DOCKET FILE COPY ORIGINAL

BROOKS, PIERCE, MCLENDON, HUMPHREY & LEONARD, L.L.P.

ATTORNEYS AT LAW

RALEIGH, NORTH CAROLINA

MAILING ADDRESS
POST OFFICE BOX 1800
RALEIGH, N.C. 27602

OFFICE ADDRESS
1600 WACHOVIA CAPITOL CENTER
150 FAYETTEVILLE STREET MALL
RALEIGH, N.C. 27601

TELEPHONE (919) 839-0300
FACSIMILE (919) 839-0304

WWW.BROOKSPIERCE.COM

L.P. McLENDON, JR.
EDGAR B. FISHER, JR.
W. ERWIN FULLER, JR.
JAMES T. WILLIAMS, JR
WADE H. HARGROVE
M. DANIEL McGINN
MICHAEL D. MEEKER
WILLIAM G. McNAIRY
EDWARD C. WINSLOW III
HOWARD L. WILLIAMS
GEORGE W. HOUSE
WILLIAM P.H. CARY
REID L. PHILLIPS
ROBERT A. SINGER
JOHN H. SMALL
RANDALL A. UNDERWOOD
S. LEIGH RODENBOUGH IV
MARK J. PRAK
JILL R. WILSON
MARC D. BISHOP
JIM W. PHILLIPS, JR.
MACK SPERLING
JEFFREY E. OLEYNIK
MARK DAVIDSON
JOHN W. ORMAND III
ROBERT J. KING III
V. RANDALL TINSLEY
S. KYLE WOOSLEY
FORREST W. CAMPBELL, JR.
MARCUS W. TRATHEN
JEAN C. BROOKS
JAMES C. ADAMS II
ALLISON M. GRIMM
ELIZABETH S. BREWINGTON
H. ARTHUR BOLICK II
J. EDWIN TURLINGTON
JOHN M. CROSS, JR.
JENNIFER K. VAN ZANT
KATHLEEN M. THORNTON
DAVID W. SAR
BRIAN J. McMILLAN
NATALIE KAY SANDERS
DAVID KUSHNER
DEREK J. ALLEN
ELIZABETH V. LaFOLLETTE
GINGER S. SHIELDS
COE W. RAMSEY
ROBERT W. SAUNDERS
JENNIFER T. HARROD
CHARLES E. COBLE
JOHN M. DeANGELIS
CLINTON R. PINYAN
KATHRYN V. PURDOM
STEPHEN G. HARTZELL-JORDAN
JESSICA M. MARLIES
TERESA DeLOATCH BRYANT
ELIZABETH TAYLOR McHAFFEY
ANDREW J. HAILE
CHARLES F. MARSHALL III
J. BENJAMIN DAVIS
CAROLINE R. HEIL
KATHERINE A. MURPHY
SARA R. VIZITHUM
C. SCOTT MEYERS
JOHN S. BUFORD
NICOLE A. CRAWFORD
ALEXANDER ELKAN

HENRY E. FRYE
OF COUNSEL

J. LEE LLOYD
SPECIAL COUNSEL

FOUNDED 1897

AUBREY L. BROOKS (1872-1958)
W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1968)
KENNETH M. BRIM (1898-1974)
C.T. LEONARD, JR. (1929-1983)
CLAUDE C. PIERCE (1913-1988)
THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)
HUBERT HUMPHREY (1928-2003)

GREENSBORO OFFICE
2000 RENAISSANCE PLAZA
230 NORTH ELM STREET
GREENSBORO, N.C. 27401

WASHINGTON OFFICE
601 PENNSYLVANIA AVENUE, N.W.
SUITE 900, SOUTH BUILDING
WASHINGTON, D.C. 20004

WRITER'S DIRECT DIAL

WRITER'S EMAIL ADDRESS
KUSHNER@BROOKSPIERCE.COM

March 8, 2004

RECEIVED

MAR - 8 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20544

Re: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Louisburg and Hillsborough, North Carolina)
MB Docket No. _____
RM _____

Dear Ms. Dortch:

Enclosed please find, on behalf of New Century Media Group, LLC, the original and four copies of a Petition for Rule Making for filing in the above-referenced matters.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with the undersigned.

Sincerely,

David Kushner

Enclosures

No. of Copies rec'd 0+4
List ABCDE
04-
MB
04-42

83203.1

RECEIVED

MAR - 8 2004

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)	)	MB Docket No. _____
Table of Allotments	)	RM-_____
FM Broadcast Stations	)	
(Louisburg and Hillsborough, North Carolina)	)	

To: Chief, Audio Division
Media Bureau

PETITION FOR RULE MAKING

New Century Media Group, LLC ("New Century"), licensee of Station WHLQ(FM), Channel 273A, Louisburg, North Carolina ("WHLQ"), by its counsel and pursuant to Sections 1.401 and 1.420(i) of the Commission's rules, 47 C.F.R. §§ 1.401, 1.420(i), hereby petitions the Commission to specify a new community of license for WHLQ. In particular, New Century requests that the Commission amend the Table of FM Allotments, 47 C.F.R. § 73.202(b), by (i) deleting Channel 273A from Louisburg, North Carolina, (ii) adding Channel 273A to Hillsborough, North Carolina, and (iii) modifying the license for WHLQ(FM), Louisburg, North Carolina, to specify "Hillsborough, North Carolina" as the station's community of license. In support of this Petition, New Century shows the following:

