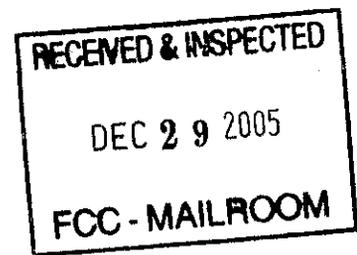


Indiana Community Radio Corporation

PO 846

Greenfield IN 46140

DOCKET FILE COPY ORIGINAL



Federal Communications Commission

445 12th Street, SW

Washington, DC 20554

Attn : Secretary

DM 05-17

RM 11113 RM 11114 Connersville Indiana Morristown Indiana

The attached amendment to an existing PRM is submitted on behalf of Indiana Community Radio Corporation.

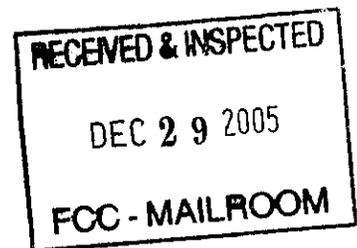
Jennifer Cox-Hensley

cc: J. Richard Carr, esq

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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.

Morristown, Indiana

Shelbyville, Indiana

Previously filed with MB Docket No. 04-17 RM-11113 RM-11114

**BLER 20000728AEF Morristown, Indiana**

. This procedure is set forth in Section 1.87 of the Commission's rules.

***Amendment to an existing - Petition For Rulemaking***

Comes now Indiana Community Radio Corporation ("ICRC"), a *non profit* Corporation, non commercial radio station WJCF, and its President Jennifer Cox-Hensley in the above noted matter. Indiana Community Radio Corporation has submitted a "Petition for Rulemaking" *which it now amends* as : 1) it was not included in the captioned proceeding noted above; 2) The ICRC Petition did not receive a cutoff notice or a separate comment period for consideration; 3) ICRC was not provided service by all parties of activities within the proceeding; and 4) The ICRC Petition is the only Petition which is in the Public Interest as it is the only Petition in the proceeding which has received comments from the public which are favorable.

*This amendment is in the Public Interest as it is the only Petition in the proceeding which received favorable comment from the Public and more importantly was the only Petition filed in the proceeding which received any Public comment. This amendment and the proposed change was not included as a captioned portion of the proceeding and those within the captioned proceeding and the Licensee did not receive copies of all filings within the proceeding from all parties or notice from the Commission. ICRC was not served notice of termination of the above captioned proceeding and discovered the termination of the proceeding on the Commission website.*

ICRC is Licensee of WJCF Morristown, Indiana which operates on **Channel 201A**. Since the inception of WJCF, ICRC has received complaints of interference to a local Channel 6 station, WRTV Indianapolis.

In addition, WJCF has had reception difficulties in its City Of License, Morristown, Indiana with reception. This is due specifically to local terrain.

In support of the noted moves associated with the Rule Making and as a result of the downgrade of Channel 262A at Connersville, Indiana, Channel 262A can be allocated to as a non commercial service without affect to any existing or proposed allocation and replace the current allotment of CH 201A.

As a current Commission Rulemaking requires settlement of all previously submitted Rulemaking Proceedings ICRC vigorously submits it's request should be settled before termination of the proceeding and requests a review of any decision which does not consider the properly submitted Petition it ahs submitted.

### **CH 262 Allocation Availability**

A Channel Study utilizing Class A facilities of 6kw at 100 meters at 100.3 show the allocation is clear to all existing stations or applications. As Commission Staff has terminated the Connersville proceeding the Connersville CH 262 has been deleted and is now clear at 39-28-57.8 N, 85-49-50.2.

As the Connersville allocation has been deleted it is a scientific certainty that there will be no shortspacing to WWKI Kokomo at the coordinates listed as Commission Rules allow.

Commission Rules allow a site closer to Morristown, Indiana but do not allow this location to be the "allocation" coordinates. As Commission Staff has not commented if they will allow 60dbu covderage of Morristown this amendment also requests a City Of License change for WJCF which would also allow 70dbu coverage of Shelbyville, Indiana.

### **NCE First and Second Service Showing**

From the Allocation Coordinates provided 128,689 persons are within the 60dbu of the Channel 262 allocation. In the 80 dbu there is no existing non commercial station that overlaps contours and there are 6,905 persons. Contours for WFYI, WRFT, and WICR are completely within WFYI Contours and in the contour overlap of WJCF and WFYI includes 26, 371 persons. Contour overlap between WFCI (which simulcasts WFYI programming) and WJCF includes 31, 837 persons. Contour overlap with WYGS and WAUZ (and noting stations WYGS and WAUZ overlap signals) includes 45, 169 persons. The total of persons who receive service from an NCE station are 103,377. **25, 312 persons receive first service as a result fo the allocation.**

Second service would include those persons who are within the contour overlap with WYGS and WAUZ (as these stations simulcast programming) and this includes 45, 169 persons. Second service would include the persons within the WFCI contour overlap and this is 31,837 persons. 77,006 persons would receive second service.

