

WOMBLE
CARLYLE
SANDRIDGE
& RICE
ATTORNEYS AT LAW

DOCKET FILE COPY ORIGINAL

Seventh Floor
1401 Eye Street, N.W.
Washington, DC 20005
Telephone (202) 467-6900
Fax (202) 467-6910
Web site www.wcsr.com

John F. Garziglia
Direct Dial (202) 857-4455
Direct Fax (202) 261-0055
E-mail jgarziglia@wcsr.com

April 16, 2004

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APR 16 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, N.W.
Washington, DC 20554

**Re: Erratum to Petition for Rulemaking
Amendment of Section 73.202(b)
FM Table of Allotments
FM Broadcast Stations
(Lebanon, Lebanon Junction, New Haven, and Springfield, Kentucky)**

Dear Ms. Dortch,

Transmitted herewith on behalf of Washington County CBC, Inc., Elizabethtown CBC, Inc. and CBC of Marion County, Inc. is an original and four (4) copies of its Petition for Rulemaking seeking the commencement of a rulemaking proceeding to amend the FM table of allotments. This filing is directed to the Chief, Media Bureau.

Should any questions arise concerning this matter, please contact this office.

Respectfully submitted,


John F. Garziglia

Enclosures

cc Kathleen Scheuerle (FCC, The Portals, Room 3-A247)

No. of Copies rec'd 014
List ABCDE

FM-MB

GEORGIA NORTH CAROLINA SOUTH CAROLINA VIRGINIA WASHINGTON, D.C.

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

RECEIVED

APR 16 2004

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re Matter of)
)
Amendment of Section 73 202(b),)
Table of Allotments,)
FM Broadcast Stations)
)
(Lebanon, Lebanon Junction,)
New Haven, and Springfield, Kentucky)

MM Docket No 04-
RM-

To The Chief, Audio Division

ERRATUM TO PETITION FOR RULEMAKING

On March 26, 2004, a petition for rulemaking was filed with the Commission with respect to the above-referenced communities by Washington County CBC, Inc , Elizabethtown CBC, Inc and CBC of Marion County, Inc (“Petitioners”) That petition contained certain typographical and other errors The Petitioners by this erratum hereby request leave to correct such errors in the petition

The Petitioners, pursuant to Sections 1 401(a) and 1 420(i) of the Commission’s rules, by counsel, hereby respectfully requests that Section 73 202(b) of the Commission’s rules (the FM Table of Allotments) be amended in order to provide first local service to New Haven, Kentucky from WTHX(FM), and enhanced service to greater populations from WAKY-FM The Petitioners propose the following changes to the FM tables of allotments

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>	<u>Coordinates</u>
Lebanon Junction, KY	297A	274A	N 37-46-07 W 85-35-57 13 8 km SE (122 Deg T)
New Haven, KY	-----	297A	N 37-43-00 W 85-42-38 12 4 km NW (301 8 Deg T)
Springfield, KY	274A	265A	N 37-38-50 W 85-11-50 4 7 km SE (152 Deg T) ¹
Lebanon, KY	265C3	-----	

Petitioners further request that (a) the community of license of station WAKY-FM, Springfield, Kentucky be modified to Lebanon Junction, Kentucky with operation on Channel 274A, (b) the community of license of WTHX(FM), Lebanon Junction, Kentucky be modified to New Haven, Kentucky as New Haven's first local aural transmission service with operation on 297A, and (c) the community license of station WLSK(FM), Lebanon, Kentucky, be modified to Springfield, Kentucky with operation on Channel 265A ² The following is shown in support thereof

1 As shown in the attached Technical Report, the requested allotments may be made in compliance with the Commission's current separation and allocation requirements and the proposed allocations are mutually exclusive with the existing licensed facilities ³ As each respective requested change is mutually exclusive with each respective existing allotment, each of these modifications is in accord with Section 1.420(i) of the Commission's rules. The Technical Report further demonstrates that the reallocation proposed herein would result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990)

¹ This will result in a voluntary downgrade of WLSK to Channel 265A at the same reference point proposed in a rulemaking petition by Rodgers Broadcasting which requests the reallocation of station WIFE to Norwood, OH

² WAKY-FM is licensed to Washington County CBS, Inc. WTHX(FM) is licensed to Elizabethtown CBC, Inc. WLSK(FM) is licensed to CBC of Marion County, Inc. Each of the foregoing is a wholly owned subsidiary of Petitioners Broadcasting Corporation. No involuntary changes are requested here.

³ Exhibit One, Technical Report of Charles M. Anderson

LEBANON JUNCTION, KENTUCKY

2 As demonstrated in the Technical Report, the modification of the community of license for WAKY-FM from Springfield, Kentucky to Lebanon Junction, Kentucky on its existing Channel 274A will provide a 70 dBu service to all of Lebanon Junction and is in satisfaction of the Commission's spacing requirements and line of site requirements⁴

3 This proposal for service to Lebanon Junction would remove the sole local service from Springfield, Kentucky As discussed herein, however, Petitioners propose the allotment of Channel 265A [WLSK(FM)] to Springfield so that the Springfield community will not be without local transmission service

4 The proposed modification of WAKY-FM on 274A from Springfield, Kentucky to Lebanon Junction, Kentucky at the proposed reference coordinates will serve a population of 103,044 persons within the 60 dBu contour When the loss area's (1,395 sq km) population of 23,757 persons is deducted from the gain area's (1,416 sq km) population of 71,359 persons, the net 60 dBu population gain is 47,602 (+76%) persons The loss area that will be created by this proposed reallocation will continue to be served by at least five (5) fulltime aural services and will therefore remain well served⁵

SPRINGFIELD, KENTUCKY

5 As demonstrated in the Technical Report, the modification of the community of license for WLSK(FM) from Lebanon, Kentucky to Springfield, Kentucky on its existing Channel 265A at the coordinates specified in the table on page 2 of this rulemaking petition will provide a 70 dBu service to all of Springfield and is in satisfaction of the Commission's spacing requirements and line of site requirements⁶

⁴ Technical Report at Exhibits E-1A, E-1B and E-1C

⁵ Technical Report at Exhibit E-1D The Commission has considered five or more reception services to be "abundant" *Family Broadcasting Group*, 53 RR 2d 662 (Rev Bd 1983), *rev denied* FCC 83-559 (Nov 29, 1983) See also *La Grange and Rollingwood, Texas*, 10 FCC Rcd 3337 (1995)

⁶ Technical Report at Exhibits E-3A, E-3B and E-3C

6 Lebanon, Kentucky will continue to receive local service from WLBN(AM), Facility ID No 36883, of which CBC of Marion County, Inc is also the licensee The proposed change will not therefore deprive Lebanon of its only local transmission service.

