

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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In the Matter of )  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations )  
(Abilene and Burlingame, Kansas) )

MB Docket No. 04-\_\_\_\_  
RM - \_\_\_\_\_

OCT - 4 2004

Federal Communications Commission  
Office of Secretary

To: Office of the Secretary  
Attn: Chief, Audio Division, Media Bureau

PETITION FOR RULE MAKING

Date: October 4, 2004

MCC RADIO, LLC

James R. Bayes  
Todd M. Stansbury  
Krista L. Witanowski  
Wiley Rein & Fielding LLP  
1776 K Street, NW  
Suite 1100  
Washington, DC 20006  
(202) 719-7000  
(202) 719-7207

Its Counsel

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Before the  
Federal Communications Commission  
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|                                  |   |                        |
|----------------------------------|---|------------------------|
| In the Matter of                 | ) |                        |
| Amendment of Section 73.202(b),  | ) | MB Docket No. 04-_____ |
| Table of Allotments,             | ) | RM - _____             |
| FM Broadcast Stations            | ) |                        |
| (Abilene and Burlingame, Kansas) | ) |                        |

**PETITION FOR RULE MAKING**

MCC Radio, LLC (“MCC”), licensee of Station KSAJ-FM, Channel 253C1, 98.5 MHz, Abilene, Kansas, by its counsel, hereby submits this Petition for Rule Making which requests that the Commission amend the FM Table of Allotments, Section 73.202(b) of the Commission’s Rules, to delete Channel 253C1 at Abilene, Kansas, and add Channel 253C1 at Burlingame, Kansas, as that community’s first local service, and modify the license of Station KSAJ-FM to specify operation on Channel 253C1 at Burlingame, Kansas. If this Petition is granted, MCC will apply for a construction permit for Channel 253C1 at Burlingame and will construct the authorized facilities promptly upon grant of such application. The following table summarizes the changes to the FM Table of Allotments requested in this Petition:

| <b><u>Community</u></b> | <b><u>Present</u></b> | <b><u>Proposed</u></b> |
|-------------------------|-----------------------|------------------------|
| Abilene, Kansas         | 253C1                 | -----                  |
| Burlingame, Kansas      | -----                 | 253C1                  |

## **I. Technical Analysis of Proposed New Allotment**

1. As demonstrated in the attached Engineering Statement prepared by Hatfield & Dawson, Consulting Electrical Engineers, Channel 253C1 can be assigned for use at Burlingame, Kansas at coordinates NL 38° 52' 29" x WL 95° 58' 05" consistent with Section 73.207 of the Commission's Rules. Allocating Channel 253C1 to this site will provide greater than 70 dBu coverage for all of Burlingame. Moreover, the proposed reallocation meets all of the minimum distance separation requirements of Section 73.207. *See* channel study attachment to the Engineering Statement at Attachment A. Additionally, although there will be no net change in the total size of the area served, a total of 393,661 persons will receive an additional aural service, with a net gain of 228,466 persons. Finally, no white or gray areas will be created.<sup>1</sup> *See* Engineering Statement at Attachment A.

## **II. Change in Community of License**

2. MCC desires to change the community of license for Station KSAJ-FM from Abilene, Kansas to Burlingame, Kansas pursuant to Section 1.420(i) of the Commission's Rules, and under the guidelines set forth in *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), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("*Community of License*"). In *Community of License*, the Commission stated that a station may change its community of license without subjecting the frequency to other expressions of interest if (1) the proposed allotment is mutually

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<sup>1</sup> A small area of 287 people will receive fewer than five services, which is well within acceptable limits under Commission precedent. *See Shawnee and Topeka, Kansas*, 19 FCC Rcd 931 (2004)(small area of 494 persons left with only four full-time reception services once Station KMAJ-FM reallocated to Shawnee); *See also Park City, Montana*, 19 FCC Rcd 2092 (2004)(3,149 persons in an area of 8,562 square kilometers would be left with two aural services, 11,976 persons in an area of 6,620 square kilometers would be left with three aural services, and 2,954 persons in an area of 3,717 square kilometers would be left with four aural services). *See also Washington and Watkinville, Georgia*, 16 FCC Rcd 17876 (2001)(area of 4,190 people and covering 706 square kilometers would receive four services, while an area containing 6,849 persons and covering 521 square kilometers would receive only three services. An area

exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. *See Community of License*. Reallocating Channel 253C1 to Burlingame will meet all three of these criteria.

3. First, the proposed use of Channel 253C1 at Burlingame is mutually exclusive with the current use of Channel 253C1 at Abilene. The two locations are approximately 109 km apart. *See* channel study attachment to the Engineering Statement at Attachment A. This is 136 km short of the FCC's requirements. *See* 47 C.F.R. § 73.207. Second, Abilene will not be deprived of its only local service. Rather, Station KABI(AM) (1560 kHz), Abilene, Kansas, will continue to serve that community. Third, the proposed reallocation and provision of a first local service at Burlingame will result in a preferential arrangement of allotments under the Commission's third allotment priority. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982) (setting forth the FM priorities as (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters).

4. As shown in more detail below, Burlingame is an independent incorporated city fully deserving of a first local service preference. The Commission determines whether a community is independent, for FM allotment purposes, based on three factors. *See Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988) (discussing (1) the signal population coverage; (2) the size and proximity of the specified community to the central city of the urbanized area; and (3) the interdependence of the specified community to the urbanized area). In general, a *Tuck* analysis is required when the specified community is located within an urbanized area or when the station's 70 dBu signal

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containing 3,114 people and covering 426 square kilometers would receive only two such services, while an area containing 618 persons and covering 117 square kilometers would receive only one full-time service).

contour will cover 50% or more of an urbanized area. *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd 10352, 10354 (1995). According to the 2000 U.S. Census, Burlingame is not located within any urbanized area. However, the 70 dBu signal contour from Burlingame will cover the Topeka Urbanized Area. See Engineering Statement. Consequently, MCC provides herein a *Tuck* analysis and demonstrates that Burlingame is independent from Topeka, Kansas and from the Topeka Urbanized Area.

