

ORIGINAL

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION FILED/ACCEPTED
WASHINGTON, D.C. 20554**

JAN 19 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Pima and Pinetop, Arizona))
)

MB Docket No. _____
RM- _____

To: Office of Secretary
Attn: Chief, Audio Division
Media Bureau

PETITION FOR RULEMAKING

Introduction:

Circle S Broadcasting Co., Inc. ("Petitioner") licensee of radio station KSWG(FM) Wickenburg, Arizona (the "Petitioner"), hereby submits the instant Petition for Rulemaking to amend the FM Table of Allotments in order for the Petitioner to further the Commission's allotment priorities as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Pima, AZ	296A	289A
Pinetop, AZ	294C1	249C1

Background:

In its contingently proposed "hybrid" 301 Application, the Petitioner proposes to modify KSWG(FM)'s antenna site on Channel 242C. This proposal is shortspaced under

no. of Copies rec'd 044
LISTA BCDE
CMB 07-03

§73.207 towards KKLD(FM) Cottonwood, Arizona. In order to eliminate this shortspacing, Yavapai Broadcasting Corporation, licensee of station KKLD(FM), has contingently proposed to change its channel from 240C0 to mutually exclusive Channel 240C at a new antenna site and change its community of license from Cottonwood, Arizona, to Clarkdale, Arizona, as that community's first local transmission service.¹

The KSWG(FM) proposal on Channel 242C is also shortspaced to KRFM(FM) 243C at Show Low, AZ. In order to eliminate this shortspacing, the Petitioner, in its associated 301 Application, respectfully requests that the Commission issue an Order to Show Cause to Petracom of Holbrook, LLC ("Petracom"), licensee of KRFM(FM) as to why its licensed channel should not be substituted with Channel 295C at its current site. The Petitioner restates in this filing that it will reimburse Petracom for its reasonable expenses in changing KRFM(FM)'s channel to 295C in accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967).

In order for Channel 295C to be fully spaced pursuant to §73.207 at the current KRFM(FM) antenna site, the Petitioner hereby submits the instant, contingently filed "hybrid" Petition for Rulemaking requesting that the Commission modify the FM Table of Allotments to reflect new channels for the unused Vacant Allotments at Pinetop, Arizona, and Pima, Arizona.

Technical Discussion:

Exhibit 1 indicates that KRFM(FM), on Channel 295C, at Show Low, Arizona, would be shortspaced to the Vacant Allotment on channel 294C1 at Pinetop, Arizona, and that vacant allotment's associated applications for new construction permit.² Exhibit 1 also indicates that KRFM(FM), on Channel 295C, would also be shortspaced to the

¹ In order for KKLD(FM) to propose channel 240C at Clarkdale, station KWKM(FM) St. Johns, AZ, shall change its channel from 239C to 243C at its current site. This change shall be formally proposed in the contingently filed KKLD(FM) 301 Application in accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967).

² See FCC Applications BPH-19951109MG and BPED-19951108MB requesting original construction permit at Pinetop, AZ.

Vacant Allotment assigned channel 296A at Pima, Arizona. Neither the Pinetop nor the Pima Vacant Allotment have yet been designated for auction. Consequently, the Petitioner may request that Channel 249C1 be substituted for Channel 294C1 for the Vacant Allotment at Pinetop, Arizona, and Channel 289A be substituted for Channel 296A for the Vacant Allotment at Pima, Arizona.

Exhibit 2 is a channel study demonstrating that Channel 249C1, at the reference coordinates for the Vacant Allotment at Pinetop, is fully spaced to all other authorizations, proposals, and reserved uses with the exception of a counterproposal to add Channel 251C at St. Johns, Arizona, in MB Docket 05-263. The addition of Channel 251C at St. Johns is no longer being proposed. Therefore, Channel 249C1 may be allotted at the Pinetop Allotment's reference coordinates.

