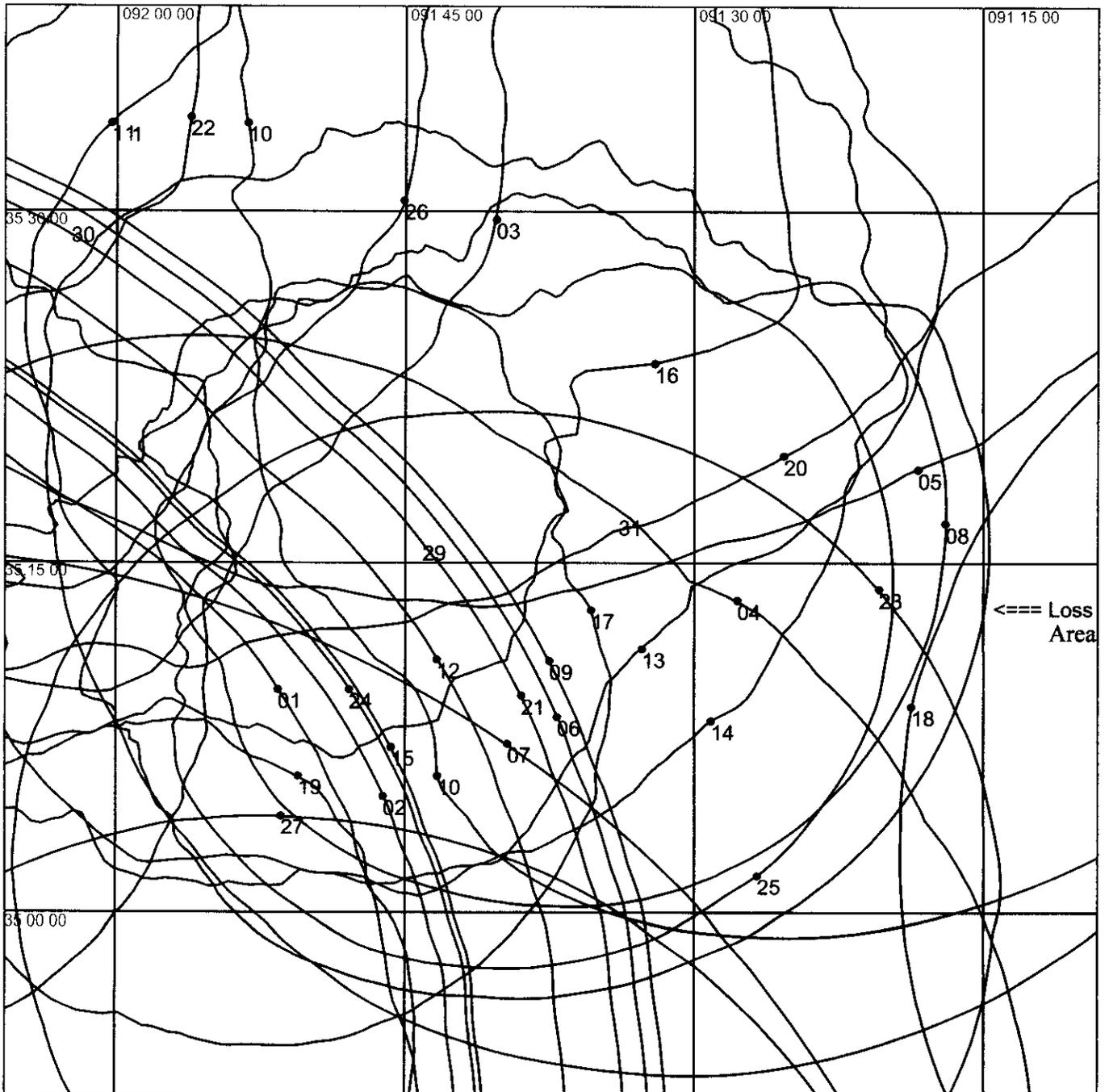


# KKSY (FM) Ch 296 C3

## Greenbrier, AR

### FIGURE 4

#### Remaining Services Study



Note: The contour of #28 (KAAY) completely encompasses the loss area.

KKSY (FM) Ch 296 C3

Greenbrier, AR

FIGURE 4

FM Stations		Remaining Services Study	
<u>Map Key</u>	<u>Call Sign</u>	<u>Channel</u>	<u>City of License</u>
1	KABF	202 C1	Little Rock
2	KUAR	206 C1	Little Rock
3	KBMJ	208 C1	Heber Springs
4	KBDO	219 C1	Des Arc
5	KZLE	226 C1	Batesville
6	KKPT	231 C	Little Rock
7	KMSX	235 C	Maumelle
8	VACANT	237 A	Judsonia
9	KSSN	239 C	Little Rock
10	KOKR	244 C2	Newport
11	KABK-FM	249 C2	Augusta
12	KURB	253 C	Little Rock
13	KSMD	256 C3	Pangburn
14	KWCK-FM	260 C2	Searcy
15	KDJE	262 C1	Jacksonville
16	KAWW-FM	264 C2	Heber Springs
17	KBGR	268 A	Beebe
18	KTRQ	272 C2	Colt
19	KARN-FM	273 A	Cabot
20	KWOZ	277 C	Mountain View
21	KABZ	279 C	Little Rock
22	KBCN-FM	282 C	Marshall
23	KFLI	284 C3	Des Arc
24	KMJX	286 C1	Conway
25	VACANT	289 A	Kensett
26	KFFB	291 C2	Fairfield Bay
27	KLEC-FM	292 C2	Lonoke

AM Stations

	<u>Call Sign</u>	<u>Freq / Class</u>	<u>City of License</u>
28	KAAY*	1090 A	Little Rock
29	KWCK**	1300 D	Searcy
30	KAWW**	1370 D	Heber Springs
31	KAPZ**	710 D	Bald Knob

\* Contour completely encompasses loss area.

\*\* Local stations, but not fulltime stations. Indicated by tower site only.