

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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Federal Communication Commission  
Bureau/Office

In Re: Matter of )  
) )  
Amendment of Section 73.202(b), ) MM Docket No. 03- \_\_\_\_  
Table of Allotments, ) RM-\_\_\_\_\_  
FM Broadcast Stations. )  
) )  
(Lewan and Richfield, UT) )

To: The Chief, Allocations Branch

**PETITION FOR RULEMAKING**

Micro Communications, Inc. ("Micro"), pursuant to Section 1.401(a) of the Commission's rules, hereby respectfully requests that Section 73.202(b) of the Commission's rules (the FM Table of Allotments) be amended as follows:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Lewan	244C	229C
Richfield	229C, 248C	244C, 248C

Concurrent with this relief, Micro further requests that the license of station KCFM(FM), Lewan, Utah (of which Micro is the license) be modified to specify operation on Channel 229C in lieu of Channel 244C and that the license of station KCYQ(FM), Richfield, Utah (licensed to Mid-Utah Radio, Inc.), be modified to specify operation on Channel 244C in lieu of Channel 229C.<sup>1</sup>

In support whereof, the following is respectfully shown:

1 Submitted herewith is an engineering statement from David C. Schaberg, Micro's engineering consultant, demonstrating that the relief requested herein will meet all applicable FCC

<sup>1</sup> In addition to its license, Mid-Utah holds a construction permit, BPH-20030304AAQ, which was recently granted on September 17, 2003. As part of the relief requested herein, Micro requests that Mid-Utah's outstanding permit be modified to specify operation on Channel 244C as well.

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requirements with respect to city coverage and channel spacing. Specifically, the changes proposed herein will enable KCYQ to continue operation from its currently-licensed site, and will further permit KCYQ to construct and operate the facility proposed in BPH-20030304AAQ from the site proposed therein. While having no adverse impact upon KCYQ, these changes will enable KCFM to vastly increase its service. No change is proposed in the stations' respective communities of license. Mr. Schaberg notes that the proposed site for KCFM will permit its continued coverage of Levan.

2. Mr. Schaberg further demonstrates that the reallocations proposed herein would result in a preferential arrangement of allotments. While there will be no change in the service to be rendered by KCYQ, the KCFM move will result in a net gain of population within its 60 dBu contour from 142,336 to 408,696, thereby nearly tripling the extent of its service. While there is a predicted loss area of 23,813 persons, all will remain well-served, receiving at least five other full time aural services. On the other hand, a substantial portion of the gain area is currently underserved and will receive a valuable additional service. This segment has an area of 4,400 square kilometers and an estimated population of 1,007. The KCFM proposal will provide a third FM service and a fifth full-time aural service to this sizable region. In addition, Mr. Schaberg describes a smaller area of 328 square kilometers and an estimated population of 328 which will receive its **first** FM service and its **third** full-time aural service. Consequently, the reallocation proposed herein will advance the Commission's assignment priorities. See, Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 91-2 (1982). Specifically, while no white or gray area is being created or eliminated, and no local service is being provided or withdrawn, the fourth priority will be served by providing needed third reception service to a population of 328 and a fifth service to 1007.

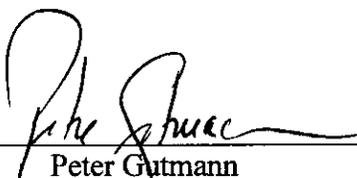
3. In sum, the reallocations proposed herein will result in substantially greater service for KCFM, will provide additional service to a significant area that is currently underserved, will entail no changes in communities of license, and will have no adverse impact upon the service

rendered by KCYQ, either as presently licensed or as contemplated by its outstanding construction permit, nor any other pending or authorized facility. Accordingly, we respectfully submit that the allotments proposed herein serve the public interest and should be implemented.

4. Micro states herewith its present intention to promptly apply for and construct facilities on the channel it has requested herein, if allotted.

Respectfully submitted,

**MICRO COMMUNICATIONS, INC.**

By:  \_\_\_\_\_  
Peter Gutmann  
Its Attorney

**Womble Carlyle Sandridge & Rice, PLLC**

1401 I Street, NW

Seventh Floor

Washington, DC 20005

(202) 857-4532

October 14, 2003

**Before The  
Federal Communications Commission  
Washington, DC 20554**

**PETITION FOR RULEMAKING  
FOR SUBSTITUTION OF CHANNEL 244C  
FOR CHANNEL 229C AT RICHFIELD, UTAH  
AND CHANNEL 229C  
FOR CHANNEL 244C AT LEVAN, UT**

At the request of Micro Communications, Inc., licensee of KCFM, Levan, UT, engineering studies have been completed which show that KCFM may improve its facilities in line with the Commission's overall goal of improvement of services. This improvement will necessitate channel changes for KCFM and KCYQ, Richfield, UT.

