

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

FILED/ACCEPTED

JUN - 6 2007

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
FM Table of Allotments )  
Holdenville, Oklahoma ) MB Docket No. \_\_\_\_\_  
Davis, Oklahoma )

To: Office of the Secretary, Marlene H. Dortch and  
John Karousos, Assistant Chief  
Audio Division, Media Bureau

**PETITION FOR RULE MAKING**

KXOJ, Inc., licensee of KXOJ(FM), Sapulpa, Oklahoma, by its undersigned counsel and pursuant to Section 73.3573 of the Commission's rules, hereby petitions the Commission to institute a rule making proceeding to amend the FM Table of Allotments to change Channel 265A, a currently vacant allotment for Holdenville, Oklahoma, to Channel 266A to and change the community of license for this allotment to Davis, Oklahoma. The proposed change will serve the public interest by allowing a first broadcast service to Davis, as well as an upgrade for KXOJ.

Holdenville already has one station allocated to it, KTLS(FM); accordingly, the proposed change will not result in the removal of the only station licensed to Holdenville. In contrast, Davis has no stations currently allocated to it, and this proposal would result in the first broadcast radio service for Davis. The proposed change thus fulfills the FM allotment priorities.<sup>1</sup>

<sup>1</sup> The FM allotment priorities, pursuant to the Communications Act of 1934, as amended, 47 U.S.C. § 307(b), are: (1) first full time aural service; (2) second full time 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*, Second Report and Order, 90

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Provision of a first local service to Davis falls under priority (3) of the FM priorities, and is preferred to the retention of a second (proposed) local service to Holdenville, which falls under priority (4) of the FM allotment priorities. Furthermore, the reallocation of Davis will also make it possible for KXOJ, Inc. to upgrade its currently-licensed station on Channel 265 at Sapulpa, Oklahoma from Class A to Class C3.<sup>2</sup>

According to the Commission's established criteria for making such determinations, Davis, Oklahoma is a licensable community. Davis is an incorporated city with a mayor, vice-mayor, city manager, city clerk, city judge, and city attorney. Davis is a census designated place, with a 2000 census population of 2,610. Davis has its own fire and police departments. It has a school administration and elected school board to oversee public schools K-12. Civic organizations include the Davis Chamber of Commerce, Davis Kiwanis Club and Business and Professional Women's Club. There are 15 churches in the community. Davis has its own post office and zip code (73030). Source material in support of the foregoing is attached as Exhibit A. The foregoing more than adequately confirms that, in accordance with long-established Commission precedent, Davis is a community to which an FM channel may be allotted. *See, e.g., Port St. Joe, Florida*, 18 FCC Rcd 11233, 68 FR 35542 (M. Bur. 2003). Davis is not located within any Census-defined Urbanized Area, so no *Tuck* analysis is required.<sup>3</sup>

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<sup>2</sup> An FCC Form 301 application for a minor change to the licensed facilities of KXOJ to effect this upgrade has been filed on this same date (BPH-20070606APW). KXOJ, Inc. pledges to construct said facilities if its application is granted.

<sup>3</sup> Faye & Richard Tuck, Inc., Memorandum Opinion and Order, 3 FCC Rcd 5374 (1988). Also, the comparatively greater population of Holdenville (2000 Census population of 4,732) does not militate against the change in community requested here. *See, e.g., Stamford, Connecticut and Port Chester, New York*, DA-07-2195, MB Docket No. 06-193 (released May 25, 2007) (change in community of license of only commercial FM station and one of three

Attached hereto as Exhibit B is a technical study, prepared by KXOJ's technical consultant, Larry Waggoner, which confirms that the vacant allotment for Holdenville, Oklahoma on Channel 265A can be relocated to mutually-exclusive Channel 266A at Davis, Oklahoma in accordance with the Commission's rules. KXOJ will fulfill applicable public notice requirements contained in Section 73.3580 of the Commission's rules. KXOJ pledges to apply for a construction permit if the Holdenville allocation is moved to Davis, as requested herein.

Respectfully submitted,



Russell C. Powell  
Counsel for KXOJ, Inc.

Taylor & Powell, LLC  
King Street Station I  
1800 Diagonal Road, Suite 600  
Alexandria, VA 22314

(703)836-9405  
rcpowell.2@comcast.net

June 6, 2007

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broadcast stations [others were AM and NCE FM] from Stamford, Connecticut, with a 2000 Census population 117,083, to Port Chester, New York, making it the first service to a community with a population of 27,867).

