ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

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FEB 25 2005

Federal Communication Commission
Bureau / Office

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. _____
Table of Allotments,	)	RM-_____
FM Broadcast Stations	)	
(Denver City, Texas)	)	

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Federal Communications Commission
Office of the Secretary

To: Chief, Allocations Branch

PETITION FOR RULE MAKING

Ramar Communications II, Ltd. ("Ramar"), licensee of broadcast station KSTQ-FM, Plainview, Texas, pursuant to Section 1.401 of the Commission's Rules, hereby requests that the Commission institute a rule making proceeding to amend Section 73.202(b), the FM Table of Allotments, by deleting the currently vacant allotment for Channel 248C2 at Denver City, Texas. For the reasons set forth below, the deletion of that vacant channel will remove an allotment that has retroactively become short-spaced to Ramar's KSTQ-FM. The deletion will permit Ramar to modify the directional facilities of KSTQ-FM to operate omnidirectionally and thereby substantially improve the service provided to Plainview, Texas. If as a result of this proposed rule making proceeding a third party expresses an intention to apply for the Channel 248C2 allotment at Denver City, Ramar in the alternative proposes that the Commission modify the reference coordinates of that allotment to eliminate the short-spacing to KSTQ-FM. Currently pending before the Commission is a minor change application to permit KSTQ-FM to operate omnidirectionally. *See* FCC File No. BPH-20040721ACL. In the event that pending application for some reason is dismissed, Ramar will promptly file a replacement application to effectuate the proposed modifications to KSTQ-FM's facilities to operate omnidirectionally upon the approval of

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the revised allotment.

KSTQ-FM presently operates a directional facility on Channel 247C1 at Plainview, Texas (FCC File No. BLH-20030605ADW). At the time that the application for the construction permit underlying the presently licensed KSTQ-FM facility was filed (FCC File No. BPH-20000705ACX), the proposed facility complied with the distance separation requirements of Section 73.207 of the Commission's Rules (47 C.F.R. §73.207) with respect to all affected stations, including an authorized facility on Channel 248C2 at Denver City, Texas (FCC File No. BPH-19941122MT). However, on December 22, 2000, the construction permit for Channel 248C2 expired, and the allotment reverted to the status of presently vacant and unapplied for.

Upon the expiration of that Denver City construction permit, the reference coordinates for Channel 248C2 at Denver City were reinstated into the Commission's database. As a consequence, KSTQ-FM became short-spaced to that vacant allotment by 17 kilometers under Section 73.207 (the required spacing pursuant to Section 73.207 is 158 kilometers, while the actual spacing is 141 kilometers). In addition, KSTQ-FM cannot avail itself of the contour protections afforded under Section 73.215(e) (47 C.F.R. §73.215(e)) because of the extent of the short spacing. Until the short spacing between KSTQ-FM and the vacant Channel 248C2 allotment is resolved, Ramar is prohibited from making any modifications to the KSTQ-FM facilities to improve service to Plainview, Texas.

Ramar therefore requests that the Commission institute a rule making proceeding to delete the vacant Channel 248C2 allotment at Denver City. In the alternative, should a third party expresses an intention to apply for that allotment, Ramar requests that the Commission change the Denver City allotment's reference coordinates to eliminate the short spacing. Ramar has identified

alternative reference coordinates for the allotment that comply with the spacing requirements of Section 73.207 and from which a Class C2 FM station can satisfy the city grade signal coverage requirements of Section 73.315 (47 C.F.R. §73.315). The proposed allotment reference coordinates (NAD 27), which involve a site restriction of approximately 14.5 kilometers, are as follows:

32-55-57 North Latitude
102-58-10 West Longitude

Implementation of the proposed site restriction would preserve the allotment's potential for service to Denver City and would not compromise the integrity of the FM Table of Allotments. Specifically, a Class C2 FM station operating from the proposed location would be able to provide city grade coverage of Denver City in accordance with Section 73.315. *See* Engineering Statement prepared by Guy Smith, RF Engineer, Ramar Communications II, Ltd., at 1. In addition, Ramar believes that the proposed location would be suitable for the location of a radio transmission tower and, because the proposed site is located in an uncultivated area, would be available for such use. The proposed site is located within approximately 100 yards of a paved road and within approximately 200 yards of a three-phase power line. In addition, Ramar is unaware of any local zoning restrictions that would prohibit the erection of a radio transmission tower at that location. Based on an examination of a Federal Aviation Administration ("FAA") sectional chart showing flight patterns for affected airports, Ramar believes that approval of the FAA could be obtained for a tower in excess of 500 feet.