NEW HAVEN, KENTUCKY

7 As demonstrated in the Technical Report, the modification of the community of license of WTHX(FM) from Lebanon Junction, Kentucky to New Haven, Kentucky on its existing Channel 297A as a first local service will provide a 70 dBu service to all of New Haven and is in satisfaction of the Commission's spacing and line of site requirements⁷

8 This proposal would remove the sole local service from Lebanon Junction, Kentucky As noted above, however, the Petitioners propose the modification of WAKY(FM) on Channel 274A to Lebanon Junction such that the Lebanon Junction community will not be without its first local service

9 In addition to providing a first local service to New Haven, the proposed reallocation of WTHX(FM) from Lebanon Junction, Kentucky to New Haven, Kentucky will also result in a population gain of 1,271 persons The loss area that will be created by this proposed reallocation will continue to be served by at least five (5) fulltime aural services and will therefore remain well served⁸

COMMUNITY INDICIA

10 With channels presently allotted to them, Springfield and Lebanon Junction are unquestionably communities for allotment purposes Moreover, both communities are census designated places Springfield has a population of 2,634 (2000 U S Census) while Lebanon Junction has a population of 1,801 (2000 U S Census) *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 100 (1982) (requirement of an allotment to a community is generally satisfied if the community is either incorporated or listed in the U S Census)

⁷ Technical Report at Exhibits E-2A, E-2B and E-2C

⁸ Technical Report at Exhibit E-2D The Commission has considered five or more reception services to be "abundant" *Family Broadcasting Group*, 53 RR 2d 662 (Rev Bd 1983), *rev denied* FCC 83-559 (Nov 29, 1983) *See also La Grange and Rollingwood, Texas* 10 FCC Rcd 3337 (1995)

11 New Haven is an incorporated place with a population of 849 persons (2000 U S Census) *Id* New Haven is home to a number of businesses and organizations, including Kentucky Railway Museum, Rolling Fork Christian Church, St Catherine Elementary School, Sherwood Inn, the Rolling Fork Iron Horse Festival, and Fox Hollow Pottery WTHX(FM) will provide this independent, thriving and growing community with an important outlet for local information and a means to further stimulate local economic growth

12 The substitution of New Haven for Lebanon Junction as WTHX(FM)'s community of license will result in a preferential arrangement of allotments, pursuant to *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982), *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989) The substitution would provide New Haven, Kentucky with its first local aural transmission service (fulfilling the Commission's third priority for FM allocations), while Lebanon Junction will continue to receive local service by virtue of the proposed modification of the WAKY-FM community of license to Lebanon Junction The proposed change will not deprive Lebanon Junction with of its only local transmission service

CONCLUSION

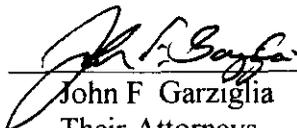
13 In sum, the reallocations proposed herein will result in a first local service for New Haven and a significant increase in the area and population to be served by WAKY-FM The proposed Springfield and Lebanon backfill allotments do not raise the concerns the Commission voiced when it directed the Media Bureau to cease from the practice of allotting new "backfill" FM allotments to "preserve" a community's sole local transmission service since no new allotments are proposed here *Refugio, Texas*, 18 FCC Rcd 2291 ¶ 15 (2003) (an uncertain and time consuming process, intractable spectrum entanglements) The backfills proposed here involve currently operating stations licensed to the Petitioners that can be immediately reallocated to and activated at the communities being vacated in compliance with local service floor requirements *Id*

14 Petitioners hereby certify that they have a present intention to apply for the modified facilities when allotted, and that, when authorized, will simultaneously modify the facilities promptly

WHEREFORE, for the foregoing reasons, Petitioners respectfully request that the Commission commence a rule making proceeding to modify the community of license of WAKY-FM from Springfield, Kentucky to Lebanon Junction, Kentucky on Channel 274A, modify the community of license of WTHX(FM) from Lebanon Junction, Kentucky to New Haven, Kentucky on Channel 297A as a first local transmission service, and modify the community of license of WLSK(FM) from Lebanon, Kentucky to Springfield, Kentucky on Channel 265A

Respectfully submitted,

**WASHINGTON COUNTY CBC, INC.,
ELIZABETHTOWN CBC, INC. AND
CBC OF MARION COUNTY, INC.**

By 
John F. Garziglia
Their Attorneys

Womble Carlyle Sandridge & Rice, PLLC
1401 Eye Street, N W
Seventh Floor
Washington, DC 20005
(202) 857-4400

April 16, 2004

WASHINGTON 110700v4

Charles M. Anderson and Associates

Broadcast Allocation Consultants
1519 Euclid Avenue
Bowling Green, KY 42103

Phone 270-782-0246
Fax 270-793-9129
Cell 270-535-4432

TECHNICAL REPORT

This **Technical Report** has been developed in support of a proposed rulemaking requesting the reallocation of WAKY-FM on 274A from Springfield, KY to Lebanon Junction, KY, WTHX(FM) on 297A from Lebanon Junction, KY to New Haven, KY as a first local aural service and WLSK(FM) on 265A from Lebanon, KY to Springfield, KY to sustain the existing first aural service now provided by WAKY-FM Lebanon, Ky will continue to receive a local aural service from WLBN(AM) on 1590 kHz All of the proposed changes are entirely mutually exclusive with the licensed facilities (See E-1A, E-2A and E-3A)