# EXHIBIT A

# Davis, Oklahoma

## Home of Turner Falls Park

580.369.3333

Home
Turner Falls Park
Cross Bar Ranch
Arbuckle Historical Museum
City Government
Officials
Ordinances
City Permits
City Departments
Meeting Agendas
Meeting Minutes
Community Profile
Area Attractions

**City of Davis**  
**Oklahoma**  
 301 E. Main Street - 580.369.3333  
**Officials**

<b>Council Members</b>		
<b>Mayor:</b> <b>Michael Summers</b> Term 2007	At-Large	P.O. Box 483 580-369-2485 580-277-3131 (C)
<b>Vice-Mayor:</b> <b>Mike Riddle</b> Term 2007	Ward 3	409 S. 3rd 580-369-3645
<b>Eddie Ray Tomlinson</b> Term 2007	Ward 4	1004 S. 5th 580-369-3802
<b>Joe Yates</b> Term 2009	Ward 2	408 N. 5th 580-369-3572
<b>Darryl McCurtain</b> Term 2009	Ward 1	P.O. Box 491 580-369-5443

<b>Airport Commission and Planning Board LPAC Committee and Floodplain Board</b>			
Marilyn Burke	313 E. Main	580-369-5537	05-01-2008
Debbie Thompson			05-01-2008
Ed Parks	508 E. Allen	580-369-2450	05-01-2006
Wade McCaskill	110 W. Hazelwood	580-369-2290	05-01-2007
Gary Fullerton	Route 1, Box 51-K	580-369-3510	05-01-2007

Interim City Manager	Sandra Webb
Turner Falls Park Manager	Tom Graham

Cross Bar Ranch Manager	Brad Black
City Attorney	Edd McNeil
City Judge	Bill Chaffin
City Clerk	Melissa Tiger
Deputy Clerk & Court Clerk	Susie Gain
Payroll Clerk	Paula Dodds
Chief of Police	Danny Cooper

# Davis, Oklahoma

## Home of Turner Falls Park

580.369.3333

<b>Home</b>
<b>Turner Falls Park</b>
<b>Cross Bar Ranch</b>
<b>Arbuckle Historical Museum</b>
<b>City Government</b>
<b>Officials</b>
<b>Ordinances</b>
<b>City Permits</b>
<b>City Departments</b>
<b>Meeting Agendas</b>
<b>Meeting Minutes</b>
<b>Community Profile</b>
<b>Area Attractions</b>

301 E. Main Street - 580.369.3333		
<b>Departments</b>		
City Hall	301 E. Main Street	580.369.3333
Cross Bar Ranch	Southwest of City	580.369.2444 580.826.6027
Fire	301 E. Main Street	Report a fire: 580.369.2121 Other Business: 580.369.2323
Maintenance	400 N. D Street	580.369.2517
Museum	100 E. Main Street	580.369.2518
Police	301 E. Main Street	580.369.2323
Turner Falls Park	South of City	580.369.2917
Water Plant	E. of City	580.369.3077



