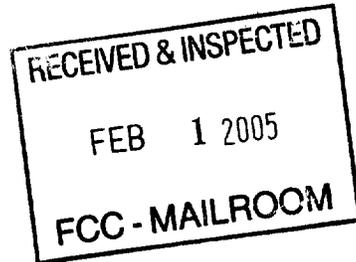


DOCKET FILE COPY ORIGINAL

January 25, 2005

Ms. Marlene Dortch  
Office of the Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
12<sup>th</sup> Street Lobby - TW - A325  
Washington, D.C. 20554



Re: Petition for Rule Making  
Thomas, Oklahoma

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of a  
Petition for Rule Making to add Channel 247A at Thomas,  
Oklahoma.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "Charles Crawford", written over a horizontal line.

Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205  
(214) 520-7077 Tele

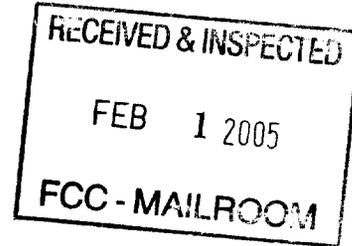
TomCover

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ml 05-07

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

In the Matter of )  
 )  
Amendment of 73.202 (b) ) MB Docket No. \_\_\_\_\_  
Table of Allotments )  
FM Broadcast Stations )  
(Thomas, Oklahoma) )

To: John Karousos, Assistant Chief  
Audio Division of the  
Media Bureau



PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 247A at Thomas, Oklahoma.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 247A to Thomas, Oklahoma as that community's first local service. Thomas is an incorporated community with a population of 1,238 people.<sup>1</sup> Thomas has its own mayor, Bill Stillwell, its own city hall,<sup>2</sup> its own post office, its own independent school district<sup>3</sup>, fire department,<sup>4</sup> police department,<sup>5</sup> and

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<sup>1</sup>U.S. Census, 2000

<sup>2</sup> Thomas City Hall, 122 W. Broadway St., Thomas, OK, (580) 661-3687.

<sup>3</sup> Thomas Independent School District, 920 N. Main St., Thomas, OK, (580) 661-3522.

a number of local churches.<sup>6</sup> Thomas, Oklahoma is a community that is certainly deserving of a local radio station. "Local radio stations play an important role in *their communities, providing local news, information and entertainment to residents, and generally serving as good corporate citizens in the local community life. This is particularly true in smaller towns, where the radio stations are limited in number. Yet there are still rural areas of our country that do not have even a local radio station.*"<sup>7</sup> The proposed Channel 247A will provide additional diversity and an outlet for local self-expression to Thomas, Oklahoma residents and therefore is in the public interest.

Attached hereto is a channel study confirming that Channel 247A can be allocated to Thomas, Oklahoma, consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment A) Please note, station KWEY FM, Channel 247C1/ Weatherford, Oklahoma has been ordered to Channel 247A/ Blanchard, Oklahoma per Report &

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<sup>4</sup> Thomas Fire Department, (580) 661-3131.

<sup>5</sup> Thomas Police Department, 103 N Missouri St., Thomas, OK, (580) 661-4444.

<sup>6</sup> Assembly of God, 201 N. Highway 47, Thomas, OK, (580) 661-2741. Church of Christ, 601 E Broadway St., Thomas, OK, (580) 661-2032. First Baptist Church, 300 N. Main St., Thomas, OK, (580) 661-3839. United Methodist Church, 216 E Kansas St., Thomas, OK, (580) 661-3884.

<sup>7</sup> Statement of Commissioner Kevin J. Martin, MM & O, MM docket 99-240, released May 20, 2004.

