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May 26, 2005

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

Re: Petition for Rule Making
Kiowa, Kansas (Channel 233A)

Dear Ms. Dortch:

Enclosed is an original and four (4) copies of my
Petition for Rule Making for Channel 233A at Kiowa, Kansas.

Respectfully submitted,



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

Kiowa Cover

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MB 05-64

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

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In the Matter of)
)
Amendment of 73.202(b)) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Kiowa, Kansas))

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 233A to Kiowa, Kansas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 233A to Kiowa, Kansas as that community's first competing FM service.¹ Kiowa is an incorporated community with a population of 1,055 people.² Kiowa has its own city manager, city clerk, city hall, public schools, fire

¹ Channel 252C1 is currently allocated to Kiowa, Kansas.

² U.S. Census 2000

department, police department, public library, post office and a number of local churches. Kiowa is a community that is certainly deserving of a competing FM service. The proposed channel 233A will provide additional diversity and an outlet for local self-expression to Kiowa residents and therefore is in the public interest.

Attached hereto is a channel study confirming that Channel 233A can be allocated to Kiowa, Kansas, 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 233A at Cherokee, Oklahoma, was dismissed per FCC letter dated May 2, 2005. (See, Attachment B) Reference coordinates for Channel 233A at Kiowa, Kansas are:

36 54 45 N
98 23 30 W

Should this petition be granted and Channel 233A is allotted to Kiowa, Kansas, Petitioner will apply for Channel 233A at Kiowa 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

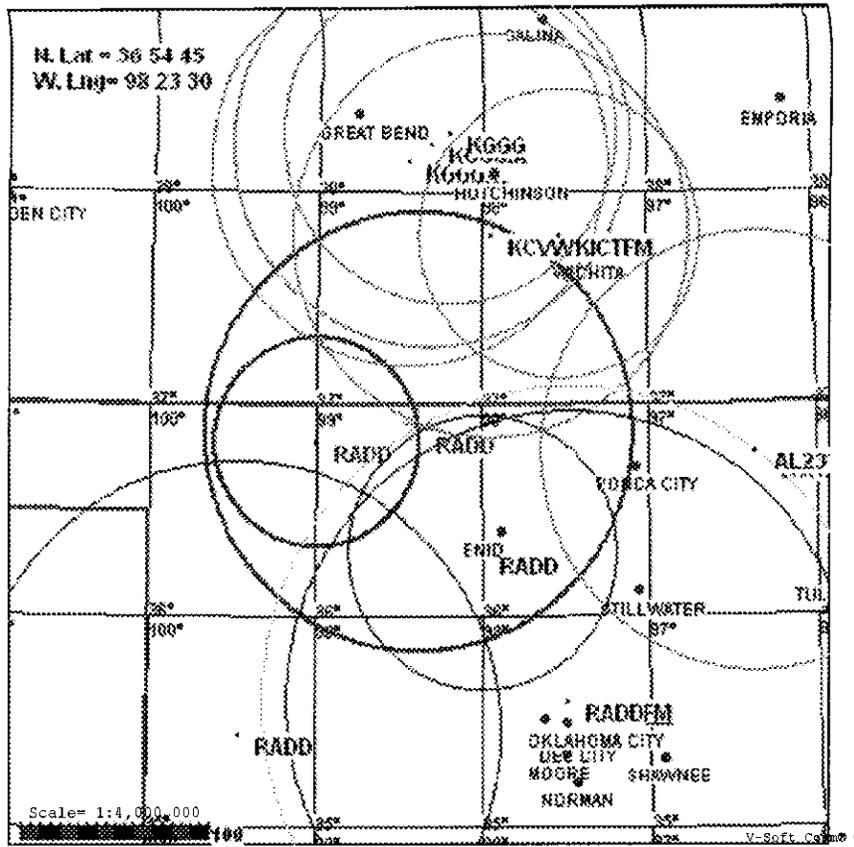
cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301)762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies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

