

October 17, 2005

Audio Division (Media Bureau)
c/o Office of the Secretary
TW B204, FCC
445-12th St. SW
Washington, D.C.
20554

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OCT 24 2005

FCC - MAILROOM

Re: Petition for Rule Making
New FM-Channel 257C
Elko, Nevada

Dear Secretary:

Enclosed please find an original and three copies of a Petition for Rule Making, filed by L. TOPAZ ENTERPRISES, INC. requesting the allotment of FM Channel 257C to Elko, Nevada as that community's fifth local FM service.

If this proposal is ultimately adopted, L. TOPAZ ENTERPRISES, INC., will submit a continuing interest in the allocation and for authority to construct and operate a new station on the proposed channel.

An additional copy of the first page of the petition and this letter, is enclosed . Please date-stamp and return to me in the enclosed postage-paid envelope.

If there are any questions, please advise.

Respectfully submitted,



Dale A. Ganske, President
L. Topaz Enterprises, Inc.

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**Before the
 FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554**

In the Matter of)
)
 Amendment of Section 73.202(b)) MB Docket No. _____
 Table of Allotments,) RM - _____
 FM Broadcast Stations)
 (Elko, Nevada))

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now L. TOPAZ ENTERPRISES, INC., (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 257C to Elko, Nevada, as that community's fifth local FM service.

Proposal of Petitioner:

<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Elko, Nevada	229C2, 233C, 237C1, 248C1	229C2, 233C, 237C1, 248C1, 257C

In support of this proposal, the following information is herewith submitted for consideration:

Elko is an incorporated community located in Elko County in northeastern Nevada. The city population is 16,708 and the county population is 45,291 ^{1/}. Elko County is the third most populous of Nevada's counties and the City of Elko is the county seat. Adoption of this proposal will provide Elko with its fifth local FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Elko, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

If this proposal is adopted, Petitioner will participate in the auction process, and if successful in obtaining a construction permit, will promptly construct and operate the proposed station at Elko, Nevada.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

^{1/} Population figures from the 2000 U.S. Census.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

L. TOPAZ ENTERPRISES, INC.



Dale A. Ganske, President
3325 Conservancy Lane
Middleton, WI 53562
Phone (608) 831-8708
Fax (608) 831-6100
E-mail dganske@charter.net

by:

CONTEMPORARY COMMUNICATIONS



Larry G. Fuss, President
9408 Grand Gate Street
Las Vegas, NV 89143
Phone (702) 898-4669
Fax (208) 567-6865
E-mail larryfuss@cox.net

October 18, 2005



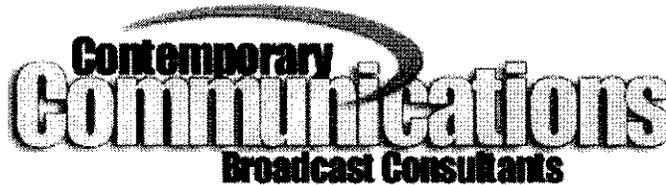
TECHNICAL EXHIBIT

IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 257C
ELKO, NEVADA

L. TOPAZ ENTERPRISES, INC.

Prepared October 11, 2005

CONTEMPORARY COMMUNICATIONS, LLC
Broadcast Consultants
9408 Grand Gate Street
Las Vegas, NV 89143
Phone: (702) 898-4669
Fax: (208) 567-6865
E-mail: larryfuss@cox.net



TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
NEW FM - CHANNEL 257C
ELKO, NEVADA**

L. TOPAZ ENTERPRISES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of L. TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 257C to Elko, Nevada, as that community's fifth local FM channel.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 257C could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 257C may be allocated to Elko in full compliance with Section 73.207(b), without the imposition of a site-restriction.

CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 257C is attached hereto and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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CERTIFICATION

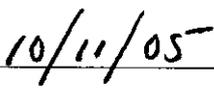
State of Nevada)
) ss.
County of Clark)

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by L. TOPAZ ENTERPRISES, INC., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.



Larry G. Fuss
Affiant



Date