New Century is the licensee of WHLQ(FM), Louisburg, North Carolina. Pursuant to Section 1.420(i) of the Commission's rules, New Century is requesting that the Commission amend the Table of FM Allotments by changing WHLQ's community allotment from Louisburg, North

Carolina, to Hillsborough, North Carolina.[1] *See* Modification of FM and TV Authorizations to Specify a New Community of License, *Report and Order*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, *Memorandum Opinion and Order*, 5 FCC Rcd 7094 (1990). As the accompanying Technical Statement shows, which is incorporated herein by reference, Channel 273A can be allotted to Hillsborough, North Carolina, with a site restriction of 10 kilometers northeast of the community to avoid shortspacing to WJMH(FM), Channel 271C0, Reidsville, North Carolina, and to WIOZ-FM, Channel 273A, Southern Pines, North Carolina.

New Century's proposed allotment of WHLQ to Hillsborough, North Carolina, is mutually exclusive with WHLQ's present allotment at Louisburg, North Carolina. This proposed change is permissible under Section 1.420(i) which expressly authorizes the Commission to "modify the license or permit of an FM or television broadcast station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's or permittee's present assignment."

New Century's proposal will result in a preferential arrangement of allotments pursuant to the Commission's FM allotment priorities as set forth in Revision of FM Assignment Policies and Procedures, *Second Report and Order*, 90 FCC 2d 88 (1982) ("*FM Assignment Policies*"). The Commission's FM allotment priorities are (1) first full-time aural service, (2) second full-time aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3).

---

[1] In MM Docket No. 02-40, the former licensee of WHLQ had filed a counterproposal to amend the Table of FM Allotments by realloting Channel 273A from Louisburg to Rolesville, North Carolina. Simultaneously with the filing of this Petition, New Century is filing a Notification of Withdrawal of that counterproposal.

Hillsborough, North Carolina, population 5446 (Census 2000)[2], is the county seat of Orange County (population 118,227) and contains the county's government offices and county courthouse. Hillsborough has no broadcast stations licensed to it, making it the largest county seat in North Carolina without a radio station.[3] During the 1990s, Hillsborough grew by nearly 28%.

Hillsborough itself is governed by a mayor and town council together with a town manager. The town provides water and sewer service to its residents and operates police and fire departments. Hillsborough is a designated place, as defined by the U.S. Census for North Carolina. Hillsborough has been designated part of the Durham, North Carolina, Urbanized Area; however, Hillsborough is not interdependent with Durham, as shown below, and, from the proposed allocation site, the 70 dBu contour provides service to only 37% of the Durham Urbanized Area. The protected service contour of a relocated WHLQ, operating on Channel 273A at maximum facilities at the reference site proposed for Hillsborough (36° 06′ 49″ N, 79° 00′ 20″ W) will provide service to 378,247 persons in 2516 square kilometers. This represents a net gain of 241,452 persons, or 177%, over the currently licensed WHLQ facility.

Allotment of Channel 273A to Hillsborough, North Carolina, will provide the community with its *first local service*. At the same time, deletion of the allotment of Channel 273A from Louisburg, North Carolina, will not deprive that community of its only local service, since AM Station WYRN (1480 kHz) will remained licensed to Louisburg. WYRN and WHLQ are both owned by New Century. Indeed, first local service to Hillsborough is preferable to second local service to Louisburg.

---

[2] All population figures are Census 2000 unless otherwise indicated.

[3] Of the 100 county seats in North Carolina, 17 do not have a broadcast station licensed to them. Hillsborough is the largest of these seventeen.

Pursuant to the Commission's policies set forth in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988), Hillsborough, although a part of the Durham Urbanized Area, is not interdependent with Durham, and, therefore, New Century should be entitled to an allotment preference for providing first local transmission service to Hillsborough. A *Tuck* analysis involves weighing the relative equities of three principal factors: (a) the signal population coverage; (b) the size and proximity of the specified community to the central city; and (c) the interdependence of the specified community to the central city of the "urbanized area." This last factor is the most important. As the Commission has stated:

> In assessing the interdependence of the specified community with the central city, we will consider the following characteristics: (1) the extent to which community residents work in the larger metropolitan area, rather than the specified community; (2) whether the smaller community has its own newspaper or other media that covers the community's local needs and interests; (3) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (4) whether the specified community has its own local government and elected officials; (5) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (6) whether the smaller community has its own commercial establishments, health facilities, and transportation systems; (7) the extent to which the specified community and the central city are part of the same advertising markets; and (8) the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries.[4]

Under these criteria, New Century's Petition warrants an allotment preference.

Signal population coverage. As noted above, a relocated WHLQ, operating at maximum facilities at the reference site proposed, will provide service to 378,247 persons. However, the 70 dBu contour provides service to only 37% of the Durham Urbanized Area, which is less than the

---

[4] *Tuck* at ¶ 36.

50% trigger that would require an independent *Tuck* analysis regardless of the Urbanized Area boundaries.

Size and proximity. Hillsborough is 2.9% of the size of Durham (population 187,035) and is 12.5 miles distant to Durham in the adjoining county to the east. However, Hillsborough is nearly equidistant with other larger communities with which it shares an affinity of interests every bit as much as with Durham while, at the same time remaining independent as the county seat: Chapel Hill (population 48,715), 10.9 miles to the south (and located in the same county) and Burlington (population 44,917), 19.1 miles to the west in the adjoining county.