KCFM is a class C station operating on channel 244. KCFM wishes to relocate to an existing tower site located at 39 50 53.7 N 111 19 51.4 W. This tower location is precluded by channel 244C1 at Smithville/Preston, UT. Therefore, a channel analysis was done to determine if an alternate, equivalent channel might be found which would work from this location. Channel 229C was located as a suitable alternative provided that this channel was deleted from Richfield, UT.

KCYQ operates as class C station on channel 229 at Richfield and has recently received a construction permit for relocation to a new tower site (BPH-2003-0304AAQ). Channel 244C will work as a substitute for KCYQ at its requested site if deleted from Levan.

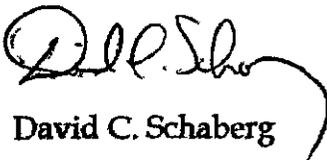
The spacing requirements to accomplish these moves are attached hereto as Exhibits.

Micro Communications, Inc. believes that these changes will meet the goal of improvement of service to the people of Utah and will also more efficiently utilize the FM spectrum and respectfully requests that the following changes be made to the Table of Allotments:

<u>Location</u>	<u>Present</u>	<u>Proposed</u>
Richfield, UT	229C, 248C**	244C, 248C**
Levan, UT	244C	229C

(\*\*Channel 248C is being proposed to be deleted from Richfield under MM Doc. 02-290.)

Respectfully,

  
David C. Schaberg

Consultant

David C. Schaberg  
Radio Consultant  
3105 S. Martin Luther King Jr. Blvd. #169  
Lansing, MI 48910-2939  
517-393-1037 Fax 517-272-1037

**DISCUSSION OF ENGINEERING**  
**FOR IMPROVEMENT OF**  
**KCFM, LEVAN, UT**

To properly ascertain that the proposal to swap frequencies between KCFM and KCYQ is viable, a complete channel search of channels 221 through 300 was made. When no clear channel could be found for KCFM to effect its desire to move to a better tower location, a study was done to find the channel which would cause the least disruption to any existing station(s) and their operations be having a change implemented.

The study determined that channel 229 located at Richfield, UT, and operated by Mid-Utah Radio was the channel of choice because KCYQ would be the only station affected and further because KCYQ was already in the middle of requesting a tower site change (BPH-2003-0304AAQ) that would allow a channel substitution at the same time as the tower site change.

EXHIBIT ONE shows the proposed tower site location for KCFM along with the KCYQ tower site application, operating site and present allocation site.

EXHIBIT TWO removes the KCYQ contours and it is easily seen that only KCYQ prohibits KCFM from utilizing channel 229 at this proposed tower location.

EXHIBIT THREE shows the proposed channel 229 tower location for KCYQ while EXHIBIT FOUR shows this same site utilizing channel 244 (without the present contours for KCFM). Note that there is a 2.42 km "overlap" with the allocation site for channel 244C1 at Carlin, NV. However, channel 244C1 at Carlin was upgraded and changed to a full class C at a new allocation location and it appears that the original C1 allocation site is no longer valid and simply has not been removed from the data base. Beyond that, KHIX at Carlin has now proposed to once again downgrade its existing class C operation to a C1. Thus, the present operating site of KHIX as a class C or C1 is beyond 390 km of the proposed new site for channel 244C for KCYQ.

EXHIBIT FIVE shows the distance between the actual KHIX class C/C1 site at 40 55 18 115 50 58 and the proposed KCYQ tower site at 39 19 17 111 46 11 which is 390.5km, well beyond the minimum distance separation requirements.

EXHIBIT SIX shows the distance between the KHIX class C allocation site at 40 42 47 116 07 18 and the proposed KCYQ tower site which is 402.4km, even farther distant

Thus, KHIX is NOT in any way an impediment to the moves contemplated in this Petition

The engineering thus shows that there is no reason why the proposed channel swap between KCFM and KCYQ will not work to the benefit of both stations and to the public interest as well.