## FACT SHEET

## Davis city, Oklahoma

View a Fact Sheet for a **race, ethnic, or ancestry group**

## Census 2000 Demographic Profile Highlights:

General Characteristics - show more >>	Number	Percent	U.S.		
Total population	2,610			map	brief
Male	1,228	47.0	49.1%	map	brief
Female	1,382	53.0	50.9%	map	brief
Median age (years)	37.3	(X)	35.3	map	brief
Under 5 years	199	7.6	6.8%	map	
18 years and over	1,912	73.3	74.3%		
65 years and over	492	18.9	12.4%	map	brief
One race	2,517	96.4	97.6%		
White	2,097	80.3	75.1%	map	brief
Black or African American	119	4.6	12.3%	map	brief
American Indian and Alaska Native	278	10.7	0.9%	map	brief
Asian	10	0.4	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	0	0.0	0.1%	map	brief
Some other race	13	0.5	5.5%	map	
Two or more races	93	3.6	2.4%	map	brief
Hispanic or Latino (of any race)	27	1.0	12.5%	map	brief
Household population	2,548	97.6	97.2%	map	brief
Group quarters population	62	2.4	2.8%	map	
Average household size	2.45	(X)	2.59	map	brief
Average family size	2.99	(X)	3.14	map	
Total housing units	1,202			map	
Occupied housing units	1,042	86.7	91.0%		brief
Owner-occupied housing units	748	71.8	66.2%	map	
Renter-occupied housing units	294	28.2	33.8%	map	brief
Vacant housing units	160	13.3	9.0%	map	
<b>Social Characteristics - show more &gt;&gt;</b>	<b>Number</b>	<b>Percent</b>	<b>U.S.</b>		
Population 25 years and over	1,717				
High school graduate or higher	1,292	75.2	80.4%	map	brief
Bachelor's degree or higher	154	9.0	24.4%	map	
Civilian veterans (civilian population 18 years and over)	269	14.0	12.7%	map	brief
Disability status (population 5 years and over)	599	24.9	19.3%	map	brief
Foreign born	12	0.5	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	597	64.7	56.7%		brief
Female, Now married, except separated (population 15 years and over)	587	51.9	52.1%		brief
Speak a language other than English at home (population 5 years and over)	74	3.0	17.9%	map	brief
<b>Economic Characteristics - show more &gt;&gt;</b>	<b>Number</b>	<b>Percent</b>	<b>U.S.</b>		
In labor force (population 16 years and over)	1,184	59.1	63.9%		brief
Mean travel time to work in minutes (workers 16 years and over)	20.4	(X)	25.5	map	brief
Median household income in 1999 (dollars)	28,958	(X)	41,994	map	
Median family income in 1999 (dollars)	37,100	(X)	50,046	map	
Per capita income in 1999 (dollars)	13,604	(X)	21,587	map	
Families below poverty level	93	13.0	9.2%	map	brief
Individuals below poverty level	363	14.2	12.4%	map	
<b>Housing Characteristics - show more &gt;&gt;</b>	<b>Number</b>	<b>Percent</b>	<b>U.S.</b>		

Single-family owner-occupied homes	621					brief
Median value (dollars)	49,700	(X)	119,600	map		brief
Median of selected monthly owner costs	(X)	(X)				brief
With a mortgage (dollars)	571	(X)	1,088	map		
Not mortgaged (dollars)	195	(X)	295			

(X) Not applicable.

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

The letters PDF or symbol  indicate a document is in the Portable Document Format (PDF). To view the file you will need the Adobe® Acrobat® Reader, which is available for free from the Adobe web site.

CALENDAR OF EVENTS

CONTACT US



- HOME
- PLACES TO STAY
- PLACES TO EAT
- THE GREAT OUTDOORS
- RELOCATION
- ATTRACTIONS
- ECONOMIC DEVELOPMENT
- DAVIS BUSINESSES
- OUR COMMUNITY
- CHAMBER MEMBERSHIP
- CALENDAR OF EVENTS
- CONTACT US
- SITE MAP
- PARTNER WEBSITES

## OUR COMMUNITY

**Davis Chamber of Commerce Presents**  
*- Our Community in the Arbuckles!*

### EDUCATION

**The Davis Public Schools are located at 400 East Atlanta, Davis, Oklahoma.**

Telephone Numbers:  
Administration - 580-369-2386  
Elementary School - 580-369-5544  
Middle School - 580-369-5565  
High School - 580-369-5541



**The Ardmore Higher Education Center** is a university center that delivers degree programs from East Central University, Murray State College, Southeastern Oklahoma State University, and Oklahoma State University-Oklahoma City. It is located at 611 Veterans Blvd. in Ardmore, 20 miles south of Davis. For more information please call 580-223-1441.

**East Central University** is located within driving distance, about 40 miles from Davis in Ada, Oklahoma. For information on the university please call 580-310-5233.

**Southern Oklahoma Technology Center** serves the Southern Oklahoma area by providing technology training. It is located about 20 minutes from Davis in Ardmore, Oklahoma. Area high schools send students to classes as a part of their high school curriculum and adults also attend classes during the day or evening. Please call 580-223-2070 for information.

Southern Oklahoma Technology Center-Murray County Branch is located just east of Davis on Highway 7. This branch office holds classes in the Workforce Center. Please call 580-622-6710 for information.