5. The first factor used in evaluating the specified community's independence is the "signal population coverage." See *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988). Under this factor, the Commission considers the degree to which the proposed station could provide service, not only to the specified community, but to an adjacent metropolis as well. *Park City, Montana*, 19 FCC Rcd. 2092, 2094 (2004). Petitioner acknowledges that allocating Channel 253C1 at Burlingame will provide 70dBu service to 100% of the Topeka Urbanized Area. In view of the overwhelming evidence of Burlingame's independence and the substantial public interest benefits of the proposed reallocation, however, approval of this change in community of license would be fully consistent with Commission precedent. See, e.g., *Park City, Montana*, 19 FCC Rcd. 2092 (2004) (approving a reallocation where the proposed station's signal contour would cover 100% of an urbanized area after evaluating the independence of the proposed community, based upon existing precedent).

6. Under the second factor, the Commission considers (1) whether FM stations have been allotted to communities equal in size to the proposed community; (2) the population of the proposed community relative to the central city of the urbanized area; and (3) the proximity of the specified community to the central city. See *Park City, Montana*, 19 FCC Rcd. 2092, 2095 (2004). Again, Burlingame should receive favorable treatment under these criteria.

7. According to the 2000 U.S. Census, Burlingame has a population of 1,017, while Topeka's population is 122,377. Burlingame is located approximately 30 miles from Topeka. Significantly, Burlingame and Topeka are not located in the same county; Burlingame is in Osage County and Topeka is in Shawnee County. Moreover, as demonstrated below, Burlingame is an independent community with distinct needs and interests and would benefit from a first local service. These facts, and Commission precedent, indicate that Burlingame should receive positive treatment under this factor. *See, e.g., Mullins and Briarcliffe Acres, South Carolina*, 14 FCC Rcd 10516 (1999) (approving a reallocation where the proposed community had a population of 552 people); *Ada, Newcastle and Watonga, Oklahoma*, 11 FCC Rcd 16896, 16899 (1996) (granting a reallocation even though the proposed community of license represented only .9% of the larger community's population); *Mullins and Briarcliffe Acres, South Carolina*, 14 FCC Rcd 10516, 10517 (1999) (approving a reallocation where the smaller community was separated from an urbanized area by four miles). Consequently, based on Burlingame's size and geographic separation from Topeka, the Commission should find that the second *Tuck* factor weighs in favor of finding Burlingame independent for FM allotment purposes.

8. While the first two factors are pertinent, the third factor, the interdependence of the proposed community to the urbanized area, is the most important criteria considered by the Commission and involves weighing eight additional factors. *See, e.g., Saluda and Irmo, South Carolina*, 19 FCC Rcd 1078, 1079 (2004); *Park City, Montana*, 19 FCC Rcd. 2092, 2094 (2004). Even if the first two *Tuck* factors do not weigh in favor of finding a community independent, a party may still meet its burden if a majority of these eight additional factors weigh in favor of independence. *Lebanon and Speedway, Indiana*, 17 FCC Rcd 25064, 25065 (2002). The eight additional factors are:

(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 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 market; 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.

*Faye and Richard Tuck*, 3 FCC Rcd 5374, 5378 (1988).

9. As demonstrated below, under each of the eight *Tuck* factors, Burlingame clearly qualifies as independent from the Topeka Urbanized Area and should be considered an independent community for FM allotment purposes.

**(1) A Significant Percentage of Burlingame Residents Work in Burlingame**

According to the 2000 U.S. Census, 26 percent of the Burlingame residents in the workforce are employed in Burlingame itself. This percentage is well within the range necessary for the Commission to make a favorable determination under this factor. See *Saluda and Irmo, South Carolina*, 19 FCC Rcd 1078, 1079-80 (2004). Indeed, in previous cases, the Commission has held that percentages as low as 16% supported a favorable finding under this factor. *Anniston and Ashland, Alabama, and College Park, Covington, Milledgeville and Social Circle, Georgia*, 16 FCC Rcd 3411, 3413 (2001).

**(2) Newspapers and Other Media Cover Burlingame's Needs and Interests**

Burlingame is served by the *Osage County Chronicle*, which has offices in Burlingame. The *Osage County Chronicle* provides an outlet for Burlingame news, advertising, and public notices. Significantly, the *Osage County Chronicle* focuses on the interests and needs of Osage County (where Burlingame is located) and not Shawnee

County (where Topeka is located). In addition, the City of Burlingame has its own official website ([www.burlingameks.gov](http://www.burlingameks.gov)) with a special section for “City News.” See Attachment B. By accessing this website, city residents can receive information about Burlingame, including information about the city government, public safety (the website has links to Burlingame’s police department, fire department, municipal court, and animal control), and the community (the website contains links to Burlingame churches, civic organizations, parks, recreation, and housing). Moreover, numerous unofficial websites focus on the needs and interests of Burlingame and its residents. See e.g., <http://skyways.lib.ks.us/towns/Burlingame/index.html>; <http://www.epodunk.com/cgi-bin/genInfo.php?locIndex=4496> at Attachment C and D.

### **(3) Burlingame Community Leaders and Residents Perceive Burlingame as Separate from the Topeka Urbanized Area**

Burlingame has a long-established history as an independent, self-governed city distinct from Topeka. Indeed, Burlingame is the oldest surviving city in Osage County. Settlers from Pennsylvania traveling on the Santa Fe Trail founded the city in 1854. See <http://www.burlingameks.gov> at Attachment B. Community leaders have dedicated Burlingame’s municipal website to information regarding Burlingame’s city government, public safety and community affairs. The scope of the activities and services described and the range of city-related information provided on that website bear further witness to Burlingame’s perceived independence and its existence separate and apart from neighboring Topeka.

### **(4) Burlingame Has its Own Local Government and Elected Officials**

Burlingame has its own government run by a City Council. The Council consists of an elected Mayor and five elected Council members. Burlingame has numerous other

government officials, including three City Clerks, an Animal Control Officer, a City Attorney, a Court Attorney, a Community Librarian, a Fire Chief, two assistant Fire Chiefs, a Municipal Court Judge, a Court Clerk, a Police Chief, a Superintendent of Public Works, a Power Plant Supervisor, and a Building Inspector. *See* <http://www.burlingameks.gov> at Attachment B.