I. Summary of Proposed Allocations Changes:

<u>Community</u>	<u>Existing</u>	<u>Proposed</u>	<u>Coordinates</u>
Lebanon Junction, KY	297A	274A	N 37-46-07 W 85-35-57 13 8 km SE (122 Deg T)
New Haven, KY	-----	297A	N 37-43-00 W 85-42-38 12 4 km NW (301 8 Deg T)
Springfield, KY	274A	265A	N 37-38-50 W 85-11-50 4 7 km SE (152 Deg T)
Lebanon, KY	265C3	-----	Downgrade of WLSK to 265A at the same reference point proposed in a rulemaking petition by Rodgers Broadcasting requesting the reallocation of station WIFE to Norwood, OH

Charles M. Anderson and Associates

Broadcast Allocation Consultants
1519 Euclid Avenue
Bowling Green, KY 42103

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Fax 270-793-9129
Cell 270-535-4432

II. Population and area gain for proposed reallocations:

The proposed reallocation of WAKY-FM on 274A from Springfield, KY to Lebanon Junction at the reference coordinates will serve a population of 103,044 within the 60 dBu contour. When the loss area's (1,395 sq km) population of 23,757 is deducted from the gain area's (1,416 sq km) population of 71,359, the net 60 dBu population gain is 47,602 (+76%).

At the same time, the proposed reallocation of WTHX (FM) on 297A from Lebanon Junction, KY to New Haven, KY as a first local aural service will also result in a small population gain of 1,271.

The reallocation of WLSK(FM) from Lebanon, KY to Springfield to retain the existing local aural service there does not result in any change from that already proposed and agreed to by the licensee in a petition for rulemaking requesting the reallocation of station WIFE from Connersville, IN to Norwood, Ohio.

III. Allocation Analyses:

Exhibits E-1A, E1B and E1C demonstrate that the proposed reallocation of WAKY-FM to Lebanon Junction, KY will meet Section 73.207 spacing requirements and Section 73.315 requirements for 70 dBu service over the community and line of sight from the reference point to the community. Exhibit E-1D demonstrates that the loss area will continue to receive at least five (5) fulltime aural services.

Exhibits E-2A, E2B and E2C demonstrate that the proposed reallocation of WTHX(FM) to New Haven, KY will meet Section 73.207 spacing requirements and

Charles M. Anderson and Associates

Broadcast Allocation Consultants
1519 Euclid Avenue
Bowling Green, KY 42103

Phone 270-782-0246
Fax 270-793-9129
Cell 270-535-4432

Section 73 315 requirements for 70 dBu service over the community and line of sight from the reference point to the community. The small loss area will continue to receive five (5) fulltime aural services (See E-2D).

Exhibits E-3A, E3B and E3C demonstrate that the proposed reallocation of WLSK(FM) to Springfield, KY will meet Section 73 207 spacing requirements and Section 73.315 requirements for 70 dBu service over the community and line of sight from the reference point to the community. This modification has already been proposed in a petition for rulemaking requesting the reallocation of WIFE(FM) from Connersville, IN to Norwood, OH where WLSK consented to a voluntary downgrade and site specification.

All allocation studies were conducted utilizing V-Soft's FMCONT, PROBE III and 30 second terrain database.

IV. Conclusion:

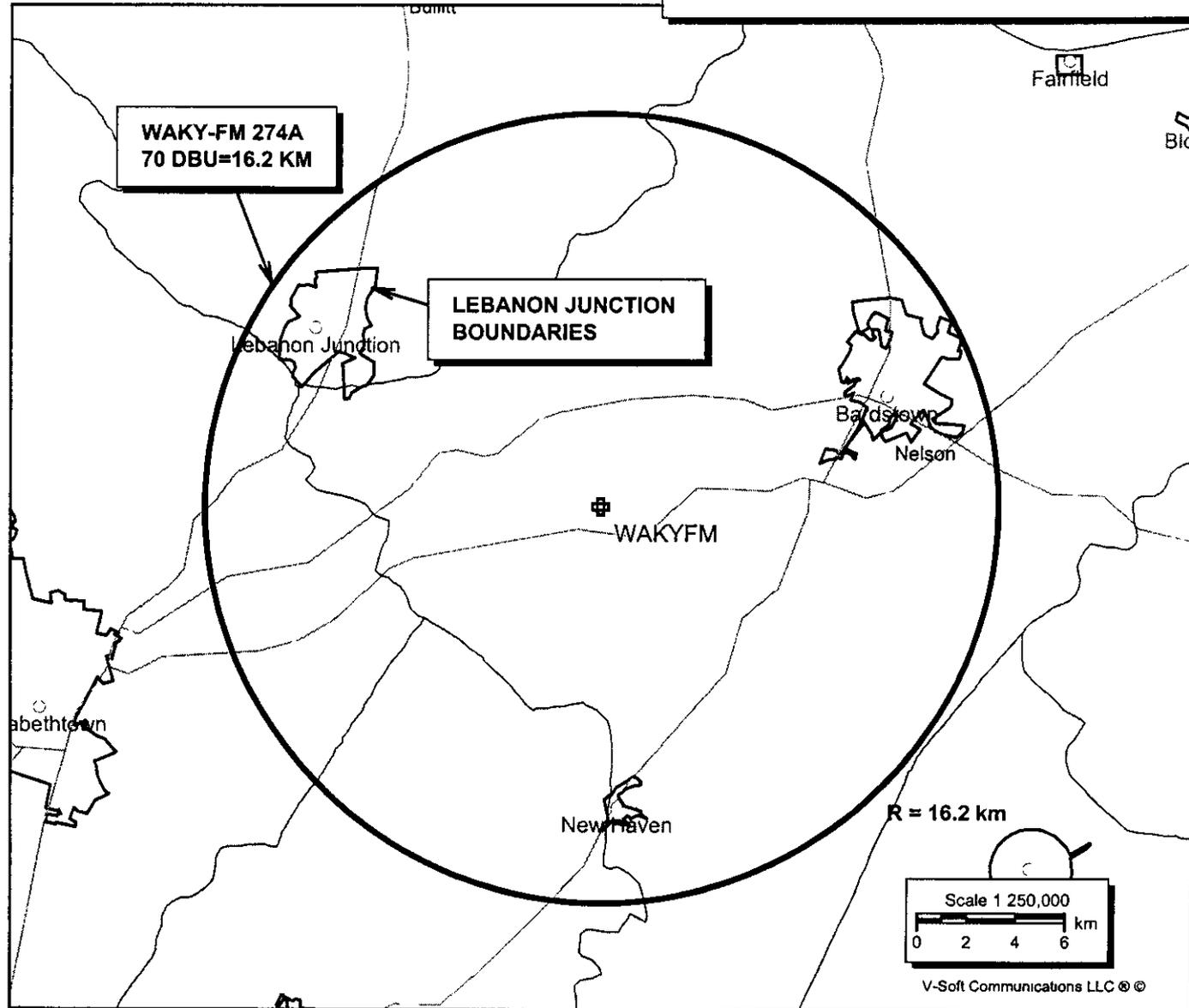
It is concluded that the proposed reallocations meet all applicable Commission rules and policies, and will result in an increase of population served of 72,547 (+47.8%) and area served of 48,873 while providing a first local aural service to the community of New Haven, KY.