#### Discussion of Population Coverage

A study of population density in the area to be changed with the proposal to move channel 244C, Levan, UT to channel 227C and the concurrent change in tower location reveals that eight counties (or parts thereof) are involved in the 60 dbu signal which will create both gains and losses in population. See

#### EXHIBIT 7.

The move of the KCFM tower location being proposed in conjunction with this Petition will ultimately benefit an area which is under served around Price, UT. From my investigation, it appears that no other FM station(s) provide 60dbu (50/50) coverage to this area which encompasses approximately 328 square kilometers. The only full-time AM stations to provide service to this area are KSL, Salt Lake City and KOA, Denver.

Population figures from the census bureau show this area to encompass approximately 177 persons. This area is shown with diagonal lines on Exhibit 8. Thus, the KCFM proposal is expected to provide a third full-time service to this area.

There is also a larger area, depicted by the outer arcs in Exhibit 8 (but excluding the circle surrounding Price), which receives full-time service only from KSL and

KOA as well as FM stations KMXU, Manti, UT and WMDG, Nephi, UT. This area is approximately 4,400 square kilometers and has a census population of approximately 1007. The KCFM proposal will provide this under-served area with its fifth full-time service.

As for the loss area to the south and west of KCFM: Upon its move to a new tower location, there are at least seven operating stations and allocations for at least nine new frequencies which will or do cover the entire area which will lose service from KCFM from this move. No area will be left with less than six FM signals or allocations after the granting of this Petition.

As with the under served area, above, the area which will lose service from KCFM also is served by KSL, KOA, along with KKOB, Albuquerque.

#### Statement and Conclusions of the Consultant

The consultant believes that the public interest will be served by the changes proposed herein specifically because KCFM will encompass FM "white" area thus increasing the public's availability of broadcast services. Further, both KCFM and KCYQ will benefit from the broader base they will serve.

The proposed tower location for KCFM will provide the required 70dbu signal over the entire population of the city of license, Levan, UT.

This engineering data and all of the supporting exhibits and other documentation have been prepared exclusively for Micro Communications, Inc. All data and

documentation has been developed by the consultant and may not be used for any purpose other than submission to the Federal Communications Commission in support of Micro Communications, Inc., request for channel change.

Copying or other reproduction or transmission in any form of this material is prohibited by anyone other than Micro Communications or its agents or the Commission and its staff without the prior, written consent of the consultant.

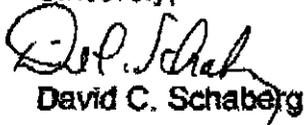
This is prepared for Micro Communications, Inc., under contract and certification by the consultant is given specifically upon performance of the contract. The consultant may withdraw certification at any time for non-performance by Micro Communications, Inc., its agents and/or assignees.

The information herein has been compiled from the most recent data from the Commission and outside sources as appropriate. The population data is derived from Census Bureau block-by-block estimates as of July 1, 2002 and is the best available data for this study. I studied the affected area shown in Exhibit 8 and from performing a grid analysis was able to determine the number of persons likely affected.

However, consultant is not responsible for errors that result from incorrect data or rule or procedural changes.

All information provided is believed to be accurate.

Sincerely,

  
David C. Schaberg

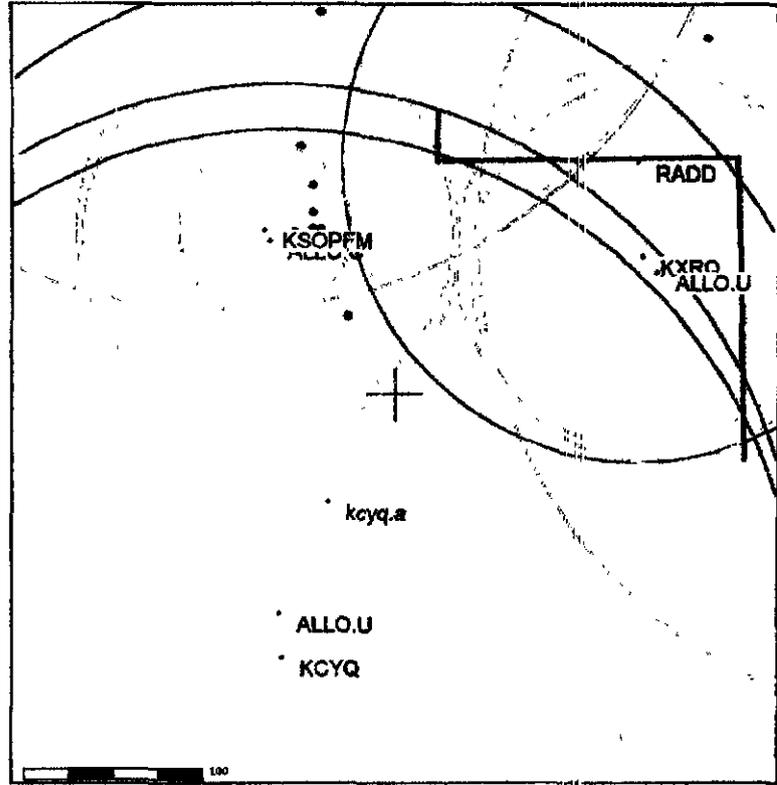
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Channel 229C for Levan, UT  
with showing of existing and proposed allocation, use, and site for WCYQ, Richfield,