**(5) Burlingame Has its Own Section in the Telephone Book and its Own Post Office and Zip Code**

The local telephone company groups all of the telephone numbers for Burlingame in a separate section of the telephone book. In addition, Burlingame has its own zip code, 66413, and the U.S. Postal Service maintains an office in Burlingame to serve its residents.

**(6) Burlingame Has its Own Commercial Establishments and Health Facilities**

Burlingame has its own commercial establishments and health facilities. Specifically, Burlingame has a law firm, auto repair shops, a bank, beauty shops, churches, craft stores, grocery stores, a grade school, a middle school, a high school, a community college, and a chiropractic clinic. Many of these businesses and other facilities use “Burlingame” in their name, *e.g.* “Burlingame Elementary,” “Burlingame Junior/Senior High,” “Burlingame Meat Market” and “First State Bank of Burlingame.”

In addition, Burlingame has numerous civic organizations including an American Legion Auxiliary, Burlingame 4H, Burlingame Area Chamber of Commerce, Burlingame Boy Scouts, Burlingame Girl Scouts, Burlingame Historical Preservation Society, Burlingame Lions Club, Burlingame Recreation Commission, Burlingame Rotary Club, Delta Kappa Gamma Society International, Fairplain Grange, Masonic Organization, Saddle Club, and Saturday Afternoon Club. These commercial establishments, health facilities, and civic organizations clearly demonstrate that Burlingame is an independent community,

unique and distinct from Topeka. *See*

<http://www.burlingameks.gov/community/organizations.html> at Attachment B. *Cf. Saluda and Irmo, South Carolina*, 19 FCC Rcd 1078, 1080 (2004). *Lebanon and Speedway, Indiana*, 17 FCC Rcd 25064, 25065 (2002).

#### **(7) Burlingame Has its Own Advertising Outlets**

Advertisers can direct their messages to Burlingame residents through various locally oriented media. The Burlingame Community Library maintains an on-line “Burlingame Business Directory” listing Burlingame businesses, their phone numbers and addresses. Moreover, the *Osage County Chronicle* prints advertisements for Burlingame businesses. *See* <http://skyways.lib.ks.us/towns/Burlingame/library.html>; *See also* <http://skyways.lib.ks.us/counties/OS/> at Attachment C.

#### **(8) Burlingame Provides its Own Municipal Services Such as Police, Fire Protection, Schools, and Libraries**

Burlingame has its own fire and police departments. In addition, the city has its own animal control, public works (including a power plant), public library, municipal court, and zoning commission. Burlingame also has its own school district, two city parks, and a city-run swimming pool. *See* <http://www.burlingameks.gov> at Attachment B.

10. In previous cases, the Commission has concluded that a community is independent when a majority of the eight *Tuck* factors weigh in favor of independence. *Lebanon and Speedway, Indiana*, 17 FCC Rcd 25064, 25065 (2002). As detailed above, the record is overwhelming here; the Commission should find that Burlingame qualifies as an independent community for FM allotment purposes under each of the eight *Tuck* factors.

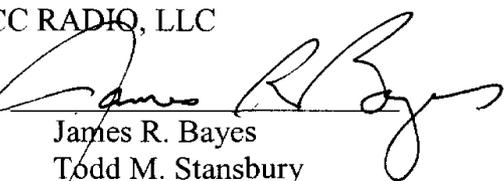
### III. Conclusion

For the foregoing reasons, MCC submits that the Commission should delete Channel 253C1 at Abilene, Kansas, add Channel 253C1 at Burlingame, Kansas, and modify the license of KSAJ-FM to specify operation on that channel at Burlingame. Amending the FM Table of Allotments in this fashion will provide Burlingame with a first local service. As indicated above, if the Commission grants this petition, MCC will file an application to modify the facilities of KSAJ-FM to operate Channel 253C1 at Burlingame and will construct the authorized facilities promptly if that application is granted. Accordingly, MCC respectfully requests that the Commission issue a Notice of Proposed Rule Making as described herein.

Respectfully submitted,

MCC RADIO, LLC

By:



James R. Bayes  
Todd M. Stansbury  
Krista L. Witanowski  
Wiley Rein & Fielding LLP  
1776 K Street, N.W.  
Suite 1100  
Washington, D.C. 20006  
(202) 719-7000

Its Counsel

**ATTACHMENT A**  
**ENGINEERING STATEMENT**

JAMES B. HATFIELD, PE  
BENJAMIN F. DAWSON III, PE  
THOMAS M. ECKELS, PE  
STEPHEN S. LOCKWOOD, PE  
DAVID J. PINION, PE

PAUL W. LEONARD, PE  
ERIK C. SWANSON, EIT  
THOMAS S. GORTON, PE

HATFIELD & DAWSON  
CONSULTING ELECTRICAL ENGINEERS  
9500 GREENWOOD AVE. N.  
SEATTLE, WASHINGTON 98103

TELEPHONE  
(206) 783-9151  
FACSIMILE  
(206) 789-9834

E-MAIL  
hatdaw@hatdaw.com

MAURY L. HATFIELD, PE  
CONSULTANT  
BOX 1326  
ALICE SPRINGS, NT 5950  
AUSTRALIA

## **ENGINEERING STATEMENT**

**PETITION FOR RULEMAKING TO  
AMEND SECTION 73.202 OF THE RULES  
AND REGULATIONS FOR THE FEDERAL  
COMMUNICATIONS COMMISSION**

**TO ASSIGN FM CHANNEL 253C1  
FOR USE AT BURLINGAME, KANSAS**

**MCC RADIO, LLC**

**AUGUST 2004**

## **Engineering Statement**

This Engineering Statement has been prepared on behalf of MCC Radio, LLC ("MCC"), licensee of station KSAJ-FM Channel 253C1 Abilene, Kansas, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to reallocate Channel 253C1 from Abilene to Burlingame, Kansas, and modify the license of station KSAJ-FM to specify operation at Burlingame.

As a result of the proposed reallocation plan, Burlingame (an incorporated city with a 2000 Census population of 1,017 persons) will receive its first local service. A total of 393,661 persons will receive an additional aural service, with a net gain of 228,466 persons. No white or gray areas will be created.

