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May 16, 2005

Ms. Marlene Dortch
Federal Communications Commission
Office of the Secretary
445 Twelfth Street, S.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Petition for Rule Making
Normangee, Texas (Channel 299A)

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my
Petition for Rule Making for Channel 299A at Normangee,
Texas.

Respectfully submitted,



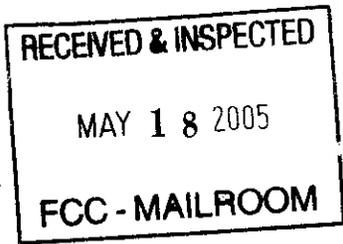
Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 642-6410

Normangee Cover

No. of Copies rec'd
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044
MB 05-58

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)
(Normangee, TX))

To: Office of the Secretary
Attn: Assistant Chief, Audio Division,
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 299A to Normangee, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 299A to Normangee, Texas as that community's first local FM service. Normangee is an incorporated community with a population of 719 people.¹ Normangee has its own mayor, its own schools,² fire department, City Hall,³ police

¹ U.S. Census 2000

² Normangee Independent School District, Gary Adams Superintendent.

³ Normangee City Hall, (936) 396-3691, 107 Main St. Normangee, TX 77871.

department, post office and a number of local churches⁴. Normangee is a community that is certainly deserving of a local FM service. "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."⁵ The proposed channel 299A will provide additional diversity and an outlet for local self-expression to Normangee residents and therefore is in the public interest.

Attached hereto is a channel study confirming that Channel 299A can be allocated to Normangee, Texas, consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment A) Note: the petition to add Channel 299A at Groesbeck, Texas (RM-11179) was withdrawn on May 11, 2005, an effective but not yet final

⁴ First United Pentecostal Church, (936) 396-2018, Highway 3 & Church St., Normangee, TX 77871. First Baptist Church (936) 396-2181, 3rd & Heath St., Normangee, TX 77871. Church of Christ (936) 396-5151, 323 Main St., Normangee, TX 77871.

⁵ Statement of Commissioner Kevin J. Martin, MM & O, MM Docket 99-240, released May 20, 2004.

dismissal. (See, Attachment B) Also note: the Petition to Add Channel 297C3 at Bedias, Texas was dismissed per Report & Order, DA 04-1282, released May 21, 2004. A Petition for Reconsideration was filed on June 7, 2004 and is still pending. However, this is an effective but not yet final dismissal. (See, Attachment C)

Reference coordinates for Channel 299A at Normangee, Texas are:

30 56 00 N
96 11 30 W

Should this petition be granted and Channel 299A is allotted to Normangee, Texas, Petitioner will apply for Channel 299A at Normangee and after it is authorized, will promptly construct the new facility.

The factual information provided in these Comments is correct and true to the best of my knowledge.

Respectfully submitted,



Charles Crawford
4553 Bordeaux Ave.
Dallas, Texas 75205
(214) 642-6410

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (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.