FMCONT<sup>(TM)</sup> LOCATE STUDY

Ch 229 C  
93.7 MHz

N. Lat. 39 50 54  
W. Lng. 111 19 51



Call	CH#	Type	Location	D-KM	Azi	FCC	Margin
keyq.a	229C	- app	richfield	UT 69.60	212.8	290.0	-220.40
ALLO.U	229C	- USE	Richfield	UT 136.65	208.3	290.0	-153.35
KCYQ	229C	- LIC	Richfield	UT 158.10	203.6	290.0	-131.90
KODJ	231C	- LIC	Salt Lake City	UT 110.02	320.3	105.0	5.02
ALLO.U	231C	- USE	Salt Lake City	UT 110.02	320.3	105.0	5.02
KUBLFC	227C	- CP	Salt Lake City	UT 116.61	321.0	105.0	11.61
ALLO.U	227C	- USE	Salt Lake City	UT 116.63	321.0	105.0	11.63
KUBLEM	227C	- LIC	Salt Lake City	UT 116.63	321.0	105.0	11.63
RADD	228A	- ADD	Manila	UT 186.18	46.5	165.0	21.18
KXRQ	232C1-	- LIC	Roosevelt	UT 157.17	61.0	105.0	52.17
ALLO.U	232C1-	- USE	Roosevelt	UT 160.93	65.2	105.0	55.93
ALLO.U	229C1-	- USE	Craig	CO 327.07	74.4	270.0	57.07
KRAIFM	229C1-	- LIC	Craig	CO 327.07	74.4	270.0	57.07
KZBQ	229C*-	- LIC	Pocatello	ID 349.41	344.0	290.0	59.41
ALLO.U	229C	- USE	Pocatello	ID 357.35	345.5	290.0	67.35
KSOPFC	282C	- CP	Salt Lake City	UT 116.61	321.0	48.0	68.61
ALLO.U	282C	- USE	Salt Lake City	UT 116.63	321.0	48.0	68.63
KSOPFM	282C	- LIC	Salt Lake City	UT 116.63	321.0	48.0	68.63

**EXHIBIT 1**

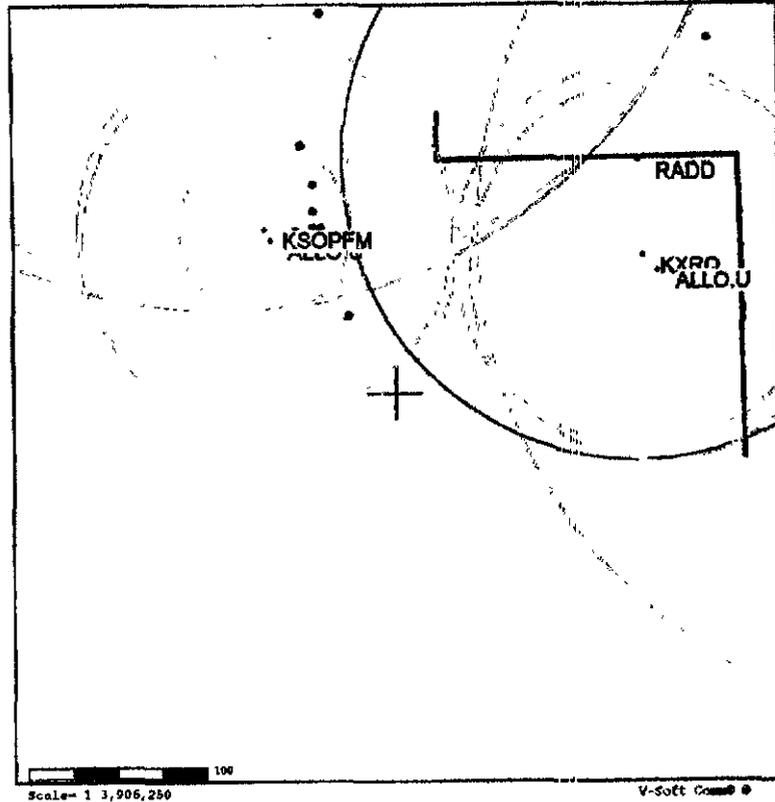
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Channel 229C for Levan, UT  
 Clear without KCYQ, Richfield, UT

