

Before the
Federal Communications Commission
Washington, DC

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Federal Communications Commission
Office of the Secretary
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Federal Communication Commission
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In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations
(Silver Cliff and Walsenburg, Colorado)

To: Assistant Chief, Audio Division
Media Bureau

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Federal Communications Commission
Office of the Secretary

PETITION FOR RULEMAKING

Argentum FM Society ("Argentum"), by its attorney, hereby requests that the Commission amend the Table of Allotments as follows:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Silver Cliff, CO	--	268C3
Walsenburg, CO	267C3	266C3

In support thereof, the following is stated

Attached hereto is a Technical Statement which demonstrates that Channel 268C3 can be allotted at 38° 04' 37" N, 105° 33' 15" W, which will prevent any shortspacing from occurring with any currently authorized or proposed facility other than a vacant allotment for Channel 267C3 at Walsenburg, Colorado. That short-spacing can be eliminated by re-allotting Channel 267C3 to Channel 266C3, which can be accomplished in full accord with all authorized or proposed facilities, and can be done using the same reference point as is currently assigned to Channel 267C3/Walsenburg. Although a small amount of Silver Cliff will be shadowed from the proposed allotment site due to lack of total line-of-sight over the entire community, after careful analysis, it has

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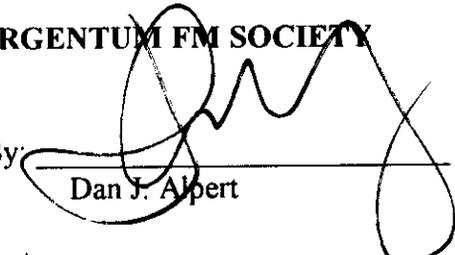
been determined that the "shadowed area" encompasses only an estimated 7 persons, and in any event, there is no indication that the shadowing would prevent Silver Cliff from nevertheless being served with the requisite 70 dBu city-grade service throughout the entire proposed community of license.¹

Adoption of this proposal will be in the public interest Silver Cliff is an existing town, listed in the 2000 United States Census with a population of 512 persons. As demonstrated in the Technical Statement, approval of this proposal will allow Argentum to provide new first service to the public in Silver Cliff, Colorado Argentum will apply for the allotment at such time as this proposal is adopted

Accordingly, Argentum respectfully requests that this Petition be adopted, that the Commission amend the FM Table of Allotments to specify the new channel at Silver Cliff, Colorado, and that the Commission request comment on the proposal contained herein.

Respectfully submitted,

ARGENTUM FM SOCIETY

By: 

Dan J. Alpert

Its Attorney

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September 2, 2003

¹ *R&L Broadcasters*, 7 FCC Rcd 5551, ¶ 15 (1992), *Madison, IN*, 14 FCC Rcd 9518 ¶ 5 (MMB 1999)

Technical Narrative

Introduction

This petition seeks to have a new service added to Silver Cliff, Colorado, a US Census Town with 2000 population of 512 persons. The resulting allotment will provide an additional interference-free service to 5,983 persons in an area of 4,778 square kilometers. This allotment of 268C3 can be granted in compliance with 47 CFR §§73.207¹ and §§73.315² at 38-4-37 NL 105-33-15 WL provided one related change to the Table of Allotments is also made. This change is explained below

Terrain at Silver Cliff

The US Census boundaries of Silver Cliff include several hills of significant size including Rattlesnake Hill, Bunker Hill, Kankakee Hill and Excelsior Ridge. Because of the presence of these and nearby hills³ there is probably no site which enjoys unobstructed line of sight to all locations within Silver Cliff.

Although the reference site is elevated above most of Silver Cliff, the site is surrounded on the northwest, west, southwest and south by much higher mountainous terrain. These terrain features have no impact on line of sight towards Silver Cliff but do have some effect on the Height Above Average Terrain calculation. Assuming a 100-meter-tall tower at the proposed site, the predicted Height Above Average Terrain is -204 meters. Nevertheless, the proposed allotment was analyzed using this hypothetical tower and a 3 second terrain database. Of 40.56 square kilometers within Silver Cliff, all but 2.734 square kilometers of Silver Cliff enjoys line of sight⁴ or approximately 7% of the area. Approximately 7 persons live within the shadowed area, just over 1% of the total Silver Cliff population.