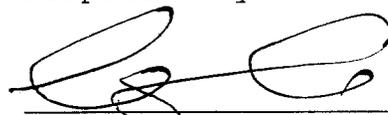
Order, DA 05-36, released January 10, 2005. (See, Attachment B) Also note, the notation on the FCC Engineering Database to add Channel 245C0/ Enid, Oklahoma is an input error. The correct longitude for KQQB 245C/ Enid, Oklahoma is 97 41 42 and not 98 41 42. Reference coordinates for Channel 247A at Thomas, Oklahoma are:

35 44 00 N  
98 42 00 W

Should this petition be granted and Channel 247A is allotted to Thomas, Oklahoma, Petitioner will apply for Channel 247A at Thomas and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford  
4553 Bordeaux Ave.  
Dallas, Texas 75205  
(214) 520-7077 Tele

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17<sup>th</sup> Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, fax (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

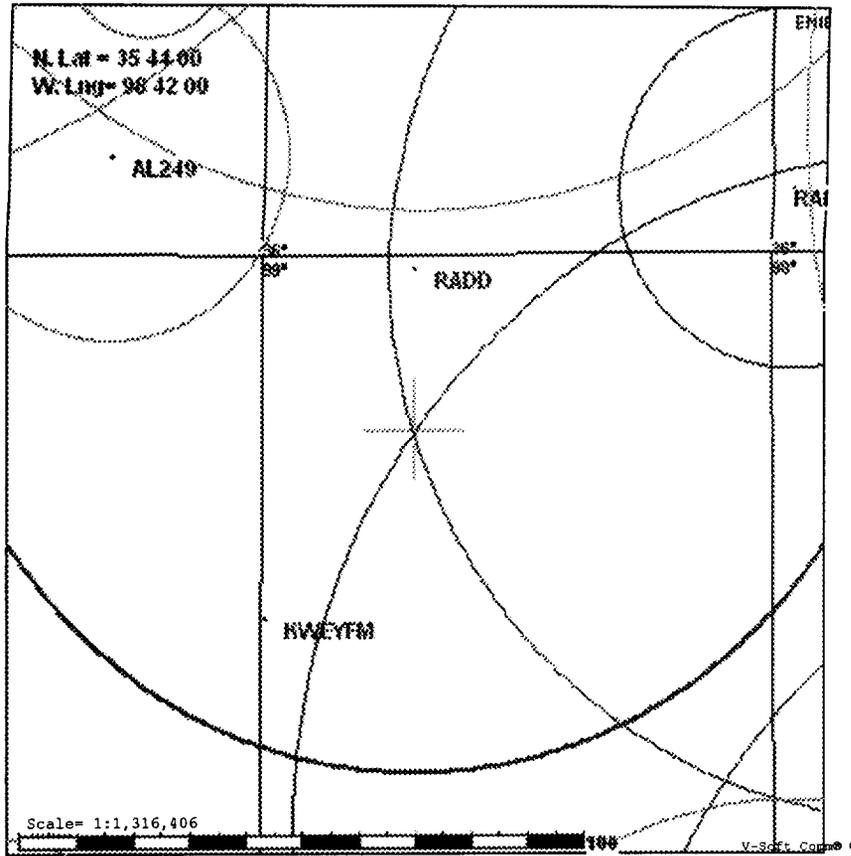
January 25, 2005

Tom

**Attachment A**

(Channel Study for Channel 247A at Thomas, Oklahoma)