FMCONT<sup>(TM)</sup> LOCATE STUDY

Ch 229 C  
 93.7 MHz

N. Lat. 39 50 54  
 W. Lng. 111 19 51



Call	CH#	Type	Location	D-KM	Azi	FCC	Margin
KODJ	231C	- LIC	Salt Lake City	UT 110.02	320.3	105.0	5.02
ALLO.U	231C	- USE	Salt Lake City	UT 110.02	320.3	105.0	5.02
KUBLFC	227C	- CP	Salt Lake City	UT 116.61	321.0	105.0	11.61
ALLO.U	227C	- USE	Salt Lake City	UT 116.63	321.0	105.0	11.63
KUBLFM	227C	- LIC	Salt Lake City	UT 116.63	321.0	105.0	11.63
RADD	228A	- ADD	Manila	UT 186.18	46.5	165.0	21.18
KXRQ	232C1-	LIC	Roosevelt	UT 157.17	61.0	105.0	52.17
ALLO.U	232C1-	USE	Roosevelt	UT 160.93	65.2	105.0	55.93
ALLO.U	229C1-	USE	Craig	CO 327.07	74.4	270.0	57.07
KRAIFM	229C1-	LIC	Craig	CO 327.07	74.4	270.0	57.07
KZBQ	229C*	LIC	Pocatello	ID 349.41	344.0	290.0	59.41
ALLO.U	229C	- USE	Pocatello	ID 357.35	345.5	290.0	67.35
KSOFFC	282C	- CP	Salt Lake City	UT 116.61	321.0	48.0	68.61
ALLO.U	282C	- USE	Salt Lake City	UT 116.63	321.0	48.0	68.63
KSOFFM	282C	- LIC	Salt Lake City	UT 116.63	321.0	48.0	68.63

**EXHIBIT 2**

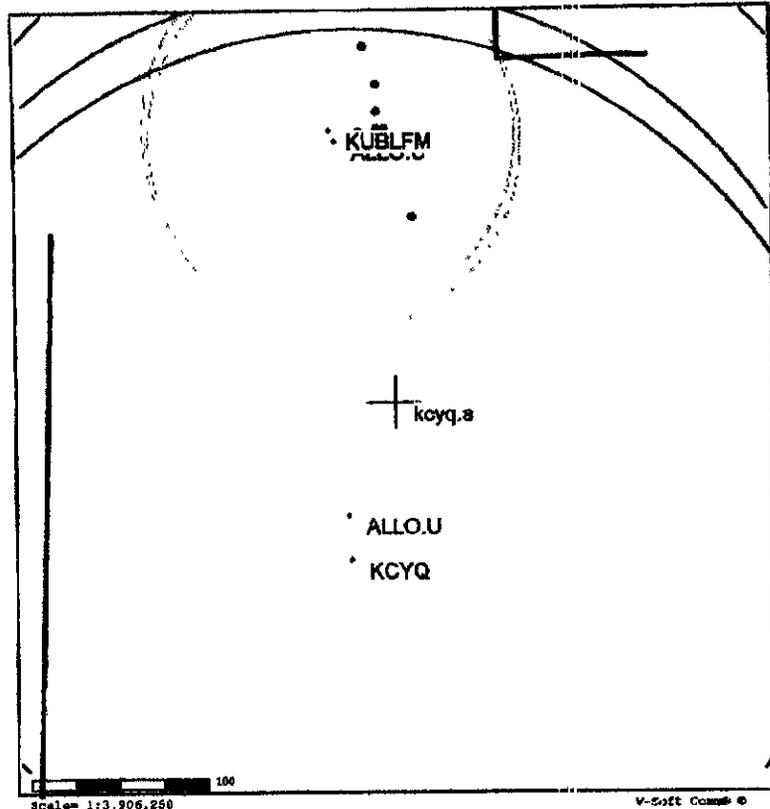
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KCQY, proposed transmission site  
for channel 229C