All areas of the community are well within the predicted 70 dBu F[50,50] from the 100-meter-tall tower, even considering that it is very short from the standpoint of Height Above Average Terrain. The F[50,50] 70 dBu contour extends some 18 KM further than the most distant point within Silver Cliff.

¹ See attached channel study for NEW 268C3, Silver Cliff Colorado

² Please refer to the map entitled "Hypothetical Coverage of Silver Cliff, Colorado"

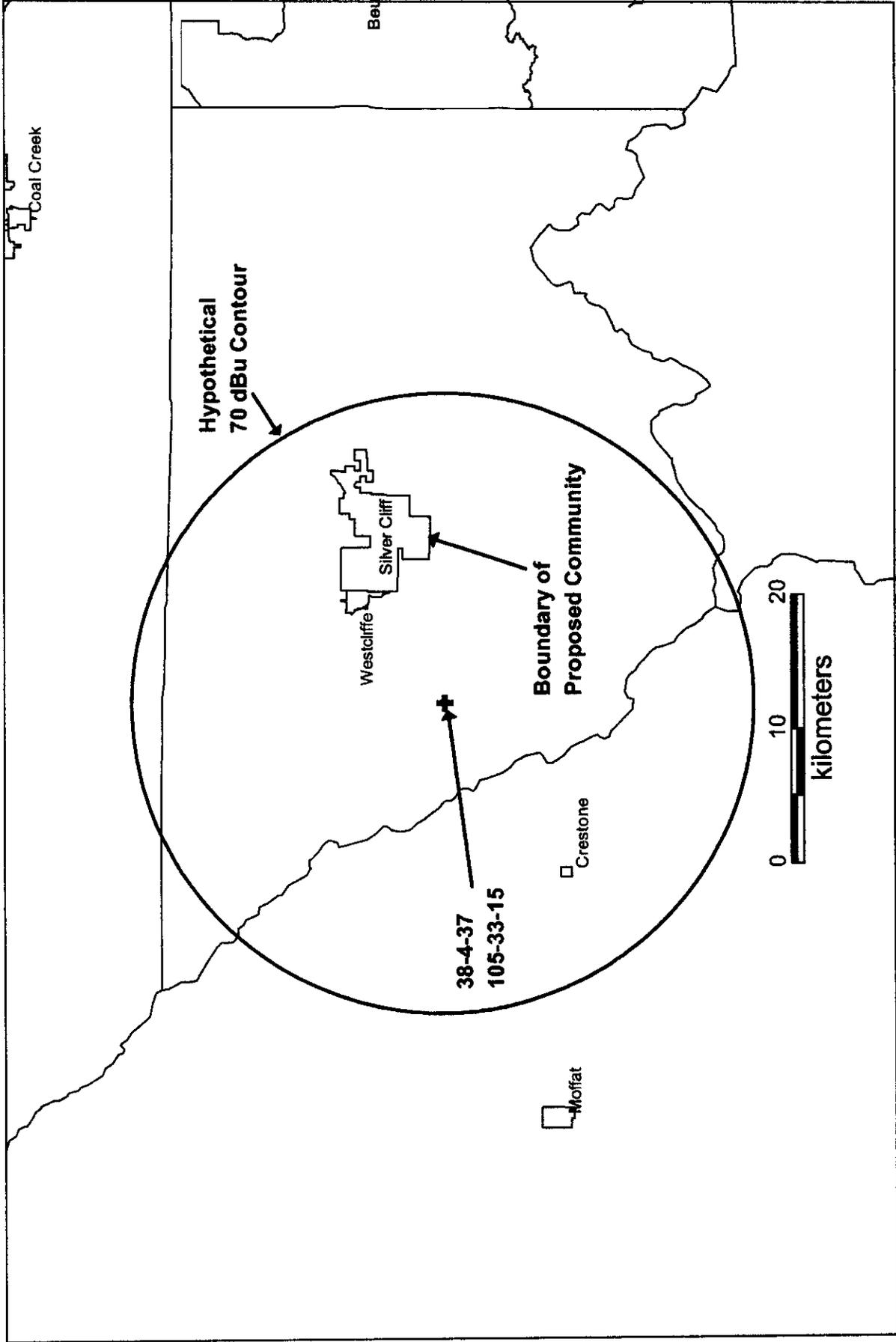
³ Please refer to the map entitled "Topographic Detail of Silver Cliff, Colorado."