### **Channel 253C1 at Burlingame**

As outlined in the attached channel study, Channel 253C1 can be assigned for use at Burlingame in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments. The Burlingame Channel 253C1 allotment site is located at NL 38° 52' 29" x WL 95° 58' 05". This site is 18 kilometers from Burlingame, the coordinates of which are NL 38° 45' 19" x WL 95° 50' 08". The nominal distance to the 70 dBu F(50,50) contour for a Class C1 station is 50 kilometers. Therefore, this site will provide greater than 70 dBu coverage for all of Burlingame.

Hatfield & Dawson Consulting Engineers

The nearest TV Channel 6 operation is Class A station KTLJ-CA at Junction City. KTLJ-CA is 73.99 kilometers from the proposed Burlingame Channel 253C1 allotment site of Section 73.610(f) of the Commission's Rules.

The proposed reallocation will provide the first local service to Burlingame, an incorporated city with a 2000 Census population of 1,017 persons. Abilene will retain local service from AM station KABI 1560 kHz.

#### **Gain and Loss Areas**

The following table lists the gain and loss areas and populations which will result from grant of the proposed reallocation plan.

**Table of Gain and Loss Areas**

| <b>Channel</b>   | <b>Area and Population Served</b> |                 |
|------------------|-----------------------------------|-----------------|
| Abilene 253C1    | 16,422 km <sup>2</sup>            | 217,687 persons |
| Burlingame 253C1 | 16,422 km <sup>2</sup>            | 446,153 persons |
| Loss Area        | 14,046 km <sup>2</sup>            | 165,195 persons |
| Gain Area        | 14,046 km <sup>2</sup>            | 393,661 persons |

There will be no net change in the area served, but there will be a net gain of service to 228,466 persons.

A detailed study has been made of the loss area associated with the proposed reallocation plan. The following stations will continue to provide service to the loss area<sup>1</sup>:

|      |          |                 |                   |
|------|----------|-----------------|-------------------|
| KFAB | 1110 kHz | Omaha           | (Class A)         |
| KSAL | 1150 kHz | Salina          | (NIF = 3.2 mV/m)  |
| KFAQ | 1170 kHz | Tulsa           | (Class A)         |
| KJCK | 1420 kHz | Junction City   | (NIF = 28.2 mV/m) |
| KAKA | 203C2    | Salina          |                   |
| KPRD | 205C1    | Hays            |                   |
| KMUW | 206C1    | Wichita         |                   |
| KHCD | 208C1    | Salina          |                   |
| KHCC | 211C     | Hutchinson      |                   |
| KBMP | 213C2    | Enterprise      |                   |
| KCFN | 216C1    | Wichita         |                   |
| KANV | 217A     | Olsburg         |                   |
| KCVS | 219C2    | Salina          |                   |
| KSDB | 220A     | Manhattan       |                   |
| KMXW | 222C1    | Newton          |                   |
| KILS | 224C2    | Minneapolis, KS |                   |
| KKYD | 225C2    | Osage City      |                   |
| KHMY | 226C     | Pratt           |                   |
| KYEZ | 229C1    | Salina          |                   |
| KDNS | 231C2    | Downs           |                   |
| WIBW | 233C     | Topeka          |                   |
| KGGG | 234C3    | Sterling        |                   |
| KCKS | 235C1    | Concordia       |                   |
| KICT | 236C1    | Wichita         |                   |
| KHCA | 237A     | Wamego          |                   |
| KQNS | 238C3    | Lindsborg       |                   |
| KZCH | 242C2    | Derby           |                   |
| KACZ | 242C3    | Riley           |                   |
| KBBE | 244A     | McPherson       |                   |
| KJCK | 248C1    | Junction City   |                   |

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<sup>1</sup>In determining reception service provided by FM stations, the area of service circumscribed by the station's 1.0 mV/m signal contour was considered, assuming 1) actual facilities for non-commercial stations operating on reserved channels, 2) maximum facilities for the class of station for stations (other than Class C stations) operating on non-reserved channels, and 3) minimum or existing Class C facilities, whichever is greater, for Class C stations. For clear channel Class A AM stations, the service area was defined by the station's 0.5 mV/m groundwave contour, based on its licensed facilities. For all other classes of full-time AM stations, reception service was defined as that service received within a station's nighttime interference-free contour. See Meeker and Craig, Colorado, 15 FCC Rcd 23858 (2000), Stamps and Fouke, Arkansas, 14 FCC Rcd 10533 (1999), Silverton and Bayfield, Colorado, 14 FCC Rcd 4071 (1999), Malvern and Bryant, Arkansas, 13 FCC Rcd 8426 (1998), and others.

|        |       |                  |
|--------|-------|------------------|
| KRBB   | 250C  | Wichita          |
| KTLI   | 256C1 | El Dorado        |
| KSKG   | 260C1 | Salina           |
| KHOK   | 264C1 | Hoisington       |
| KCLY   | 265C3 | Clay Center      |
| KFDI   | 267C  | Wichita          |
| Vacant | 269C3 | Lindsborg        |
| KMKF   | 268C2 | Manhattan        |
| KZSN   | 271C  | Hutchinson       |
| KBLS   | 273C1 | North Fort Riley |
| KHUT   | 275C1 | Hutchinson       |
| KQLA   | 278C2 | Ogden            |
| KEYN   | 279C0 | Wichita          |
| Vacant | 281C3 | Council Grove    |
| KVGB   | 282C1 | Great Bend       |
| KFXJ   | 283C2 | Augusta          |
| KXBZ   | 284C2 | Manhattan        |
| KZBZ   | 285C3 | Salina           |
| KFBZ   | 287C  | Haysville        |
| KVSV   | 288C2 | Beloit           |
| KJRL   | 289C3 | Herington        |
| KXKU   | 291C1 | Lyons            |
| KTPK   | 295C  | Topeka           |
| KTHR   | 297C1 | Wichita          |
| KZLS   | 300C1 | Great Bend       |

The attached Loss Area Study map shows the service contours from each of these stations with respect to the loss area. Grant of the proposed reallocation plan will not result in the creation of any white or gray areas. There is a small underserved area which will be left behind, as depicted on the attached Loss Area Study Detail map. This underserved area encompasses 234 square kilometers, and a 2000 Census of 287 persons.