May 26, 2005

Kiowa

Attachment A

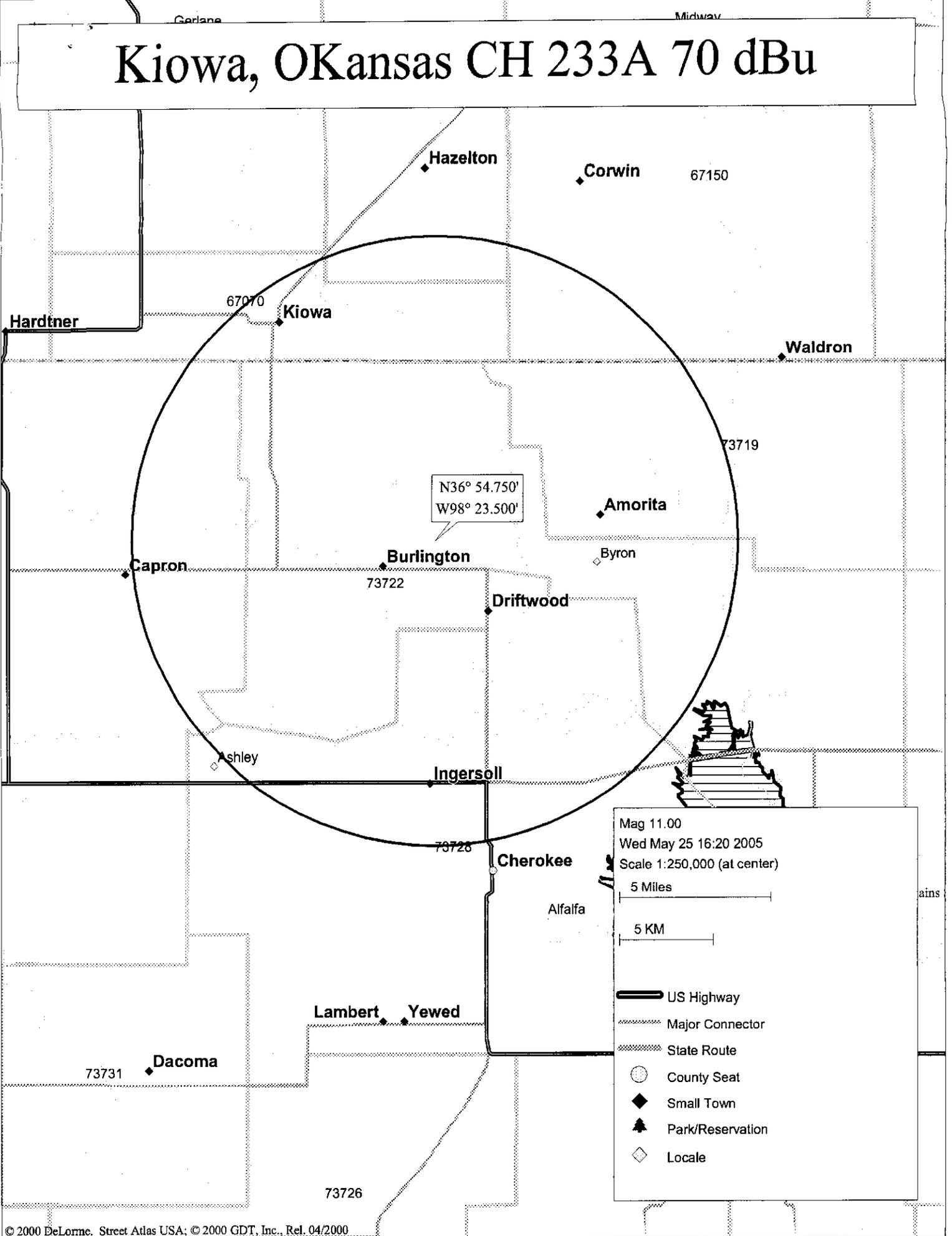
(Channel Study for Channel 233A at Kiowa, Kansas)