FMCONT<sup>(TM)</sup> LOCATE STUDY

Ch 229 C  
93.7 MHz

N. Lat. 39 19 17  
W. Lng. 111 46 11



Call	CH#	Type	Location	D-KM	Azi	FCC	Margin
kcyq.a	229C	- app	richfield	UT	0.00	0.0	290.0 -290.00
ALLO.U	229C	- USE	Richfield	UT	67.50	203.3	290.0 -222.50
KCYQ	229C	- LIC	Richfield	UT	90.11	196.2	290.0 -199.89
KODJ	231C	- LIC	Salt Lake City	UT	146.56	346.9	105.0 41.56
ALLO.U	231C	- USE	Salt Lake City	UT	146.56	346.9	105.0 41.56
KUBLFC	227C	- CP	Salt Lake City	UT	153.07	346.3	105.0 48.07
ALLO.U	227C	- USE	Salt Lake City	UT	153.10	346.3	105.0 48.10
KUBLFM	227C	- LIC	Salt Lake City	UT	153.10	346.3	105.0 48.10

**EXHIBIT 3**

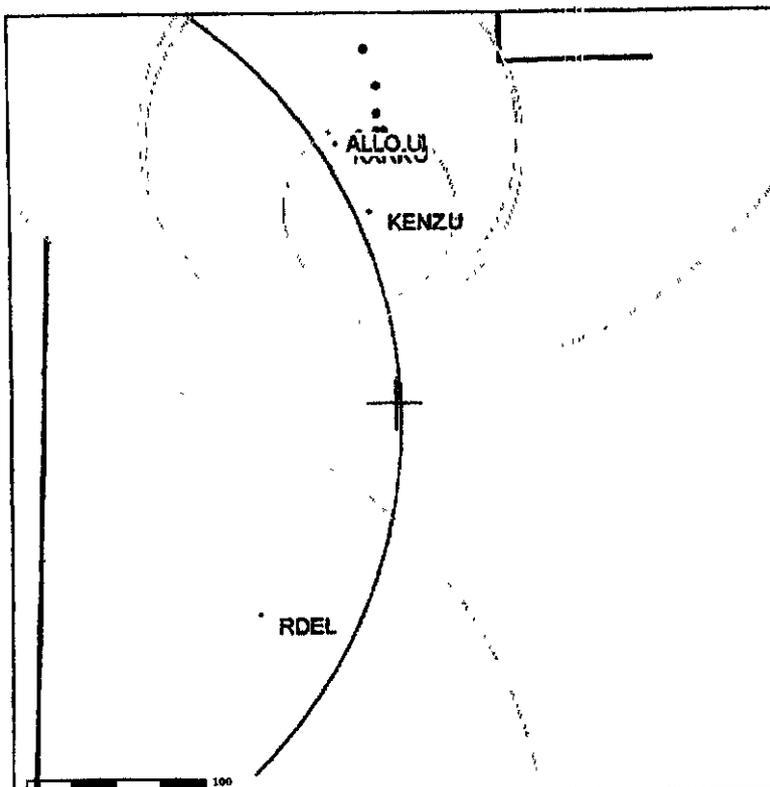
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Proposed CH 224C for Richfield, UT at proposed site  
under existing rulemaking