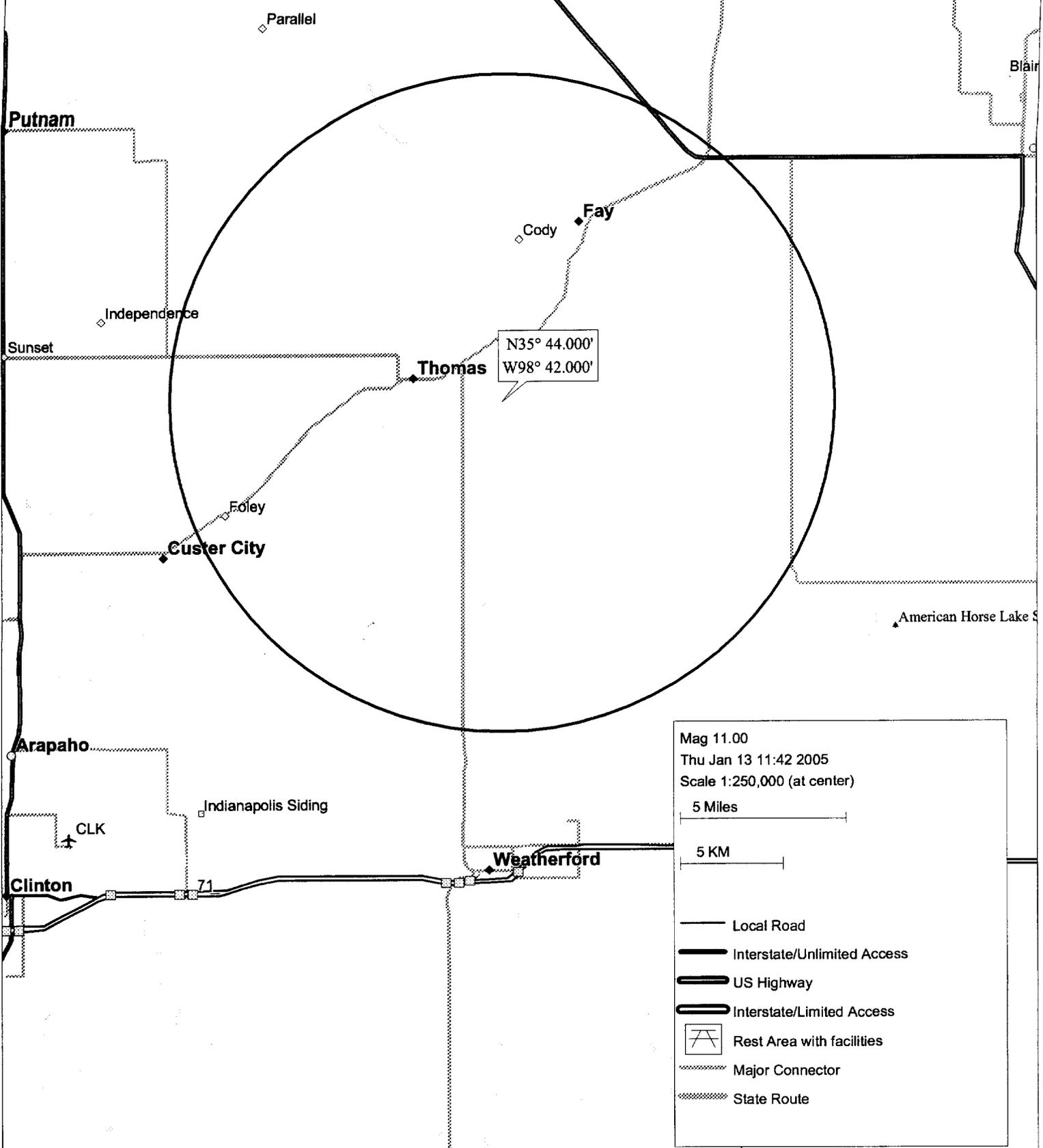
FM PROSP<sup>TM</sup> LOCATE STUDY CH 247 A 97.3 MHz