Exhibit 3 is a channel study demonstrating that Channel 249C1, at the application site proposed by William Konopnicki in BPH-19951109MG, is fully spaced to all other authorizations, proposals, and reserved uses with the exception of a counterproposal to add Channel 251C at St. Johns, Arizona, in MB Docket 05-263. Again, the addition of Channel 251C at St. Johns is no longer being proposed. Therefore, Channel 249C1 may be allotted at this application site at Pinetop.

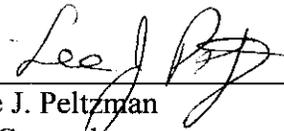
Exhibit 4 is a channel study demonstrating that Channel 249C1, at the application site proposed by D/B/A Apache Radio Broadcasting Corp in BPED-19951108MB, is fully spaced to all other authorizations, proposals, and reserved uses with the exception of a counterproposal to add Channel 251C at St. Johns, Arizona, in MB Docket 05-263. Again, the addition of Channel 251C at St. Johns is no longer being proposed. Therefore, Channel 249C1 may be allotted at this application site at Pinetop.

Exhibit 5 is a channel study demonstrating that Channel 289A, at the reference coordinates for the Vacant Allotment at Pima, Arizona, is fully spaced to all other authorizations, proposals, and reserved uses.

Since neither a downgrade nor a change in reference coordinates for either of the allotments (or related applications) is being proposed, city-grade coverage maps, gain/loss studies, and remaining services studies have not been included in this filing.

Respectfully submitted,

CIRCLE S. BROADCASTING CO., INC.

By: 

Lee J. Peltzman
Its Counsel
Shainis & Peltzman, Chartered
1850 M Street, NW, Suite 240
Washington, D.C. 20036
Tel: 202-293-0011

Dated: January 19, 2007

KRFM(FM) 295C
Allotment Spacings Study

REFERENCE
34 12 20 N.
109 56 26 W.

CLASS = C Int = C
Current Spacings
Channel 295 - 106.9 MHz

DISPLAY DATES
DATA 01-10-07
SEARCH 01-19-07

Call	Channel	Location	Azi	Dist	FCC	Margin
DKKGL	VAC 294C1	Pinetop	AZ 177.7	8.94	209.0	-200.06
Of Concern: Substitute Channel 249C1 at Pinetop is instantly proposed to eliminate this shortspacing.						
951108MB	APP 294C1	Pinetop	AZ 168.8	16.27	209.0	-192.73
Of Concern: Substitute Channel 249C1 at Pinetop is instantly proposed to eliminate this shortspacing.						
951109MG	APP 294C1	Pinetop	AZ 81.0	33.15	209.0	-175.85
Of Concern: Substitute Channel 249C1 at Pinetop is instantly proposed to eliminate this shortspacing.						
VA2384	VAC 296A	Pima	AZ 175.9	145.91	165.0	-19.09
Of Concern: Substitute Channel 289A at Pima is instantly proposed to eliminate this shortspacing.						
ALLO M	USE 296C3	Apache Junction	AZ 237.7	166.42	176.0	-9.58
Of no Concern: Channel 296C3 has been licensed at Apache Junction for KVVA-FM's use. Therefore the "USE" entry is no longer applicable.						
KVVA-FM	LIC 296C3	Apache Junction	AZ 242.0	177.25	176.0	1.25
KDVA	LIC 295A	Buckeye	AZ 251.9	260.00	226.0	34.00
ALLO	USE 295A	Buckeye	AZ 251.9	260.00	226.0	34.00
ALLO	USE 294C2	Prescott Valley	AZ 278.3	240.63	188.0	52.63
KPPV	LIC 294C2	Prescott Valley	AZ 278.3	240.63	188.0	52.63
KSED	LIC 298C	Sedona	AZ 301.1	166.76	105.0	61.76

VAC 249C1 Pinetop, AZ (allotment site)
 Allotment Spacings Study

REFERENCE
 34 07 30 N.
 109 56 12 W.