FMCNT<sup>(TM)</sup> LOCATE STUDY

Ch 244 C  
96.7 MHz

N. Lat. 39 19 17  
W. Lng. 111 46 11



Scale= 1:3,906,250

U-Soft Comm ©

Call	CH#	Type	Location	D-KM	Azi	FCC	Margin
ALLO.U	244C1-	USE	Carlin	NV 267.58	268.0	270.0	-2.42
ALLO.U	244C1-	USE	Preston	ID 283.21	359.3	270.0	13.21
RADD	244C1-	ADD	Smithfield	UT 283.21	359.3	270.0	13.21
KKEX	244C1-	LIC	Preston	ID 283.21	359.3	270.0	13.21
ALLO.U	242C -	USE	Provo	UT 146.62	347.1	105.0	41.62
KXRK	242C -	LIC	Provo	UT 146.62	347.1	105.0	41.62
RDEL	246A -	DEL	Beaver	UT 138.43	213.3	95.0	43.43
KISNFC	246C -	CP	Salt Lake City	UT 153.07	346.3	105.0	48.07
KXRK.C	242C -	CP	Provo	UT 153.07	346.3	105.0	48.07
KISNEM	246C -	LIC	Salt Lake City	UT 153.10	346.3	105.0	48.10
ALLO.U	246C -	USE	Salt Lake City	UT 153.10	346.3	105.0	48.10
ALLO.V	244C -	VAC	Mesquite	NV 339.57	216.8	290.0	49.57
ALLO.U	298C -	USE	Orem	UT 107.37	352.5	48.0	59.37
KENZ	298C -	LIC	Orem	UT 107.37	352.5	48.0	59.37

**EXHIBIT 4**

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**Audio Division**

**Distance, Bearing Between Two Sets of Coordinates**

(202)-418-2700

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## Find Distance and Azimuths Between 2 Sets of Coordinates – Results

**Distance between**

**N Latitude 40 55 18.00, W Longitude 115 50 58.00 (Point 1)**

**and N Latitude 39 19 17.00, W Longitude 111 46 11.00 (Point 2)**

**390.538 kilometers; 242.669 miles**

**EXHIBIT 5**

Azimuth from point 1 to point 2 = 115.83°

Azimuth from point 2 to point 1 = 298.46°

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**Audio Division**

**Distance, Bearing Between Two Sets of Coordinates**

(202)-418-2700

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## Find Distance and Azimuths Between 2 Sets of Coordinates – Results

**Distance between**

**N Latitude 40 42 47.00, W Longitude 116 7 18.00 (Point 1)**

**and N Latitude 39 19 17.00, W Longitude 111 46 11.00 (Point 2)**

**402.396 kilometers; 250.038 miles**

**EXHIBIT 6**

Azimuth from point 1 to point 2 = 111.25°

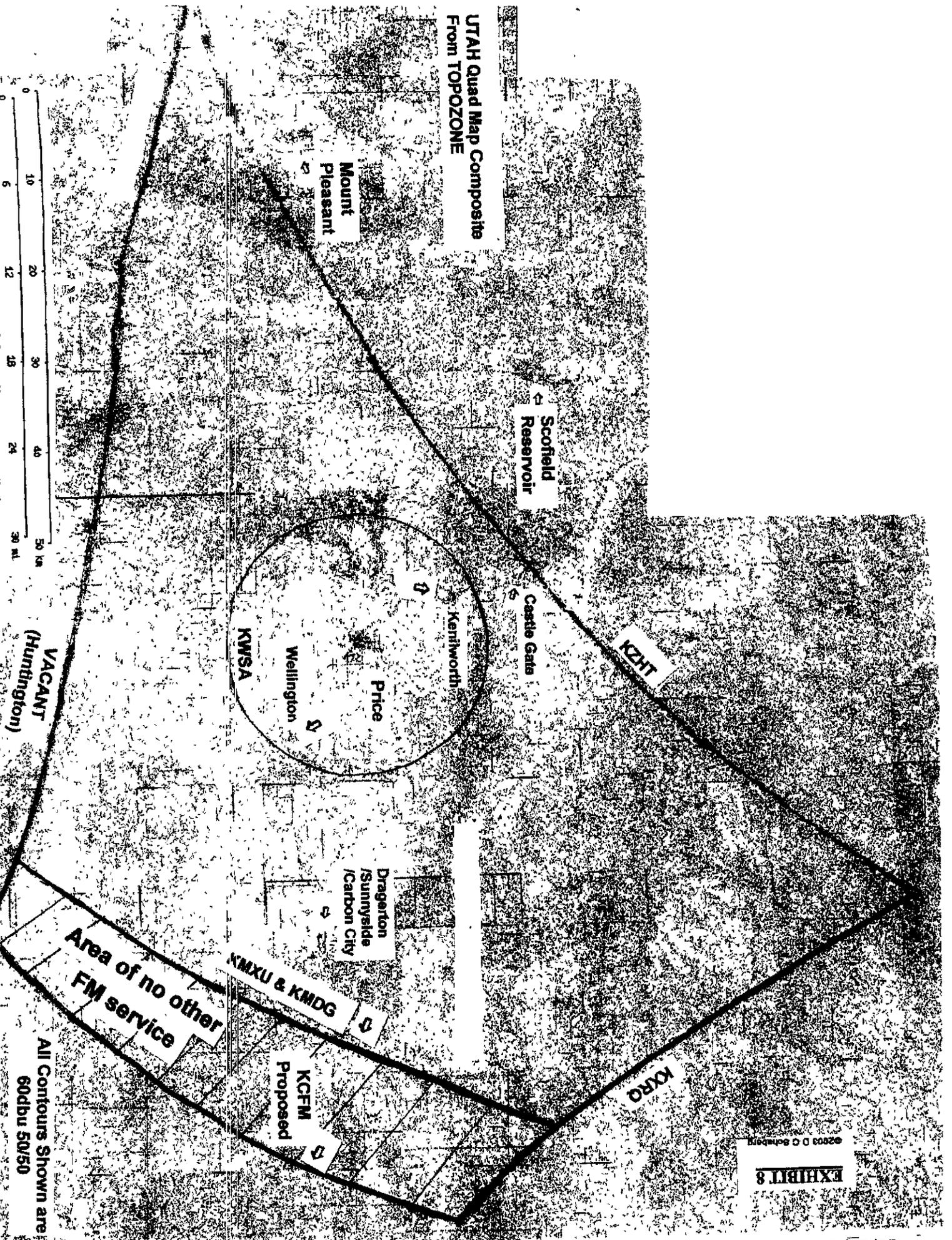
Azimuth from point 2 to point 1 = 294.05°