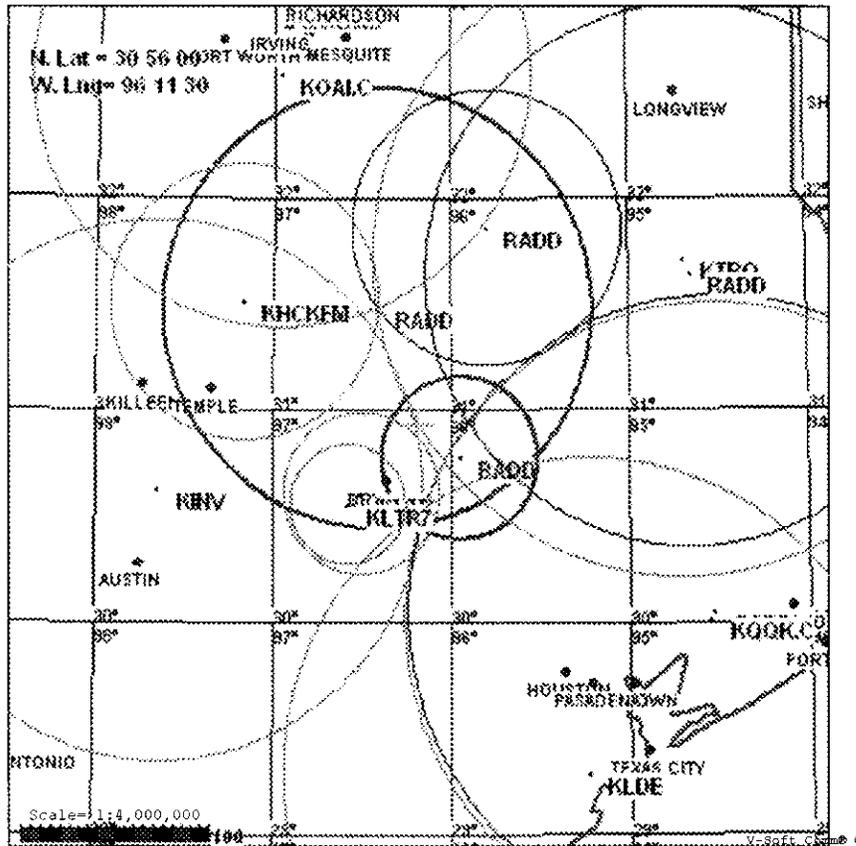
May 16, 2005

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Attachment A

(Channel Study for Channel 299A at Normangee, Texas)

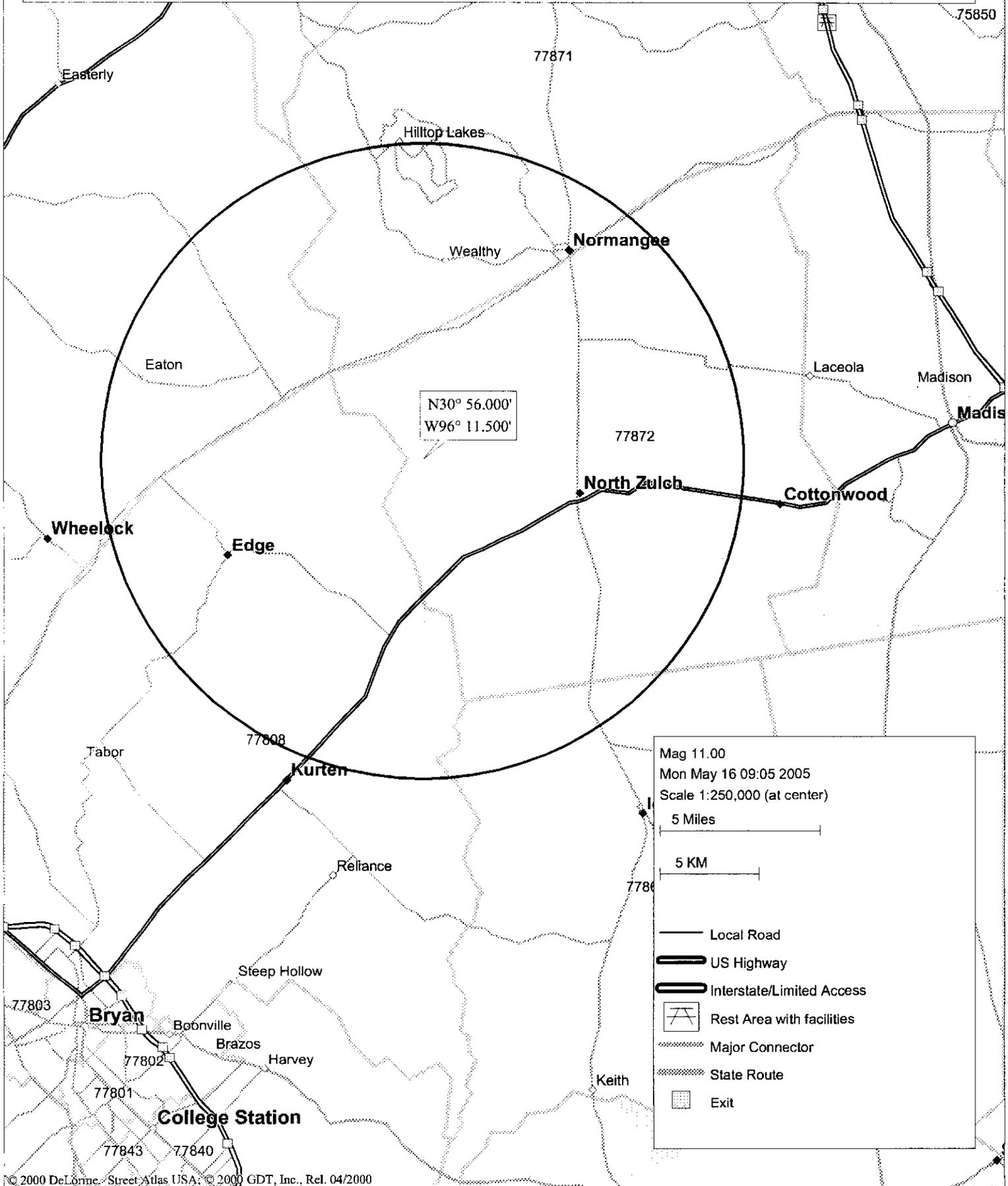
FM PROSPTM LOCATE STUDY CH 299 A 107.7 MHz