Charles M Anderson March 25, 2004

E-1B

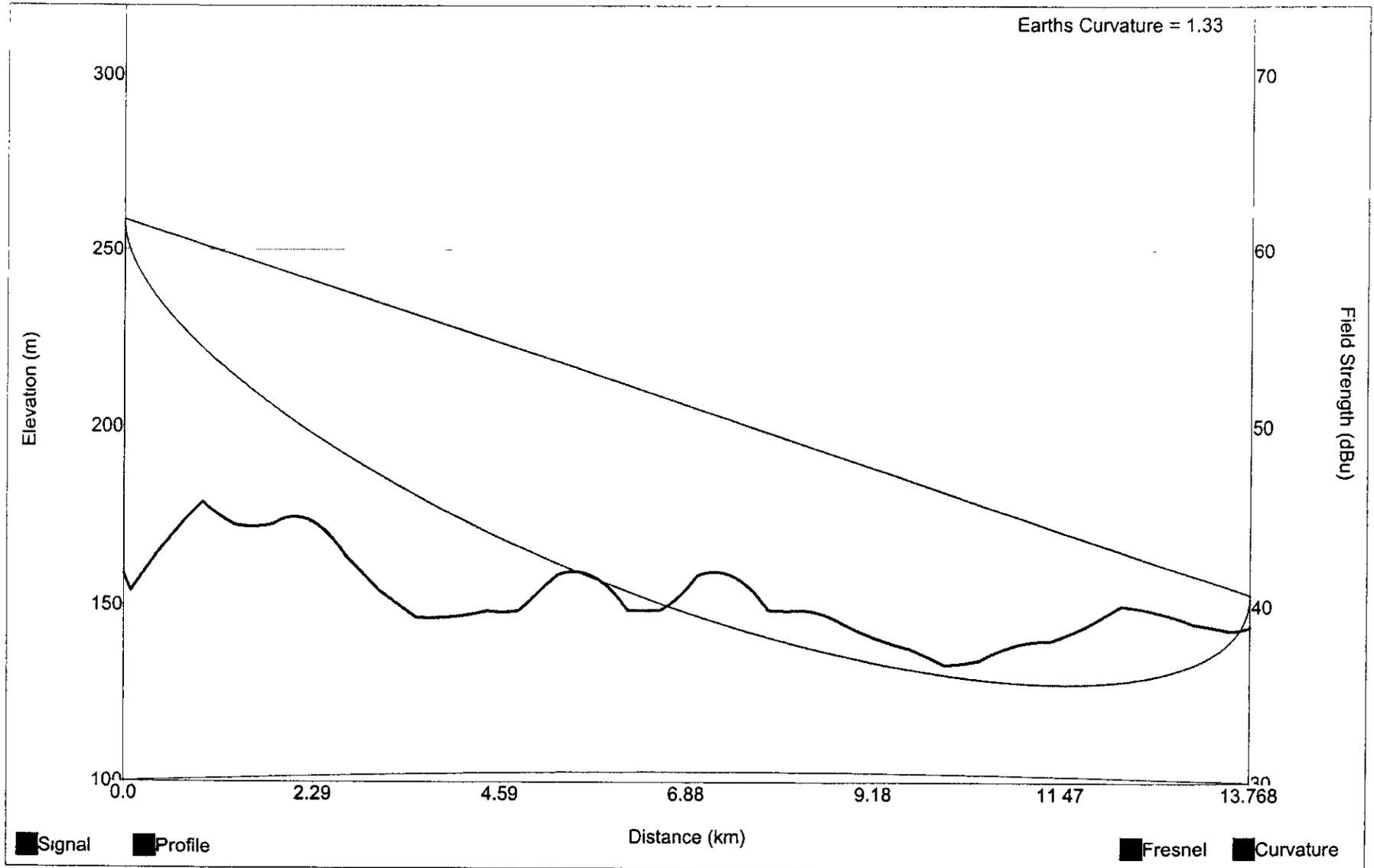
WAKYFM
BLH20030501ABI
Latitude 37-46-07 N
Longitude 085-35-57 W