Independence—work patterns. Of the 2647 workers age 16 and older residing in Hillsborough, 664 (25%) work in Hillsborough. The remaining 75% of workers, however, do not necessarily commute to Durham. Some 1260 workers (48%) work in Orange County, not in Durham. Of the remaining 1387 workers, 281 did not even work in the Metropolitan Statistical Area of which Hillsborough and Durham are both a part, making it clear that, at maximum, only 1106 workers (42%) may commute to Durham (assuming every one of them commutes to Durham and not to another city located in the same MSA). Therefore, more workers work in and around Hillsborough and its home county than can possibly commute to Durham.

Independence—local media. WHLQ would be Hillsborough's first radio station. However, Hillsborough is served by one local weekly newspaper, *The News of Orange County*, which has been published in Hillsborough since 1893 and which helps to serve the community's local needs and interests.

Independence—perceptions. Hillsborough is a historic town, with an important, vital, and well-preserved historic district. In fact, Hillsborough is celebrating its 250th anniversary this year. Hillsborough is not now, nor has it ever been, perceived as connected with, let alone interdependent

with, Durham. The historical distinctness and importance of Hillsborough is illustrated, in part, by the fact that each of Raleigh, Durham, and Chapel Hill, the principal cities of the nearby metropolitan area, have roads named "Hillsborough," which, in the past, were major roadways connecting these cities with an important county seat. As the attached letter from Hillsborough Mayor Joe Phelps demonstrates, the residents of Hillsborough view themselves as part of the community of Hillsborough; the suggestion that Hillsborough is part of, or interdependent with, Durham, is laughable to these residents. *See* Exhibit A, Letter from Joe Phelps, Mayor of Hillsborough.

Independence—local government. Hillsborough has its own local government, being governed by an elected mayor and town council and managed through a hired town manager. Hillsborough's local government has several civilian advisory boards (Water and Sewer Advisory Board, Planning Board, Board of Adjustment, Historic District Commission, Parks & Recreation Board, and Tree Board) as well as several departments staffed by professionals (Administration/Personnel, Engineering/Public Utilities, Finance, Fire Marshal/Code Enforcement, Motor Pool, Planning, Police, and Public Works). In addition to its local government, Hillsborough is also home to the governmental functions of Orange County, of which it is the county seat. No part of local governmental service is provided to Hillsborough by Durham.

Independence—telephone book and zip code. There are two telephone books for Hillsborough, one is Hillsborough only, the other is Hillsborough/Mebane.[5] Local telephone service in Hillsborough is provided by Sprint; local telephone service in Durham is provided by GTE (Verizon). A telephone call from Hillsborough to Durham is not a local call unless the consumer

---

[5] Mebane (population 7284) is a town to the west of Hillsborough (i.e., the opposite direction of Durham).

subscribes for a fee for the extended area coverage plan. Hillsborough has its own zip code (27278).

Independence—local infrastructure. Hillsborough has numerous local businesses, including, among dozens of others, F.B. Johnson Company, PHE, DOL Technologies, Daniel Boone Country Store, Ellis Enterprises, Flying Carpets, Hillsborough Artists Cooperative, Larry King Chevrolet/Buick, Sloans Auto Parts, Dual Supply, Northside Cabinets, Orange Paint & Decorating, Kent Photography, and Garlands Gourmet Mushrooms & Truffles. Hillsborough has numerous medical offices, although it does not have its own hospital. Hillsborough is located at the major intersection of I-40 and I-85.

Independence—advertising markets. Hillsborough is on the periphery of a large metropolitan area in North Carolina known as the Triangle. The "three vertices" of the Triangle are Raleigh, Durham, and Chapel Hill, and the population of the metropolitan area exceeds one million people. Consequently, advertising rates of many media located within the Triangle are much higher than many small businesses can afford. Hillsborough, although physically located outside of the "Triangle," is, naturally, affected by the advertising market for the Triangle overall, but local advertisers do have the local weekly newspaper, *The News of Orange County*, in which to advertise at more modest rates. It is New Century's intention, if WHLQ's community is changed to Hillsborough, to provide a local advertising outlet for local businesses in Hillsborough and Orange County.

Independence—municipal services. Hillsborough has its own police and fire departments. In North Carolina, local school districts are delineated within county boundaries and are either (1) split between city school districts and county school districts or (2) are county-wide unified school districts. In Orange County, Hillsborough is part of the county school district, although there is a separate school district for Chapel Hill and Carrboro. Of the seven county elementary schools, five

have Hillsborough addresses; both county middle schools have Hillsborough addresses; and both county high schools have Hillsborough addresses. The main branch of the Orange County Public Library is located in Hillsborough (there is only one other, much smaller branch located in a school in Carrboro). Water and sewer are provided by Hillsborough. Hillsborough has its own parks department, operates several municipal parks, and has recently passed an $800,000 bond issue to create more parks. No municipal services are provided by the City of Durham or Durham County.

As can be seen, the individual *Tuck* factors conclusively demonstrate that Hillsborough is independent from Durham and that New Century should be entitled to an allotment preference for providing first local transmission service to Hillsborough.

If the Commission allots Channel 273A to Hillsborough, New Century will promptly file an application for a construction permit to operate WHLQ at Hillsborough, North Carolina, and, upon grant, will promptly construct and operate the facilities.