Deletion of the vacant Denver City allotment or the imposition of the site restriction alternatively proposed herein would result in substantial public interest benefits. Specifically, KSTQ-FM would be permitted to improve service to Plainview, Texas by modifying the facilities

of KSTQ-FM to operate omnidirectionally. The presently licensed KSTQ-FM facility provides 60 dbu service to 309,786 persons, and 70 dbu service to 130,092 persons. Engineering Statement at 2. Operating omnidirectionally, KSTQ-FM would provide 60 dbu service to 312,092 persons, an increase of 2,306 persons, and 70 dbu service to 252,684 persons, an increase of 122,592 persons. Engineering Statement at 2.

The initiation of the rule making proceeding proposed herein is consistent with prior Commission precedent. In Fair Bluff, North Carolina, 11 FCC Rcd 12662 (Policy & Rules, 1996), the applicant requested that the Commission institute a rule making proceeding to delete a vacant allotment or, in the alternative, change the allotment's reference coordinates in order to accommodate the applicant's pending application to modify its station's facilities to operate omnidirectionally. In that proceeding, the applicant showed that imposition of the site restriction would not impede activation of the channel and that service would be provided to an additional 3,800 persons from the station's modified facilities. After balancing the competing public interest benefits of providing potential applicants for a vacant allotment with as much flexibility as possible in selecting a transmitter site with the public interest benefits of enabling stations to use the scarce radio frequency in the most efficient manner, the Commission found that the applicant's proposal would not impede activation of the channel and that the public interest would be served by granting the applicant's request to impose a site restriction on the vacant and unapplied allotment. 11 FCC Rcd 12662 at ¶16.

For the reasons set forth herein, Ramar requests that the Commission institute a rule making proceeding to amend Section 73.202(b), the FM Table of Allotments, as follows:

	Channel Number	
Community	**Present**	**Proposed**
Denver City, Texas	248C2	--

In the alternative, should a third party expresses an intention to apply for the Denver City allotment, Ramar requests that the Commission change the reference coordinates of that allotment as follows:

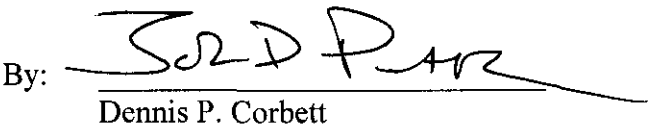
32-56-52 North Latitude
102-58-41 West Longitude

Conclusion

For the reasons set forth herein, Ramar respectfully requests that the Commission grant the instant request for rule making to amend the FM Table of Allotments by either deleting Channel 248C2 at Denver City, Texas, or changing the reference coordinates of that allotment as described herein. In the event that Ramar's pending minor change application to operate KSTQ-FM for some reason is dismissed, Ramar submits that it will promptly file a replacement application to effectuate proposed modifications to KSTQ-FM's facilities to operate omnidirectionally upon the approval of the revised allotment.

Respectfully submitted,

RAMAR COMMUNICATIONS II, LTD.

By: 

Dennis P. Corbett
John D. Poutasse

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February 25, 2005

Its Attorneys

ENGINEERING STATEMENT

Prepared by Guy Smith, RF Engineer, Ramar Communications II ltd.
in connection with its Petition for Rule Making
to Modify the Allotment for channel 248 C2 at Denver City, TX

Channel 282 is allotted to Denver City, TX as a class C2 FM Station at reference coordinates of 33-01-53.0 N, 102-48-47.0 W. As can be seen in the allocation study (Table 1 below) this allotment is short spaced, by 17.2 kilometers, to the licensed operation of KSTQ-FM. However, a site is available 18.3 kilometers to the west southwest of the current allotment coordinates, that satisfies all spacing requirements and would afford principal community signal level coverage to all of Denver City. See the allocation study (Table 2) below.

