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Before the
Federal Communications Commission
Washington, D.C. 20554

FILED/ACCEPTED
MAY - 2 2007
Federal Communications Commission
Office of the Secretary

In the matter of)
)
)
Amendment of Section 73.202(b))
FM Table of Allotments,)
FM Broadcast Stations.)
(Linden, TN))
)
To: Secretary)
Federal Communications Commission)

MB Docket No. _____
RM No. _____

PETITION FOR RULEMAKING

George S. Flinn, Jr. ("Flinn"), by his attorney, hereby respectfully petitions the Commission for the following modification (the "Proposal"):

Modification of the Commission's Table of Allotments for FM Broadcast Stations (Section 73.202 of the Commission's Rules) to allot Channel 267A at Linden, Tennessee.

In support of this request, the following is respectfully submitted:

1. George S. Flinn, Jr. (hereinafter "Flinn") was the winning bidder in Auction 70 for authority to construct a new FM station on Channel 267A at Linden, Tennessee (i.e., MM-FM578-A). In the applicant's contemporaneously-filed FCC Form 301 application, it has been proposed to reallocate Channel 267A at Linden, Tennessee to Channel 264C3 at Waynesboro, Tennessee. Given that the subject request to allot Channel 267A at Linden, Tennessee is contingent upon grant of the subject FCC Form 301, both the subject rulemaking petition and the above-referenced FCC Form 301 (i.e., seeking a change to Channel 264C3 at Waynesboro, Tennessee) are procedurally linked.

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2. Assuming that Flinn's FCC Form 301 application (for Channel 26403 at Waynesboro, Tennessee) is granted, the instant proposal would represent the provision of a first local service to Linden, Tennessee. Attached hereto is an engineering study which demonstrates that the proposed assignment of Channel 267A will comply with the minimum mileage separation requirements of Section 73.207 of the Commission's Rules. The proposed assignment can be made without a site restriction.

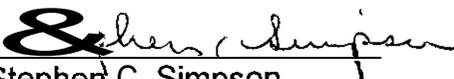
3. **As** may be noted in Flinn's FCC Form 301 application (for Channel 264C3 at Waynesboro, Tennessee), should the FCC grant the subject Proposal, Flinn will apply for the allotment as proposed and will participate in any auction therefor.

4. As required by the FCC's rules, an FCC Form 301 application for the proposed Channel 267A allotment at Linden, Tennessee has been electronically filed contemporaneously herewith.

Wherefore, based on the foregoing, Petitioner respectfully requests that the Commission issue a Notice of Proposed Rule Making pursuant to Section 1.407 of the Commission's Rules and Regulations seeking public comment on the modification to Section 73.202(b) requested herein.

Respectfully submitted,

George S. Flinn, Jr.

By: 
Stephen C. Simpson
His Attorney

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Washington, D.C. 20036
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TECHNICAL EXHIBIT
APPLICATION FOR FM CONSTRUCTION PERMIT AND
PETITION FOR RULE MAKING
NEW FM RADIO STATION
WAYNESBORO, TENNESSEE

April 29, 2007

CH 264C3 25 KW 100 M

TECHNICAL EXHIBIT
APPLICATION FOR FM CONSTRUCTION PERMIT AND
PETITION FOR RULE MAKING
NEW FM RADIO STATION
WAYNESBORO, TENNESSEE
CH 264C3 25 KW 100 M

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TECHNICAL EXHIBIT
APPLICATION FOR FM CONSTRUCTION PERMIT AND
PETITION FOR RULE MAKING
NEW FM RADIO STATION
WAYNESBORO, TENNESSEE
CH 264C3 25 KW 100 M

Technical Narrative

The technical exhibit of which this narrative is part was prepared in support of an application for a new FM radio station assigned to Waynesboro, Tennessee. This application seeks an initial application for construction permit for Channel 267A at Linden, Tennessee that was obtained by the applicant in Auction #70.

Summary of Proposal

- Reallocate Channel 267A at Linden, Tennessee to Channel 264C3 at Waynesboro, Tennessee.
- Order-to-Show Cause for WYDL(FM) assigned to Middleton, Tennessee from Channel 264C3 to Channel 262C3
- Propose vacant allotment of Channel 267A at Linden, Tennessee.

This is a hybrid type of filing, with the first two components being proposed in this herein Form 301 application and the last component being proposed in a contingently filed herein Rule Making proposal.

Waynesboro, Tennessee Component

Proposed Transmitter Location

A map showing the transmitter site location is provided in Figure 1. A sketch showing the proposed antenna and supporting structure is shown on Figure 2. An FAA Determination of No Aeronautical Hazard is in the process of being sought.

Interference Concerns

The 115 dBu predicted "blanketing" contour of the proposed station would extend radially less than 2 kilometers from the transmitting site. No interference is expected. However, the applicant recognizes its responsibility to resolve complaints of interference, including blanketing and receiver-induced interference as required by Sections 73.315(b), 73.316(e) and 73.318.

Coverage Contours

The predicted coverage contours for the proposed operation were calculated in accordance with the provisions of Section 73.313. In accordance with current FCC practice, the distances to the contours were calculated without consideration given to terrain roughness correction factors.

The average terrain elevations from 3 to 16 kilometers along eight radials evenly spaced at 45-degree intervals were obtained from a N.G.D.C. 30-second terrain database. The terrain elevations were then used in combination with the effective radiated power for determining the distances to coverage contours.

As can be calculated using the map, the FCC predicted 70 dBu coverage contour encompasses all of Waynesboro, Tennessee.

Allocation Study

Figure 4 is an allocation study for channel 236A at the proposed site. The figure contains a tabulation of actual and required separation distances from other pertinent stations and allotments. The proposed site meets the FCC's minimum separation requirements, specified in Section 73.207(b) of the Commission's Rules, to all assignments and stations except toward WYDL(FM) on Channel 264C3 at Middleton, Tennessee.

As discussed below, it is proposed as an Order to Show Cause to reallocate WYDL(FM) to Channel 262C3 with no facility modification. Beyond WYDL(FM) there are no other allocation issues.

Community of License Change - Section 307(b)

1. Proposal

It is proposed to reallocate the vacant Channel 267A allotment from Linden, Tennessee to Channel 264C3 at Waynesboro, Tennessee.

2. City Populations and Local Service

Waynesboro city has a 2000 U.S. Census population of 2,228 persons. Waynesboro has one aural service, daytime AM station WWON(AM) on 930 kilohertz. Linden town has a U.S. Census population of 1,015 persons. It is herein proposed that Linden would maintain one vacant allotment.

3. Urbanized Area Considerations

Neither Waynesboro nor Linden is part of any Urbanized area.

4. 60 dBu Gain and Loss Areas and Available Aural Services

The Channel 267A Linden loss area contains 11,800 persons over 1,490 square kilometers. The Channel 264C3 Waynesboro gain area contains 45,200 persons over 3,800 square kilometers. Within any region of the loss area, there would be four aural services remaining including the herein proposed Linden allotment.

5. 70 dBu and 60 dBu Coverage

The following tabulates the area and population within the 70 dBu and 60 dBu contours depicted in Figure 3.

Contour	Population (2000 Census)	Area (sq. km)
70 dBu	15,500	1,730
60 dBu	55,600	4,870

Contour locations calculated in accordance with the provisions of Section 73.313. Population calculated using a computer program that utilizes the 2000 U.S. Census database of "population centroids".

6. Protected *FM* and *AM* Services Available

It has been determined that there are at least 5 aural services available to Linden, including the herein proposed Linden allotment and at least 5 to Waynesboro, including the herein proposed Waynesboro allotment as shown in Figure 5.

Radiofrequency Electromagnetic Field Exposure Analysis

The proposed facility has been evaluated in terms of potential radiofrequency electromagnetic field exposure at ground level in accordance with OET Bulletin No. 65, Evaluating Compliance with *FCC* Specified Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields.¹ The power density at the base of the tower was calculated using the appropriate procedure contained in Section 2, Supplement A, Additional *Information for* Radio and Television Broadcast Stations, of the Bulletin.

For the calculation, a combined horizontal and vertical polarized ERP of 50 kilowatts is employed with a radiation center of 76 meters above ground level. A downward relative field value of 0.5 was assumed. It is calculated that the power density will not exceed 0.07 mW/cm^2 at ground level. This is less than forty percent of the Commission's guideline value for an uncontrolled environment for a FM radio station.² There are no other known high-powered emitters in the nearby vicinity.

¹ OET Bulletin 65, Second Edition 97-01, August, 1997.

² The FCC maximum guideline for a FM broadcast station in an uncontrolled environment is 0.2 mW/cm^2 .

Access to the transmitting site will be restricted and appropriately marked with warning signs. When it becomes necessary for workers to ascend the tower, appropriate measures, such as reduction or shut down of power if necessary, shall be taken to ensure that the human exposure to radiofrequency radiation will not exceed the FCC guidelines.

It is noted that this statement only addresses the potential for radiofrequency electromagnetic field exposure. All other aspects of the environmental processing analysis will be or already have been provided to the FCC by the tower owner as part of the tower registration process.

WYDL(FM) Middleton, Tennessee Component

In order to propose Channel 264C3 at Waynesboro, it is necessary to reallocate Channel 264C3 at Middleton, Tennessee to Channel 262C3 with no transmitter site change. Figure 6 is a an allocation study for the proposed reallocation. As can be seen, there are no short-spacing's on Channel 262C3. Since there is no transmitter site modification to WYDL(FM), there is no gain/loss area. Furthermore, coverage over its principal community will be maintained.

Proposed Linden, Tennessee Allotment Component

By Linden migrating to Channel 264C3 at Waynesboro, a new "drop-in" allotment on Channel 267A is possible at the community of Linden, therefore maintaining a vacant allotment at Linden, Tennessee. The proposed allotment reference coordinates point for Linden are:

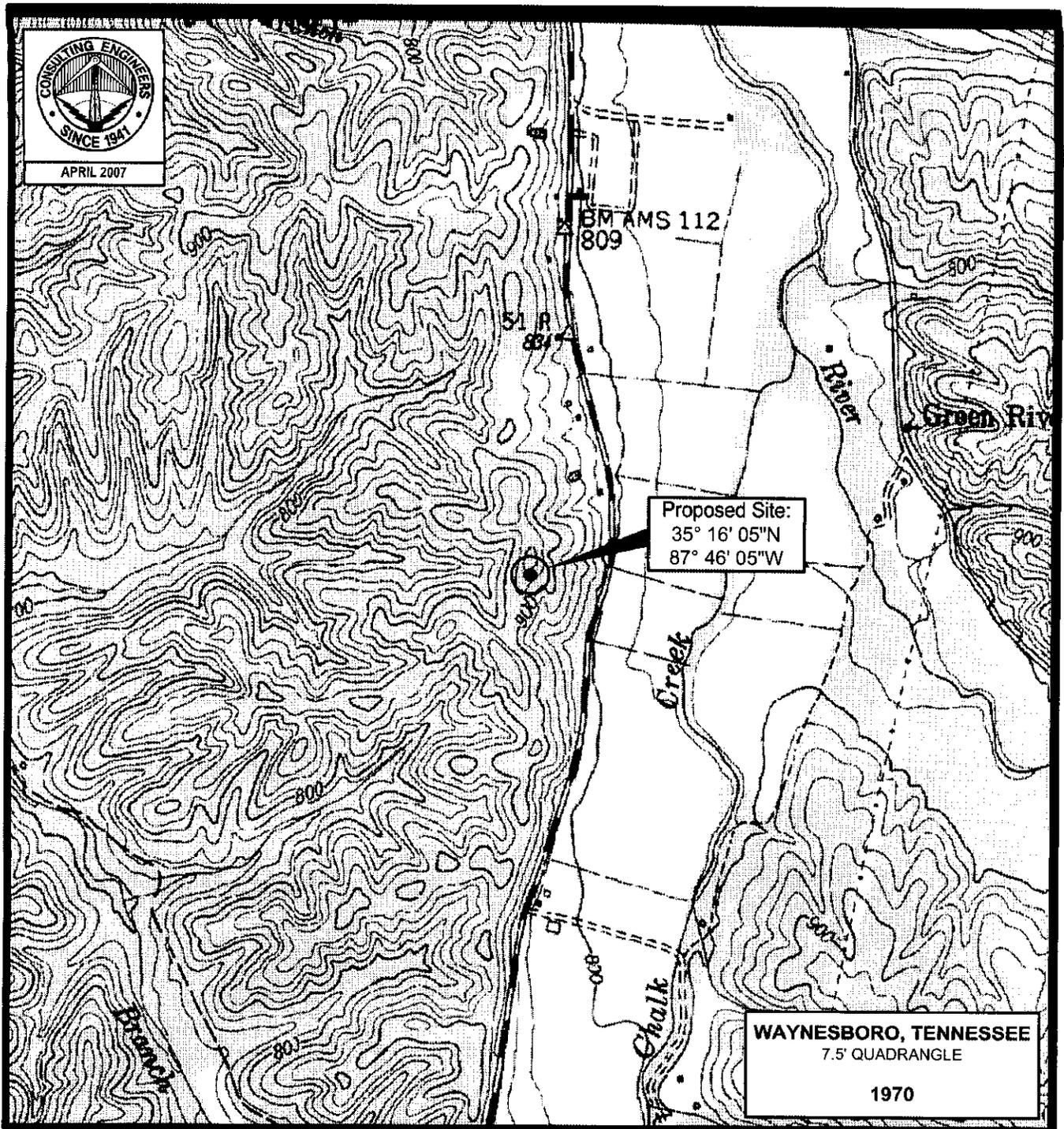
35" 39' 45" North Latitude
87" 44' 25" West Longitude

Charles A. Cooper

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237
941.329.6000

April 29, 2007

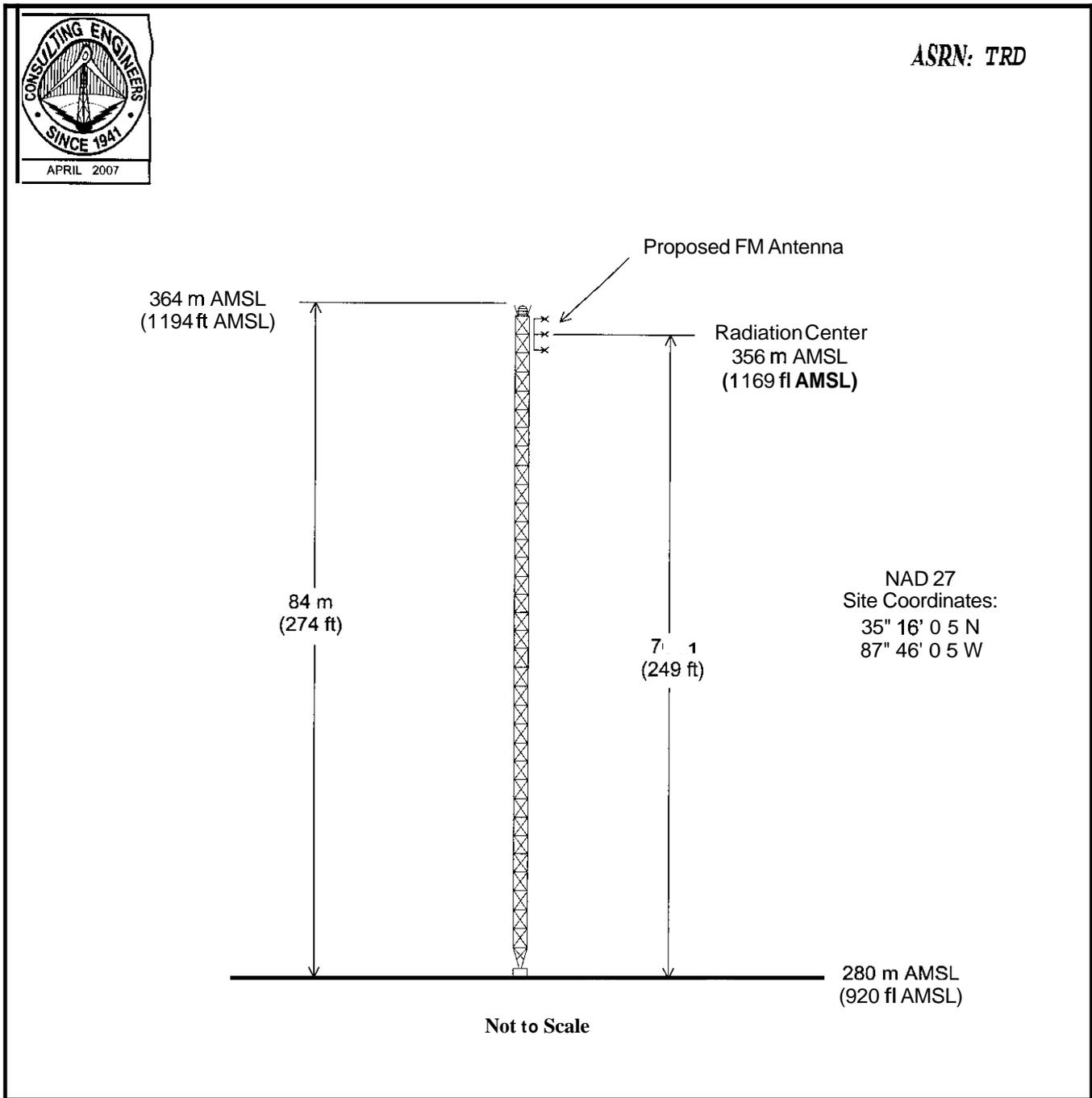
Figure 1



PROPOSED TRANSMITTER SITE

NEW FM STATION
WAYNESBORO, TENNESSEE
CH 264C3 25 KW 100 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida



ANTENNA AND SUPPORTING STRUCTURE

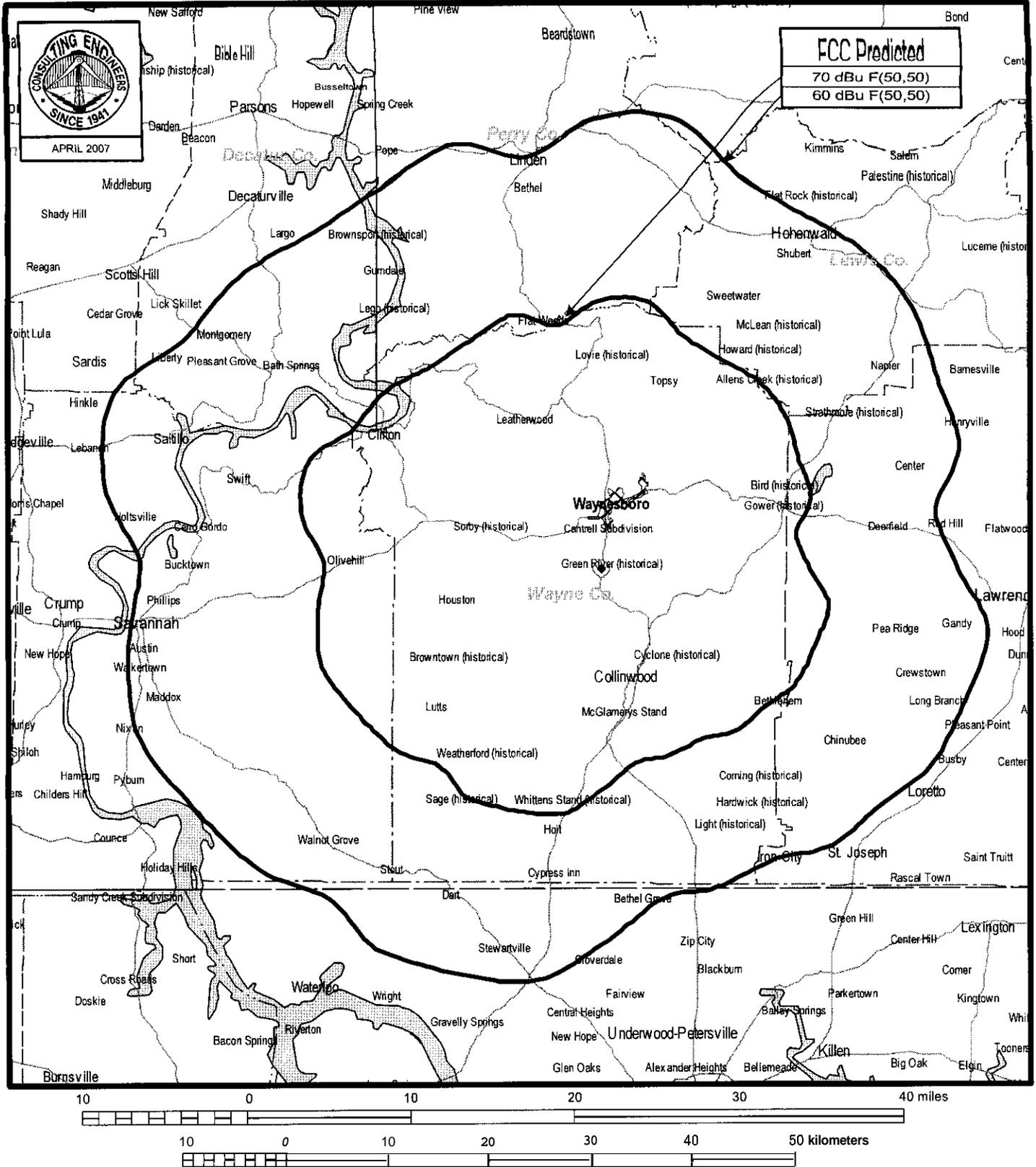
NEW FM RADIO STATION

WAYNESBORO, TENNESSEE

CH 264C3 25 KW 100 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 3



PREDICTED COVERAGE CONTOURS

NEW FM RADIO STATION
WAYNESBORO, TENNESSEE

CH 264C3 25 KW 100 M

du Treil, Lundin & Rackley, Inc Sarasota, Florida

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 WAYNESBORO, TENNESSEE
 CH 264C3 25 KW 100 M

Channel 264C3 Waynesboro, Tennessee Allocation Study

35° 16' 05" North Latitude
 87° 46' 05" West Longitude

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
WYDL 85315	MIDDLETON TN	BLH LIC C 20010917ABJ	264C3 100.7	25 100	N	35-00-13 088-39-39	N	250.3	86.49	153.0
<i>(Order-to-Show Cause of WYDL(FM) to Channel 262C3. Therefore, no allocation issue.)</i>										
WUSY 12315	CLEVELAND TN	BLH LIC C 19890711KC	264C0 100.7	100 363	N	35-12-26 085-17-10	N	91.0	226.02	226.0
WVHR 42368	HUNTINGDON TN	BLH LIC C 19990618KA	265C3 100.9	25 91	N	35-57-05 088-27-47	Y	320.6	98.56	99.0
DEL	LINDEN TN	RM VAC C 10053	267A 101.3			35-37-47 087-45-09		2.0	40.15	42.0
<i>(Mutually-exclusive to existing Channel 267A allotment.)</i>										
ADD	LINDEN TN	RM VAC C 10053	267A 101.3			35-39-45 087-44-25		2.0	43.83	42.0
<i>(Proposed Linden Channel 267A Allotment.)</i>										

GAIN/LOSS MAP - OTHER AURAL SERVICES

NEW FM RADIO STATION
 WAYNESBORO, TENNESSEE
 CH 264C3 25 KW 100 M
 du Treil, Lundin & Rackley, Inc., Sarasota, Florida

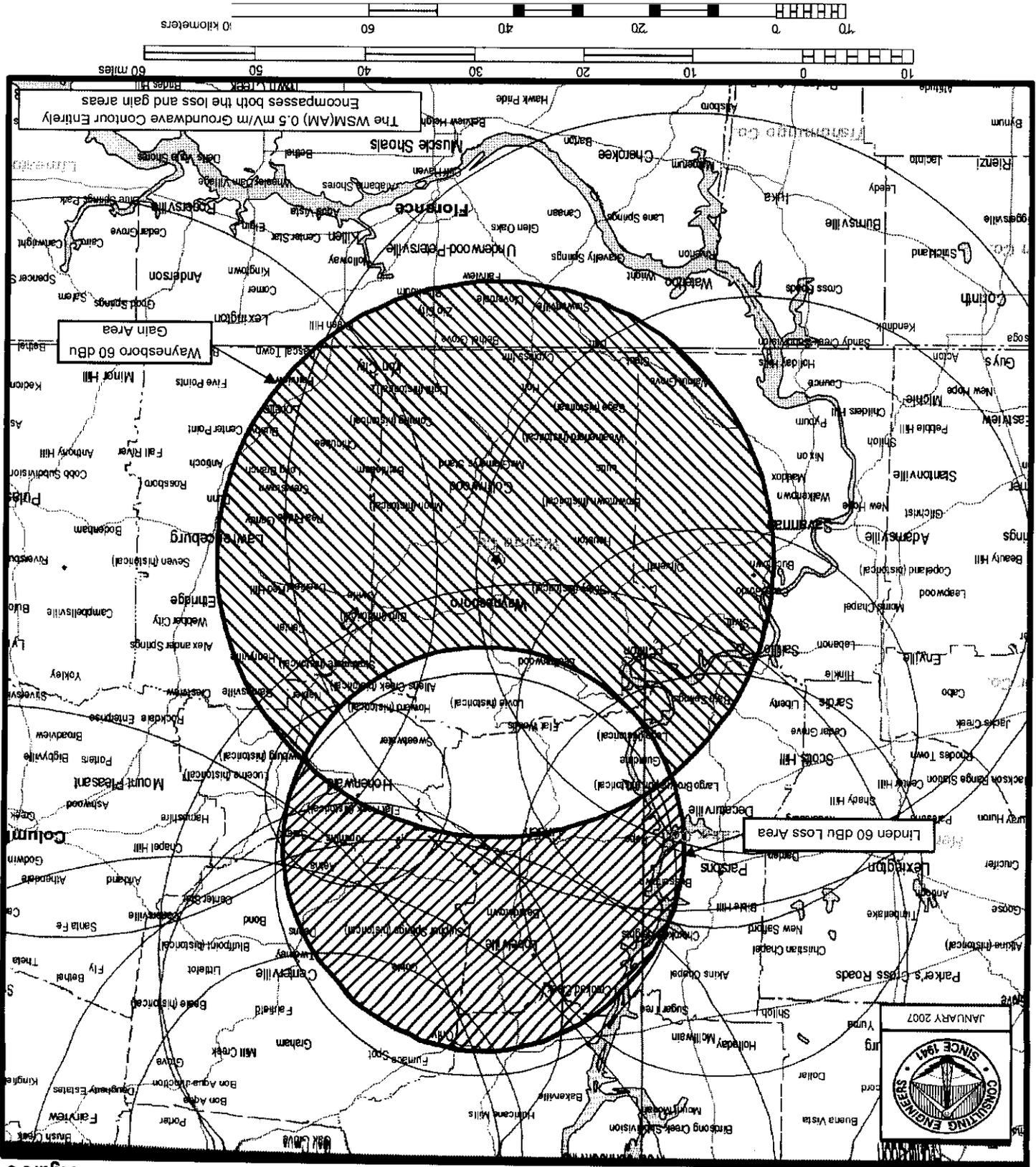


Figure 3

TECHNICAL EXHIBIT
 APPL CATION FOR FM CONSTRUCTION PERMIT ND
 PETITION FOR RULE MAKING
 NEW FM RADIO STATION
 WAYNESBORO, TENNESSEE
 CH 264C3 25 KW 100 M

Channel 262C3 Middleton TN Allocation Study

35° 00' 13" North Latitude
 88° 39' 39" West Longitude

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
WMAE-FM 43130	BOONEVILLE MS	BLD LIC C 20010305AAF	208C1 83.5	85 199	N	34-40-00 088-45-05	N	132.5	38.29	24.0
WMC-FM 59449	MEMPHIS TN	BMLH LIC C 20050308AAR	259C 99.7	300 277	N	35-10-09 089-53-10	N	279.7	113.24	96.0
WASL 17509	DYERSBURG TN	BLH LIC C 19910412KB	261C2 100.1	26 206		36-06-00 089-29-12	N	328.7	142.84	117.0
WQRV 13456	MERIDIANVIL AL	BLH LIC C 20060413ACK	262C2 100.3	8.5 299	N	34-41-36 086-37-51	Y	96.6	187.01	177.0
WVVR 13970	HOPKINSVILL KY	BLH LIC C 19900625KA	262C0 100.3	100 305	N	36-56-58 087-40-18	N	22.1	233.61	226.0
WBLE 4049	BATESVILLE MS	BLH LIC C 19890828KD	263C2 100.5	50 150	N	34-22-44 089-45-57	N	235.8	122.70	117.0
WYDL 85315	MIDDLETON TN	BLH LIC C 20010917ABJ	264C3 100.7	25 100	N	35-00-13 088-39-39	N			

(Applicant's existing facility.)

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 APPLICATION FOR FM CONSTRUCTION PERMIT AND
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 NEW FM RADIO STATION
 WAYNESBORO, TENNESSEE
 CH 264C3 25 KW 100 M