Scale 1 250,000
0 2 4 6 km

V-Soft Communications LLC © ©

E-1C WAKY-FM LINE OF SIGHT TO LEBANON JUNCTION



Starting Latitude: 37-46-07 N
Starting Longitude: 085-35-57 W

End Latitude: 37-50-04 N
End Longitude: 085-43-54 W

Distance: 13.768247769 km
Bearing: 302.094 deg

Transmitter Height (AG) = 100.0 m
Receiver Height (AG) = 9.1 m

Transmitter Elevation = 158.7 m
Receiver Elevation = 144.0 m

Frequency = 102.7 MHz
Fresnel Zone: 0.6

E-2A

REFERENCE
37 43 00 N
85 42 38 W

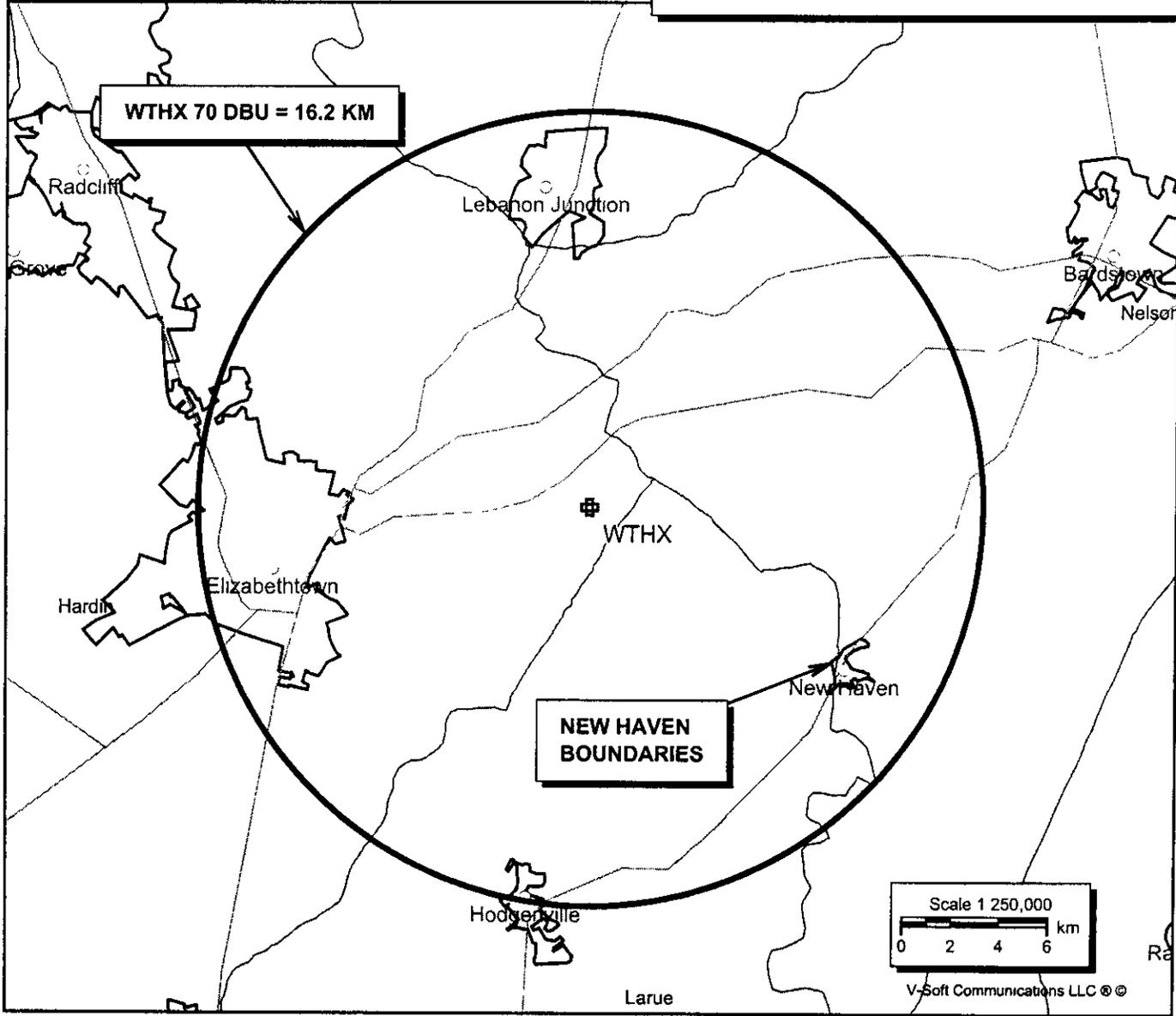
CLASS = A
Current Spacings
Channel 297 - 107.3 MHZ