### HEALTH CARE

**Arbuckle Memorial Hospital**



**Arbuckle Memorial Hospital is located about 7 miles east of Davis at 2011 West Broadway in Sulphur. Arbuckle Memorial Hospital is one of Oklahoma's leading rural hospitals.** They provide Murray County with appropriate, quality health care services utilizing all available resources and they deliver those services with compassion and respect for the dignity and individuality of each patient. Contact them at 1-888-557-5357.

*Physicians*

**Stillwater Milling**



**FEEDS**  
Brighton Accessories  
205 S A St  
580-369-2354

**ARBUCKLE TRAIL RIDES**



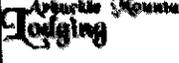
580-993-0097

**PREMIER LAKE PROPERTY**



VACATION RENTALS  
580 622 6125

**Arbuckle Mountain Lodging**



**Cabins Cottages Lake Houses**  
580 - 369 - 5453

**ARBUCKLE BOAT RENTALS**



580.622.5790  
580.618.1123 (c)  
P.O. Box 481  
Sulphur, OK 73088  
arbuckleboatrentals.com

Robert R. Horanzy, M.D. - (580) 369-2803  
 Veronica Ruiz, M.D. - (580) 369-2803  
 Antonio C. Lee, M.D. - (580) 622-6151  
 John H. Tatom, M.D. - (580) 622-6644  
 Randal A. Williams, M.D. - (580) 622-5451  
 William H. Chesser, D.O. - (580) 622-3344

### ***Chiropractors***

Rhodes Chiropractic - James Rhodes, D.C. (580) 369-3600  
 Robert Vallandingham, D.C. - (580) 622-5959

### ***Dentists***

Margaret Coker, D.D.S. - (580) 622-6655  
 Elbert A. Franklin, D.D.S. - (580) 622-6144

### ***Pharmacies***

City Drug (Davis) - (580) 369-2831  
 Sooner Pharmacy (Davis) - (580) 369-3776  
 Larry's Health Mart - (580) 622-4578  
 Sooner Pharmacy (Sulphur) - (580) 622-2208  
 Walmart Discount (Sulphur) - (580) 622-6181

Lifestyle Center of America - (health facility for chronic illnesses  
 inpatient/outpatient) - (800) 213-8955

### ***CHURCHES***

Assembly of God - (580)  
 369-2663  
 Chickasaw Trail Baptist Church -  
 (580) 622-2566  
 Dougherty Baptist Church -  
 (580) 622-2566  
 East Main Church of Christ -  
 (580) 369-2489  
 First Baptist Church (Davis) - (580) 369-2151  
 First Christian Church - (580) 369-3109  
 First United Methodist Church - (580) 369-2258  
 Gilfield Baptist Church - (580) 369-2818  
 Immanuel Baptist Church - (580) 622-3991  
 Joy Baptist Church - (405) 665-5300  
 Seventh Day Adventist Church - (580) 369-3329  
 United Pentecostal Church of Hennepin - (580) 868-3355  
 Zion Full Gospel - (580) 369-2823  
 St. Francis Xavier Catholic - (580) 622-3070  
 Midway Hill Baptist Church - (580) 622-5068



### ***BANKS AND ATM MACHINES***

First National Bank of Davis - (580) 369-2325 (ATM)  
 Landmark Bank - (580) 369-2331 (ATM)  
 Sulphur Community Bank - (580) 622-6111 (ATM)  
 BancFirst of Sulphur - (580) 622-3142 (ATM)  
 First National Bank & Trust Co. - (580) 622-6007 (ATM)  
 IBC - (580) 622-3118 (ATM)  
 Chickasaw Trading Post (ATM only) (580) 369-5360  
 E-Z Mart (ATM only) (580) 369-3817

### ***LEADERSHIP MURRAY COUNTY***

***Leadership Murray County is a non-profit organization created 3 years ago as a result of an OSU community development grant.*** Citizens in Murray County nominate individuals who have exhibited qualities and the potential to become leaders in the county. Applications are sent to the nominated individuals. After receiving the applications, the committee selects that year's class. The class meets monthly from October through May with graduation at the end of the program. Each class is designed to teach, develop, and encourage leaders in the county and develop team-work within the class.