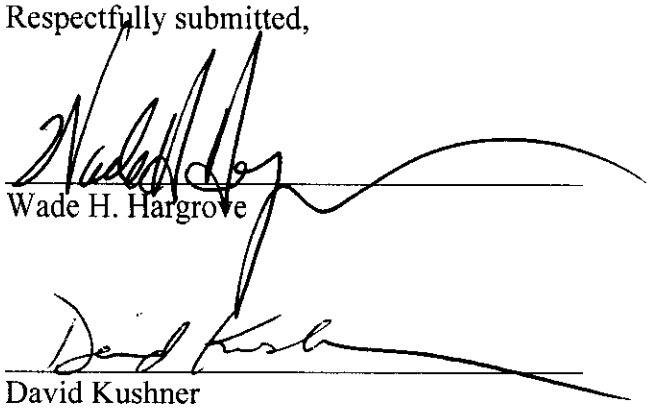
Conclusion

For the foregoing reasons, New Century respectfully requests that the Commission grant the instant Petition and amend the Table of FM Allotments as follows:

	North Carolina	
	Present	*Proposed*
Louisburg	273A	-----
Hillsborough	-----	273A

New Century also respectfully requests that the Commission modify WHLQ's license accordingly.

Respectfully submitted,



Wade H. Hargrove

David Kushner

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.
First Union Capitol Center, Suite 1600
150 Fayetteville Street Mall (27601)
Post Office Box 1800
Raleigh, North Carolina 27602
Telephone: (919) 839-0300
Facsimile: (919) 839-0304

Counsel to New Century Media Group, LLC

March 8, 2004

Exhibit A

Town of Hillsborough
Since 1754

To Whom It May Concern:

This letter is in reference to the intention of New Century Media Group to locate an FM radio station in the Town of Hillsborough. As Mayor of Hillsborough, I can unequivocally state that the Town would enthusiastically welcome the opportunity to become the community of license for such a station. Hillsborough has never had a radio station focused on the local community. The Town is served by *The News of Orange County*, a weekly newspaper that has been published here for more than a century, but the prospect that our historic community may have a second local media outlet to inform and entertain our citizens and to help our other local businesses grow and prosper will be a significant development for the Town.

It is my understanding that whether the Town of Hillsborough can become a community of license of a radio station under the policies and regulations of the Federal Communications Commission may turn, in part, on whether Hillsborough is or is not independent from the City of Durham and that this is because Hillsborough is part of the Durham Urbanized Area as determined by the U.S. Census Bureau. When I first heard this, I must admit that I nearly laughed out loud. Let me assure whomever it concerns that the Town of Hillsborough is completely independent from and not dependent in any way on our neighbor to the east.

Hillsborough is a historic town, celebrating its 250th anniversary this year. Hillsborough was an important center of political activity during the colonial and Revolutionary period, and this history remains important to it to this day. More than 100 late 18th and early 19th century structures still stand in and about Hillsborough in its well-preserved and beloved historic district.

The Town has been and continues to be the county seat of Orange County. The Town itself is governed by an elected mayor and board of five commissioners. Our local government has several civilian advisory boards—Water and Sewer Advisory Board, Planning Board, Board of Adjustment, Historic District Commission, Parks & Recreation Board, and Tree Board—as well as several departments staffed by professionals—Administration/Personnel, Engineering/Public Utilities, Finance, Fire Marshal/Code Enforcement, Motor Pool, Planning, Police, and Public Works. All municipal services—police, water, sewer, and garbage—are handled through the Town. The voters of Hillsborough and Orange County recently passed an $800,000 bond issue to improve our town park system.

101 East Orange Street • P.O. Box 429 • Hillsborough, North Carolina 27278
919-732-1270 • Fax 919-644-2390

Hillsborough contains five elementary schools, two middle schools, and two high schools. The principal branch of the Orange County Public Library is located in town.

As one can see, all essential services are provided by and/or located in the Town of Hillsborough. None of these services are provided by or received from Durham or any other municipality.

The people who call Hillsborough home are proud of the Town's long heritage and independence. Although we are located on the periphery of a large metropolitan area, Hillsborough retains that sense of individual community and small town charm that so many people find attractive. I would be shocked if one could find, out of the Town's 5500 residents, even a dozen who would perceive the Town to be a virtual appendage of Durham.

Once again, on behalf of the residents of Hillsborough, let me state that the Town would welcome the opportunity to become home to a local radio station.

Please do not hesitate to contact me if I can offer any further information or assistance.

Sincerely,

Joe Phelps

Joe Phelps
Mayor

Appendix

Technical Statement

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

PETITION FOR RULE MAKING
NEW CENTURY MEDIA GROUP, INC.
RE-ALLOT CHANNEL 273A
HILLSBOROUGH, NORTH CAROLINA
February 2004

TECHNICAL EXHIBIT

Copyright 2004

100 SYLVAN DRIVE, SUITE 260 • P.O. BOX 24466 • ST. SIMONS ISLAND, GA 31522-7466
912-638-8028 • 202-393-5133 • FAX 912-638-7722
www.grahambrock.com

PETITION FOR RULE MAKING
NEW CENTURY MEDIA GROUP, INC.
RE-ALLOT CHANNEL 273A
HILLSBOROUGH, NORTH CAROLINA
February 2004

TECHNICAL STATEMENT

1. This technical statement and attached exhibits have been prepared on behalf of New Century Media Group, LLC ("NCMG"), licensee of WHLQ, Channel 273A, Louisburg, North Carolina.[1] NCMG herein requests that Channel 273A be re-allotted from Louisburg, North Carolina, to Hillsborough, North Carolina. The proposed allotment to Hillsborough is mutually exclusive with the present WHLQ allotment at Louisburg, North Carolina.

