

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FILED/ACCEPTED

APR 13 2007

Federal Communications Commission
Office of the Secretary

In the Matter of

Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Station)
(Live Oak, Florida))

MB Docket No. 07- ____
RM- ____

To: Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary

PETITION FOR RULE MAKING

RTG Radio, LLC ("RTG Radio"), pursuant to Section 1.401 of the Commission's Rules and by its counsel, hereby submits this Petition for Rule Making ("Petition"). RTG Radio respectfully requests that the Commission initiate a rule making proceeding to substitute Channel 261A* for Channel 259A* at Live Oak, Florida. The proposed substitution of Channel 261A* for Channel 259A* at Live Oak in turn will allow the Commission to grant the application for construction permit for WKAA (FM), Willacoochie, Georgia, to modify its facilities and provide wide-area service.¹ As shown below, the proposed changes serve the public interest by allowing WKAA (FM) to provide improved wide-area service to 50,353 persons over 1,913.7 square kilometers. Hence, the proposed changes constitute a preferential arrangement under Priority 4 of the *FA4 Priorities*.²

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¹ RTG Radio today is filing with the Commission an application for construction permit for WKAA (FM).
² The FM allotment priorities are: (1) First fulltime aural service; (2) Second fulltime aural service; (3) First local service; and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3). See *Revision of FM Assignment Policies and Procedures*, 99 FCC 2d 88 (the "FM Priorities").

mb 07-24

I. Technical Compliance

The Petition proposes the substitution of Channel 261A* for Channel 259A* at Live Oak, Florida. The proposed channel substitution would provide the required city-grade coverage to the entire community of Live Oak, Florida. **As** detailed in the attached Engineering Statement, the proposed allotment comports with the Commission's minimum distance separation requirements as stated in Section 73.207 of the Commission's Rules. Further, the proposed requirements for reserving Channel 259A as a vacant FM allotment apply equally to the proposed substitution of Channel 261A and reservation of that channel at Live Oak.³

II. The Proposed Changes Serve the Public Interest

The Petition proposes to amend Section 73.202(b) of the Commission's Rules to change the vacant FM allotment in Live Oak, representing a preferential arrangement under the *FM Priorities* and therefore serving the public interest. In accordance with the *FM Priorities*, the proposed substitution represents an enhanced allotment priority over retention of Channel 259A* at Live Oak as a third local service because Live Oak will retain Channel 261A* as a third local service, which in turn will allow WKAA (FM) to provide improved service to the public. The proposal better serves the public interest under Priority 4 of the *FM Priorities*. Accordingly, the proposed changes to Section 73.202(b) specified in this petition serve the public interest.

³ See the Engineering Statement of GrahamBrock, attached as Exhibit A to this petition. Presently there are no pending applications for Channel 259A* at Live Oak. Because this proposal will retain a reserved vacant FM Allotment at Live Oak, the community will not be deprived of a reserved channel.

CONCLUSION

The Petition proposes the following changes to the FM Table of Allotments:

<u>Community</u>	<u>Current</u>	<u>Proposed</u>
Live <i>Oak</i> , Florida	251C2, 259A,* 291	251C2, 261A*, 291A

This proposal will serve the public interest by retaining a third local service in Live Oak on a reserved channel, allowing WKAA (FM) to provide improved wide-area service to 50,353 persons over 1,913.7 square kilometers. For these reasons, RTG Radio respectfully requests that the Commission initiate and approve this rule making proceeding to modify the FM Table of Allotments as proposed herein to provide improved service to the communities involved, which will result in greater benefit to the public.

WHEREFORE, in light of the foregoing, RTG Radio, LLC respectfully requests that the Commission issue a Notice of Proposed Rule Making in connection with the proposal outlined in this Petition for Rule Making and modify Section 73.202(b) accordingly.

Respectfully submitted,

RTG RADIO, LLC



David G. O'Neil, Esq.
Rini Coran, PC
1615 L Street, NW
Suite 1325
Washington, DC 20005
(202) 955-3931

April 13, 2005

Its Counsel

EXHIBIT A
ENGINEERING STATEMENT OF
GRAHAMBROCK, INC.

PETITION FOR RULE MAKING
RTG RADIO, LLC
SUBSTITUTE CH 261A FOR CH 259A
LIVE OAK, FLORIDA
March 2007

TECHNICAL STATEMENT

1. This technical statement and attached exhibits were prepared on behalf of RTG Radio, LLC ("RTG"). RTG herein requests the Commission amend §73.202(b) of the rules by substituting Channel 261 **A** for Channel 259A at Live Oak, Florida. This channel change **will** enable RTG to increase the maximum effective radiated power of **its** station, **WKAA**, Channel 258C1, Willacoochie, Georgia. An application to increase power for **WKAA** is being submitted contingently with this instant petition. Channel 259A was originally allotted to Live Oak, Florida in MM **Docket #00-95.**¹

PROPOSAL

2. Channel 261A can be allotted to Live Oak, Florida at North Latitude 30° 12' 26" and West Longitude 83° 01' 26". This represents a 10.5 kilometer site restriction south-southwest of the community to avoid shortspacing stations **WOBB**, Channel 262C0, Tifton, Georgia and **WGNE-FM**, Channel 260C1, Middleburg, Florida. Attached as Exhibit #1 is a §73.207 spacing study showing that, from the proposed allocation site, Channel 261A meets the Commission's minimum distance separation requirements to all licensed, applied for, or proposed facilities (with the exception of the present Channel 259A allotment at Live **Oak**, Florida, which is the subject of this request). Exhibit #2 is a map which shows that, from the proposed allocation site, a 70 dBu contour is placed over all of the community of Live Oak, Florida. A 7.5 minute

1) It is noted that Channel 259A, according to the table of allotments, is reserved for non-commercial use

topographic map. on which the reference site is located, is attached as Exhibit #3. **The** proposed allocation site is not located offshore, on airport property, or in an area where a tower could not theoretically be built. As such, the proposed allocation reference site is suitable for tower construction.

3. Therefore, RTG proposes the following change to §73.202(b) of the rules:

Live Oak, Florida

Present	Proposed
259A	261A

PUBLIC INTERESTS

4. The substitution of Channel 261A for Channel 259A at Live **Oak, Florida** will enable WKAA to increase power at Willachoochie Georgia, and, therefore, expanding the station's coverage from 267,810 persons in 10,763.5 square kilometers within its licensed 60 dBu contour to 318,163 persons in 12,677.2 square kilometers, or a gain of 50,353 persons in 1,913.7 square kilometers. The allotment at Live Oak, Florida also remains for a future auction.

5. From the proposed allocation site, the 60 dBu signal of a maximum Class **A** facility will be delivered to 42,813 persons in 2,516.1 square kilometers. While the proposed allocation site is not the same as the present Channel 259A site **at** Live Oak, Florida, the theoretical 60 dBu contours of both Channel 259A and Channel 261A do not cover any areas that would be considered a white or gray area.²

2) As the Channel 259A allotment has not been activated, there is actually no existing service loss

6. Channel 259A has been reserved as a non-commercial channel. As the proposed substitute Channel 261A will not be located at the same reference site as the present allotment, an updated analysis to show the proposed Channel 261A allotment will provide at least a first and/or second non-commercial service to 10% (or more) of the proposed 60 dBu contour of Channel 261A has been made. An updated non-commercial preclusionary analysis was not undertaken, as it is presumed that the original analysis was sufficient to show that no non-commercial channels in the reserved hand could be implemented in or around the live Oak, Florida area.

7. As is indicated on Exhibit #4, the proposed Channel 261A allotment will provide a first and second non-commercial service within most of its theoretical 60 dBu contour. A tabulation of all area non-commercial authorizations considered in this evaluation is attached as Exhibit #5. The population within the Channel 261A 60 dBu proposal is 42,813 persons in 2,516.1 square kilometers. The area identified on the map as "area of first service" contains 23,369 persons in 1,190.2 square kilometers. This is substantially above the 10% threshold for first non-commercial service. The areas denoted as "area of second" consists of 8,772 persons in 689.6 square kilometers (the area also served by WGSG) and the second area contains 7,848 persons in 415.1 square kilometers (which is receiving service from WOLR). The total of the two second service areas is 16,620 persons in 1,104.7 square kilometers. This total is also well above the 10% service threshold. As such, the proposed Channel 261A substitution complies with the non-commercial reservation requirements by providing a first and second non-commercial service to more than 10% of the population in its 60 dBu contour.

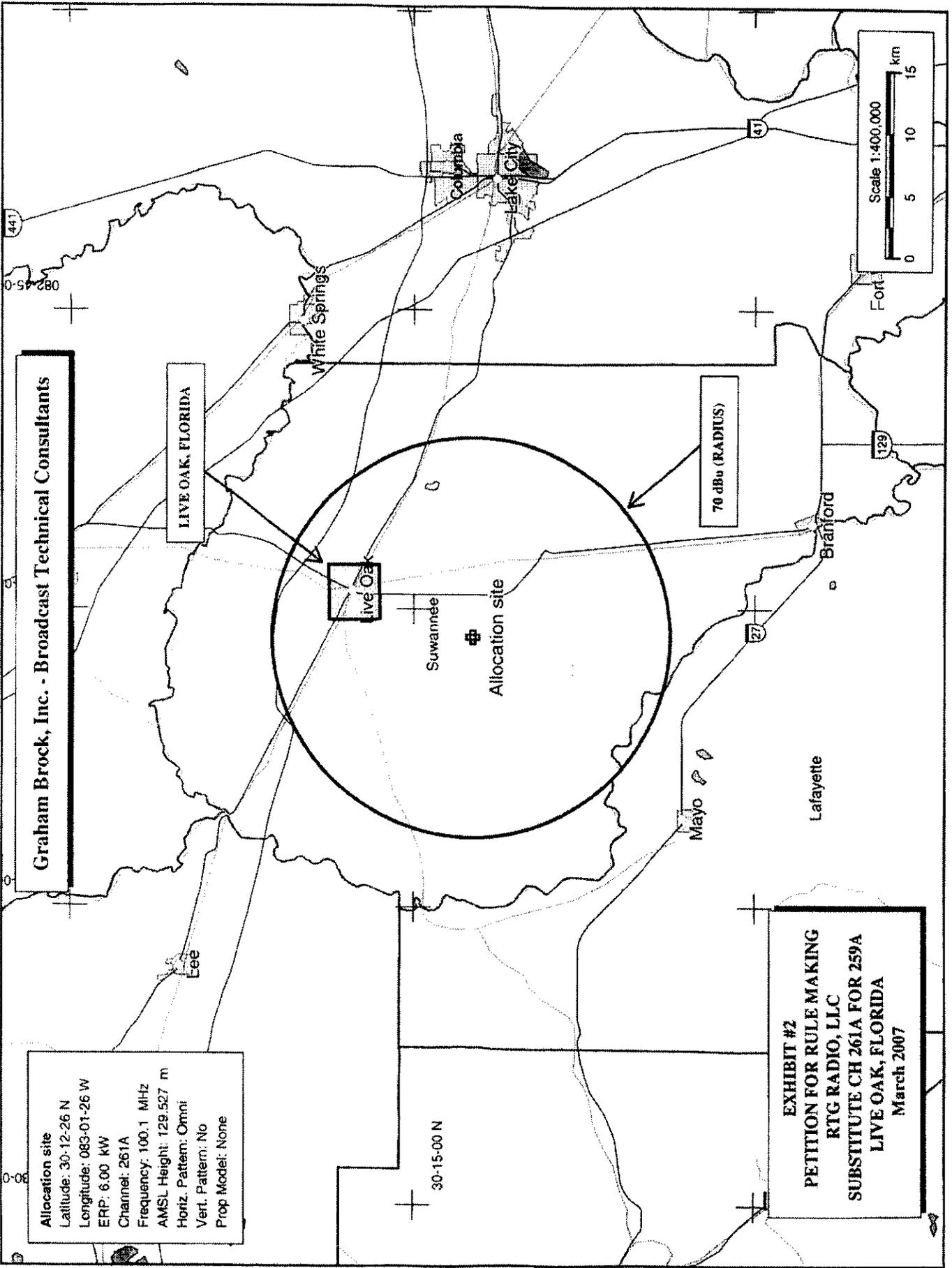
X. The foregoing technical statement was prepared on behalf of RTG Radio, LLC, by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All data relating to FM channels and facilities was extracted from the CDBS database. We assume no liability for errors or omissions in that database which may be adverse to the information contained herein.

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RTG RADIO, LLC
SUBSTITUTE CH 261A FOR CH 259A
LIVE OAK, FLORIDA
March 2007

EXHIBIT #1

Allocation Study for Channel 261A at Live Oak, Florida
Using Proposed Allocation Site as Reference

REFERENCE									DISPLAY DATES	
30 12 26.0 N.					CLASS = A				DATA 03-17-07	
83 01 26.0 W.					Current Spacings				SEARCH 03-19-07	
					- Channel 261 - 100.1 MHz				-----	
Call	Channel	Location			Azi	-	i	s	FCS	Margin
Lat	Lng.	Alt	Power		HAAT					
-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
AL8023	VAC 259A	Live Oak		FL	83.2	12.01	31.0			-18.99
	30 13 12.0	82 54 00.0			6.000 kW		100 M			
	> Present allotment at Live Oak, Florida									
WGNE-FM	LIC-N 260C1	Middleburg		FL	84.1	133.52	133.0			0.52
	30 19 22.0	81 38 34.0	NCX		48.000 kW		300 M			
	Renda Broadcasting Corp. BLH-20050516ACS									
WOBB	LIC 262C0	Tifton		GA	333.1	152.53	152.0			0.53
	31 25 51.0	83 45 10.0	C		100.000 kW		304 M			
	CC Licenses, LLC BMLH-20060309ACZ									
AU6840085	VAC 261A	Cedar Key		FL	180.5	118.66	115.0			3.66
	29 08 12.0	83 02 06.0	N		6.000 kW		100 M			
AP0090	APF 261A	Cedar Key		FL	180.5	118.66	115.0			3.66
	29 08 12.0	83 02 06.0			0.000 kW		0 M			
	Flinn Jr., George S BSFH-20061109AEU									
WGSQ	LIC 208C3	Mayo		FL	208.8	20.96	12.0			8.96
	30 02 30.0	83 07 45.0	EN		20.000 kW		F M			
	True Concepts of Levy County BLED-19910201KD									
WHRZ	LIC-N 263C2	Newberry		FL	165.9	68.49	55.0			13.49
	29 36 29.0	82 51 01.0	NCX		44.000 kW		143 M			
	6 Johnson Road Licenses, Inc. BLH-20040629AAM									
WKAA	LIC-N 258C1	Willacoochee		GA	343.1	111.87	75.0			36.82
	31 10 18.0	83 21 57.0	NCX		43.000 kW		230 M			
	RTG Radio, LLC BLH-20041020ADN									
WEGT	LIC-N 260A	Lafayette		FL	285.7	120.87	72.0			48.47
	30 29 38.0	84 13 57.0	NCX		5.500 kW		91 M			
	Opus Broadcasting Tallahassee BLH-20060713AAB									
WBXY	LIC-N 258A	La Crosse		FL	130.1	80.50	31.0			49.50
	29 44 22.0	82 23 09.0	NCN		2.200 kW		144 M			
	Asterisk Communications, Inc. BLH-19990311KB									
WMUV	LIC-N 264C0	Brunswick		GA	60.7	141.01	85.0			55.01
	30 49 16.0	81 44 14.0	NC		62.000 kW		449 M			
	Renda Broadcasting Corp. BLH-20040915ADX									



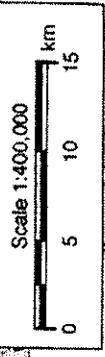
Graham Brock, Inc. - Broadcast Technical Consultants

LIVE OAK, FLORIDA

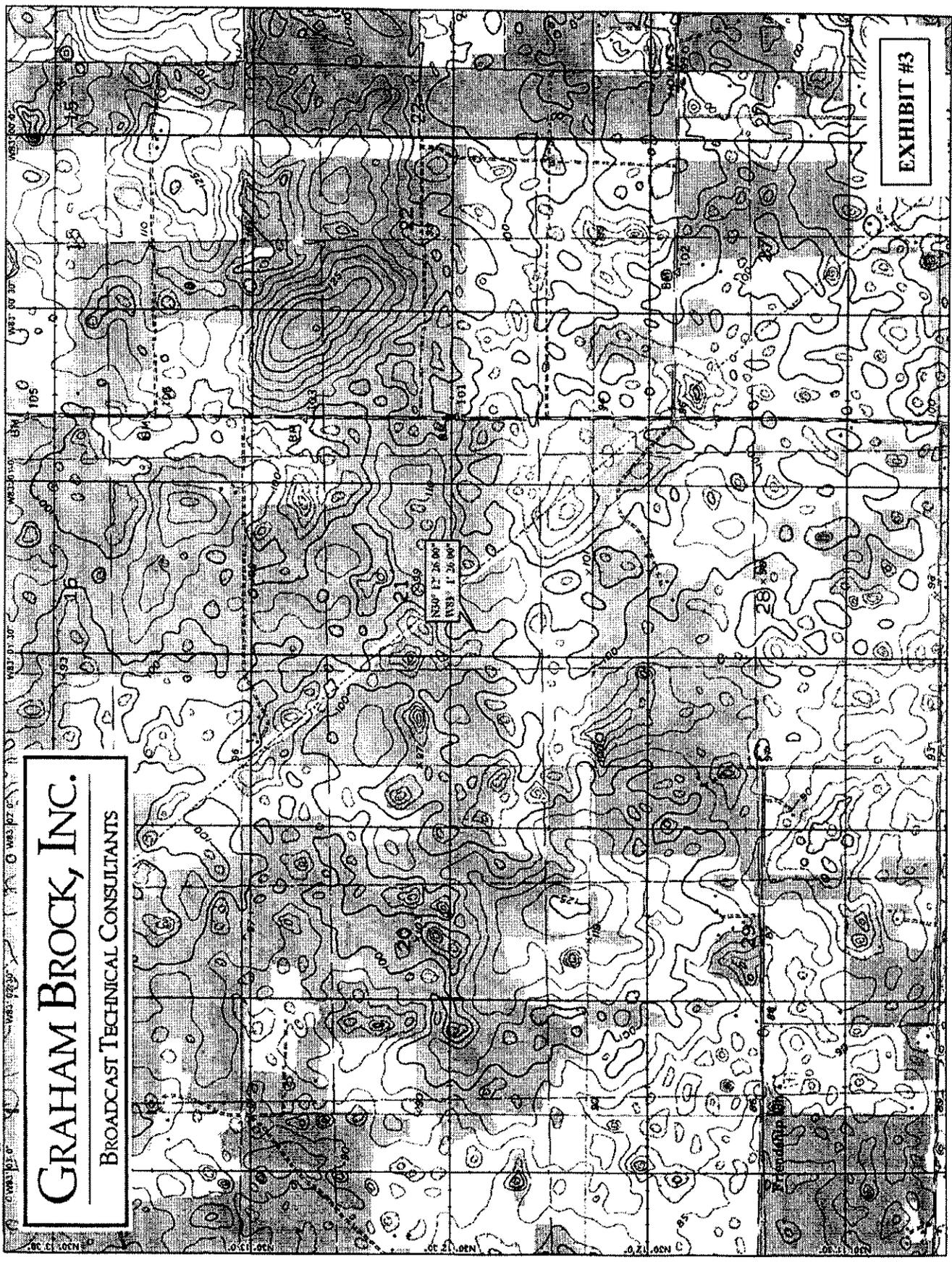
70 dBu (RADIUS)

Allocation site
 Latitude: 30-12-26 N
 Longitude: 083-01-26 W
 ERP: 6.00 kW
 Channel: 261A
 Frequency: 100.1 MHz
 AMSL Height: 129.527 m
 Horiz. Pattern: Omni
 Vert. Pattern: No
 Prop Model: None

EXHIBIT #2
PETITION FOR RULE MAKING
RTG RADIO, LLC
SUBSTITUTE CH 261A FOR 259A
LIVE OAK, FLORIDA
 March 2007



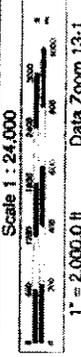
30-15-00 N



GRAHAM BROCK, INC.
BROADCAST TECHNICAL CONSULTANTS

EXHIBIT #3

NAD 83 12 28.00
NAD 83 12 28.00



1" = 2,000.0 ft Data Zoom 13-1

100' 0"

Graham Brock, Inc. - Broadcast Technical Consultants

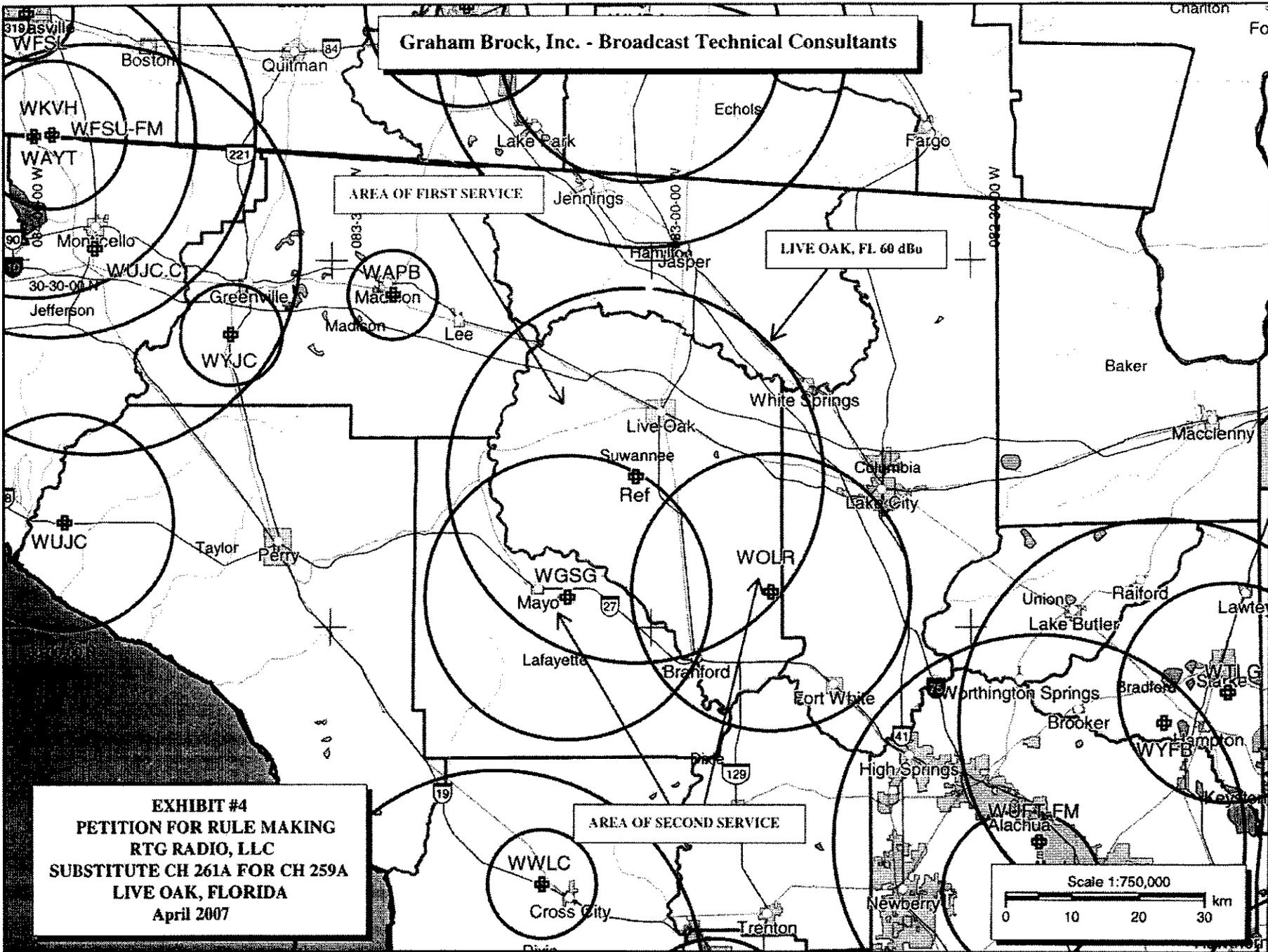


EXHIBIT #4
PETITION FOR RULE MAKING
RTG RADIO, LLC
SUBSTITUTE CH 261A FOR CH 259A
LIVE OAK, FLORIDA
April 2007

PETITION FOR RULE MAKING
RTG RADIO, LLC
SUBSTITUTE CH 261A FOR CH 259A
LIVE OAK, FLORIDA
March 2007

EXHIBIT #5

A 'Fabulation of All Area Non-Commercial Authorizations

<u>Call Sign</u>	<u>Lic</u>	<u>Chan.</u>	<u>Svc</u>	<u>Cls</u>	<u>City</u>	<u>St</u>	<u>DA</u>	<u>Power</u>
*WGSG	LIC	208	V	c3	MAYO	FL	NO	20.0
*WPLR	LIC	217	V	c3	LAKE CITY	FL	NO	18.0
WAYT	LIC	201	V	C1	THOMASVILLE	GA	NO	35.0
WTLG	LIC	202	V	C3	STARK	FL	NO	7.0
WWLC.C	CP	203	V	C1	CROSS CITY	FL	NO	1.00.0
WVDA.C	CP	203	V	C1	VALDOSTA	GA	NO	100.0
WWLC	LIC	203	V	A	CROSS CITY	FL	NO	0.425
WVDA	LIC	203	V	C3	VALDOSTA	GA	NO	1.8.5
WFSU-FM	LIC	205	V	C	TALLAHASSEE	FL	NO	95.0
WUFT-FM	LIC	206	V	C1	GAINSVILLE	FL	NO	100.0