### CLUBS AND ORGANIZATIONS

- Akomda Club
- Business & Professional Women's Club
- Beta Sigma Phi
- Kiwanis Club
- Progressive OHCE
- Murray County Retired Teacher's Association
- Tuesday Study Club

### FULLERTON PARK

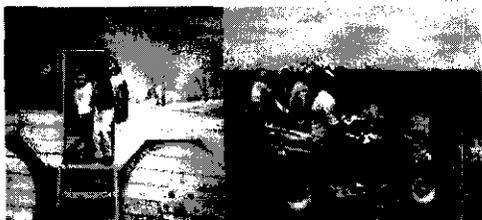
**Located 1 block North of Highway 7 in Davis on 7th Street, this unique park has many amenities to offer.**

The newest addition is a 1/2 mile walking trail winding in and out of the trees in the shading back section of the park. For your enjoyment there is a small picnic pavilion with a large built-in grill, picnic tables, and a new modern playground set for ages 2 to 12. There is a basketball goal and tennis courts available for the older children and adults. The park has two clean restrooms; one located at the front of the park and one at the back near the head of the walking trail.



If you need to park your RV or camping trailer, there are sites with water and electricity available for a small fee. Please make reservations at the Davis City Hall by calling 580-369-3333.

***Come enjoy our mild Winter, spectacular Spring, warm Summer and awesome Fall. Year-round, Davis Oklahoma and Murray County is THE place to be!***



MURRAY COUNTY  
OKLAHOMA



HOME - PLACES TO STAY - PLACES TO EAT - GREAT OUTDOORS - ATTRACTIONS - DAVIS  
BUSINESSES - OUR COMMUNITY - ECONOMIC DEVELOPMENT - RELOCATION - CHAMBER  
MEMBERSHIP - CALENDAR OF EVENTS - CONTACT US - SITE MAP - LINKS

### DAVIS CHAMBER OF COMMERCE

100 East Main  
Davis, OK 73030  
Phone: 580-369-2402  
Fax: 580-369-3719

***"Making the City of Davis and surrounding area a better place to live, work and conduct business"***



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### Find a ZIP + 4® Code By City Results

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DAVIS, OK

[Lookup Another ZIP Code™](#)

entries 1-2 of 2

#### ZIP Code™ Matches in DAVIS, OK

73030

73039 (PO BOX)

entries 1-2 of 2

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## Post Offices

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### Post Office - Davis

6.23 Miles

900 E Main ST  
Davis, OK 73030-1972

Phone: (800) ASK-USPS

Business Hours  
**MO 08:30-04:30PM**  
**TU 08:30-04:30PM**  
**WE 08:30-04:30PM**  
**TH 08:30-04:30PM**  
**FR 08:30-04:30PM**  
**SA 08:30-10:30AM**

Business Types: **Post Offices**
[More Info](#) | [Map](#) | [Directions](#) | [What's Nearby?](#)

### Post Office - Dougherty

9.39 Miles

100 E Main ST  
Dougherty, OK 73032-9800

Phone: (800) ASK-USPS  
 Fax: (580) 993-2040

Business Hours  
**MO 08:00-12:00PM 01:00-04:30PM**  
**TU 08:00-12:00PM 01:00-04:30PM**  
**WE 08:00-12:00PM 01:00-04:30PM**  
**TH 08:00-12:00PM 01:00-04:30PM**  
**FR 08:00-12:00PM 01:00-04:30PM**  
**SA 08:00-10:00AM**

Business Types: **Post Offices**
[More Info](#) | [Map](#) | [Directions](#) | [What's Nearby?](#)

### Post Office - Hennepin

9.77 Miles

100 State Highway 7  
Hennepin, OK 73444-9800

Phone: (800) ASK-USPS  
 Fax: (580) 868-3311

Business Hours  
**MO 07:30-12:00PM 12:30-04:00PM**  
**TU 07:30-12:00PM 12:30-04:00PM**  
**WE 07:30-12:00PM 12:30-04:00PM**  
**TH 07:30-12:00PM 12:30-04:00PM**  
**FR 07:30-12:00PM 12:30-04:00PM**  
**SA 08:30-10:15AM**

Business Types: **Post Offices**
[More Info](#) | [Map](#) | [Directions](#) | [What's Nearby?](#)

