

Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of

Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations.

Indianapolis, Fishers, Lawrence, Thorntown, All Indiana

MB Docket No. RM-SPM180

. This procedure is set forth in Section 1.87 , and Sec 73.512 of the Commission's rules.

Counterproposal - Petition For Rulemaking

Comes now Indiana Community Radio Corporation ("**ICRC**") and W230AR in the above noted matter. The Commission has requested comments and counterproposals. This filing is a *Counter Proposal* to provide first time service for Thorntown, Indiana. The Counter Proposal can be granted without adversely affecting the NPRM and provide first time service to Thorntown Indiana which has no aural service Licensed to it.

ICRC is Licensee of W230AR Class D FX New Castle, Indiana. The proposed Rule Making by WFMS and WISG will cause cessation of operation of W230AR. The instant proposal is possible under the Commission's Rules in the Allocation process and under 73.512 of the Commission's Rules.

ICRC is proposing a Class designation change from Class D to Class A, a new City of License, Thorntown, Indiana, and a new channel, Channel 248A.

Channel 248A Thorntown, Indiana

The proposed operation from the use coordinates 40-07-00 N 86-22-04.2 W at 6kw at 100 meters would provide new service to over 60,000 persons.

Thorntown Indiana would receive first time service and has no service currently.

WJCF provides an engineering report on CH 248A that provides facility use coordinates. The allocation is shortspaced to WHMS-FM Champaign , Illinois but this shortspacing is countered by utilizing the Commissions Contour Protection Rules.

Upon approval of the PRM Counter Proposal WJCF would apply to modify it's current Construction Permit for W230AR Class D FX, or, alternatively, file a new Construction Permit for the new facilities. ICRC requests the ability to use contour protection in the siting of the Construction Permit.

The Commission has continually favored providing first time service to

communities that are not served and this Counter Proposal meets this test and provides Thorntown Indiana with First Time Service. This action is in the Public Interest and supported by ICRC in this PRM.

Conclusion

The Counter Proposal submitted by ICRC provides for several benefits: 1) First time Service for Thorntown, Indiana; 2) New Service to over 60,000 Persons in the 60dbu contours of the proposed allocation ; 3) No conflict with the current proposal by the applicant, and 4) All the benefits are in The Public Interest and Neccessity.

Indiana Community Radio Corporation is one of a very few broadcast operations in the United States operated and headed by a female broadcaster. This move would assist ICRC in growth and expansion in a marketplace that is not open to diversity in broadcasting and where few minority applicants retain broadcast Licenses.

Based on the foregoing facts the ICRC Counterproposal is in the Public Interest.

Jennifer Cox-Hensley
WJCF
15 Wood St
Greenfield, IN 46140

Attachment : Channel Study CH 248A / Countour Protection Map 54dbu WHMS
60dbu Thorntown Indiana
Sec 73.512

Declaration Of Jennifer Cox-Hensley

I am Jennifer Cox-Hensley. I have submitted a Counterproposal on behalf of Indiana Community Radio Corproation. I affirm under penalty of perjury that the statements herein to be true and correct.

Certificate of Service

A Copy of this Petition was mailed first class postage to :

The Federal Communications Commission, Office of the Secretary, 445 Twelfth Street, SW, Washington, D. C. 20554 (original and 4 copies) .

Sec. 73.512 Special procedures applicable to Class D noncommercial

educational stations.

(a) All Class D stations seeking renewal of license for any term expiring June 1, 1980, or thereafter shall comply with the requirements set forth below and shall simultaneously file an application on FCC Form 340, containing full information regarding such compliance with the provisions set forth below.

(1) To the extent possible, each applicant shall select a commercial FM channel on which it proposes to operate in lieu of the station's present channel. The station may select any commercial channel provided no objectionable interference, as set forth in Sec. 73.509(b), would be caused. The application shall include the same engineering information as is required to change the frequency of an existing station and any other information necessary to establish the fact that objectionable interference would not result. If no commercial channel is available where the station could operate without causing such interference, the application shall set forth the basis upon which this conclusion was reached.

(b) At any time before the requirements of paragraph (a) become effective, any existing Class D station may file a construction permit application on FCC Form 340 to change channel in the manner described above which shall be subject to the same requirements. In either case, any license granted shall specify that the station's license is for a Class D (secondary) station.