Table 1 Allocation Study – Current coordinates
ComStudy 2.2 search of channel 248 (97.5 MHz Class C2) at 33-01-53.0 N, 102-48-47.0 W.

CALL	CITY	ST	CHN	CL	DIST	SEP	BRNG	CLEARANCE
KSTQ-FM	PLAINVIEW	TX	247	C1	140.78	158.00	48.6	-17.2
KSTQ-FM	PLAINVIEW	TX	247	C1	140.78	158.00	48.6	-17.2
KSTQ-FM	PLAINVIEW	TX	247	C1	172.99	158.00	37.4	15.0
KMCM	ODESSA	TX	245	C1	115.81	79.00	154.7	36.8
KMCM	ODESSA	TX	245	C1	115.81	79.00	154.7	36.8
KKLY	PECOS	TX	247	C1	171.86	158.00	192.0	13.9
DKDNC	DENVER CITY	TX	248	C2	0.00	190.00	90.0	0.0
	O'DONNELL	TX	249	A	106.28	106.00	96.1	0.3

Table 2 Allocation Study – Proposed coordinates
ComStudy 2.2 search of channel 248 (97.5 MHz Class C2) at 32-55-57.0 N, 102-58-10.0 W.

CALL	CITY	ST	CHN	CL	DIST	SEP	BRNG	CLEARANCE
KSTQ-FM	PLAINVIEW	TX	247	C1	159.01	158.00	49.1	1.0
KSTQ-FM	PLAINVIEW	TX	247	C1	159.01	158.00	49.1	1.0
KSTQ-FM	PLAINVIEW	TX	247	C1	190.66	158.00	38.8	32.7
KMCM	ODESSA	TX	245	C1	113.62	79.00	145.6	34.6
KMCM	ODESSA	TX	245	C1	113.62	79.00	145.6	34.6
KKLY	PECOS	TX	247	C1	158.56	158.00	187.6	0.6
KKLY	PECOS	TX	247	C1	193.31	158.00	192.4	35.3
DKDNC	DENVER CITY	TX	248	C2	18.27	190.00	52.9	-171.7
	O'DONNELL	TX	249	A	120.32	106.00	90.0	14.3

The map on page 3 of this document shows the F(50,50) coverage contours for a Class C2 station with maximum facilities at the proposed coordinates as well as the signal levels predicted using the Longley-Rice methodology of OET-69. Page 4 is a closeup of Denver City demonstrating that the entire city would receive a 3.16 mV/m or better signal.

Should this proposal be adopted, it would permit station KSTQ-FM to eliminate the directional antenna that was originally required by the FAA because of concerns about possible interference to aircraft communications. The FAA agreed in the determination to drop the requirement for a directional antenna if KSTQ-FM could operate for a year without any interference using the directional antenna. KSTQ-FM has now operated with licensed facilities for nearly 18 months and no interference has been reported.

The non-directional antenna pattern would permit KSTQ-FM to provide improved service to a substantial number of listeners. Table 3, below, lists the numbers of people (2000 Census) receiving 3.16 mV/m and 1 mV/m service with the present directional antenna and the proposed non-directional antenna by the standard population count method using F(50,500) contours and by the Longley-Rice method. It should be noted that the antenna pattern in the FCC Engineering Database is the theoretical pattern authorized in the construction permit rather than the real world pattern specified in the license application. The principal improvement is in the number of people in the City of Lubbock, TX, where ambient noise levels are often too high for reliable reception on inexpensive receivers with less than a principal community 3.16 mV/m signal.