### Post Office - Springer

12.89 Miles

16625 US Highway 77  
Springer, OK 73458-8125

Phone: (800) ASK-USPS

# EXHIBIT B

06-04-2007

Larry Waggoner

PAGE 1

FM Study for: DAVIS  
Location: DAVIS, OK

FCC Database Date: 6/1/2007  
Channel Class: A

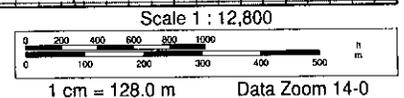
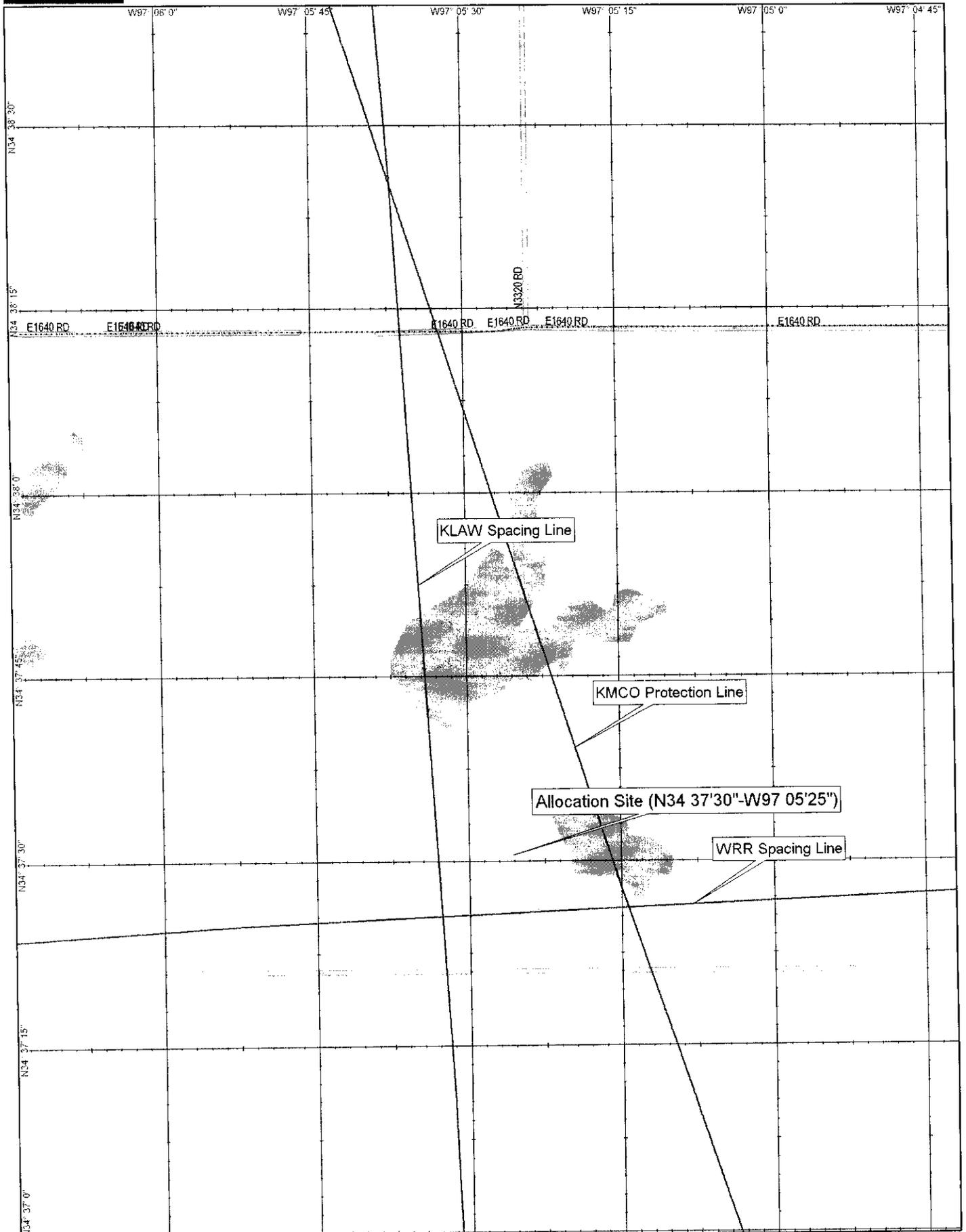
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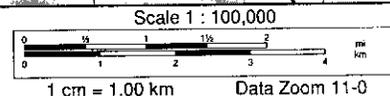