Dates:  
Data: 01-11-05  
Job : 01-13-05

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RDEL	247C1	DEL	Weatherford	OK	41.42	219.3	200.0	-158.58
KWEYFM	247C1	LIC	Weatherford	OK	41.42	219.3	200.0	-158.58
RADD	245C0	ADD	Enid	OK	27.43	0.9	86.0	-58.57
KQOB	245C*	LIC N	Enid	OK	94.83	72.8	95.0	-0.17
RDEL	245C	DEL	Enid	OK	94.83	72.8	95.0	-0.17
KQOB.A	245C	APP N	Enid	OK	94.83	72.8	95.0	-0.17
KQOB.A	245C	APP N	Enid	OK	94.83	72.8	95.0	-0.17
RADD	247A	ADD	Blanchard	OK	115.38	125.8	115.0	0.38
KPAK	248C2	LIC	Alva	OK	143.24	0.4	106.0	37.24
AL249	249A	VAC	Vici	OK	71.02	310.9	31.0	40.02
RADD	249A	ADD	Hennessey	OK	78.74	58.3	31.0	47.74
RDEL	248C	DEL	Tulsa	OK	240.26	76.8	165.0	75.26
KMODFM	248C*	LIC	Tulsa	OK	240.26	76.8	165.0	75.26
KKJQ	247C1	LIC	Garden City	KS	276.19	326.0	200.0	76.19
KKEN	246A	LIC	Duncan	OK	151.05	153.7	72.0	79.05
KKWD	250A	LIC	Edmond	OK	110.15	99.2	31.0	79.15
AL300	300C2	VAC	Mooreland	OK	94.81	329.4	15.0	79.81
RADD	247A	ADD	Wynnewood	OK	195.32	129.5	115.0	80.32
RADD	247A	ADD	Wynnewood	OK	195.32	129.5	115.0	80.32
RADD	248C0	ADD	Tulsa	OK	240.26	76.8	152.0	88.26
AL250	250A	RSV	Cache	OK	123.34	174.1	31.0	92.34
KHIM	249A	LIC	Mangum	OK	125.28	216.4	31.0	94.28
KJMZ.A	250A	APP	Cache	OK	127.38	173.8	31.0	96.38
KJMZ.A	250A	APP	Cache	OK	127.38	173.8	31.0	96.38
AL248	248A	VAC	Wellington	TX	171.10	239.7	72.0	99.10
RDEL	248A	DEL	Wellington	TX	171.10	239.7	72.0	99.10
RADD	246A	ADD	Wellington	TX	171.10	239.7	72.0	99.10
RADD	248C1	ADD	Holliday	TX	234.23	186.0	133.0	101.23

# Thomas, OK CH 247A 70 dBu



Mag 11.00  
Thu Jan 13 11:42 2005  
Scale 1:250,000 (at center)

5 Miles

5 KM

- Local Road
- Interstate/Unlimited Access
- US Highway
- Interstate/Limited Access
- Rest Area with facilities
- Major Connector
- State Route

**Attachment B**

(Report & Order ordering station KWEY 247C1/ Weatherford,  
Oklahoma to Channel 247A/ Blanchard, Oklahoma)

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

In the Matter of )

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations.  
(Weatherford, Blanchard, Elmore City,  
and Wynnewood, Oklahoma) )

MB Docket No. 03-181  
RM-10758  
RM-11123 )

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: January 5, 2005**

**Released: January 10, 2005**

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division of the Media Bureau has before it for consideration the *Notice of Proposed Rulemaking*<sup>1</sup> proposing changes in the FM Table of Allotments, 47 C.F.R. § 73.202(b). In response to a petition filed by Wright Broadcasting Systems, Inc. ("Wright"), licensee of Station KWEY-FM, Channel 247C1, Weatherford, Oklahoma, the *Notice* proposes to change the community of license for KWEY-FM from Weatherford to Blanchard, Oklahoma, and to change the corresponding channel allotment from Channel 247C1 to Channel 247A. Wright's request was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules, which permits the modification of a station's authorization to specify a new community of license without affording other interested parties the opportunity to file competing expressions of interest in the proposed allotment. Wright represents that if its request is granted, it will file an application to modify the facilities of KWEY-FM to specify operation on Channel 247A and to change its community of license to Blanchard, Oklahoma. Wright filed comments supporting the changes proposed in the *Notice*.

2. Charles Crawford ("Crawford") filed a counterproposal, proposing the allotment of Channel 283A to Elmore City, Oklahoma, in lieu of Channel 247A to Blanchard, Oklahoma. In order to accommodate the allotment at Elmore City, Crawford proposes that the vacant allotment at Wynnewood, Oklahoma, be changed from Channel 283A to Channel 247A. Crawford asserts that his counterproposal should be preferred because it would provide a first local service to Elmore City. Wright filed reply comments, responding to Crawford's counterproposal.