⁴ Please refer to the map entitled "Line of Sight to Silver Cliff."

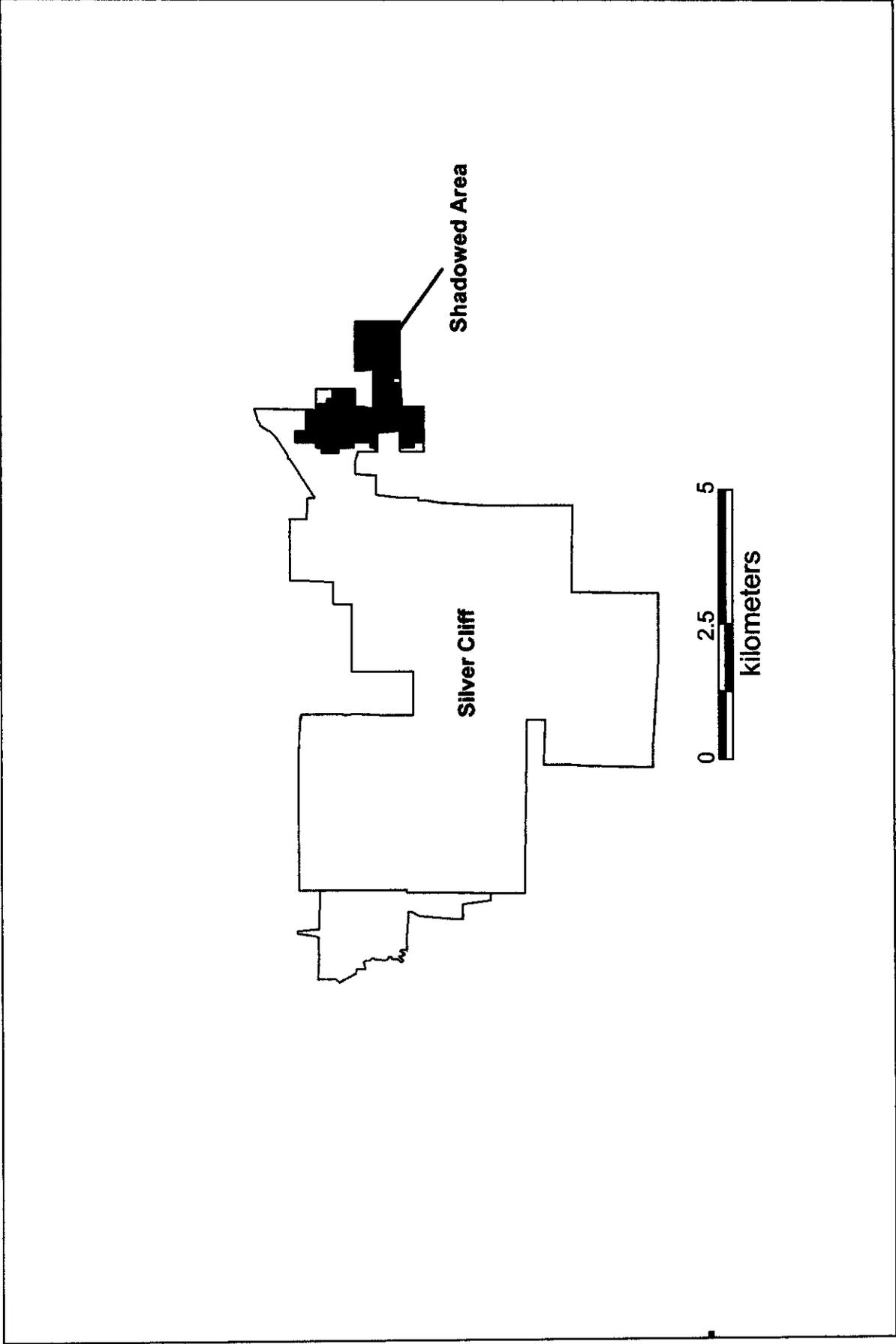
Walsenburg, Colorado

The proposed allotment of 268C3 at Silver Cliff is impermissibly short spaced to vacant allotment 267C3 at Walsenburg Colorado. 266C3 can be substituted at Walsenburg with no change in the reference site⁵.