#### **Tuck Analysis Required**

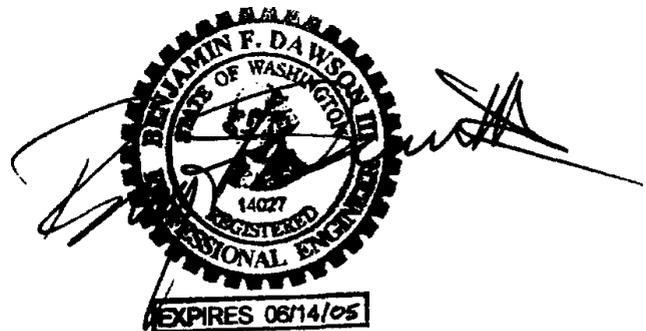
The allotment of Channel 253C1 at Burlingame will provide 70 dBu service to 100% of the Topeka Urbanized Area, although Burlingame itself is not located within the Topeka Urbanized Area.

Hatfield & Dawson Consulting Engineers

**Statement of Engineer**

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Abilene and Burlingame, Kansas, has been prepared by Erik C. Swanson under my direct supervision. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and California.

Signed this 3<sup>rd</sup> day of August, 2004.



Benjamin F. Dawson III, P.E.

Hatfield & Dawson Consulting Engineers

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SEARCH PARAMETERS FM Database Date: 040713

Channel: 253C1 98.5 MHz Page 1

Latitude: 38 52 29

Longitude: 95 58 5

Safety Zone: 50 km

Job Title: BURLINGAME 253C1 ALLOTMENT SITE

| Call Status | City           | FCC File No.       | Channel Freq. | ERP(kW) HAAT(m) | Latitude Longitude | Bearing deg-True | Dist (km)    | Req (km)  |
|-------------|----------------|--------------------|---------------|-----------------|--------------------|------------------|--------------|-----------|
| NEW-T APP   | CLAY CENTER    | BNPFT-030317INJ    | 250D 97.9     | 0.120 146.0     | 39-23-20 097-06-45 | 300.4            | 114.24 0.00  | 0 TRANS   |
| KUDLaux LIC | KANSAS CITY    | KS BLH-950113KZ    | 251C 98.1     | 28.000 131.0    | 39-04-24 094-29-06 | 79.8             | 130.40 0.00  | 0 AUX     |
| KUDLaux LIC | KANSAS CITY    | KS BXLH-010411AAL  | 251C 98.1     | 19.500 129.0    | 39-00-58 094-41-23 | 81.5             | 111.93 0.00  | 0 AUX     |
| KUDLaux CP  | KANSAS CITY    | KS BXPB-021224ACW  | 251C 98.1     | 36.000 254.0    | 39-01-20 094-30-49 | 82.1             | 127.15 0.00  | 0 AUX     |
| KUDLaux CP  | KANSAS CITY    | KS BXPB-010213AAS  | 251C 98.1     | 19.000 86.0     | 39-02-17 094-36-56 | 80.7             | 118.63 0.00  | 0 AUX     |
| KUDL LIC    | KANSAS CITY    | KS BLH-030423AAV   | 251C0 98.1    | 100.000 335.0   | 39-01-20 094-30-49 | 82.1             | 127.15 33.15 | 94 CLEAR  |
| K252DU CP   | EUREKA         | KS BNPFT-030826ACJ | 252D 98.3     | 0.080 186.0     | 37-49-04 096-19-37 | 195.0            | 121.44 0.00  | 0 TRANS   |
| NEW-T APP   | GIRARD         | KS BNPFT-030317IOC | 252D 98.3     | 0.140 142.0     | 37-33-15 094-49-07 | 145.3            | 177.82 0.00  | 0 TRANS   |
| NEW-T APP   | IOLA           | KS BNPFT-030317IOQ | 252D 98.3     | 0.250 108.0     | 37-54-04 095-24-04 | 155.3            | 118.88 0.00  | 0 TRANS   |
| NEW-T APP   | MANHATTAN      | KS BNPFT-030317KVQ | 252D 98.3     | 0.250 130.0     | 39-14-12 096-35-25 | 307.0            | 67.20 0.00   | 0 TRANS   |
| K252DT CP   | SENECA         | KS BNPFT-030826ACH | 252D 98.3     | 0.080 184.0     | 39-49-32 096-02-25 | 356.7            | 105.75 0.00  | 0 TRANS   |
| KSMK-LP LIC | ST. MARYS      | KS BLL-020619ACF   | 252L1 98.3    | 0.050 41.0      | 39-11-30 096-03-26 | 347.7            | 36.02 0.00   | 0 LPFM    |
| KQKQaux LIC | COUNCIL BLUFFS | IA BXLH-880930KA   | 253C 98.5     | 44.000 155.0    | 41-15-34 095-56-58 | 0.3              | 264.79 0.00  | 0 AUX     |
| KQKQ-FM LIC | COUNCIL BLUFFS | IA BLH-021211AAA   | 253C 98.5     | 100.000 336.0   | 41-18-25 096-01-37 | 359.0            | 270.11 0.11  | 270 CLOSE |

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SEARCH PARAMETERS FM Database Date: 040713