DISPLAY DATES
DATA 03-25-04
SEARCH 03-26-04

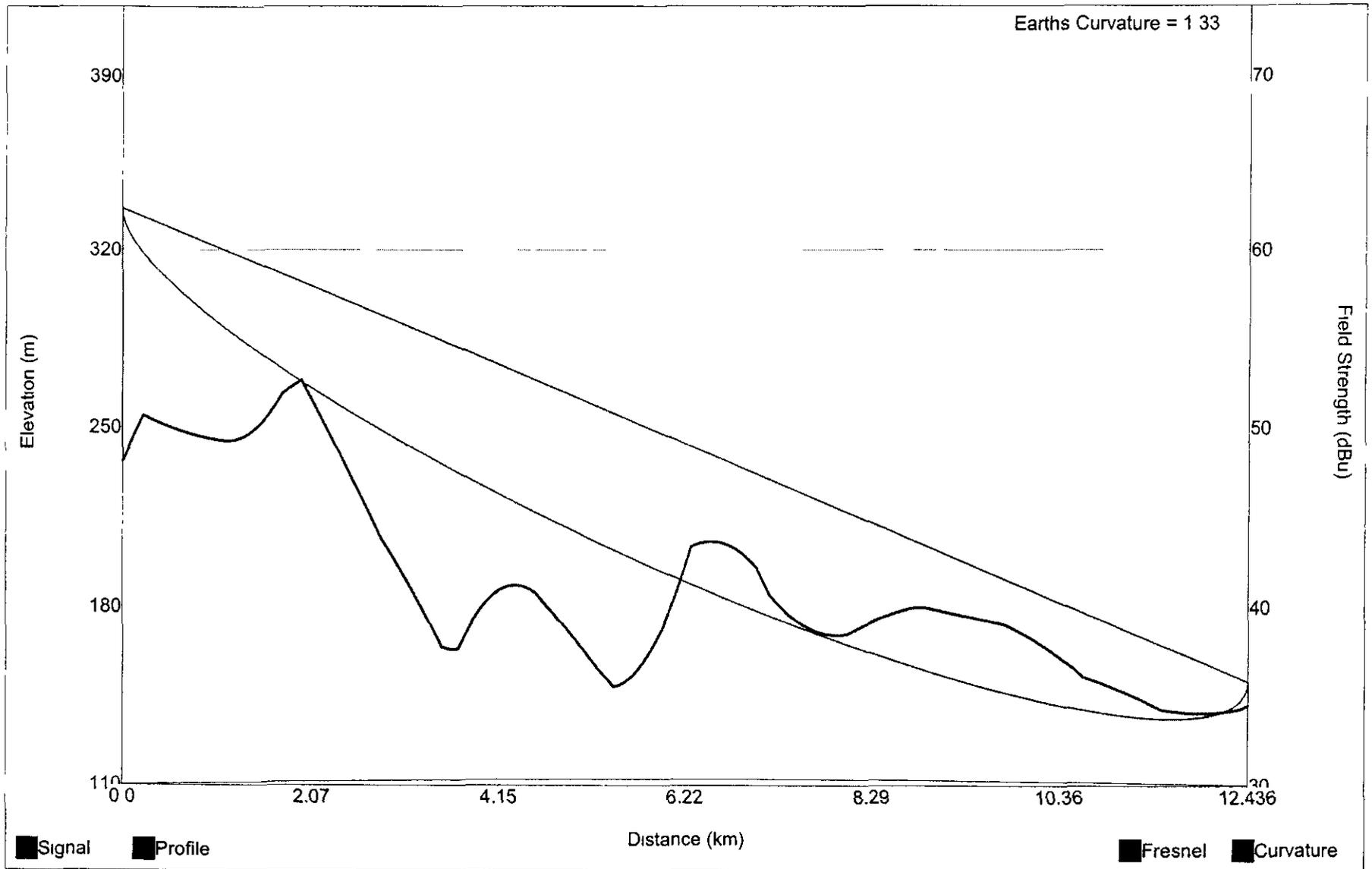
Call	Channel	Location	Dist	Azi	FCC	Margin
WTHX	LIC 297A	Lebanon Junction	KY 10.38	284.9	114.5	-104.12
WUHU	LIC-N 296C2	Smiths Grove	KY 108.44	206.7	105.5	2.94
WCTTFM	LIC 297C2	Corbin	KY 170.32	121.7	165.5	4.82
WVEZ	LIC 295B	Louisville	KY 73.43	352.1	68.5	4.93
WSFR	LIC 299B1	Corydon	IN 53.77	340.7	47.5	6.27
WHIRFM	LIC-N 296A	Danville	KY 83.23	93.0	71.5	11.73
WHIRFM	CP 296A	Danville	KY 85.41	86.5	71.5	13.91
WHHT	LIC 294A	Horse Cave	KY 55.51	194.5	30.5	25.01
WRZQFM	LIC-N 297B1	Greensburg	IN 167.61	358.9	142.5	25.11
RDEL	DEL 243A	Corydon	IN 61.45	334.2	9.5	51.95
RADD	ADD 243A	Lanesville	IN 61.45	334.2	9.5	51.95
WGZBFM	LIC 243A	Corydon	IN 61.45	334.2	9.5	51.95
WGZBFM	APP 243A	Corydon	IN 61.45	334.2	9.5	51.95
WRVW	LIC 298C1	Lebanon	TN 187.86	211.1	132.5	55.36
WRVW.A	APP 298C1	Lebanon	TN 187.87	211.1	132.5	55.37
WYXY	LIC-Z 296A	Boonville	IN 140.46	282.9	71.5	68.96
WKYRFM	LIC 300A	Burkesville	KY 106.88	164.0	30.5	76.38
WBTF	LIC-N 300A	Midway	KY 107.99	60.1	30.5	77.49
WIOK	LIC 298A	Falmouth	KY 152.71	50.2	71.5	81.21
WKFS	LIC-N 296B1	Milford	OH 187.83	33.7	95.5	92.33
WBVRFM	LIC-N 244C2	Auburn	KY 108.44	206.7	14.5	93.94
WABX	LIC-Z 298A	Evansville	IN 168.72	280.9	71.5	97.22
WDDDFM	LIC 297B	Marion	IL 284.23	271.8	177.5	106.73
RDEL	DEL 297B	Marion	IL 284.23	271.8	177.5	106.73
RADD	ADD 297B	Johnston City	IL 284.23	271.8	177.5	106.73
WLFX	LIC-Z 294A	Berea	KY 137.90	92.1	30.5	107.40
WORXFM	LIC 244A	Madison	IN 117.85	14.8	9.5	108.35
WKZP	LIC 297A	Spencer	TN 228.26	175.7	114.5	113.76
WKXDFM	LIC-Z 295C2	Monterey	TN 181.93	166.8	54.5	127.43
WYMW	LIC 295A	Madisonville	KY 159.69	257.0	30.5	129.19

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E-2B
WTHX
BLH20030321ABB
Latitude 37-43-00 N
Longitude 085-42-38 W
ERP 6 00 kW
Channel 297
Frequency 107.3 MHz