Table 3 Population Counts

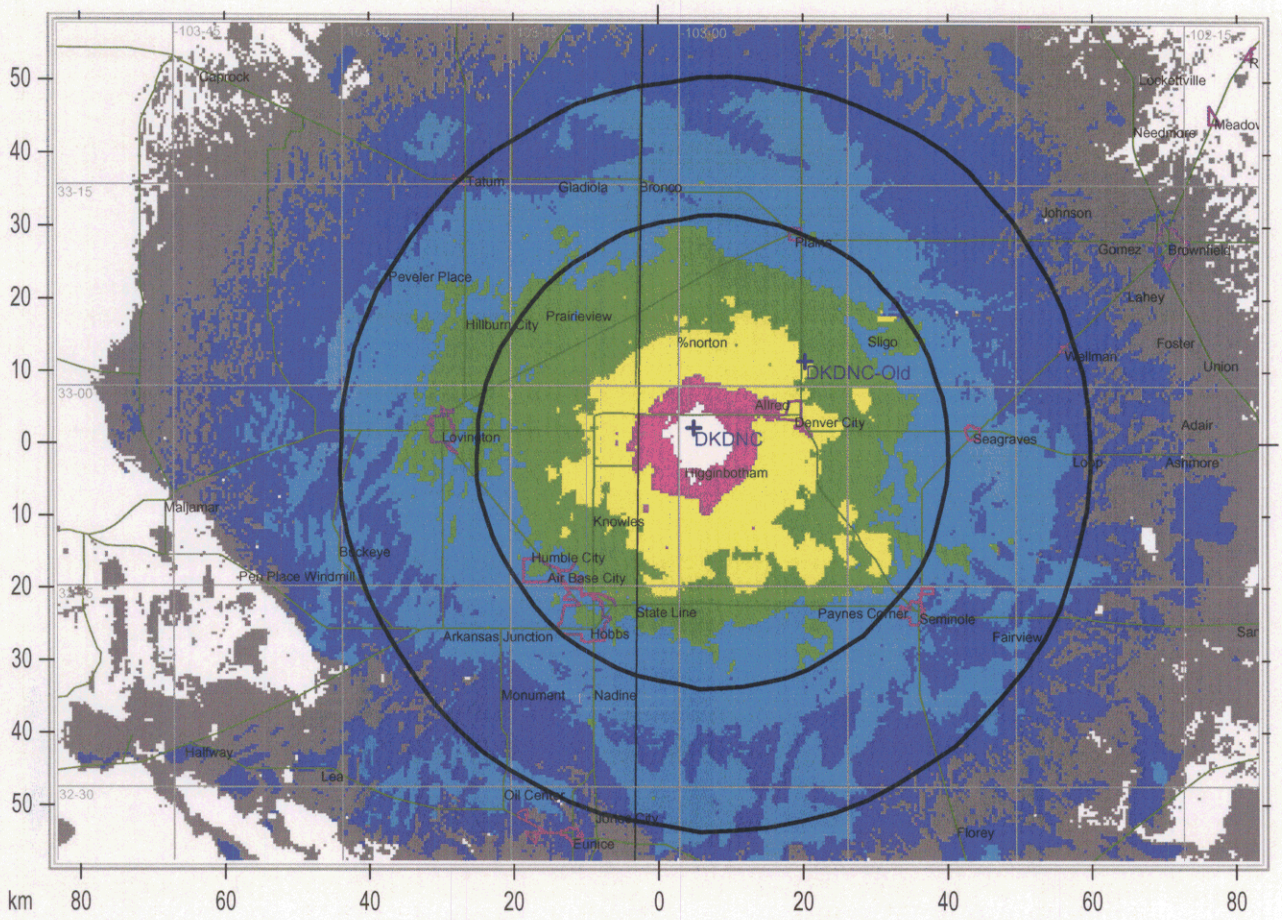
	Licensed	Omni	Gain
60dbu	309786	312092	2306 (0.74%)
70dbu	130092	252684	122592 (94.2%)

CERTIFICATION

The above is true and correct to the best of my knowledge and belief.

Guy Smith
RF Engineer
Ramar Communications II, Ltd.