The methodology for performing an NCE evaluation is performed by Com Study. ComStudy 2.2 can count first and second service populations using the 2000 NAD 27 census as required by FCC.

### **Channel 262A Morristown**

#### **WJCF has reception difficulties in it's City Of License, Morristown, Indiana.**

The theoretical 60dbu of WJCF covers Morristown but signal measurements in Morristown, Indiana indicate the signal is less than a 60dbu signal. Engineering analysis determined that this was due to terrain and the many old growth trees in this area.

ICRC has attempted to raise the existing tower for WJCF and has attempted to relocate to another tower. The local zoning authority opposes any tower addition due to the complaints sent to the zoning authority by local residents who note interference to WRTV Channel 6. No height restriction exists for tower structures properly zoned. Despite the proper zoning the local zoning authority will not issue a building permit, which IS required. The local zoning authority has attempted to redact the zoning for the present tower due to interference. This is an ongoing dispute.

The local zoning authority discusses the interference as a basis for preventing any zoning changes including a building permit in public meetings as the reason for thier denial but not in their written denial. RF interference has been termed "noises or vibrations" in the local zoning ordinance to prevent any tower changes or new tower construction within Rush County. This is beyond the control of the Licensee.

The movement of WJCF appears to be limited to Rush County Indiana and on Channel 201A there is no ability to erect a new tower or modify the existing tower to provide better service to Morristown, Indiana, or modify a Commission License. A modification of the License for WJCF to Channel 262A would be in the Public Interest.

WJCF has had *significant contact* in regards to interference with the audio of WRTV Channel 6 because WJCF is at 88.1 and WRTV audio is at 87.75. Due to changes in the WRTV signal after the Construction Permit for WJCF was issued the WRTV signal is very weak in the area near the WJCF tower. Terrain sheilding to the WRTV tower directly affects the WRTV signal.

Over 600 names were on petitions sent to local government officials regarding interference to WRTV. Local residents do not understand electronics and how a weak television signal contributes to audio reception of WRTV. They believe that the License of WJCF should not have been issued.

WJCF has provided technical support, filters, and other assistance but those who live near the tower have a hatred for the station . This has resulted in vandalism to the building, tower, death threats to station volunteers, and even workers on the WJCF tower who have been shot at. A channel change to 262A for WJCF is in the Public Interest.

WJCF has experienced many difficulties due to the expenses incurred when legal challenges have been made by McGraw Hill, licensee of WRTV. WRTV has hampered the ability of WJCF to make technical changes and has opposed WJCF in many arenas, and also before the Commission.

Commission precedent in this area is specific. Another local noncommercial station, WFIU Bloomington, Indiana, was originally allocated in the reserved band and due to Channel 6 interference the Commission changed the WFIU allocation to Channel 279B in the nonreserved band.

Previous Commission actions concerning an allocation at Wilmore, Kentucky are also a clear indication that a one step move from a reserved channel to a non reserved channel would be appropriate without public comment. In this case Public Comment during the period has been favorable.

WJCF is interested in digitally broadcasting it's signal. At 88.1 the digital interference on 87.9 will remove Channel 6 from most televisions in the area surrounding the WJCF tower. An allocation change from Channel 201A to Channel 262A is in the Public Interest.

WJCF currently covers 863 square kilometers and has 23,790 persons in it's current 60dbu coverage area. WJCF coverage would increase to 2321.8 square Kilometers and add population to it's 60dbu coverage area to 128,689 persons. **Over 100,000 persons would gain additional coverage from WJCF.** This would be in the Public interest.

WJCF provides an engineering report on CH 262A that provides coordinatres. At 6kw the allocation is shortspaced to WIFE at Channel **262B** but is not shortspaced to WIFE Norwood Ohio Channel **262A**. The Commission has deleted CH 262 at Connersville and has terminated the proceeding. There is no other shortspacing.

Upon approval of the PRM WJCF would apply to modify it's current Construction Permit, 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. This is in the Public interest.

### **ICRC Hardship**

The current operation of WJCF involving volunteers has been difficult to maintain with the interference issues which have faced the station because of poor consumer equipment and line of sight issues related to coverage both in the

Community Of License and elsewhere. The instant proposal is in the Public Interest.

### **City Of License**

WJCF is licensed to Morristown which is in Shelby County Indiana. WJCF proposes to simultaneously with the facilities change, change City Of License to Shelbyville, Indiana which is a minor change. Shelbyville is within the same County and is the County seat.