3. In determining whether to approve a change of community, we compare the existing versus the proposed arrangement of allotments using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.<sup>2</sup> We apply the same priorities in selecting from among competing allotment

<sup>1</sup> *Weatherford and Blanchard, Oklahoma*, 18 FCC Rcd 15,908 (MB 2003) ("*Notice*").

<sup>2</sup> 90 FCC 2d 88 (1982), *recon. denied*, 56 RR 2d 448 (1983). The 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).

proposals. Retention of Channel 247C1 at Weatherford would satisfy only the fourth allotment priority, "other public interest matters," whereas both Wright's change of community proposal and Crawford's counterproposal satisfy the third allotment priority, "first local service." We therefore shall compare the populations of Blanchard and Elmore City in making our decision.<sup>3</sup>

4. Blanchard, with a population of 2,826 persons, has a significantly larger population than Elmore City, with a population of 756 persons. Moreover, the reallocation of Channel 247A at Blanchard would result in a net gain in service to 78,547 persons, whereas allotment of Channel 283A at Elmore City would provide an additional service to 13,184 persons in an area that is already well-served.<sup>4</sup> Both on the basis of the populations of the respective communities and the number of additional persons served under each proposal, the proposed reallocation at Blanchard should be preferred.<sup>5</sup>

5. For all of the foregoing reasons, we conclude that the public interest would be served by substituting Channel 247A for Channel 247C1 at Weatherford, Oklahoma, and reallocation of Channel 247A at Blanchard, Oklahoma. Channel 247A can be allotted at Blanchard in compliance with the minimum distance separation requirements of the Commission's Rules with a site restriction of 2.1 kilometers (1.3 miles) southwest of Blanchard at reference coordinates of: 35-07-21 NL and 97-40-18 WL.

6. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, see 5 U.S.C. §801(a)(A).

7. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b), and 47 C.F.R. Sections 0.61, 0.204(b), 0.283, and 1.420(i), IT IS ORDERED, That effective February 25, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel Number</u>
Blanchard, Oklahoma	247A
Weatherford, Oklahoma	286A

<sup>3</sup> See *Revision of FM Assignment Policies and Procedures, supra*; and *Elberton and Lavonia, Georgia*, 15 FCC Rcd 12571 (2000).

<sup>4</sup> Although Crawford asserts that Elmore City is an underserved community receiving only one FM service, our engineering analysis indicates that the entire proposed service area for Channel 283A, consisting of an area of 2,516 square kilometers, currently receives five or more aural services.

<sup>5</sup> After the reallocation, 1,296 persons in an area of 548 square kilometers will be left with only four reception services. We conclude that the provision of a first local service to Blanchard, coupled with a significant increase in the number of persons served, more than outweighs the loss of a fifth transmission service to a comparatively small number of persons in the loss area at Weatherford.

8. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Wright Broadcasting Systems, Inc., for Station KWEY-FM, Channel 247C1, Weatherford, Oklahoma, IS MODIFIED to specify operation on Channel 247A at Blanchard, Oklahoma, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

9. Pursuant to 47 C.F.R. Section 1.1104(1)(k) and (3)(l), any party seeking a change in community of license of a TV or FM allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Wright Broadcasting Systems, Inc., licensee of Station KWEY-FM, is required to submit a rule making fee in addition to the fee required for the applications to effectuate the changes specified above.

10. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail Return Receipt Requested, a copy of this Order to the following:

John C. Trent  
Putbrese Hunsaker & Trent, P.C.  
100 Carpenter Drive, Suite 100  
Post Office Box 217  
Sterling, Virginia 20167-0217

Charles Crawford  
4553 Bordeaux Avenue  
Dallas, Texas 75205

Gene A. Bechtel  
Law Offices of Gene Bechtel  
1050 17<sup>th</sup> Street, N.W., Suite 600  
Washington, D.C. 20036

11. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

12. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau