

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FILED/ACCEPTED

MAR 12 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
New FM Broadcast Station)
(Needles, California, Ehrenberg, AZ,)
and First Mesa, AZ))
)

MB Docket No. _____
RM- _____

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

PETITION FOR RULEMAKING

Michael Cusinato ("Petitioner") by this petition and its associated FCC Form 301 application, hereby petitions the Federal Communications Commission to initiate a rulemaking proceeding to amend the Vacant FM Table of Allotments (§73.202(b) of the Commission's Rules) in order to assign FM Channel 287B1 to Needles, California, as its fourth local transmission service as follows:

<u>CITY</u>	<u>PRESENT</u>	<u>PROPOSED</u>
Needles, CA	----- ¹	287B1
Ehrenberg, AZ	286C2	228C2
First Mesa, AZ	247C	281C

¹ Radio stations KLUK(FM) 250C1, KNKK(FM) 296C1, and KTOX(AM) are currently licensed to Needles, CA.

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MB 07-18

Needles enjoys the attributes that the Commission traditionally associates with a community. Needles is listed in the 2000 U.S. Census with a population of 4,830 persons and is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia California*, 7 FCC Rcd 6302 (1992). The Commission has previously held that Needles has the status of a community for allotment purposes by allotting two FM channels and one AM channel to the community.

As indicated in the Allotment Reference Site Channel Study in Exhibit 1, Channel 287B1 can be assigned to the community of Needles at the following reference coordinates where all minimum distance separation requirements of §73.202(b) are met towards all authorizations, proposals, and reserved uses with the exception of the unused Vacant Allotment on Channel 286C2 at Ehrenberg, AZ, and KHOV-FM 287C2 at Wickenburg, AZ:

N34-49-43, W114-36-38 (NAD 27)

A reference site restriction of approximately 2.2 kilometers south of Needles' community center coordinates is required for the proposed allotment. As can be seen in the Allotment Site Contour Map included in Exhibit 2, from the reference site, the principal community contour coverage requirements of §73.315 are satisfied. This map also indicates that 75,195 persons in California, Nevada, and Arizona, will receive an additional aural service as a result of the allotment. The 70 dBu contour does not encompass any portion of an Urbanized Area.

Exhibit 3 is an Existing Services Study indicating that of the 75,195 persons receiving an additional aural service, 20 persons will receive their 4th aural reception service and 75,175 persons will receive their 5th or greater aural service.

In order for Channel 287B1 to be allotted at Needles, CA, Channel 286C2 assigned to the unused Vacant Allotment at Ehrenberg, AZ, must be substituted with Channel 228C2 at its current reference coordinates. Exhibit 4 is an Allotment Reference Site Channel Study indicating that Channel 228C2 at Ehrenberg meets the minimum distance separation requirements of §73.202(b) towards all authorizations, proposals, and reserved uses.²

Also, in order for Channel 287B1 to be allotted at Needles, CA, Channel 287C2 assigned to the KHOV-FM Wickenburg, AZ, must be substituted with Channel 286C2 at its licensed antenna site. Consequently, Petitioner respectfully requests that the Commission issue an Order to Show Cause to Univision Radio License Corporation (“Univision”), licensee of KHOV-FM Wickenburg, AZ, as to why its licensed channel should not be substituted with Channel 286C2 at its current site. Petitioner hereby states that it will reimburse Univision for its reasonable expenses in changing KHOV-FM’s channel to 286C2 in accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967). Exhibit 5 is a channel study demonstrating that channel 286C2 at the KHOV-FM licensed antenna site would be shortspaced to KFLX(FM) Kachina Village, AZ, currently assigned Channel 286C2.

² Channel 228C1 was deleted from Laughlin, NV, in MB Docket 01-135 and Channel 230C3 was deleted from Parker in MB-Docket 04-252. Therefore, Channel 228C2 at Ehrenberg, CA, meets the minimum spacing requirements of Section 73.202(b).

In order for Channel 286C2 to be allotted at Wickenburg, AZ, for KHOV-FM's use, Channel 286C2 assigned to the KFLX(FM) Kachina Village, AZ, must be substituted with *Channel 246C2 at its current antenna site*. Consequently, Petitioner respectfully requests that the Commission issue a second Order to Show Cause to Grenax Broadcasting II LLC ("Grenax"), licensee of KFLX(FM) Kachina Village, AZ as to why its licensed channel should not be substituted with Channel 246C2 at its current site. Petitioner hereby states that it will reimburse Grenax for its reasonable expenses in changing KFLX(FM)'s channel to 246C2 in accordance with *Circleville, Ohio*, 8 FCC 2d 159 (1967). Exhibit 6 is a channel study demonstrating that channel 247C2 at the KFLX(FM) site would be shortspaced to the Vacant Allotment at First Mesa, Arizona, currently assigned Channel 247C.

In order for Channel 246C2 to be allotted at Kachina Village, AZ, for KFLX(FM)'s use, Channel 247C assigned to the unused Vacant Allotment at First Mesa, AZ, must be substituted with Channel 281C at its current reference coordinates. Exhibit 7 is an Allotment Reference Site Channel Study indicating that Channel 281C at First Mesa meets the minimum distance separation requirements of §73.202(b) towards all authorizations, proposals, and reserved uses.³

The instant proposal furthers the Commission's allotment priorities by providing a fourth local transmission service to Needles, CA, and a new aural reception service to 75,195 persons in rural portions of California, Arizona, and Nevada. In the event that Channel 287B1 is allotted to Needles, California, Petitioner will participate in an FM Auction to acquire the station and, if

³ Channel 282C was deleted from Payson, AZ, in MB Docket 03-160. Therefore, Channel 281C at First Mesa, AZ, meets the minimum spacing requirements of Section 73.202(b).

authorized, will build the station promptly. For the foregoing reasons, the Commission should consider adding channel 287B1 at Needles, California.

I verify pursuant to Section 1.52 of the Commission's Rules that I have reviewed this document and that to the best of my knowledge, information, and belief, there are good grounds to support it.

Respectfully submitted,

MICHAEL CUSINATO

By: Michael Cusinato

1705 Peridot Ct

Castle Rock, CO 80108

Dated: March 11, 2007

Exhibit 1

ADD 287B1 Needles, CA
 Allotment Reference Site Channel Study

REFERENCE
 34 49 43.0 N.
 114 36 38.0 W.

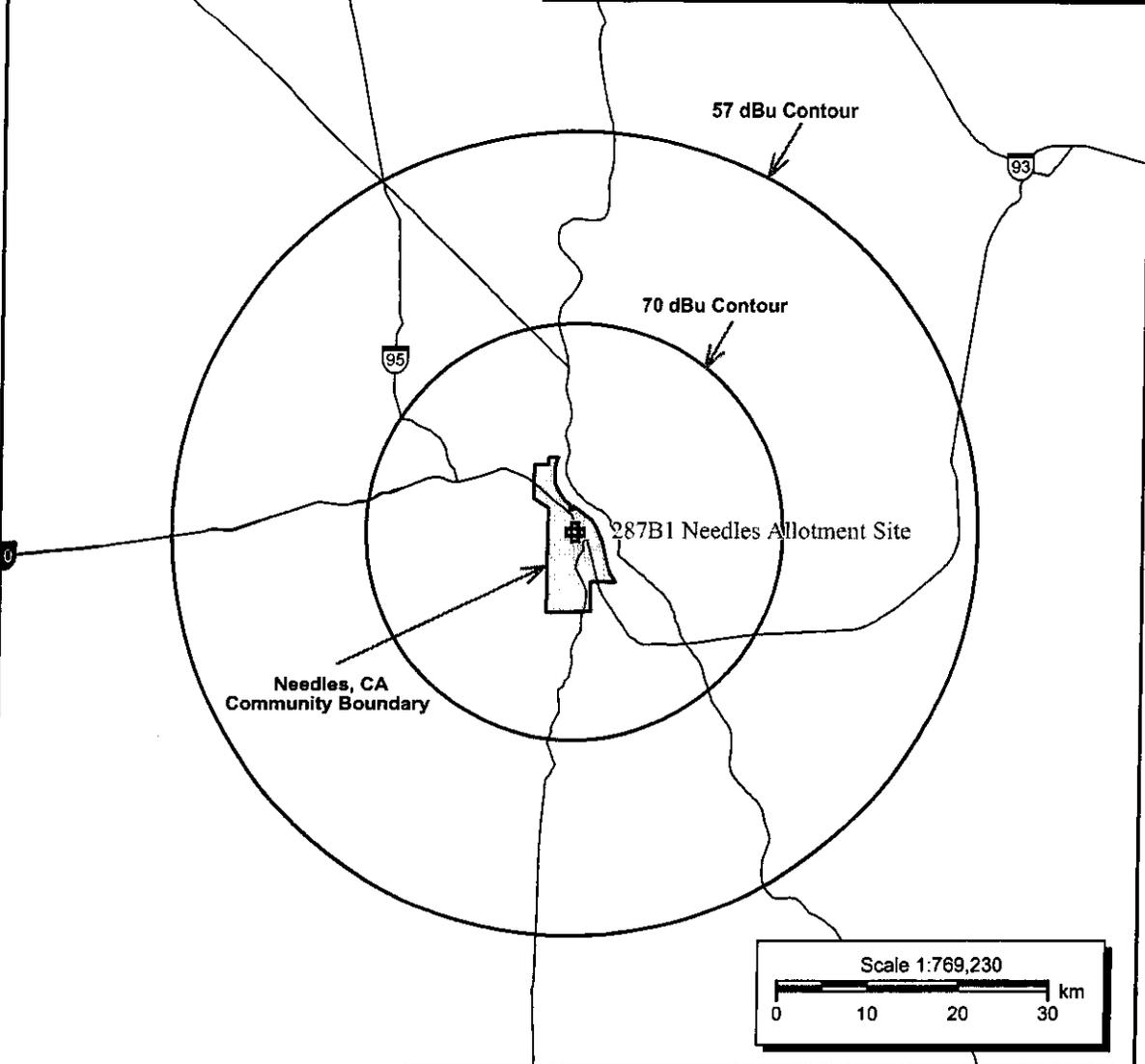
CLASS = B1 Int = B1
 Current Spacings

DISPLAY DATES
 DATA 02-27-07
 SEARCH 02-27-07

----- Channel 287 - 105.3 MHz -----

Call	Channel	Location	Azi	Dist	FCC	Margin
AL0234	VAC 286C2	Ehrenberg	AZ 166.8	117.19	134.0	-16.81
Of Concern: Substitute Channel 228C2 instantly proposed for the vacant Allotment.						
KHOV-FM	LIC 287C2	Wickenburg	AZ 112.1	184.55	200.0	-15.45
Of Concern: Substitute Channel 286C2 instantly proposed for KHOV-FM						
RADD	ADD 285C2	Laughlin	NV 345.0	48.67	56.0	-7.33
Of No Concern: Proposal to add channel 285C2 at Laughlin in MB Docket 05-263 has been dismissed.						
AP9338	APP 285A	Cal-nev-ari	NV 345.0	48.67	48.0	0.67
KOAS	LIC 289C	Dolan Springs	AZ 13.2	114.90	105.0	9.90
RDEL	DEL 285A	Cal-nev-ari	NV 335.4	59.03	48.0	11.03
NEW	CP -N 285A	Cal-nev-ari	NV 335.4	59.03	48.0	11.03
KFLG-FM	RSV 234C0	Big River	CA 128.8	49.02	27.0	22.02
KFLG-FM	APP 234C0	Big River	CA 128.8	49.02	27.0	22.02
KRSX-FM	LIC-N 287B1	Yermo	CA 275.9	204.38	175.0	29.38
KFLG-FM	LIC 234C	Kingman	AZ 64.3	73.26	31.0	42.26
KQRT	LIC 286C2	Las Vegas	NV 338.1	180.28	134.0	46.28
KQRT	CP 286C2	Las Vegas	NV 338.1	180.28	134.0	46.28
VA0805	VAC 288A	Desert Center	CA 210.8	151.49	96.0	55.49

PRO ADD 287B1
Needles, CA
Allotment Reference Site Contour Map

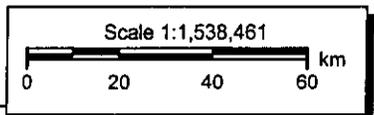
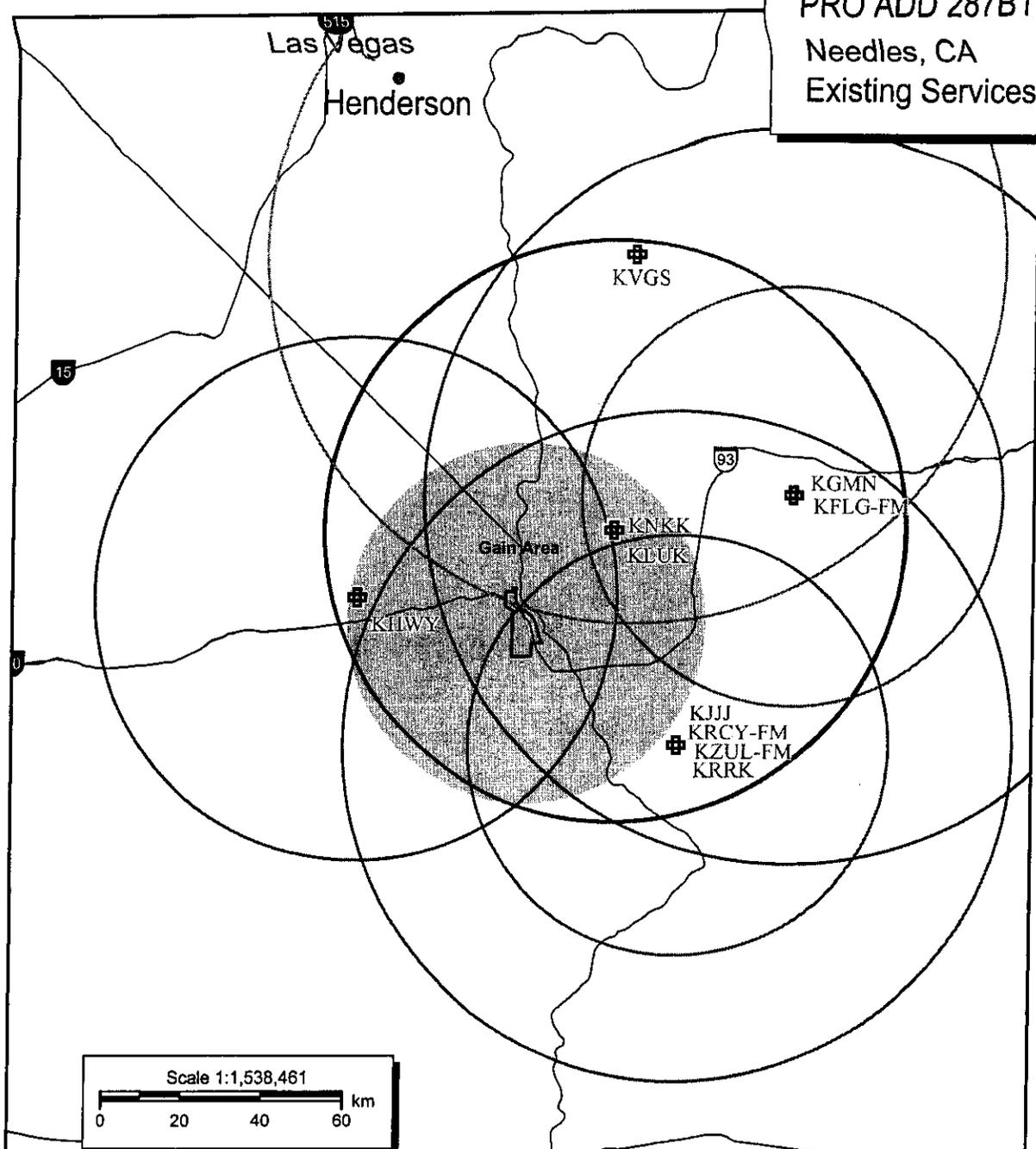


287B1 Needles Allotment Site
Latitude: 34-49-43 N
Longitude: 114-36-38 W
ERP: 25.00 kW
Channel: 287 B1
Frequency: 105.3 MHz

57 dBu Contour Statistics:
Total Population Within Contour: 75,195
Total Area Within Contour: 6277.16 sq. km

70 dBu Contour Statistics
Total Population Within Contour: 21,823
Total Area Within Contour: 1690.93 sq. km

PRO ADD 287B1
 Needles, CA
 Existing Services



Service Count Population Report

Population Database: 2000 US Census (SF1)

	Service Pop	Running Total	%
4th Service	20	20	0.0
5th Service (or >)	75,175	75,195	100.0

Exhibit 4

ALLO 228C2 Ehrenberg, AZ
 Allotment Reference Site Channel Study

REFERENCE
 33 48 00.0 N.
 114 19 12.0 W.

CLASS = C2 Int = B1
 Current spacings
 Channel 228 - 93.5 MHz

DISPLAY DATES
 DATA 02-27-07
 SEARCH 02-27-07

Call	Channel	Location	Azi	Dist	FCC	Margin
KADD	LIC 228C1	Laughlin	NV 358.3	136.81	224.0	-87.19
Of No Concern: Channel 228C1 was deleted from Laughlin, NV, and subsequently added to Logandale, NV, in Docket 01-135.						
KRIT	LIC 230C3	Parker	AZ 3.2	37.95	56.0	-18.05
Of No Concern: Channel 230C3 at Parker, AZ, was changed to Channel 224B1 in Docket 04-252.						
KCLB-FM	LIC 229B	Coachella	CA 270.6	176.32	169.0	7.32
AL4516	VAC 229C3	wickenburg	AZ 84.9	130.70	117.0	13.70
RADD	ADD 228C3	Paulden	AZ 53.3	201.60	177.0	24.60
AP8665	APP 229A	Mohave Valley	AZ 351.5	131.06	106.0	25.06
KDKB	LIC 227C	Mesa	AZ 103.3	216.10	188.0	28.10
KLJZ	LIC 226C1	Yuma	AZ 193.7	131.04	79.0	52.04

Exhibit 5

KHOV-FM 286C2 Wickenburg, AZ
 Antenna Site Channel Study

REFERENCE
 34 11 32.0 N.
 112 45 13.0 W.

CLASS = C2 Int = B1
 Current Spacings

DISPLAY DATES
 DATA 02-27-07
 SEARCH 02-27-07

----- Channel 286 - 105.1 MHz -----

Call	Channel	Location		Azi	Dist	FCC	Margin
KHOV-FM LIC	287C2	wickenburg	AZ	0.0	0.00	130.0	-130.00
Of No Concern: KHOV-FM's licensed facilities.							
KFLX LIC	286C2	Kachina Village	AZ	52.5	143.08	190.0	-46.92
Of Concern: Substitute Channel 246C2 instantly proposed for KFLX(FM).							
AL0234 VAC	286C2	Ehrenberg	AZ	253.6	151.11	190.0	-38.89
Of No Concern: Substitute Channel 228C2 already instantly proposed for the vacant Allotment at Ehrenberg, AZ.							
RADD ADD	284C	Mesa	AZ	146.5	105.46	105.0	0.46
KZZP LIC	284C	Mesa	AZ	145.9	114.82	105.0	9.82
KVRD-FM LIC	289C3	Cottonwood	AZ	46.6	80.23	56.0	24.23
AL0758 VAC	285C3	Peach Springs	AZ	340.7	157.23	117.0	40.23
KZLZ APP	286C3	Kearny	AZ	127.9	225.29	177.0	48.29
RADD PRO	287B1	Needles	CA	293.1	184.55	134.0	50.55
PRO PRO	287B1	Needles	CA	293.5	185.04	134.0	51.04
KFPB LIC-N	232C3	Chino Valley	AZ	13.4	72.26	17.0	55.26

Exhibit 6

KFLX(FM) 246C2 Kachina Village, AZ
Antenna Site Channel Study

REFERENCE
34 58 06.0 N.
111 30 29.0 W.

CLASS = C2 Int = B1
Current Spacings
Channel 246 - 97.1 MHz

DISPLAY DATES
DATA 02-27-07
SEARCH 02-27-07

Call	Channel	Location	Azi	Dist	FCC	Margin
ALLO USE	248C	Dewey-humboldt	AZ 90.0	0.02	105.0	-104.98
Of No Concern: KMVA(FM) has been licensed at Dewey-Humboldt. As such, the license authorization precludes the "USE" entry.						
RDEL DEL	247C	First Mesa	AZ 52.2	131.04	188.0	-56.96
AL5402 VAC	247C	First Mesa	AZ 52.2	131.13	188.0	-56.87
RDEL DEL	247C	First Mesa	AZ 52.2	131.13	188.0	-56.87
Of Concern: Substitute Channel 281C instantly proposed for the vacant Allotment.						
KMXP LIC	245C	Phoenix	AZ 195.8	188.27	188.0	0.27
ALLO USE	245C	Phoenix	AZ 195.8	188.27	188.0	0.27
KWMX LIC	244C2	williams	AZ 287.8	59.90	58.0	1.90
AL5409 RSV	248C	Dewey-humboldt	AZ 224.3	111.84	105.0	6.84
KMVA LIC-N	248C	Dewey-humboldt	AZ 224.2	113.28	105.0	8.28
ALLO USE	244C2	williams	AZ 297.3	67.23	58.0	9.23
ALLO OX USE	247C2	Globe	AZ 158.2	188.03	130.0	58.03

Exhibit 7

ALLO 281C First Mesa, AZ
 Allotment Reference Site Channel study

REFERENCE
 35 41 09.0 N.
 110 21 43.0 W.

CLASS = C Int = B1
 Current Spacings
 Channel 281 - 104.1 MHz

DISPLAY DATES
 DATA 02-27-07
 SEARCH 02-27-07

Call	Channel	Location	Azi	Dist	FCC	Margin
KAJM LIC	282C	Payson	AZ	217.0	173.99	241.0 -67.01
Of No Concern: Channel 282C was deleted from Payson and subsequently added to Camp Verde in MB Docket 03-160. As such, this facility is no longer protected.						
KAJM CP -N	282C0	Camp Verde	AZ	228.8	243.09	220.0 23.09
KFZA CP	279C3	Flagstaff	AZ	246.5	122.61	96.0 26.61
AU6242839USE	279C3	Flagstaff	AZ	249.5	124.11	96.0 28.11
AU7052118VAC	278C3	Taylor	AZ	169.6	137.68	96.0 41.68
RADD ADD	279C	Church Rock	NM	92.9	152.01	105.0 47.01
RADD ADD	278C2	Teec Nos Pos	AZ	32.6	161.57	105.0 56.57
RADD ADD	278C2	Teec Nos Pos	AZ	32.6	161.57	105.0 56.57
KABQ-FM LIC	281C	Santa Fe	NM	87.1	347.15	290.0 57.15
ALLO M USE	281C	Santa Fe	NM	87.1	347.15	290.0 57.15

CMB 07-18

Service List:

I, Michael Cusinato, hereby certify on this 12th day of March, 2007, true and correct copies of the foregoing Petition for Rulemaking have been served via U.S. mail, postage prepaid, upon the following persons:

Pillsbury, Winthrop, Shaw, Pittman, LLP
ATTN: Scott R. Flick, Esq.
2300 N Street, NW
Washington, DC 20037
(Counsel to Univision Radio License Corporation)

Fletcher Heald, & Hildreth, PLC
ATTN: M. Scott Johnson
1300 N. 17th Street
11th Floor
Arlington, VA 22209
(Counsel to Grenax Broadcasting II LLC)