E-2C WTHX 297A LINE OF SIGHT TO NEW HAVEN



Starting Latitude 37-43-00 N
Starting Longitude: 085-42-38 W

End Latitude: 37-39-27 N
End Longitude: 085-35-27 W

Distance: 12.435526165 km
Bearing: 121.838 deg

Transmitter Height (AG) = 100.0 m
Receiver Height (AG) = 9.1 m

Transmitter Elevation = 236.5 m
Receiver Elevation = 141.7 m

Frequency = 107.3 MHz
Fresnel Zone: 0.6

E-3A

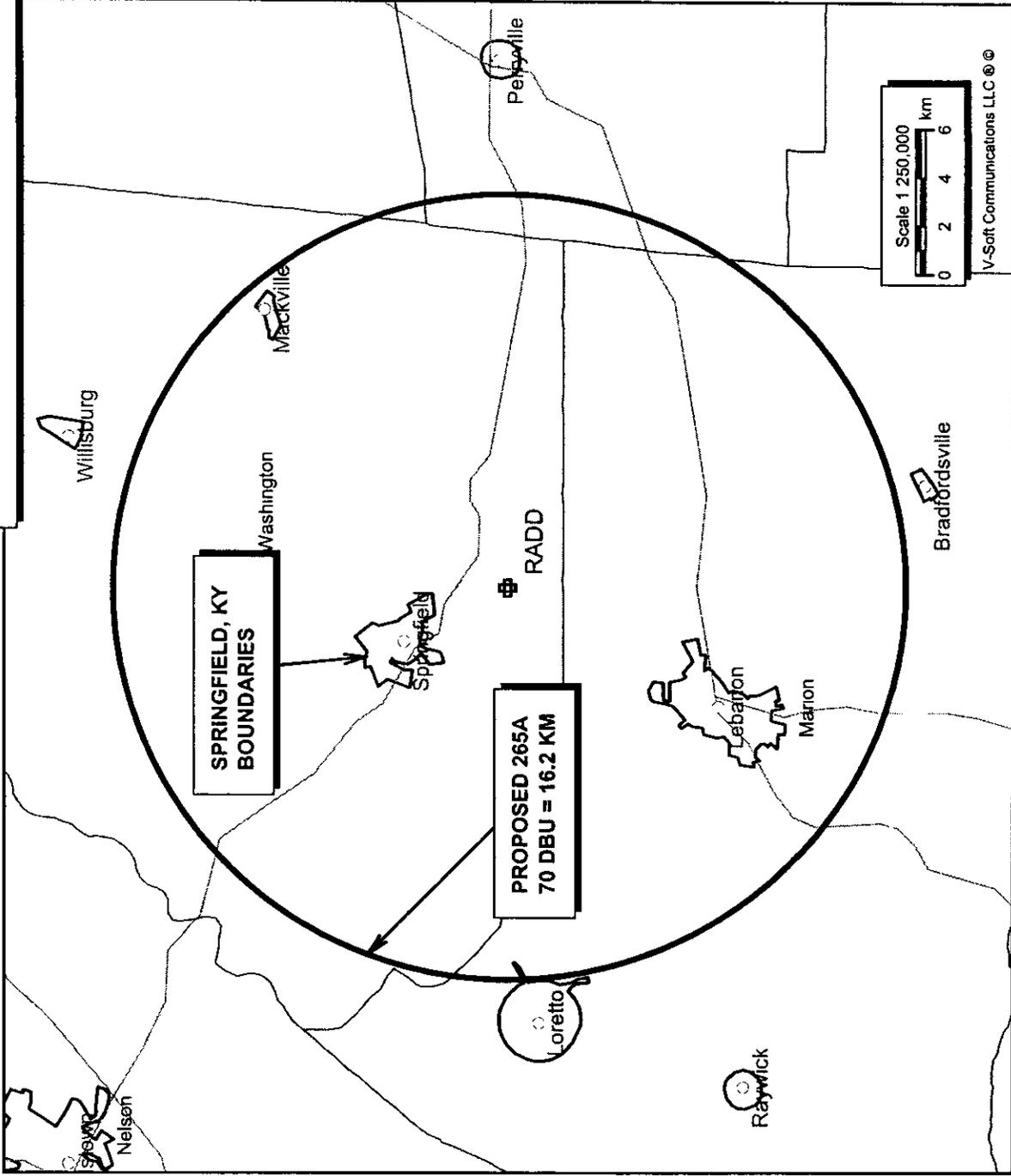
REFERENCE
37 38 50 N
85 11 50 W

CLASS = A
Current Spacings
Channel 265 - 100.9 MHz

DISPLAY DATES
DATA 03-25-04
SEARCH 03-26-04

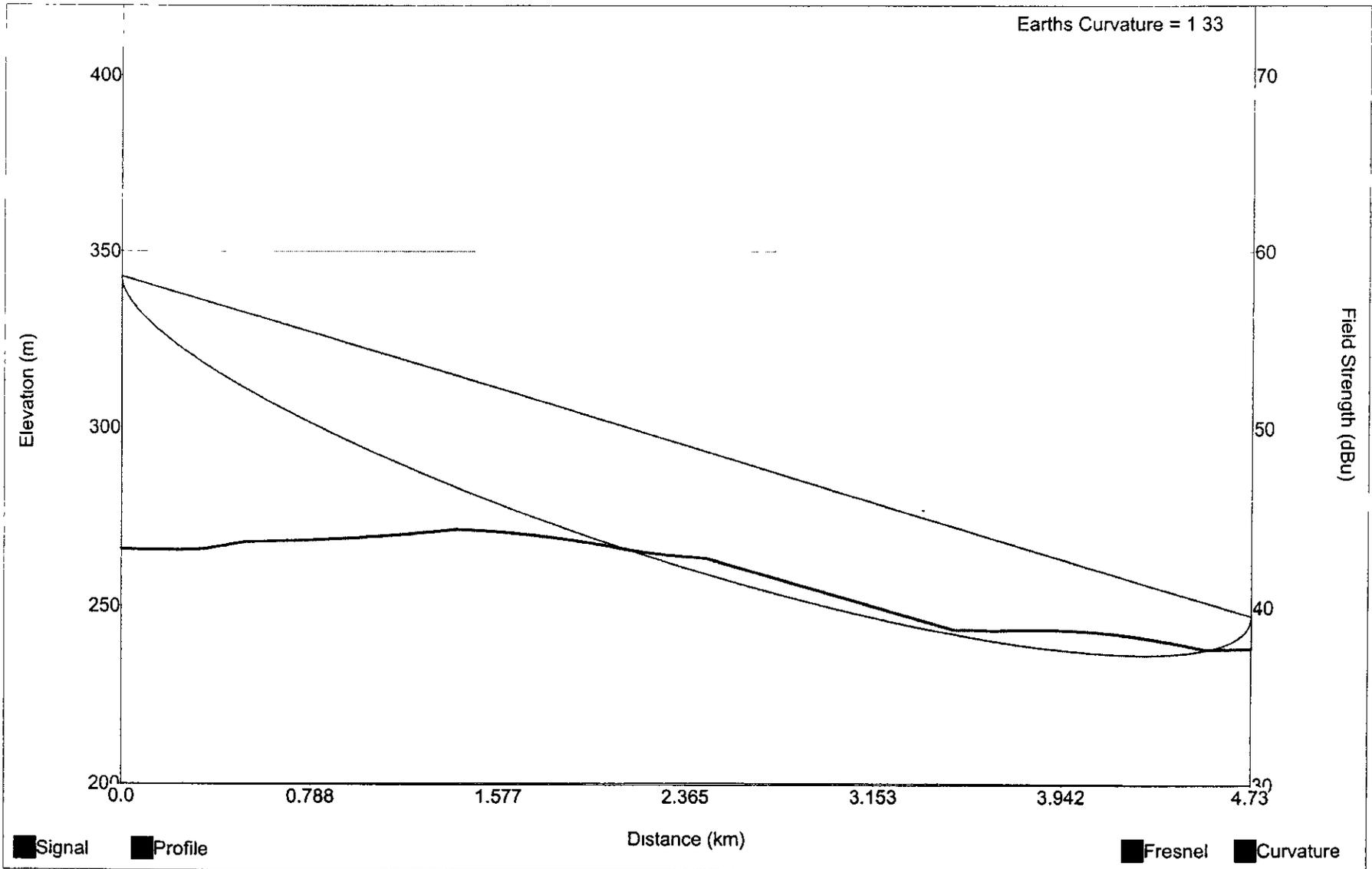
Call	Channel	Location	Dist	Azi	FCC	Margin
WLSK	LIC-Z 265C3	Lebanon	KY 11.94	296.7	141.5	-129.56
RDEL	DEL 265C3	Lebanon	KY 11.94	296.7	141.5	-129.56
RADD	ADD 265A	Lebanon	KY 0.00	0.0	114.5	-114.50
WCYO	LIC-N 264C3	Irvine	KY 92.54	88.7	88.5	4.04
WTFXFM	LIC-N 263C2	Louisville	KY 66.87	335.0	54.5	12.37
RADD	ADD 265A	Madison	IN 130.66	355.6	114.5	16.16
WBDC	LIC 265B1	Huntingburg	IN 162.15	293.2	142.5	19.65
WSGS	LIC 266C	Hazard	KY 185.42	105.2	164.5	20.92
WKLX	LIC-N 264C3	Brownsville	KY 113.90	241.6	88.5	25.40
WLRO	LIC-N 268C3	Richmond	KY 80.98	71.1	41.5	39.48
WRZI.C	CP -D 268A	Vine Grove	KY 72.71	276.5	30.5	42.21
WRZI	LIC 268A	Vine Grove	KY 72.71	276.5	30.5	42.21
WMJM	LIC-N 267A	Jeffersontown	KY 75.30	329.2	30.5	44.80
WUBT	LIC 266C1	Russellville	KY 181.70	227.1	132.5	49.20