DISCUSSION

2. The community of Hillsborough, North Carolina, is located in central Orange County, North Carolina. Hillsborough has a population of 5,446 persons.[2] The community is governed by a mayor and town council together with a town manager. Hillsborough provides water and sewer services to its residents and operates local police and fire departments.. Hillsborough presently has no licensed AM or FM services in the community. Hillsborough is located in the Durham Urbanized area, as defined by the U.S. Census. This will be addressed further below.

PROPOSAL

3. Channel 273A can be allotted to Hillsborough, North Carolina, with a site restriction of 10 kilometers northeast of the community to avoid shortspacing WJMH, Channel 271C0,

---

1) In MM Docket #02-40, the former licensee of WHLQ submitted a request to change the community of license of WHLQ from Louisburg, North Carolina, to Rolesville, North Carolina. That request has been withdrawn.

2) 2000 U.S. Census of North Carolina

Reidsville, North Carolina[3] and WIOZ-FM, Channel 273A, Southern Pines, North Carolina The reference site for the proposed allotment of Channel 273A at Hillsborough, North Carolina, is North Latitude 36° 06' 49" and West Longitude 79° 00' 20".

4. Attached as Exhibit #1 is a map depicting the area to locate a transmitter site for Channel 273A at Hillsborough, North Carolina. Further, attached as Exhibit #2 is a §73.207 spacing study demonstrating that Channel 273A meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities, with the exception of the licensed facilities of WHLQ. From the proposed reference site, a theoretical 3.16 mV/m (70 dBu) signal will be provided over Hillsborough.

5. Therefore, NCMG herein requests the following changes in §73.202 of the Commission's rules.

Hillsborough, North Carolina

Present	Proposed
None	273A

Louisburg, North Carolina

Present	Proposed
273A	None[4]

---

3) In MB Docket #03-47, WJMH's channel was downgraded from Channel 271C to Channel 271C0. The Report and Order is final, although, the license for WJMH has not yet been amended to specify Channel 271C0 in lieu of Channel 271C. WJHM is considered as a Class C0 facility at its licensed site for the purposes of this instant petition.

4) AM station WYRN, 1480 kHz, will remain licensed to Louisburg, North Carolina. It is noted that NCMG is also the licensee of WYRN.

PUBLIC INTEREST

6. The allotment of Channel 273A to Hillsborough, North Carolina, will provide that community with its first locally licensable FM channel, without depriving Louisburg of its only local service, since AM station WYRN will remain licensed to Louisburg. A relocated WHLQ, operating on Channel 273A at Hillsborough, North Carolina, will provide 60 dBu (1.0 mV/m) service to 378,247 persons in 2,516.1 square kilometers.[5] This represents a net gain of 241,452 persons over the present licensed WHLQ facility.[6] It is noted that the proposed relocation of WHLQ to Hillsborough is great enough that the present 60 dBu contour of WHLQ will not be served by any portion of the proposed 60 dBu contour from the WHLQ, Hillsborough, facility (based on the proposed reference site). However, as indicated on Exhibit #3 and #3A, both the existing and proposed 60 dBu contours of WHLQ are served by a minimum of five existing full time FM services and are, therefore, considered well served.[7]

7. As indicated above, the community of Hillsborough is located in the Durham, North Carolina, Urbanized area. While from the proposed allocation site at Hillsborough, the 70 dBu contour, assuming uniform terrain, provides service to only 37.1 (less than 50%) of the Durham Urbanized area (see Exhibit #4), an analysis of the independence of Hillsborough from Durham is attached elsewhere in this instant petition. Once Channel 273A is allotted to Hillsborough, North Carolina, NCMG will submit the required minor change application for construction permit (FCC Form 301) seeking authority to make the changes to the facilities of WHLQ.

---

5) Assuming a maximum Class A facility, with uniform terrain.

6) The licensed WHLQ facility provides 60 dBu service to 136,795 persons in 2,536.4 square kilometers.

7) There are numerous additional AM and FM facilities that also serve additional parts of the present and proposed WHLQ contours.

8. The foregoing technical statement was prepared on behalf of New Century Media Group, LLC, by Graham Brock, Inc., its Technical Consultants. All data related to FM facilities was extracted from the CDBS database and all population data was extracted from the PL 94-171 2000 census data files. We assume no liability for errors or omissions in either database that may be adverse to the requests contained herein.