Coverage from proposed Site

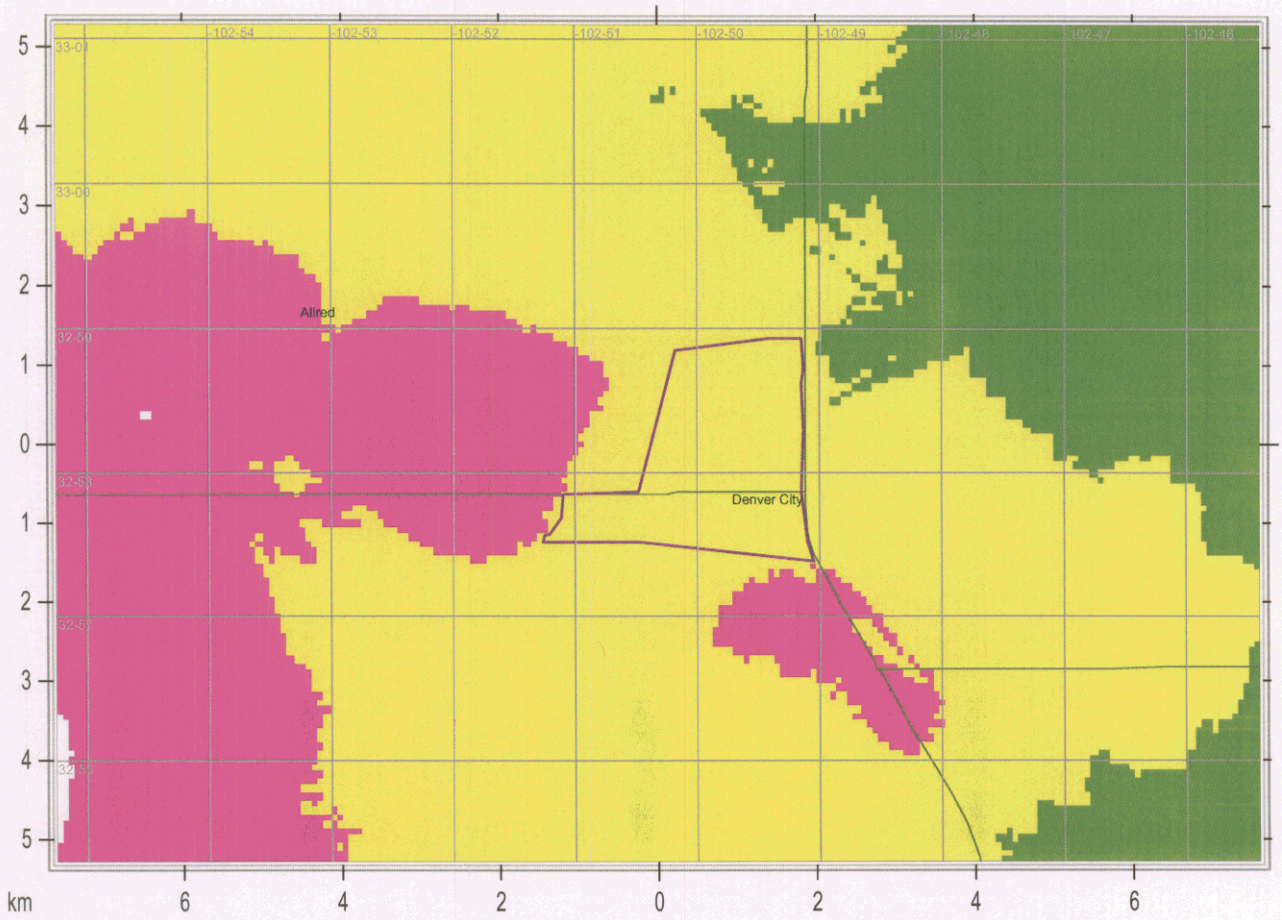


Maximum facilities 32-56-52 102-58-41

State Borders City Borders Highways Lat/Lon Grid

Map Scale: 1:1012582 1 cm = 10.13 km V|H Size: 115.47 x 166.25 km