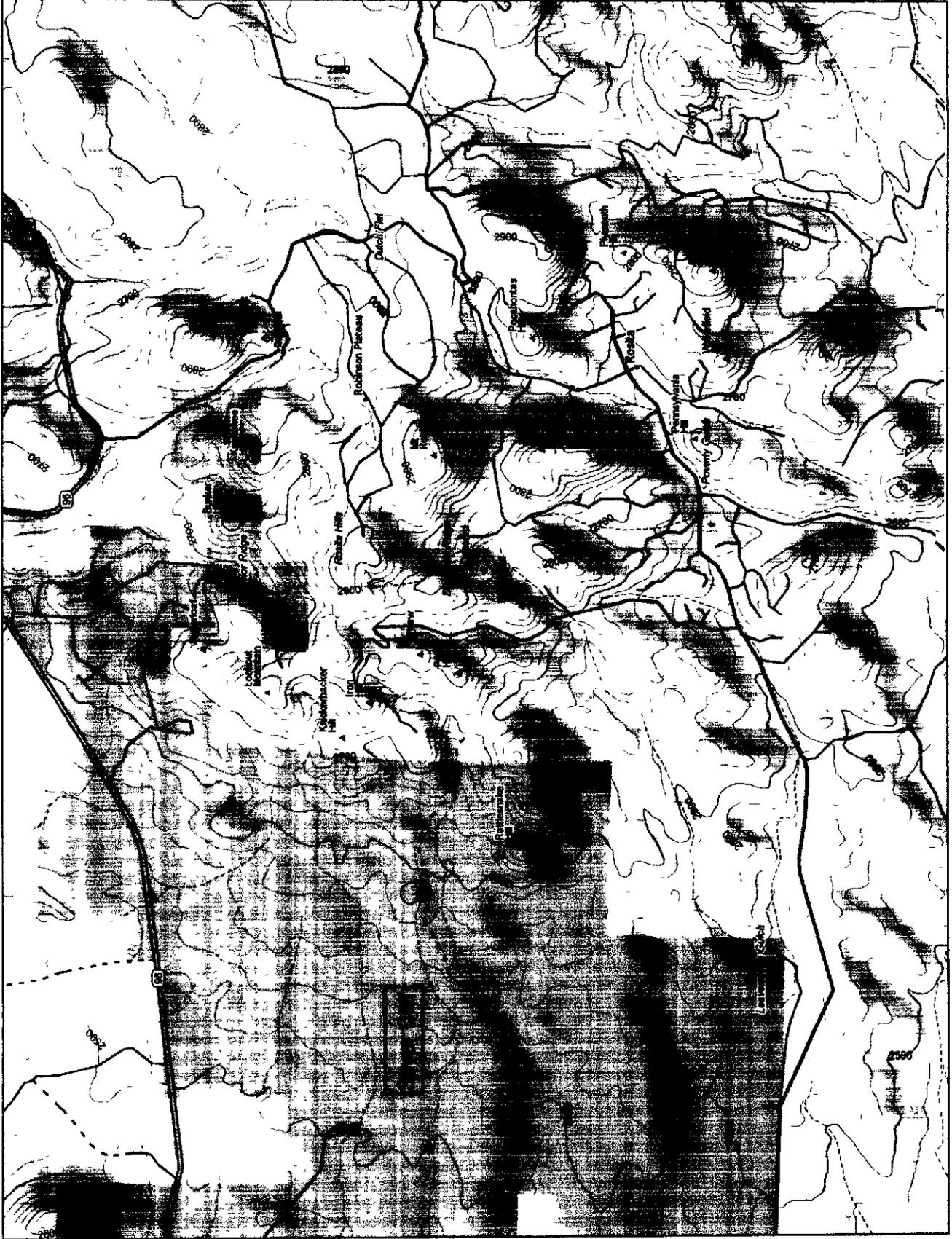
⁵ See attached channel study for ALLOC 266C3, Walsenburg, Colorado



Hypothetical Coverage of Silver Cliff, Colorado



Line of Sight to Silver Cliff, Colorado



1 km

Topographic Detail of Silver Cliff, Colorado

Scale: 1 : 46,875 Map Rotation: 0° Magnetic Declination: 10.3°E