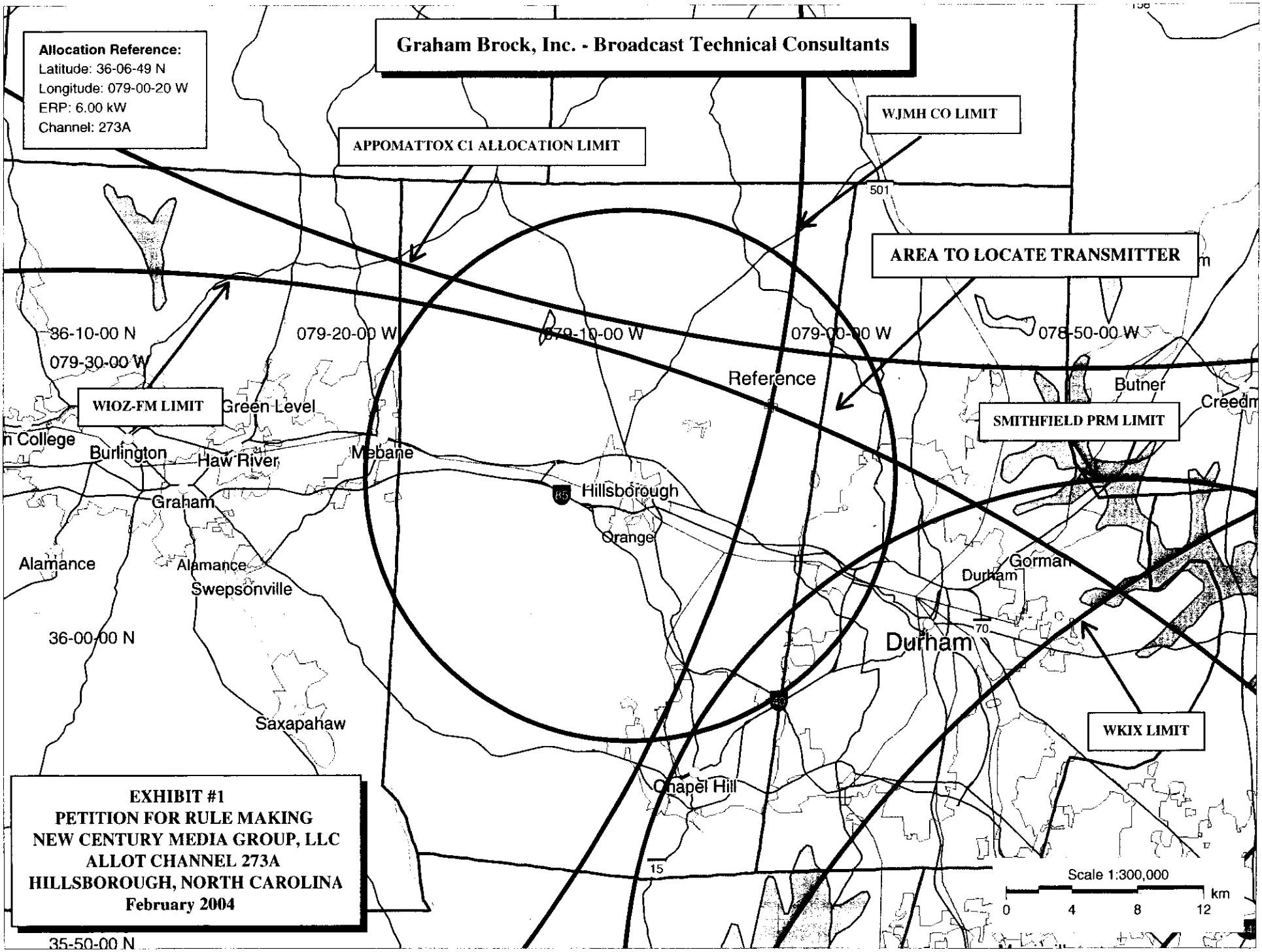


EXHIBIT #1
PETITION FOR RULE MAKING
NEW CENTURY MEDIA GROUP, LLC
ALLOT CHANNEL 273A
HILLSBOROUGH, NORTH CAROLINA
February 2004

PETITION FOR RULE MAKING
NEW CENTURY MEDIA GROUP, INC.
RE-ALLOT CHANNEL 273A
HILLSBOROUGH, NORTH CAROLINA
February 2004

EXHIBIT #2

Allocation study for Channel 273A Hillsborough, North Carolina
Using proposed allocation site as reference