Dates:
Data: 05-24-05
Job : 05-25-05

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
RADD	233A	ADD	Cherokee	OK	4.68	170.9	115.0	-110.32
RADD	231C2	ADD	Waynoka	OK	54.88	259.8	55.0	-0.12
KCVW	232C2	LIC	Kingman	KS	106.17	21.6	106.0	0.17
RDEL	234C	DEL	Oklahoma City	OK	166.90	150.8	165.0	1.90
KHBZFC	234C	CP	Oklahoma City	OK	166.90	150.8	165.0	1.90
KHBZFM	234C*	LIC N	Oklahoma City	OK	166.90	150.8	165.0	1.90
RDEL	234C	DEL	Oklahoma City	OK	166.90	150.8	165.0	1.90
RADD	232A	ADD	Drummond	OK	76.46	152.7	72.0	4.46
RADD	234C0	ADD	Oklahoma City	OK	166.90	150.8	152.0	14.90
RADD	234C0	ADD	Oklahoma City	OK	166.90	150.8	152.0	14.90
KGGG	234C2	RSV	Sterling	KS	136.36	357.9	106.0	30.36
KGGG	234C2	RSV	Sterling	KS	136.36	357.9	106.0	30.36
KGGG	234C2	RSV	Sterling	KS	136.36	357.9	106.0	30.36
KGGG	234C2	RSV	Sterling	KS	136.36	357.9	106.0	30.36
KGGG.A	234C2	APP N	Sterling	KS	146.28	2.6	106.0	40.28
KGGG.A	234C2	APP N	Sterling	KS	146.44	2.6	106.0	40.44
RADD	233C3	ADD	Elk City	OK	188.57	210.8	142.0	46.57
KICTFM	236C1	LIC	Wichita	KS	124.41	37.3	75.0	49.41
KGGG	234C3	LIC N	Sterling	KS	152.22	6.2	89.0	63.22
AL233	233A	VAC	Pawhuska	OK	181.82	94.4	115.0	66.82

Kiowa, OKansas CH 233A 70 dBu



Attachment B

(FCC letter dated May 2, 2005, dismissing the petition to
add channel 233A at Cherokee, Oklahoma)



Federal Communications Commission
Washington, D.C. 20554

May 2, 2005

Katherine Pyeatt
6655 Aintree Circle
Dallas, Texas 75214

In re: RM-11075

Dear Ms. Pyeatt:

This letter is in reference to a petition for rule making you filed proposing the allotment of Channel 233A to Cherokee, Oklahoma, as its first local aural transmission service. In order to accommodate this allotment, you requested the reclassification of Station KHBZ-FM, Channel 234C, Oklahoma City, Oklahoma, to specify operation on Channel 234C0.

In accordance to the *Second Report and Order* in MM Docket No. 98-93¹, and as set forth in Section 1.420(g), note 2, and Section 73.3574, note 4 of the Commission's rules, Station KHBZ-FM is subject to reclassification as a Class C0 facility because it is operating below minimum Class C standards. As a result, an *Order to Show Cause ("Order")*² was issued on September 24, 2004 pursuant to the reclassification procedures set forth in Section 73.3573, note 4 of the Commission's Rules, which afforded the licensee an opportunity to show why its respective license should not be modified to a Class C0 facility. Clear Channel Broadcasting Licenses, Inc. ("Clear Channel"), licensee of Station KHBZ-FM filed comments in response to the *Order* stating its intention to file a minor change construction permit application to increase its antenna height above 451 meters HAAT. Clear Channel filed an acceptable construction permit application on November 4, 2004 to increase its antenna height above 451 meters HAAT³. Therefore, pursuant to Section 1.420(g), note 2 of the Commission's Rules, your petition proposing the allotment of Channel 233A to Cherokee, Oklahoma is hereby dismissed.

As noted in the *Order*, the present three-year construction period will be applicable under this reclassification procedure. If the construction is not completed as authorized, Station KHBZ-FM is subject to reclassification automatically as a Class C0 station, and, in that event, a new petition for rule making to allot Channel 233A at Cherokee may be filed.

¹ See 1998 Biennial Regulatory Review – Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21649 (2000).

² *Reclassification of License of Station KHBZ-FM, Oklahoma City, Oklahoma*, 19 FCC Rcd 18550 (MB 2004).

³ See BPH-20041104ARX.