Closeup of Coverage of Denver City

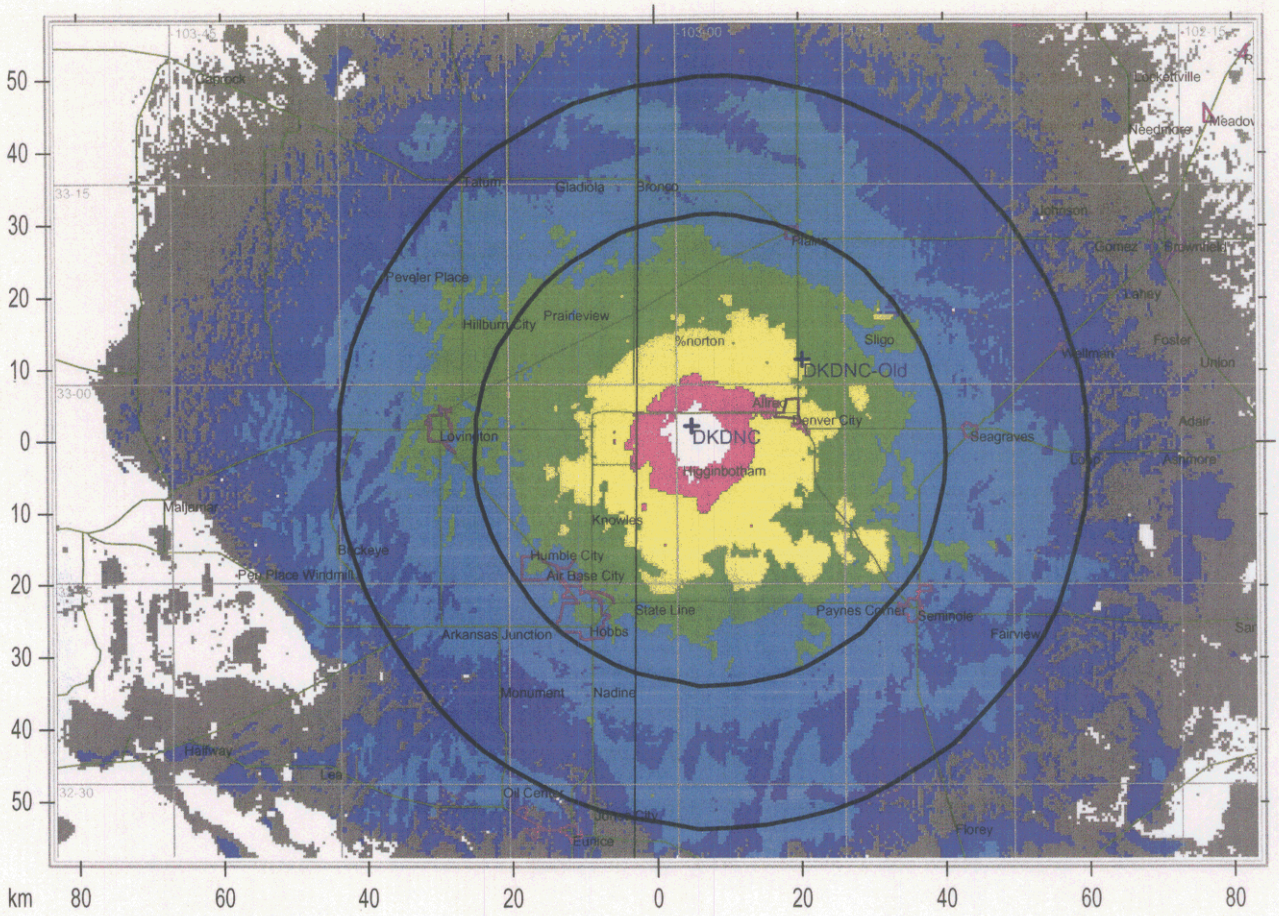


Longley - Rice - Maximum facilities 32-55-57 102-58-10

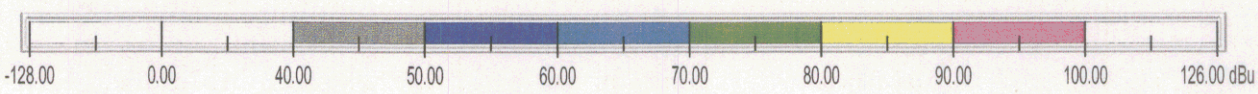
State Borders City Borders Highways Lat/Lon Grid