Dates:
Data: 05-10-05
Job : 05-16-05

Call	CH#	Type	Location	D-KM	Azi	FCC	Margin	
RADD	299A	ADD	Groesbeck	TX	64.36	341.0	115.0	-50.64
RADD	297C3	ADD	Bedias	TX	29.05	127.1	42.0	-12.95
KTBQ	299C2	LIC	Nacogdoches	TX	166.79	58.5	166.0	0.79
KINV	299C3	LIC N	Georgetown	TX	143.08	256.4	142.0	1.08
KLTR	297C3	RSV	Caldwell	TX	46.79	219.9	42.0	4.79
KQQK	300C	LIC-Z	Beaumont	TX	187.35	121.2	165.0	22.35
RDEL	300C	DEL	Beaumont	TX	187.35	121.2	165.0	22.35
RADD	300C	ADD	Dayton	TX	187.35	121.2	165.0	22.35
KQQK.C	300C	CP N	Beaumont	TX	187.83	122.5	165.0	22.83
RADD	299C3	ADD	Nacogdoches	TX	166.41	61.6	142.0	24.41
RDEL	297A	DEL	Caldwell	TX	55.79	221.8	31.0	24.79
AL297	297A	RSV	Caldwell	TX	55.79	221.8	31.0	24.79
KLTR	297A	LIC	Caldwell	TX	55.79	221.8	31.0	24.79
RADD	300A	ADD	Tennessee Colony	TX	109.44	19.9	72.0	37.44
KLDE	298C	LIC	Lake Jackson	TX	204.54	153.0	165.0	39.54
KHCKFM	300A	LIC	Robinson	TX	112.79	304.9	72.0	40.79
KOAI.C	298C1	CP	Fort Worth	TX	197.14	338.5	133.0	64.14
KOAI	298C1	LIC	Fort Worth	TX	197.14	338.5	133.0	64.14

Normangee, TX CH 299A 70 dBu



Attachment B

(Motion to Dismiss Rule Making Petition(RM-11179)add
Channel 299A to Groesbeck, Texas)

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

In the Matter of)	
)	
Amendment of 73.202(b))	MB Docket No.05-47
Table of Allotments)	RM-11157
FM Broadcast Stations)	RM-11179
(Groesbeck and Tennessee)	
Colony, Texas))	

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

REQUEST FOR APPROVAL OF WITHDRAWAL

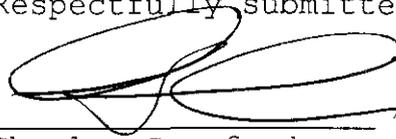
I, Charles Crawford, hereby request approval to withdraw my Petition for Rule Making(RM-11179) filed on May 12, 2003, proposing the allotment of Channel 299A to Groesbeck, Texas. Pursuant to the Public Notice released on March 8, 2005 (Report No. 2695), my proposal to allot Channel 299A at Groesbeck, Texas, was treated as a counterproposal in the above-captioned proceeding. However, I am also the proponent for the initiating petition in this proceeding, Channel 300A at Tennessee Colony, Texas. This perceived conflict was inadvertent. Therefore, I have decided to withdraw my expression of interest in Channel 299A at Groesbeck, Texas in favor of

Channel 300A at Tennessee Colony, Texas.

An affidavit pursuant to Section 1.420(j) of the Commission's Rules is attached regarding my withdrawal.