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EXHIBIT 7

County	Pop. 7-1-02	Covered Population Present / Proposed		Gain or Loss
San Pete	23,392	23,392	23,392	-0-
Wasatch	16,996	4,884	16,996	12,112 +
Duchense	14,844	6,990	14,884	7,854 +
Sevier	19,091	7,274	-0-	7,274 -
Emery	10,626	8,424	1,457	6,967 -
Millard	12,446	11,009	1,437	9,572 -
Juab	8,569	7,507	8,569	1,062 +
Tooele	46,032	1,505	5,474	3,969 +
Carbon	19,879	14,008	15,015	1,007 +
Utah	378,817	57,343	321,472	264,129 +
TOTAL	550,692	142,336	408,696	
Net gain				@ 266,360

UTAH Quad Map Composite  
From TOPOZONE



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**EXHIBIT 8**

All Contours Shown are  
60dbu 50/50

Area of no other  
FM service

VACANT  
(Huntington)

KZHT

KXRO

Scofield  
Reservoir

Castle Gate

Kenilworth

Price

Wellington

KWSA

Dragerton  
/Sunnyside  
/Carbon City

KMXU & KMDG

Proposed  
KCFM

**David C. Schaberg**  
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Secretary, FCC  
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445 12<sup>th</sup> Street SW  
Washington, DC 205542

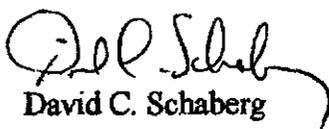
October 13, 2003

I, David C. Schaberg, am a broadcast consultant who has worked with FM allocations since 1985. Over that period of time, the Commission has granted more than 60 of my petitions on my own behalf and on behalf of more than four dozen clients. My background and history with the Commission is well documented and my qualifications are a matter of the public record.

I believe, based upon the information provided to me through my database of FM allotments and pending rulemakings, that the information provided herein is accurate and true and reflects the Commission's wishes of always striving to improve service in the public interest.

The proposal outlined is viable and works in the interests of all parties and I believe that the Commission will serve its goals and interests by a speedy approval.

Respectfully,

  
David C. Schaberg

**Certificate of Service**

I, Regina McFadden, a secretary in the law firm of Womble Carlyle Sandridge & Rice, PLLC, do hereby certify that I have on this 14<sup>th</sup> day of October, 2003, caused copies of the foregoing Petition for Rulemaking to be mailed to the following by first-class United States mail, postage prepaid:

Mid-Utah Radio, Inc.  
P.O. Box 40  
Manti, UT 84642

Shelley Sadowski, Esquire  
Katten Muchin Zavis Rosenman  
1025 Thomas Jefferson Street, NW  
East Lobby, Suite 700  
Washington, DC 20007-5201  
(counsel to Mid-Utah Radio, Inc.)

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Regina McFadden