CLASS = C1 Int = C1
 Current Spacings
 Channel 249 - 97.7 MHz

DISPLAY DATES
 DATA 01-10-07
 SEARCH 01-19-07

Call	Channel	Location	Azi	Dist	FCC	Margin
RADD	ADD 251C	St. Johns	AZ 63.9	35.88	105.0	-69.12
Of no concern: The proposal to add Channel 251C at St. Johns in MB Docket 05-263 has been dismissed.						
ALLO	USE 248C	Dewey-humboldt	AZ 303.5	171.89	209.0	-37.11
Of no concern: Channel 248C at Dewey-humboldt has received a station license. Therefore, the "USE" entry is no longer applicable.						
KUPD	LIC 250C	Tempe	AZ 246.5	215.91	209.0	6.91
ALLO	USE 250C	Tempe	AZ 246.5	215.92	209.0	6.92
KPSA-FM	APP 250C	Lordsburg	NM 140.3	221.52	209.0	12.52
AL5409	RSV 248C	Dewey-humboldt	AZ 274.1	223.56	209.0	14.56
KMVA	LIC-N 248C	Dewey-humboldt	AZ 273.8	224.40	209.0	15.40
ALLO M	USE 250C	Lordsburg	NM 148.1	225.33	209.0	16.33
KPSA-FM	LIC 249A	Lordsburg	NM 149.5	227.96	200.0	27.96
ALLO OX	USE 247C2	Globe	AZ 223.1	110.96	79.0	31.96
KAVV	LIC 249A	Benson	AZ 185.4	237.64	200.0	37.64
ALLO	USE 252A	Miami	AZ 225.4	113.01	75.0	38.01
NEW	CP -Z 250C1	Tuba City	AZ 316.9	220.38	177.0	43.38
KLVO	LIC 249C1	Belen	NM 74.4	296.28	245.0	51.28
ALLO	USE 249C1	Belen	NM 76.0	308.57	245.0	63.57
RDEL	DEL 247C	First Mesa	AZ 347.5	177.31	105.0	72.31
RDEL	DEL 247C	First Mesa	AZ 347.5	177.46	105.0	72.46
AL5402	VAC 247C	First Mesa	AZ 347.5	177.46	105.0	72.46

VAC 249C1 Pinetop, AZ (BPED-19951108MB Application Site)
 Allotment Spacings Study

REFERENCE		CLASS = C1 Int = C1	DISPLAY DATES
34 03 42 N.		Current Spacings	DATA 01-10-07
109 54 22 W.		Channel 249 - 97.7 MHz	SEARCH 01-19-07

Call		Channel	Location		Azi	Dist	FCC	Margin
RADD	ADD	251C	St. Johns	AZ	52.2	37.19	105.0	-67.81
Of no concern: The proposal to add Channel 251C at St. Johns in MB Docket 05-263 has been dismissed.								
ALLO	USE	248C	Dewey-humboldt	AZ	304.9	178.17	209.0	-30.83
Of no concern: Channel 248C at Dewey-humboldt has received a station license. Therefore, the "USE" entry is no longer applicable.								
KPSA-FM	APP	250C	Lordsburg	NM	139.7	214.33	209.0	5.33
KUPD	LIC	250C	Tempe	AZ	248.5	215.84	209.0	6.84
ALLO	USE	250C	Tempe	AZ	248.5	215.85	209.0	6.85
ALLO M	USE	250C	Lordsburg	NM	147.8	217.88	209.0	8.88
AL5409	RSV	248C	Dewey-humboldt	AZ	275.9	226.98	209.0	17.98
KMVA	LIC-N	248C	Dewey-humboldt	AZ	275.5	227.78	209.0	18.78
KPSA-FM	LIC	249A	Lordsburg	NM	149.3	220.48	200.0	20.48
ALLO OX	USE	247C2	Globe	AZ	226.8	108.00	79.0	29.00
KAVV	LIC	249A	Benson	AZ	186.2	230.94	200.0	30.94
ALLO	USE	252A	Miami	AZ	229.1	110.33	75.0	35.33
NEW	CP -Z	250C1	Tuba City	AZ	317.6	227.45	177.0	50.45
KLVO	LIC	249C1	Belen	NM	73.0	295.53	245.0	50.53
ALLO	USE	249C1	Belen	NM	74.6	307.62	245.0	62.62