Channel: 253C1 98.5 MHz Page 2

Latitude: 38 52 29

Longitude: 95 58 5

Safety Zone: 50 km

Job Title: BURLINGAME 253C1 ALLOTMENT SITE

| Call Status | City St        | FCC File No.    | Channel Freq. | ERP(kW) HAAT(m) | Latitude Longitude | Bearing deg-True | Dist (km)      | Req (km)  |
|-------------|----------------|-----------------|---------------|-----------------|--------------------|------------------|----------------|-----------|
| KSAJ-FM LIC | ABILENE KS     | BLH-850401LA    | 253C1 98.5    | 100.000 134.0   | 38-47-50 097-13-01 | 265.8            | 108.78 -136.22 | 245 SHORT |
| NEW-T APP   | CHANUTE KS     | BNPFT-030312AEM | 253D 98.5     | 0.250 110.0     | 37-44-52 095-33-39 | 164.0            | 130.06 0.00    | 0 TRANS   |
| NEW-T APP   | DE SOTO KS     | BNPFT-030317BLL | 253D 98.5     | 0.040 256.0     | 39-00-45 095-01-46 | 79.0             | 82.80 0.00     | 0 TRANS   |
| NEW-T APP   | FORT SCOTT KS  | BNPFT-030317FAH | 253D 98.5     | 0.060 203.0     | 37-49-43 094-41-10 | 135.7            | 161.37 0.00    | 0 TRANS   |
| NEW-T APP   | GIRARD KS      | BNPFT-030317IOE | 253D 98.5     | 0.140 142.0     | 37-33-15 094-49-07 | 145.3            | 177.82 0.00    | 0 TRANS   |
| NEW-T APP   | IOLA KS        | BNPFT-030317FBN | 253D 98.5     | 0.120 163.0     | 37-57-24 095-22-16 | 152.8            | 114.47 0.00    | 0 TRANS   |
| NEW-T APP   | LAWRENCE KS    | BNPFT-030317FCP | 253D 98.5     | 0.040 255.0     | 38-57-14 095-16-11 | 81.5             | 61.20 0.00     | 0 TRANS   |
| NEW-T APP   | LEAVENWORTH KS | BNPFT-030317FCT | 253D 98.5     | 0.090 164.0     | 39-25-01 094-47-34 | 58.9             | 118.10 0.00    | 0 TRANS   |
| NEW-T APP   | LOUISBURG KS   | BNPFT-030317FCX | 253D 98.5     | 0.080 196.0     | 38-35-10 094-37-13 | 104.9            | 121.50 0.00    | 0 TRANS   |
| NEW-T APP   | OSAWATOMIE KS  | BNPFT-030317FDM | 253D 98.5     | 0.140 146.0     | 38-28-32 094-56-23 | 116.1            | 99.86 0.00     | 0 TRANS   |
| NEW-T APP   | OTTAWA KS      | BNPFT-030317FDP | 253D 98.5     | 0.120 158.0     | 38-33-51 095-18-00 | 120.6            | 67.56 0.00     | 0 TRANS   |
| KCHI-FM RSV | CHILLICOTHE MO | RM-10017        | 253A 98.5     | 0.000 0.0       | 39-43-40 093-35-43 | 64.3             | 225.52 25.52   | 200 CLEAR |
| KCHI-FM LIC | CHILLICOTHE MO | BLH-021031ABI   | 253A 98.5     | 3.200 138.0     | 39-44-50 093-38-38 | 63.4             | 222.63 22.63   | 200 CLEAR |
| NEW-T APP   | KANSAS CITY MO | BNPFT-030317FYA | 253D 98.5     | 0.020 365.0     | 38-58-42 094-32-01 | 84.2             | 124.92 0.00    | 0 TRANS   |

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SEARCH PARAMETERS FM Database Date: 040713

