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October 17, 2005

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

DOCKET FILE COPY ORIGINAL

Re: Petition for Rule Making  
New FM-Channel 271C1  
Aberdeen, South Dakota

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 271C1 to Aberdeen, South Dakota as that community's fourth 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 )  
 (Aberdeen, South Dakota) )

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 271C1 to Aberdeen, South Dakota, as that community's fourth local FM service.

**Proposal of Petitioner:**

<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Aberdeen, South Dakota	231C1, 235C1, 294C1	231C1, 235C1, 271C1, 294C1

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

Aberdeen is an incorporated community located in Brown County in northeast South Dakota. The city population is 24,658 and the county population is 35,460 1/. It is the county seat of Brown County and the home of Northern State College, with an enrollment of approximately 2500 students. Adoption of this proposal will provide Aberdeen with its fourth 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 Aberdeen, 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 Aberdeen, South Dakota.

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.

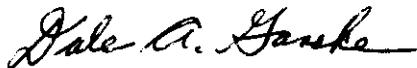
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1/ Population figures from the 2000 U.S. Census.

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.



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by:

CONTEMPORARY COMMUNICATIONS



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October 18, 2005



## TECHNICAL EXHIBIT

IN SUPPORT OF  
PETITION FOR RULE MAKING  
NEW FM - CHANNEL 271C1  
ABERDEEN, SOUTH DAKOTA  
  
L. TOPAZ ENTERPRISES, INC.

Prepared October 11, 2005

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## **TECHNICAL EXHIBIT**

**IN SUPPORT OF  
PETITION FOR RULE MAKING  
NEW FM - CHANNEL 271C1  
ABERDEEN, SOUTH DAKOTA**

**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 271C1 to Aberdeen, South Dakota, as that community's fourth 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 271C1 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 271C1 may be allocated to Aberdeen in full compliance with Section 73.207(b), without the imposition of a site-restriction.

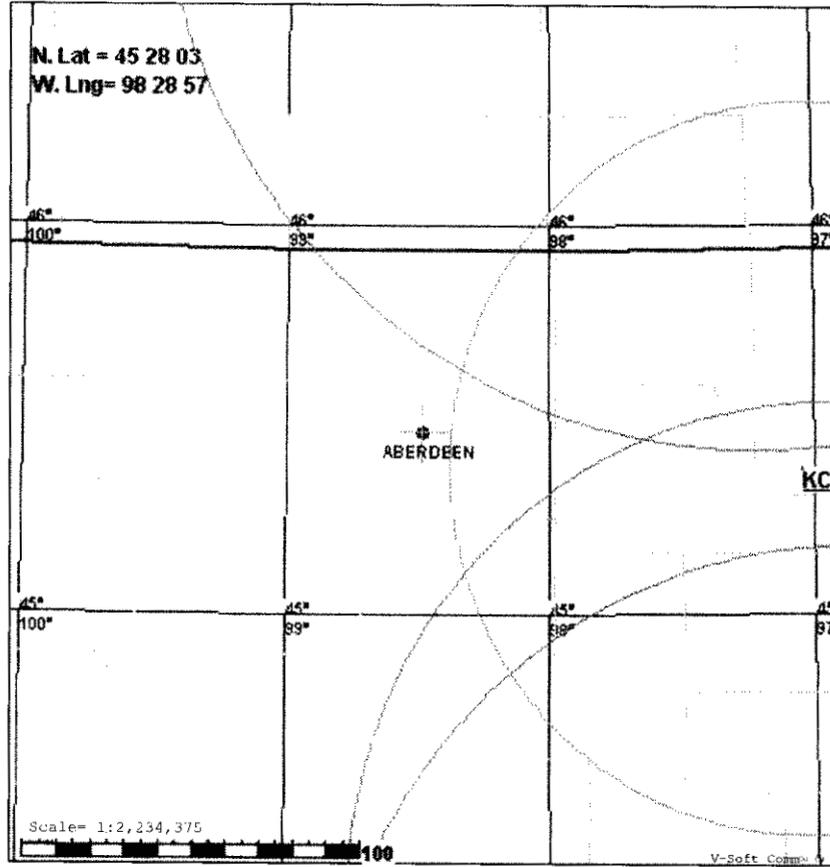
## CONCLUSION

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 271C1 is attached hereto and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

###

SEARCHFM<sup>(TM)</sup> LOCATE STUDY CH 271 C1 102.1 MHz  
 ABERDEEN SOUTH DAKOTA  
 SEPARATION STUDY



Dates:  
 Data:10-08-05  
 Job :10-10-05

Call	CH#	Type	Location		D-KM	Azi	FCC	Margin
KCGNFM	268C*	LIC	Ortonville	MN	113.46	94.7	105.0	8.46
KKBX	270C1	LIC	Fargo	ND	198.18	29.5	177.0	21.18
KKQQ	272C3	LIC	Volga	SD	181.25	137.8	144.0	37.25
KTWB	270C2	LIC	Sioux Falls	SD	228.82	146.0	158.0	70.82



**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

10/11/05  
\_\_\_\_\_  
Date