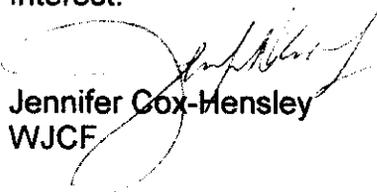
### **Conclusion**

The amended PRM by ICRC provides for several benefits: 1) Increased coverage of listeners of WJCF (over 100,000 new persons) ; 2) Resolution of Channel 6 issues, which will receive significant interference from WJCF **not if but when Digital Broadcasting is undertaken**; and 3) All the benefits are in The Public Interest and Necessity.

Indiana Community Radio Corporation is one of a very few broadcast operations in the United States operated and headed by a female broadcaster. The Commission has long indicated it's support for strengthening and supporting minority ownership. This move would assist in the resolution of long time problems for the station and allow for the potential for station growth.

The ICRC Petition is the only Petition in the proceeding which has received favorable comments from the Public. *In determining Public Interest it is believed that consideration of comments from The Public would be a factor in determining Public Interest.*

Based on the foregoing facts the ICRC amended Petition is in the Public Interest.

  
Jennifer Cox-Hensley  
WJCF

### **Declaration Of Jennifer Cox-Hensley**

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



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.

Morristown, Indiana

Shelbyville, Indiana

Previously filed with MB Docket No. 04- 17 RM- 11113 RM-  
11114

**BLER 20000728AEF Morristown, Indiana**

. This procedure is set forth in Section 1.87 of the  
Commission's rules.

## **Engineering Showing**

### ***Amendment to an existing - Petition For Rulemaking***

This Engineering Showing is in support of a previously  
submitted Petition For Rulemaking by Indiana Community  
Radio Corporation ("**ICRC**").

The Engineering Showing is to demonstrate : 1) Commission  
Rules allow changes as proposed and 2) Such a change is  
permissible within the Commission Process without  
shortspacing to existing or proposed stations.

*The Engineering Showing is in the Public Interest as it is  
the only Petition in the proceeding which received favorable  
comment from the Public and more importantly was the only  
Petition filed in the proceeding which received any Public  
comment.*

### Background

ICRC is Licensee of WJCF Morristown, Indiana which  
operates on **Channel 201A**. Since the inception of WJCF, ICRC  
has received complaints of interference to a local Channel 6  
station, WRTV Indianapolis.

In addition, WJCF has had reception difficulties in it's City Of License, Morristown, Indiana with reception. This is due specifically to local terrain.

As Commission Rules offer a higher milegae protection for Class B FM stations it is both prudent and reasonable to believe and demonstrate through repeatable and reliable Channel Study and Mapping Program showings that **"The deletion of a Class B FM station will allow the replacement of two Class A FM stations."**

Preamble

In support of the noted moves associated with the Rule Making and as a result of the downgrade of Channel 262A at Connersville, Indiana, Channel 262A can be allocated to as a non commercial service without affect to any existing or proposed allocation and replace the current allotment of CH 201A.

As a current Commission Rulemaking requires settlement of all previously submitted Rulemaking Proceedings The Engineering showing demonstrates the ICRC Petition should be settled before termination of the proceeding.

#### **CH 262 Allocation Availability**

A Channel Study utilizing Class A facilities of 6kw at 100 meters at 100.3 show the allocation is clear to all existing stations or applications. As Commission Staff has terminated the Connersville proceeding the Connersville CH 262 has been deleted and is now clear at 39-28-57.8 N, 85-49-50.2

As the Cionnersville allocation has been deleted it is a scientific certainty accepted by Commission Rules that there will be no shortspacing to WWKI Kokomo at the coordinates listed as Commission Rules allow.

Commission Rules allow a site closer to Morristown, Indiana but do not allow this location to be the "allocation" coordinates. As Commission Staff has not commented if they will allow 60dbu covderage of Morristown this amendment also requests a City Of License change for WJCF which would also allow 70dbu coverage of Shelbyville, Indiana.ComStudy 2.2 search of channel 262 (100.3 MHz Class A) at 39-28-57.8 N, 85-49-50.2 W.