WJCRFM	LIC 211C1	Upton	KY 77.41	252.3	21.5	55.91
RDEL	DEL 265A	Erlanger	KY 171.22	18.8	114.5	56.72
WIZF	LIC 265A	Erlanger	KY 171.22	18.8	114.5	56.72
ALLO	VAC 266A	Madison	IN 130.66	355.6	71.5	59.16
RDEL	DEL 266A	Madison	IN 130.66	355.6	71.5	59.16
WOKIFM	LIC 262C	Oak Ridge	TN 182.42	151.6	94.5	87.92
WVFB	LIC 268A	Celina	TN 126.19	196.7	30.5	95.69
RADD	ADD 266A	Erlanger	KY 171.22	18.8	71.5	99.72
WUSY	LIC 264C	Cleveland	TN 270.86	181.7	164.5	106.36
WKKG	LIC 268B	Columbus	IN 183.09	339.3	68.5	114.59
WECOFM	LIC-N 267C3	Wartburg	TN 169.57	162.3	41.5	128.07
WYJZ.C	CP 265A	Speedway	IN 250.96	342.6	114.5	136.46
ALLO	RSV 265A	Speedway	IN 252.10	339.5	114.5	137.60
WVVR	LIC 262C	Hopkinsville	KY 232.66	251.2	94.5	138.16
WVVR.C	CP -D 262C	Hopkinsville	KY 232.66	251.2	94.5	138.16
970724	APP 266A	Bloomfield	IN 210.63	317.8	71.5	139.13

CHARLES M. ANDERSON AND ASSOCIATES



E-3B
WLSK
RADD
Latitude 37-38-50 N
Longitude 085-11-50 W
ERP 6 00 kW
Channel 265
Frequency 100.9 MHz

E-3C 265A LINE OF SIGHT TO SPRINGFIELD



Starting Latitude: 37-38-50 N
 Starting Longitude: 085-11-50 W

End Latitude: 37-41-06 N
 End Longitude: 085-13-19 W

Distance: 4.73 km
 Bearing: 332.00 deg

Transmitter Height (AG) = 76.8 m
 Receiver Height (AG) = 9.1 m

Transmitter Elevation = 266.0 m
 Receiver Elevation = 238.3 m

Frequency = 100.9 MHz
 Fresnel Zone: 0.6