WYJC	LIC	212	V	A	GREENVILLE	FL	NO	0.325
WYFB	LIC	213	V	C1	GAINSVILLE	FL	NO	97.0
WVRI	LIC	213	V	C2	PAVO	I-A	NO	50.0
WPSL	LIC	214	V	A	THOMASVILLE	GA	NO	0.25
WVVS-FM	LIC	215	V	A	VALDOSTA	GA	NO	5.3
WUJC	LIC	216	V	C3	ST. MARKS	FL	NO	7.0
WUJC.C	CP	216	V	C1	ST. MARKS	FL	NO	100.0
WJLF	LIC	219	V	A	GAINSVILLE	FL	NO	2.0
WAPB	LIC	214	V	A	MADISON	FL	NO	0.2
WWET	LIC	219	V	A	VALDOSTA	GA	NO	0.43
WKVH	LIC	220	V	c3	MONTICELLO	FL	NO	1.5

***These stations provide a 60 dBu contour to a portion of the Channel 261A area.**

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

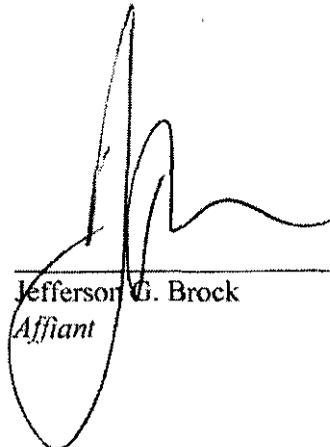
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that **he is** an officer of Graham Brock, Inc. Graham Brock has been engaged by RTG Radio, LLC, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.

The attached report was either prepared by him or under his direction **and** all material and exhibits attached hereto are believed to be true and correct.

This the 19th day of March 2007.



Jefferson G. Brock
Affiant

*Sworn to and subscribed before me
this the 19th day of March 2007*



Notary Public, State of Georgia
My Commission Expires: September 3, 2007