Channel: 253C1 98.5 MHz Page 3

Latitude: 38 52 29

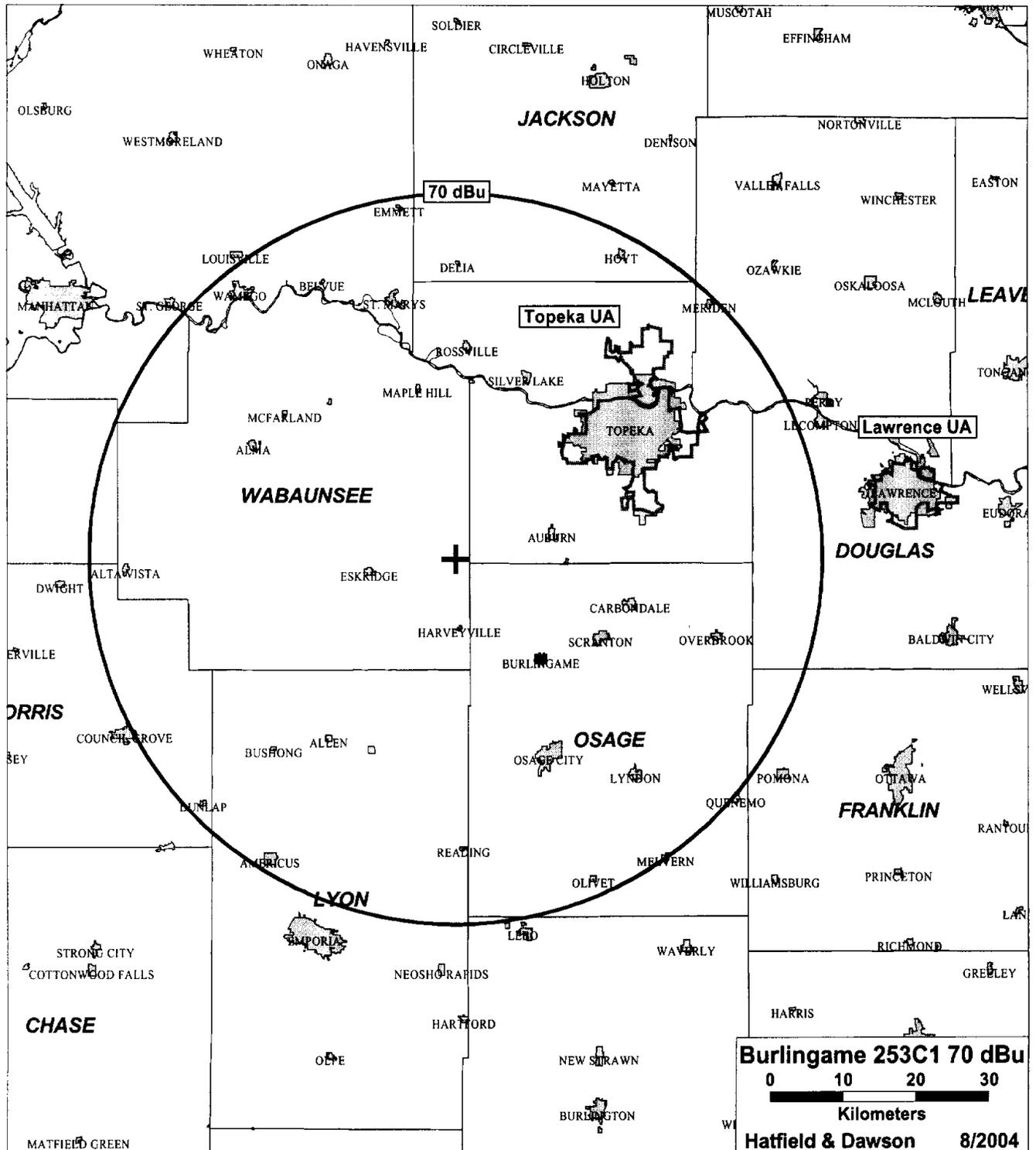
Longitude: 95 58 5

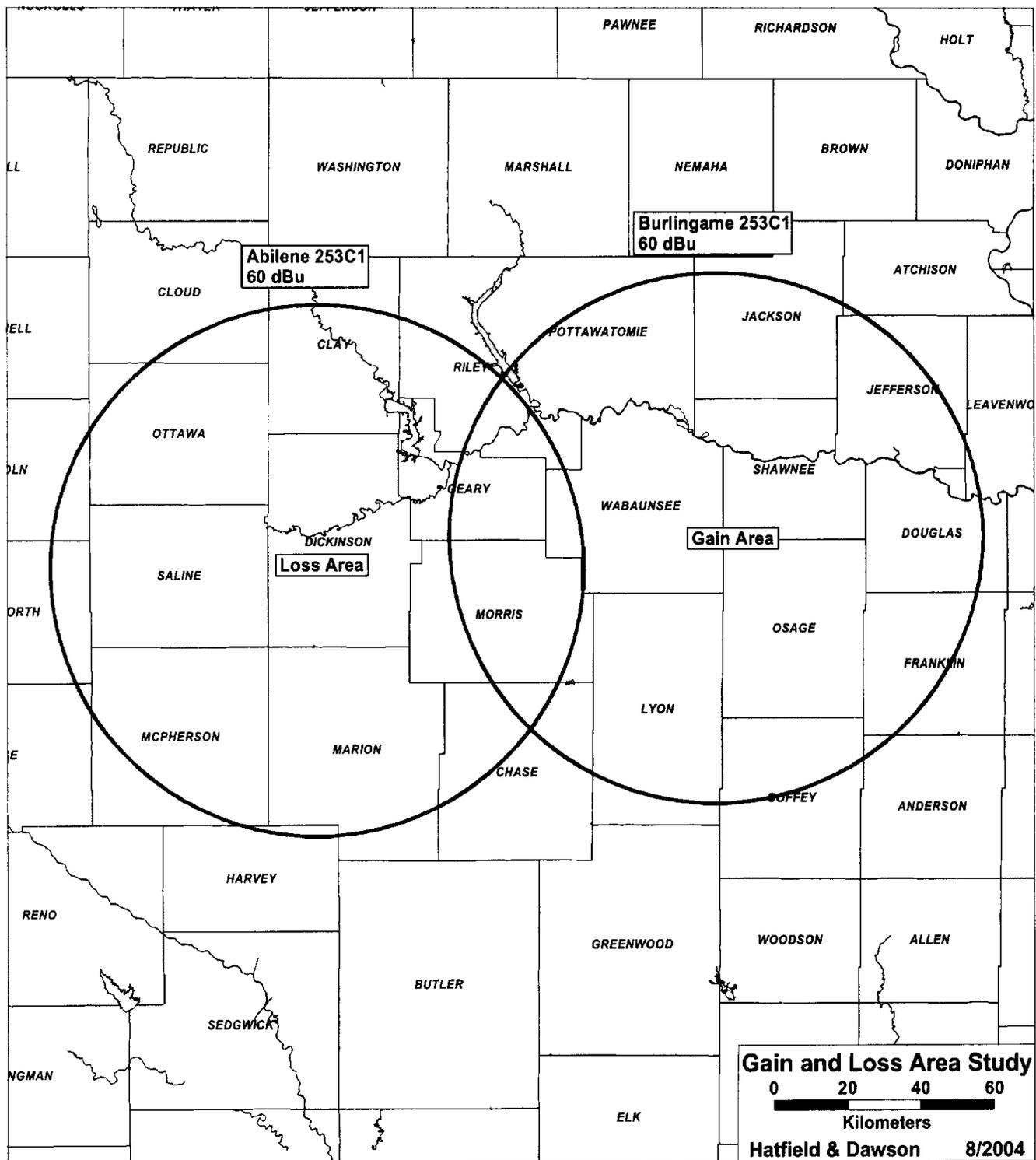
Safety Zone: 50 km

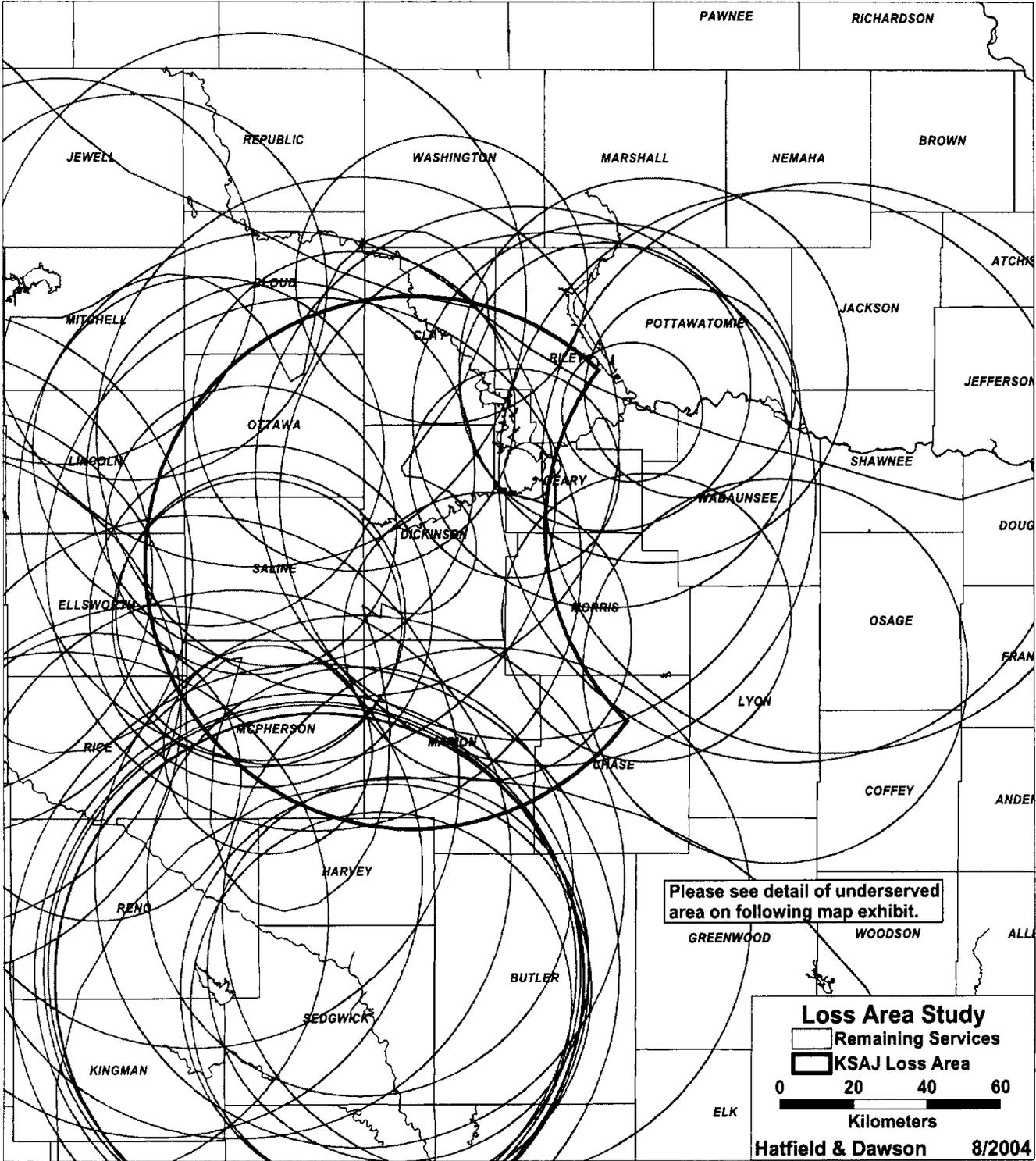
Job Title: BURLINGAME 253C1 ALLOTMENT SITE

| Call Status | City           | FCC File No.    | Channel Freq. | ERP(kW) HAAT(m) | Latitude Longitude | Bearing deg-True | Dist (km)    | Req (km)  |
|-------------|----------------|-----------------|---------------|-----------------|--------------------|------------------|--------------|-----------|
| NEW-T APP   | ST. JOSEPH MO  | BNPFT-030317GAM | 253D 98.5     | 0.080 197.0     | 39-51-31 094-48-58 | 41.8             | 147.60 0.00  | 0 TRANS   |
| KWKJ CP     | WARSAW MO      | BPH-890725MF    | 253A 98.5     | 3.000 87.0      | 38-20-30 093-21-55 | 103.9            | 234.31 34.31 | 200 CLEAR |
| KWKJ APP    | WINDSOR MO     | BPH-030804AAW   | 253C3 98.5    | 9.000 163.0     | 38-35-37 093-31-26 | 97.6 SS          | 214.80 3.80  | 211 CLOSE |
| KWKJ LIC    | WINDSOR MO     | BLH-020313ABA   | 253A 98.5     | 2.300 163.0     | 38-35-37 093-31-26 | 97.6             | 214.80 14.80 | 200 CLEAR |
| KWKJ RSV    | WINDSOR MO     | -               | 253C3 98.5    | 0.000 0.0       | 38-27-04 093-35-35 | 102.1            | 212.00 1.00  | 211 CLOSE |
| KWKJ APP    | WINDSOR MO     | BPH-030804AAW   | 253C3 98.5    | 7.000 163.0     | 38-35-37 093-31-26 | 97.6 SS          | 214.80 3.80  | 211 CLOSE |