Vacant Linden, TN 267A Allocation Study

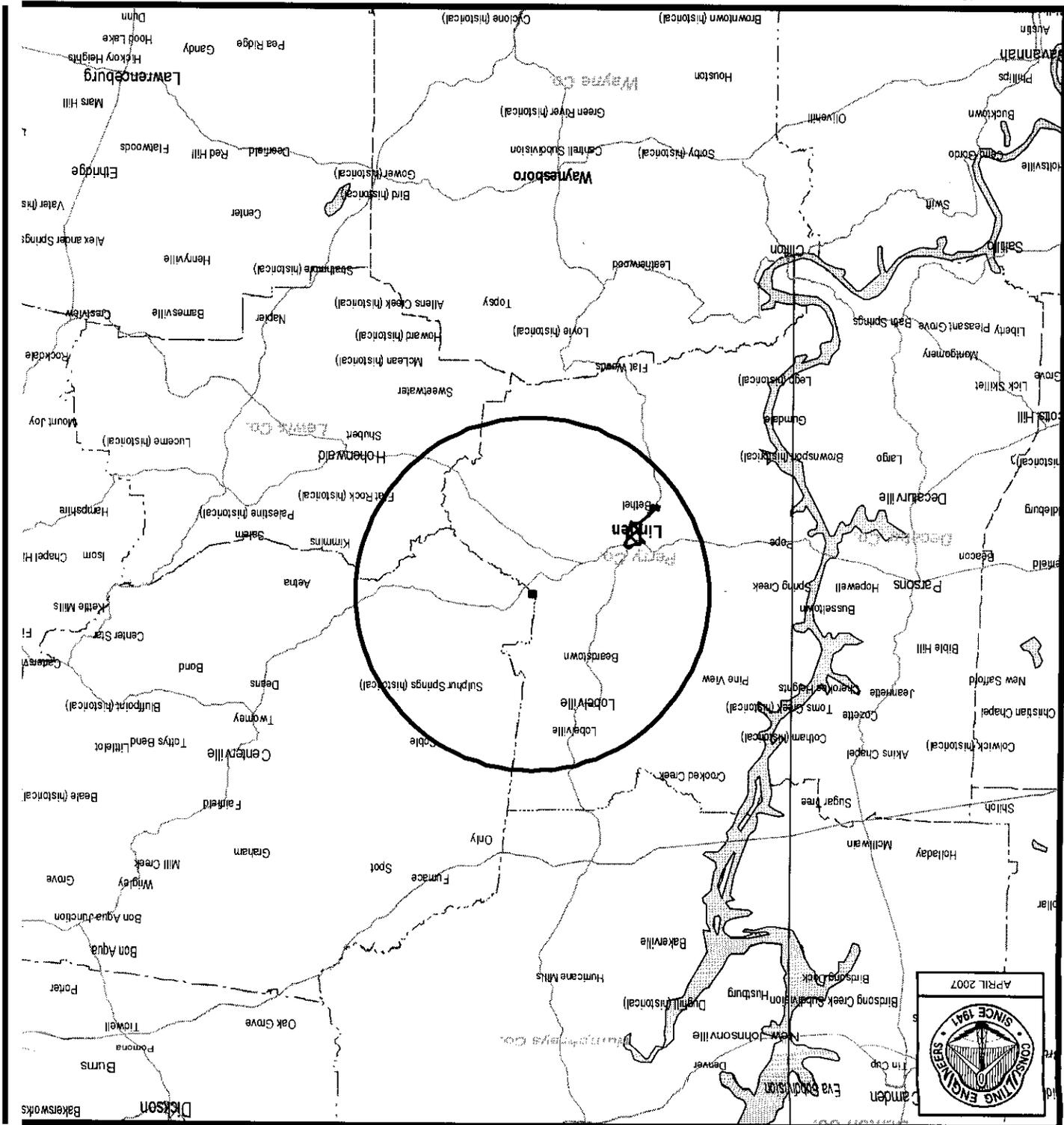
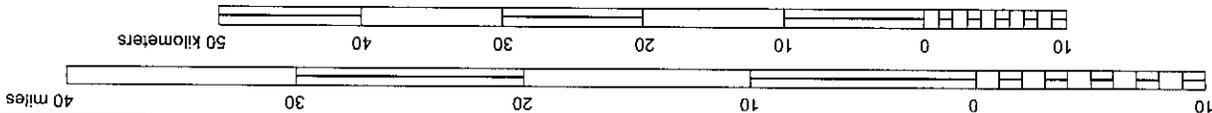
35° 39' 45" North Latitude
 87° 44' 25" West Longitude

Call Id	City St	File Status Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
WAUO 82543	HOHENWALD TN LIC C	BLD 19980120KD	214A 90.7	0.5 71	N	35-33-56 087-33-27	N	123.1	19.75	10.0
WVHR 42368	HUNTINGDON TN LIC C	BLH 19990618KA	265C3 100.9	25 91	N	35-57-05 088-27-47	Y	296.4	72.77	42.0
WUBT 34387	RUSSELLVILL KY LIC C	BLH 19900328KC	266C1 101.1	47 393	N	36-31-36 086-41-14	N	44.2	134.86	133.0
WYDE-FM 70452	CULLMAN AL LIC C	BLH 20030225AAB	266C 101.1	100 410	N	34-04-56 086-54-15	N	156.3	191.25	165.0
0	LINDEN TN VAC C	RM 10053	267A 101.3			35-37-47 087-45-09		196.8	3.80	
<i>(Proposing to reallocate Channel 267A at Linden to Channel 264C3 at Waynesboro.)</i>										
WCMT-FM 67053	SOUTH FULTO TN LIC C	BLH 20040728AJR	267C3 101.3	22 94	N	36-29-00 088-57-10	Y	310.3	142.22	142.0
WMXV 6709	ST. JOSEPH TN LIC C	BLH 19950323KB	268A 101.5	4 123	N	35-00-52 087-30-46	Y	164.0	74.81	72.0
WMXV 6709	ST. JOSEPH TN CP C	BPH 20040324AEH	268A 101.5	4 123	N	34-56-01 087-32-59	N	167.9	82.70	72.0
WNWS-FM 29671	JACKSON TN LIC C	BLH 19930920KE	268A 101.5	2.2 116	N	35-38-59 088-46-11	N	269.4	93.23	72.0

70 DBU COVERAGE CONTOUR ASSUMING UNIFORM TERRAIN

PROPOSED LINDEN CHANNEL 267A ALLOTMENT

NEW FM RADIO STATION
 WAYNESBORO, TENNESSEE
 CH 264C3 25 KW 100 M
 du Treil, Lundin & Rackley, Inc Sarasota, Florida



Figure