



Federal Communications Commission
Washington, D.C. 20554

August 8, 2003

Mr Dana J Puopolo
2134 Oak Street, Unit C
Santa Monica, California 90405

Dear Mr. Puopolo

This is in response to the amended petition for rule making you filed on July 14, 2003, requesting the allotment of Channel 258C3 at Cedaredge, Colorado, as the community's first local aural transmission service

We have reviewed your amended proposal and find that it is unacceptable for consideration at this time. A staff engineering analysis indicates that while the requested site which you specify in your amended proposal (38-47-49 NL and 107-42-04 WL) meets all spacing requirements in accordance with Section 73.207 of the Commission's Rules, it will not provide the entire community of Cedaredge with the required 70 dBu city-grade signal service contour. See Section 73.315(a) of the Commission's Rules.

For the reason stated above, we are returning your petition for rule making for Cedaredge, Colorado. You may refile your petition, provided that your proposal is in full compliance with the Commission's Rules

Sincerely,

A handwritten signature in black ink that reads "John A. Karousos".

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

Enclosures

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D C 20554

In the matter of)
Amendment of Section 73 202 (b)) MB Docket No _____
Table of Allotments)
FM Broadcast Stations) RM-_____
(Cedaredge, Colorado))

AMENDMENT TO PETITION FOR RULEMAKING

To the Chief Allocations Branch

Dana J Puopolo ("Petitioner") respectfully submits an amendment to his original petition for rulemaking in the above captioned proceeding. In support whereof the following is stated:

1. Petitioner initially proposed the Commission allot FM channel 248C2 to Cedaredge, CO as its first commercial FM service. Recently it has come to his attention that this proposal is mutually exclusive to another rulemaking he filed seeking the allotment of FM channel 249C3 to Orchard Mesa, CO. To eliminate the mutual exclusivity with these proposals, petitioner now respectfully requests that the Commission allot FM channel 258C3 in lieu of channel 248C2 to Cedaredge. This would require amending Section 73 202(b) of the Commission's rules as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Cedaredge, CO	-	258C3

2. Cedaredge is an incorporated town located in Delta County, Colorado. In 2000, the U.S. Census Bureau estimated that Cedaredge had a population of 1854 persons. Cedaredge has all the qualities of a town including an elected Mayor, City Hall, Police Department, Fire Department, Public Library, Animal Control Department, water treatment plant, Ambulance, 13 churches, 9 restaurants, a grocery store and Post Office. The Delta County Independent newspaper is published in Cedaredge. Cedaredge serves as the regional business center of the area.

3. FM channel 258C3 can be assigned to Cedaredge in full compliance with the Commission's minimum distance separation requirements. This is illustrated in the attached spacing study. Coordinates used are N 38 47 49, W 107 42 04 and are located approximately 21 Km SE of Cedaredge. This site restriction is necessary to prevent a short spacing with station KEKB, Fruita, CO.

4. Petitioner or an entity with which he is affiliated, intends to apply for a construction permit to activate FM channel 258C3 if it is allotted to Cedaredge as proposed. If his application is granted, he shall promptly construct and operate the proposed station.

6. Petitioner hereby verifies and affirms that the statements given in this amendment are his, and are accurate to the best of his knowledge.

Respectfully submitted,


Dana J Puopolo
2134 Oak St, Unit C
Santa Monica, CA 90405
July 3, 2003

Cedaredge258C3

FM spacing study channel 258C3, Cedaredge, CO
at coordinates: 38° 47' 49" Latitude, 107° 42' 04" Longitude

CHAN	FREQ	CALL	LOCATION		DIST	REQ	CLEAR
256C3	99.1	KMTS	GLENWOOD SPRINGS	CO US	87	43	44
257A	99.3	PRM	LAKE CITY	CO US	92	89	3
258C	99.5	KQMT	DENVER	CO US	237	237	0
259C2	99.7	KPTE	DURANGO	CO US	162	117	45
260C	99.9	KEKB	FRUITA	CO US	96	96	0
261C2	100.1	PRM	CREEDE	CO US	131	56	75

Notes:

All distances are in kilometers.
Only stations clearing by less than 125 Km are shown.