| RSV         | WINDSOR MO     | RM-10061        | 253A 98.5     | 0.000 0.0       | 38-31-56 093-31-19 | 99.4             | 216.15 16.15 | 200 CLEAR |
| KVOO-FM LIC | TULSA OK       | BLH-880420KC    | 253C 98.5     | 100.000 374.0   | 36-11-26 096-05-50 | 182.2            | 298.12 28.12 | 270 CLEAR |
| KQRCaux APP | LEAVENWORTH KS | BXPB-030407AAW  | 255C 98.9     | 65.000 254.0    | 39-01-20 094-30-49 | 82.1             | 127.15 0.00  | 0 AUX     |
| KQRCaux LIC | LEAVENWORTH KS | BXLH-010411AAO  | 255C 98.9     | 19.500 129.0    | 39-00-58 094-41-23 | 81.5             | 111.93 0.00  | 0 AUX     |
| KQRC-FM LIC | LEAVENWORTH KS | BLH-030422ABJ   | 255C0 98.9    | 100.000 335.0   | 39-01-20 094-30-49 | 82.1             | 127.15 33.15 | 94 CLEAR  |
| KQRCaux CP  | LEAVENWORTH KS | BXPB-010213AAV  | 255C 98.9     | 19.000 86.0     | 39-02-17 094-36-56 | 80.7             | 118.63 0.00  | 0 AUX     |
| NEW-T APP   | MANHATTAN KS   | BNPFT-030317KXB | 255D 98.9     | 0.250 130.0     | 39-14-12 096-35-25 | 307.0            | 67.20 0.00   | 0 TRANS   |
| NEW-T APP   | MANHATTAN KS   | BNPFT-030317KWK | 256D 99.1     | 0.250 130.0     | 39-14-12 096-35-25 | 307.0            | 67.20 0.00   | 0 TRANS   |

44444 END OF FM SPACING STUDY FOR CHANNEL 253 44444







Please see detail of underserved area on following map exhibit.

**Loss Area Study**

- Remaining Services
- KSAJ Loss Area

0    20    40    60  
 Kilometers

Hatfield & Dawson    8/2004