REFERENCE
36 06 49 N
79 00 20 W

CLASS = A
Current Spacings
Channel 273 - 102.5 MHz

DISPLAY DATES
DATA 01-30-04
SEARCH 02-03-04

Call	Channel	Location N. Lat.	W. Lng.	Ant	Power	Dist	Azi	HAAT	FCC	Margin
RADD	**ADD 273A**	**Hillsborough**			**NC 0.0**		**0.0**		**115.0**	**-115.00**
	36 00 55	**78 33 25**								
	> Petition for Rule Making									
WHLQ	**LIC 273A**	**Louisburg**			**NC 56.32**		**89.1**		**115.0**	**-58.68**
	36 07 12	**78 22 48**		**CN**	**6.000 kW**		**100 M**			
	New Century Media Group, LLC				**BLH-19920108KA**					
WJMH	LIC 271C0	Reidsville			NC 86.00		282.4		86.0	0.00
	36 16 33	79 56 26		C	100.000 kW		367 M			
	Entercom Greensboro License				BMLH-20010731ACA					
ALLO	RSV 271C0	Reidsville			NC 86.00		282.4		86.0	0.00
	36 16 33	79 56 26			100.000 kW		450 M			
					RM-10592					
WIOZFM	LIC 273A	Southern Pines			NC 115.03		201.9		115.0	0.03
	35 09 04	79 28 40		CN	3.400 kW		133 M			
	Meridian Communications				BLH-19951107KB					
ALLO	RSV 274C1	Appomattox			VA 136.49		7.8		133.0	3.49
	37 19 55	78 47 45			100.000 kW		299 M			
WWMY	LIC-N 275A	Raleigh			NC 41.75		148.2		31.0	10.75
	35 47 38	78 45 41		NC	1.700 kW		189 M			
	WWND, L.L.C.				BLH-19980702KF					
RADD	ADD 272A	Smithfield			NC 93.83		139.2		72.0	21.83
	35 28 21	78 19 43			6.000 kW		100 M			
WMJA	LIC 274B	Appomattox			VA 150.36		359.9		113.0	37.36
	37 28 07	79 00 27		CN	22.000 kW		227 M			
	Capstar TX Limited Partnership				BLH-19890602KC					
WKIX	LIC 272A	Goldsboro			NC 111.81		135.1		72.0	39.81
	35 23 52	78 08 07		C	2.100 kW		171 M			
	New Age Communications, Inc.				BLH-20010522AAF					
WERXFM	LIC-N 273C1	Columbia			NC 240.67		94.4		200.0	40.67
	35 55 05	76 20 48		NCN	64.000 kW		210 M			
	Lawrence Loesch & Marg. Loesch				BLH-19990208KD					
971023	APP-Z 273A	Shawsville			VA 157.68		319.5		115.0	42.68
	37 11 11	80 09 43		ZCN	0.140 kW		605 M			
	Poor Mountain Broadcasting				BPH-19971023MC					
971021	APP-D 273A	Shawsville			VA 157.96		319.3		115.0	42.96
	37 11 07	80 10 06		DCN	0.150 kW		599 M			
	Positive Alternative Radio				BPED-19971021MF					

PETITION FOR RULE MAKING
NEW CENTURY MEDIA GROUP, INC.
RE-ALLOT CHANNEL 273A
HILLSBOROUGH, NORTH CAROLINA
February 2004

EXHIBIT #3A

Call Sign	Channel	City/State	60 dBu
WBBB	241C	Raleigh, NC	72.4 km
WRAL	268C	Raleigh, NC	89.9 km
WQDR	234C	Raleigh, NC	87.4 km
WTRG	264C	Rocky Mount, NC	91.8 km
WRSN (DA)	230C	Burlington, NC	78.6 km
WKXU (DA)	266C	Burlington, NC	77.0 km
WQOK	248C1	South Boston, VA	72.3 km
WYFL (DA)	223C	Henderson, NC	73.2 km
WDCG	286C0	Durham, NC	73.6 km
WAKG	277C1	Danville, VA	63.7 km