The factual information provided in this Request for Approval of Withdrawal is correct and true to the best of my knowledge.

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) 642-6410

May 11, 2005

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CERTIFICATION OF CHARLES CRAWFORD

I, Charles Crawford, hereby state that there are no agreements, written or oral, express or implied, relating to the withdrawal of my Petition to allot Channel 299A to Groesbeck, Texas (RM-11179) in MB Docket No. 05-47. I have not been paid or promised any payment or other consideration in exchange for the withdrawal of my Petition (RM-11179) in MB Docket No. 04-404.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief. Executed on this 11th day of May, 2005.



Charles Crawford

CERTIFICATE OF SERVICE

I, Charles Crawford, do hereby certify that I have on this 11th day of May, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "Request for Approval of Withdrawal" to the following:

Deborah E. Klein
Acting Chief
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Peter Doyle
Chief, Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20054

James Bradshaw
Associate Division Chief, Audio Division
Media Bureau
Federal Communications Commission
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John Karousos
Assistant Division Chief, Audio Division
Media Bureau
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1155 Connecticut Avenue, N.W.
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Washington, D.C. 20036

Gene A. Bechtel
Law Office of Gene Bechtel,
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1050 17th Street, N.W.
Washington, D.C. 20036

Team Broadcasting Company, Inc.
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Greenwood, MS 38930

Lee Peltzman
Shainis & Peltzman, Chartered,
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1850 M Street, N.W.
Washington, D.C. 20036

Capstar TX Limited Partnership
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Washington, D.C. 20006-3458

Baldrige-Dumas Communications, Inc.
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Many, LA 71449

Richard A. Helmick, Esq.
Cohn and Marks LLP
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Suite 300
Washington, D.C. 20036-1622

Noalmark Broadcasting Corporation
202 West 19th Street
El Dorado, AK 71730

Mark N. Lipp
J. Thomas Nolan
Vinson & Elkins
1455 Pennsylvania Avenue, N.W.,
Suite 600
Washington, D.C. 20004

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

Charles Crawford

Attachment C

(Report and Order, DA 04-1282, released May 21, 2004,
Dismissing the proposed Channel 297C3 at Bedias, Texas)

May 24 2 45 PM '04

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

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 02-177
Table of Allotments,)	RM-10489
FM Broadcast Stations.)	
(Milano, Texas))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: May 19, 2004

Released: May 21, 2004

By the Assistant Chief, Audio Division:

1. At the request of David P. Garland ("Petitioner"), the Audio Division has before it a *Notice of Proposed Rule Making*¹ proposing the allotment Channel 274A at Milano, Texas, as the community's first local aural transmission service. Petitioner filed comments in support of the proposal reaffirming his intention to apply for the channel, if allotted. Comments and a counterproposal were filed by Roy E. Henderson ("Henderson"), licensee of Station KLTR(FM), proposing the upgrade of Channel 297A to 297C3, and the reallocation of Channel 297C3 from Caldwell to Bedias, Texas. To accommodate the upgrade and reallocation, Henderson also proposed (a) the allotment of Channel 274A at Caldwell, Texas, as a replacement service; and (b) the modification of the reference coordinates for vacant Channel 274A at Centerville, Texas.² Maurice Salsa filed opposing comments to the counterproposal. Petitioner and Henderson filed a "Joint Motion for Dismissal of the Garland Petition RM-10489, Adoption of Henderson Counterproposal and Approval of Settlement Agreement."

2. In support of his counterproposal, Henderson stated that Bedias is a Census Designated Place with its own post office, zip code (77831), and has a 2000 population of 500 persons (2001 Rand McNally Road Atlas). The town is located in the northeast part of Grimes County, Texas. Bedias is a separately listed community in the local telephone directory and presently lists 15 local businesses and a total of 30 businesses showing a web site in Bedias, with its local affairs and interests governed by a committee of the Bedias Civic Association. There is also a State Bank of Bedias, civic center, a volunteer fire department, along with six churches. Henderson asserts that Bedias is a long-established town and qualifies as a community deserving of a new local radio service. Henderson affirms his intention to apply for Channel 297C3, if reallocated to Bedias, Texas.

¹ *Milano, Texas*, 17 FCC Rcd 12824 (2002).

² The counterproposal was technically defective and not placed on Public Notice.