VAC 249C1 Pinetop, AZ (BPH-19951109MG Application Site)
 Allotment Spacings Study

REFERENCE 34 15 06 N. CLASS = C1 Int = C1 DISPLAY DATES
 109 35 06 W. Current Spacings DATA 01-10-07
 ----- Channel 249 - 97.7 MHz ----- SEARCH 01-19-07

Call	Channel	Location	Azi	Dist	FCC	Margin
RADD	ADD 251C	St. Johns	AZ 355.5	1.60	105.0	-103.40
Of no concern: The proposal to add Channel 251C at St. Johns in MB Docket 05-263 has been dismissed.						
ALLO	USE 248C	Dewey-humboldt	AZ 294.9	193.45	209.0	-15.55
Of no concern: Channel 248C at Dewey-humboldt has received a station license. Therefore, the "USE" entry is no longer applicable.						
KPSA-FM	APP 250C	Lordsburg	NM 149.6	214.28	209.0	5.28
ALLO M	USE 250C	Lordsburg	NM 157.3	222.87	209.0	13.87
KLVO	LIC 249C1	Belen	NM 75.7	261.33	245.0	16.33
KPSA-FM	LIC 249A	Lordsburg	NM 158.6	226.35	200.0	26.35
ALLO	USE 249C1	Belen	NM 77.5	273.80	245.0	28.80
KUPD	LIC 250C	Tempe	AZ 246.7	251.24	209.0	42.24
ALLO	USE 250C	Tempe	AZ 246.7	251.26	209.0	42.26
AL5409	RSV 248C	Dewey-humboldt	AZ 270.6	255.39	209.0	46.39
KMVA	LIC-N 248C	Dewey-humboldt	AZ 270.4	256.31	209.0	47.31
KAVV	LIC 249A	Benson	AZ 192.4	256.59	200.0	56.59
NEW	CP -Z 250C1	Tuba City	AZ 308.9	234.67	177.0	57.67
ALLO OX	USE 247C2	Globe	AZ 228.8	144.11	79.0	65.11
RDEL	DEL 247C	First Mesa	AZ 336.3	174.06	105.0	69.06
RDEL	DEL 247C	First Mesa	AZ 336.3	174.20	105.0	69.20
AL5402	VAC 247C	First Mesa	AZ 336.3	174.20	105.0	69.20
ALLO	USE 252A	Miami	AZ 230.5	146.56	75.0	71.56

Exhibit 5

Channel 289A Pima, AZ
 Allotment Spacings Study

REFERENCE
 32 53 36 N.
 109 49 42 W.

CLASS = A Int = AA
 Current Spacings
 Channel 289 - 105.7 MHz

DISPLAY DATES
 DATA 01-10-07
 SEARCH 01-19-07

Call	Channel	Location		Azi	Dist	FCC	Margin
ALLO	USE 289C3	Hurley		NM 119.8	121.20	142.0	-20.80
Of no Concern: MX Channel 288C1 has been assigned to Hurley, NM. Channel 289C3 is no longer assigned.							
ALLO	USE 292C2	Oracle		AZ 230.5	67.11	55.0	12.11
KZLZ	CP 287C2	Kearny		AZ 258.0	67.50	55.0	12.50
KZLZ	LIC 287C2	Kearny		AZ 264.1	69.80	55.0	14.80
ALLO	USE 287C2	Kearny		AZ 263.2	70.41	55.0	15.41
KSIL	LIC-N 288C1	Hurley		NM 91.7	148.88	133.0	15.88
ALLO	USE 288C1	Hurley		NM 94.0	158.38	133.0	25.38
XHNESFM	290C	Nogales		SO 211.5	202.90	161.0	41.90
XHNESFM	OPE 290C	Nogales		SO 211.6	204.65	161.0	43.65
KGMG	LIC-Z 292C2	Oracle		AZ 241.0	102.96	55.0	47.96