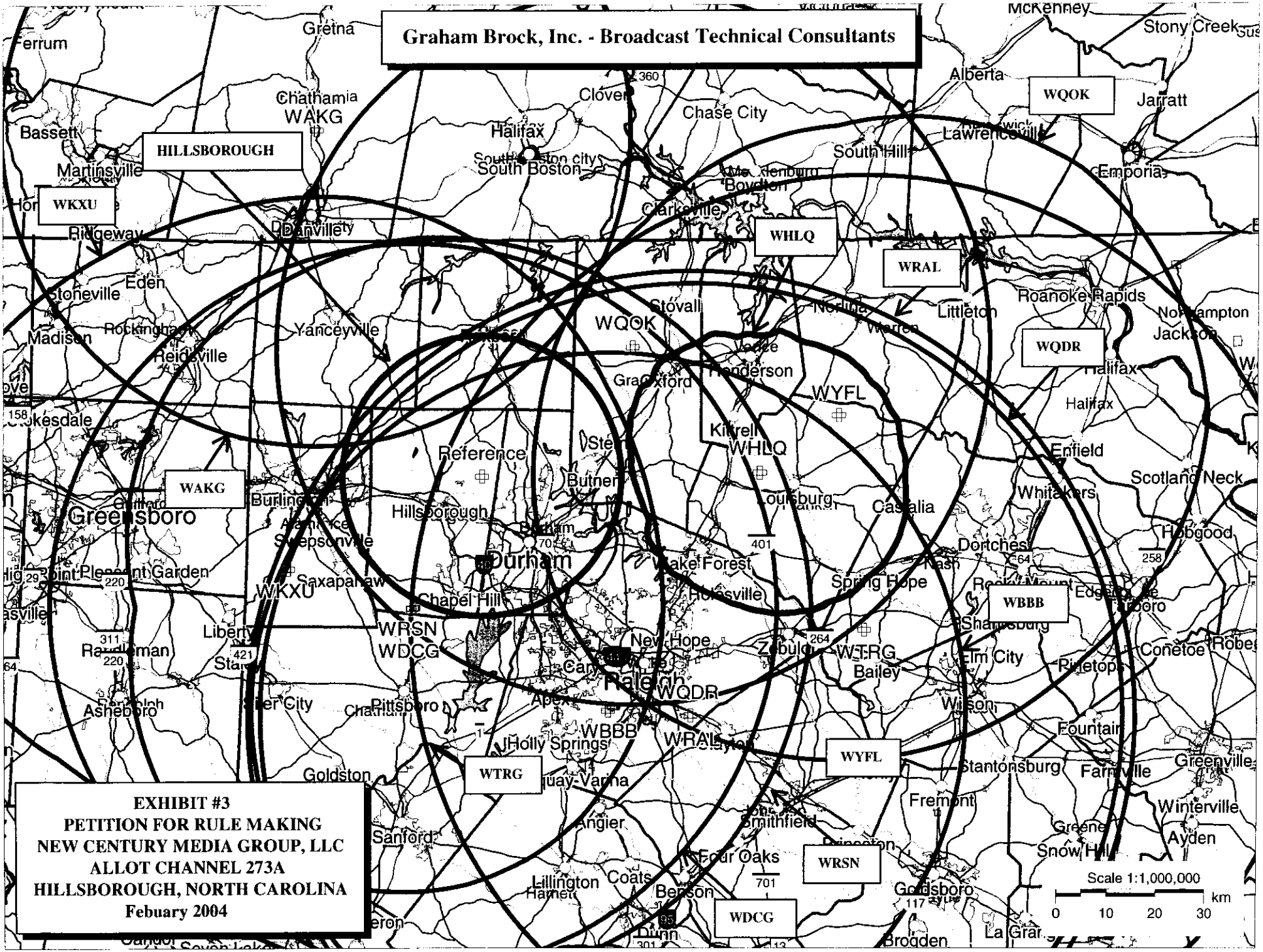
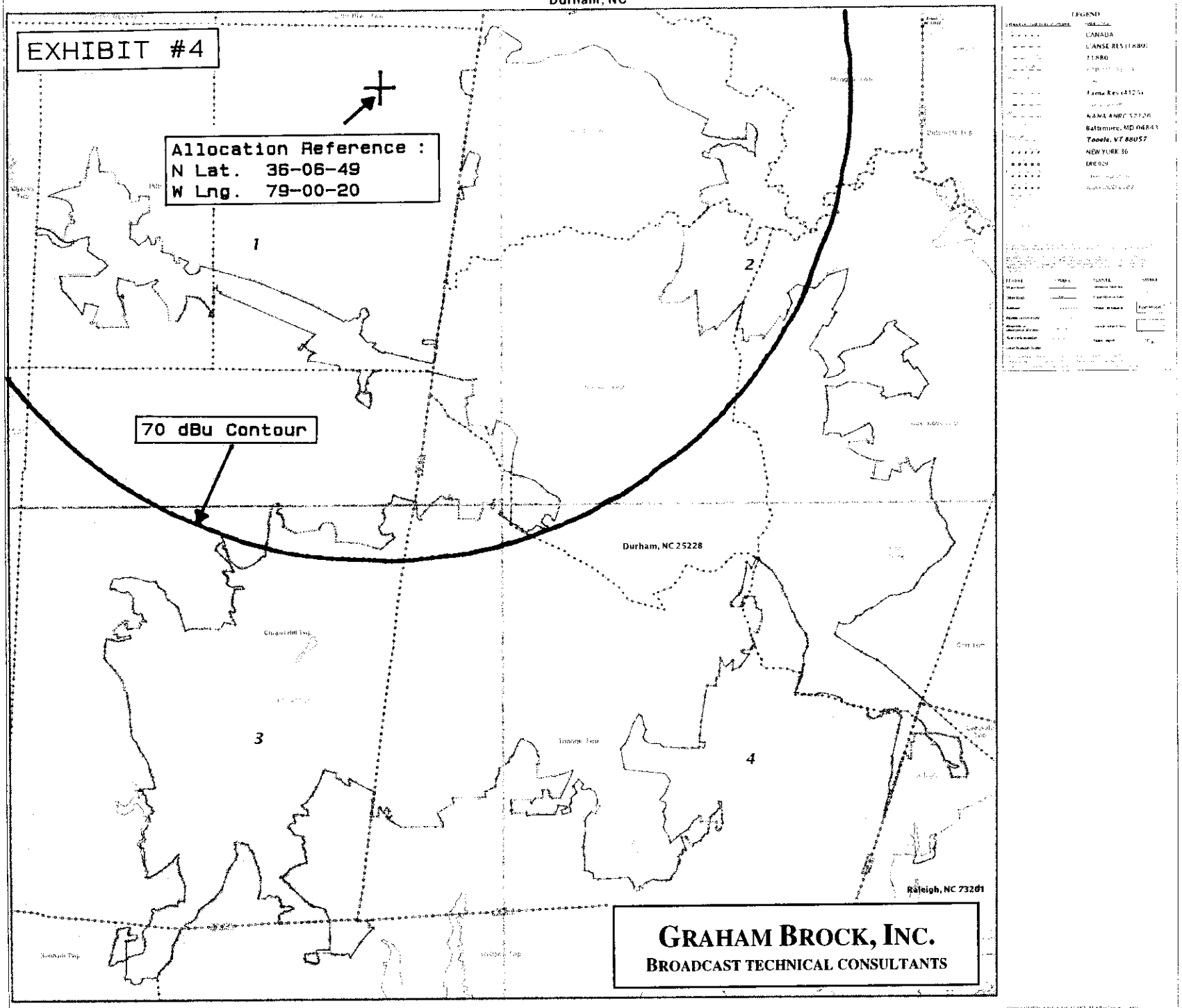


EXHIBIT #3
PETITION FOR RULE MAKING
NEW CENTURY MEDIA GROUP, LLC
ALLOT CHANNEL 273A
HILLSBOROUGH, NORTH CAROLINA
Febuary 2004

URBANIZED AREA OUTLINE MAP (CENSUS 2000)
Durham, NC



AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by New Century Media Group, Inc., to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 13th day of February, 2004.

Jefferson G. Brock
Affiant

Sworn to and subscribed before me
this the 13th day of February, 2004.

Notary Public, State of Georgia
My Commission Expires: September 3, 2007