Map Scale: 1:92624 1 cm = 0.93 km V|H Size: 10.56 x 15.21 km

Coverage from proposed Site



Maximum facilities 32-56-52 102-58-41



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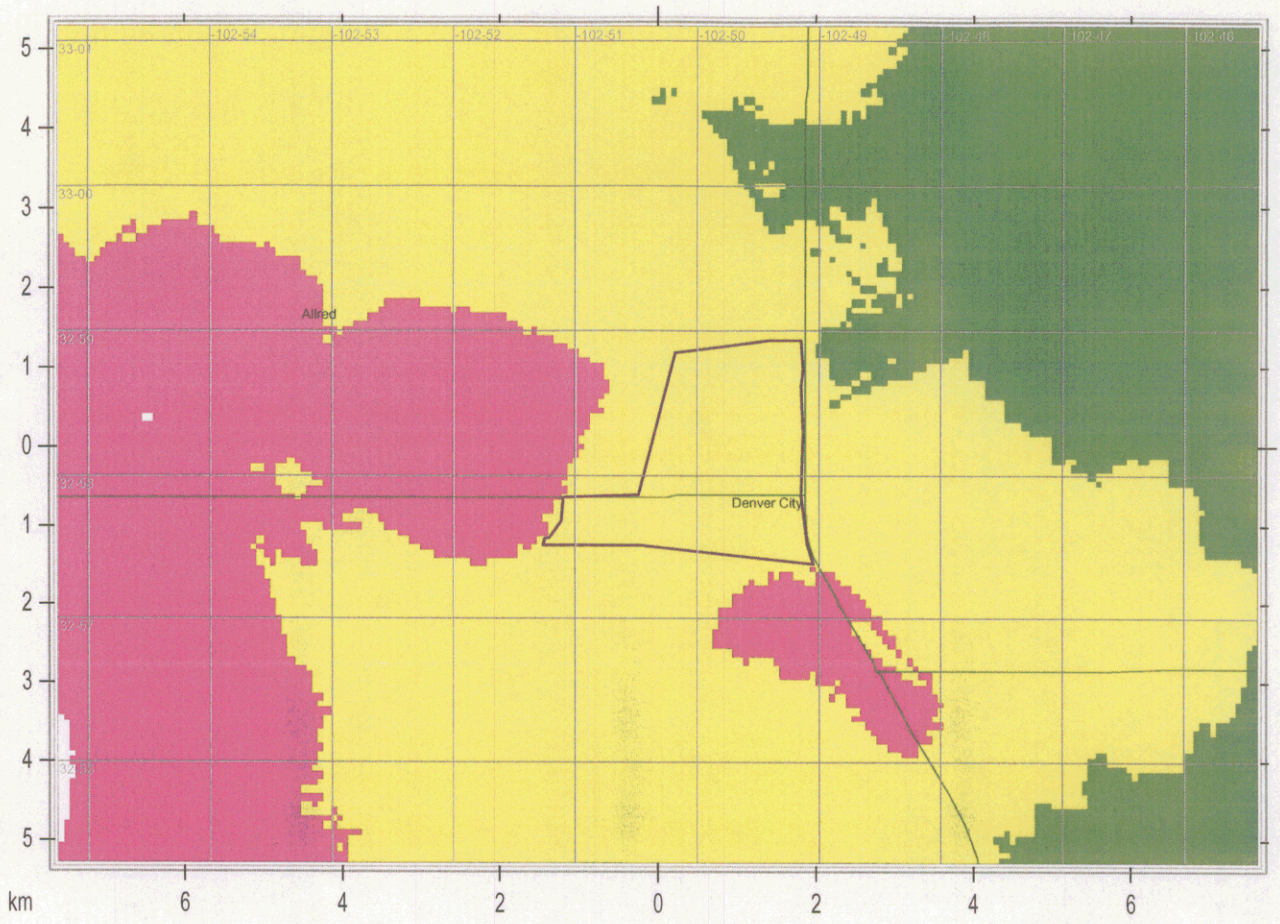
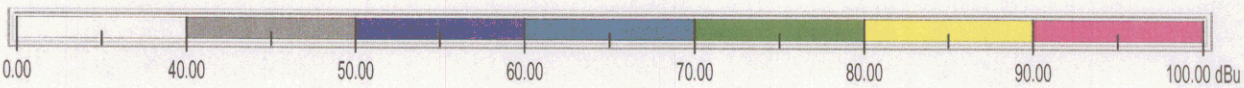


Longley - Rice - Maximum facilities 32-55-57 102-58-10



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