3. The parties submitted for approval a Settlement Agreement whereby petitioner agreed to dismiss his Milano proposal in payment of out-of-pocket expenses expended in the preparation, application, and prosecution of its petition for rule making. The parties also submitted an itemization of said expenses.³

4. As an initial matter, we address the reallocation of Channel 297C3 from Caldwell to Bedias which requires, *inter alia*, the allotment of Channel 274A at Caldwell as a replacement service. Henderson stated that using the FCC F(50,50) curve, the 70 dBu contour at maximum facility will serve more than 90% of Caldwell, Texas. He also noted that the terrain roughness (Delta H) of the path from the community to the transmitter site is 15, and that the Longley-Rice analysis shows that the 70 dBu predicted contour travels more than 10% further than the FCC F(50,50) curves on a azimuth toward Caldwell. Engineering studies premised on Alternate Propagation Method(s) such as Longley-Rice are sometimes submitted as a showing to supplement the required analysis based on the Commission's propagation model, "in cases where the terrain . . . departs widely" from the average terrain and the "contour distances are different from what may be expected in practice." See Section 73.313(e). Here, Henderson fails to demonstrate that the terrain around the proposed site for Channel 274A at Caldwell departs widely (in excess of 50 meters Delta H) from the average terrain, other than stating that the Delta H of the path to the transmitter is 15. The F(50,50) curves in Section 73.333 of the Commission's Rules are based on terrain variations up to 50 meters Delta H. Henderson made no showing that it was appropriate to utilize a different propagation methodology. He did not show that the predicted distances to the 70 dBu contour were in question using the F(50,50) curves due to terrain around the proposed site departing widely from the average rolling terrain assumed for those curves.

5. Moreover, the Commission normally does not evaluate specific terrain data in allotment proceedings. Instead, the Commission generally assumes that a station's city grade coverage contour is a circle with a defined radius from a hypothetical transmitter site. Thus, compliance with our city grade coverage requirement is determined by a simple distance calculation. If the far boundary of a community is farther than the length of the circle's radius from the closest hypothetical transmitter site, we will not make the allotment. At the allotment stage, we generally cannot determine what specific transmitter sites will ultimately be applied for, nor whether the petitioner will be the successful applicant. Although the Commission in *Woodstock and Broadway* accepted an alternative methodology for determining signal propagation for upgrades, and more recently for change of community cases, the decision was predicated on the fact that there was an "existing authorization."⁴ For this reason, we do not apply this policy to new allotments. When making these exceptions, petitioners have taken the affirmative steps of securing assurances from the proposed site's owner, and have obtained FAA approval for a tower at the proposed site. Petitioners have also submitted substantial evidence that, using our standard prediction method, but relaxing the normal assumption of uniform terrain, its proposed facilities will comply with our principal city coverage requirements. Even if this policy did apply to new allotments, Henderson has failed to show that no alternative transmitter sites are possible, and has not requested a waiver of the city grade coverage requirements. Further, our engineering analysis has determined that there are no terrain variations that would preclude using FCC's standard methodology. Therefore, the allotment of Channel 274A at the site

³ In compliance with Section 1.420(j) of the Commission's Rules, Henderson submitted a declaration stating that Petitioner was not paid any consideration of any kind in excess of legitimate and prudent expenses incurred.

⁴ See *Woodstock and Broadway, Virginia*, 3 FCC Red 6398 (1988).

specified is not consistent with Section 73.315 of the Commission's Rules. Since counterproposals must be "technically correct and substantially complete" at the time they are filed, we are dismissing the counterproposal for being technically defective.⁵

6. IT IS ORDERED, That the petition for rule making filed by David P. Garland, IS DISMISSED, as requested.

7. IT IS FURTHER ORDERED, That the counterproposal filed by Roy E. Henderson, IS DISMISSED.

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

Roy E. Henderson
1110 West William Cannon Drive, Suite 402
Austin, Texas 78745-5460
(Licensee of Station KLTR(FM))

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

10. For further information concerning this proceeding, contact Sharon P. McDonald, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau

⁵See, e.g., *Fort Bragg, California*, 6 FCC Rcd 5817 (1991); *Provincetown, et al., Massachusetts*, 8 FCC Rcd 19 (1992); and *Sanford and Robbins, North Carolina*, 12 FCC Rcd 1 (1997).