CALL CITY ST CHN CL DIST S BRNG  
CLEARANCE

-115.3	CONNERSVILLE	IN 262 B	62.69178.00	73.4
-109.5	MORRISTOWN	IN 262 A	5.47115.00	169.0
19.9	SPEEDWAY	IN 265 A	50.9231.00	313.2
0.6	NORWOOD	OH 262 A	115.56115.00	109.6
880126NK	LOUISVILLE	KY 263 C2	145.94106.00	169.4
39.9	BOGGSTOWN	IN 264 D	15.970.00	320.3
NEW	COLUMBUS	IN 260 D	28.680.00	199.4
16.0	COLUMBUS	IN 260 D	29.410.00	197.4
NEW	COLUMBUS	IN 261 D	29.110.00	185.9
28.7	EDINBURGH	IN 262 D	10.500.00	206.0
NEW	FRANKLIN	IN 263 D	20.360.00	269.4
29.4	GREENFIELD	IN 264 D	35.110.00	8.1
NEW	GREENFIELD	IN 264 D	39.500.00	9.7
29.1	GREENWOOD	IN 262 D	32.480.00	301.8
NEW	GREENWOOD	IN 264 D	32.480.00	301.8
10.5	NEW PALESTINE	IN 262 D	32.470.00	349.3
NEW	NEW PALESTINE	IN 264 D	32.470.00	349.3
20.4	NORRISTOWN	IN 263 D	9.490.00	153.0
NEW	SHELBYVILLE	IN 264 D	14.910.00	58.4
35.1	WHITELAND	IN 261 D	21.880.00	291.6
NEW	COLUMBUS	IN 264 D	28.680.00	199.4
39.5	FRANKLIN	IN 208 A	27.8810.00	253.1
NEW	FRANKLIN	IN 208 A	27.8810.00	253.1
32.5	CONNERSVILLE	IN 262 B	62.52178.00	73.3
NEW	CONNERSVILLE	IN 262 B	62.69178.00	73.4
32.5				
NEW				
9.5				
NEW				
14.9				
NEW				
21.9				
W264AL				
28.7				
WFCI				
17.9				
WFCI				
17.9				
WIFE				
-115.5				
WIFE				
-115.3				

WIUX-LP	BLOOMINGTON	IN 262 LP100	66.2867.00	
239.8	-0.7			
WRGF	GREENFIELD	IN 209 A	37.1510.00	23.4
27.2				
WTFX-FM	LOUISVILLE	KY 263 C2	140.29106.00	169.3
34.3				
WWKI	KOKOMO	IN 263 B	114.43113.00	350.8
1.4				
WWKI	KOKOMO	IN 263 B	114.43113.00	350.8
1.4				
WYJZ	SPEEDWAY	IN 265 A	46.1231.00	329.2
15.1				

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## **ICRC Hardship**

The current operation of WJCF involving volunteers has been difficult to maintain with the interference issues which have faced the station because of poor consumer equipment and line of sight issues related to coverage both in the Community Of License and elsewhere. The instant proposal is in the Public Interest.

## **City Of License**

WJCF is licensed to Morristown which is in Shelby County Indiana. WJCF proposes to simultaneously with the facilities change, change City Of License to Shelbyville, Indiana which is a minor change. Shelbyville is within the same County and is the County seat.

## **Conclusion**

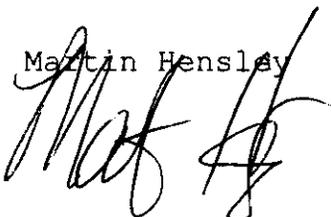
The amended PRM by ICRC provides for several benefits: 1) Increased coverage of listeners of WJCF (over 100,000 new persons) ; 2) Resolution of Channel 6 issues, which will receive significant interference from WJCF when Digital Broadcasting is undertaken; and 3) All the benefits are in The Public Interest and Necessity.

Indiana Community Radio Corporation is one of a very few broadcast operations in the United States operated and headed by a female broadcaster. The Commission has long indicated it's support for strenghtening and supporting minority ownership. Commission Policy should favor an Engineering Change which benefits minority operated facilities and Commission policy concerning assistance to minority operated broadcast facilities should apply to this Engineering Change. This move would assist in the resolution of long time problems for the station and allow for the potential for station growth.

The ICRC Petition is the only Petition in the proceeding which has received favorable comments from the Public. *In determining Public Interest it is believed that consideration of comments from The Public would be a factor in determining Public Interest.*

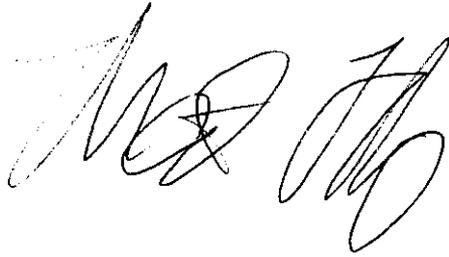
This Engineering Showing demonstrates the move proposed by ICRC is acceptable for allocation purposes.

Martin Hensley



Declaration Of Martin Hensley

I am Martin Hensley. I have submitted an Engineering Showing on behalf of Indiana Community Radio Corporation. I affirm under penalty of perjury that the statements herein to be true and correct.

A handwritten signature in black ink, appearing to read 'M. Hensley', is written in a cursive style.