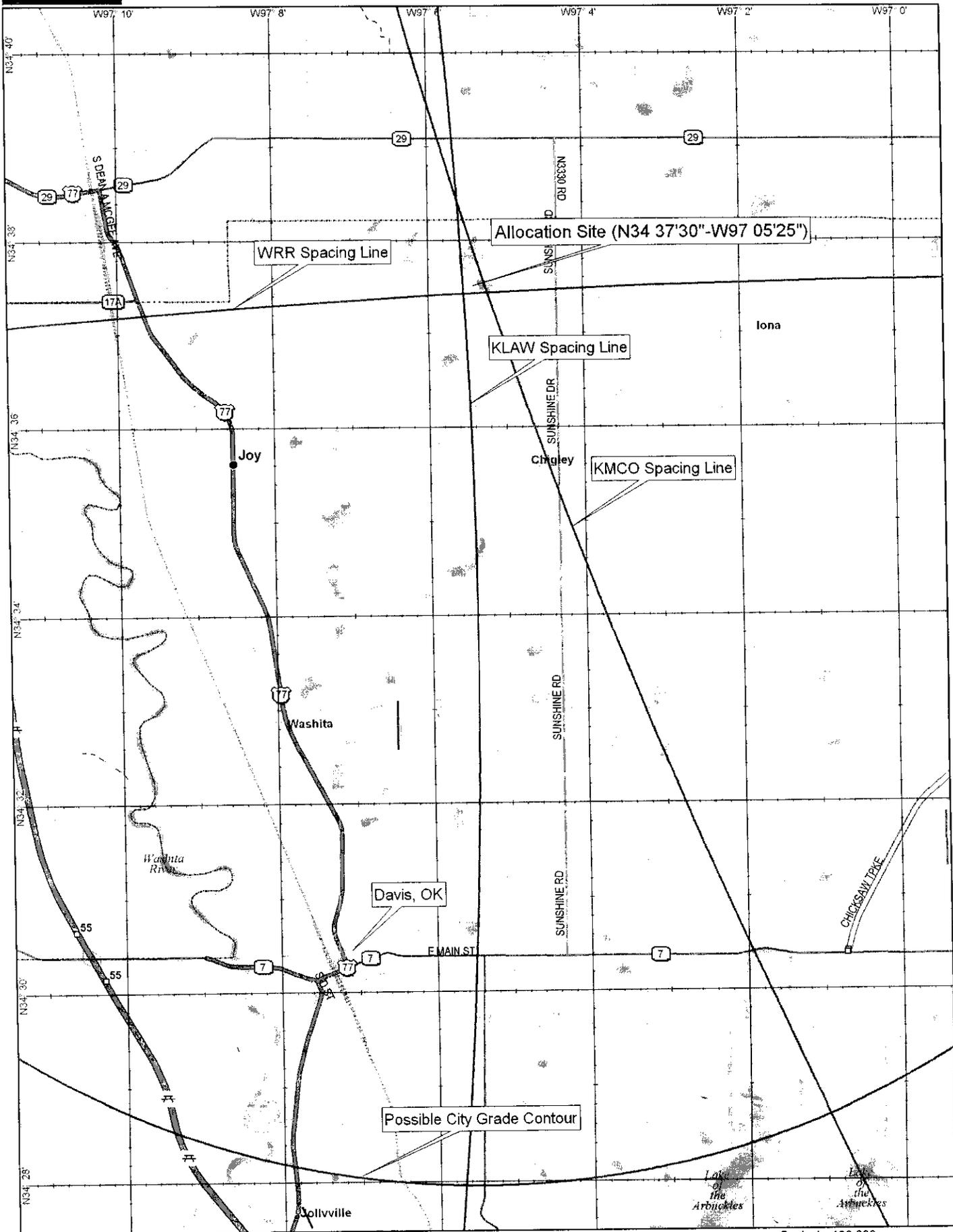
[\*] by HAAT indicates calculated as missing in database.

Call Status	City, State	Proponent	Chan File	Class Number	Freq HAAT	kW	Latitude Longitude	Dist. Azm.	Required Clear (km)
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>>>>>>> Study For Channel 266 101.1 MHz <<<<<<<<

WRR-A	DALLAS, TX		266 C	101.1	60.0		32-46-41	207.2	226	
LIC	Fac. No. 11451		BXLH-20030811AEO	121			96-45-28	171.4	-18.8	SHORT
										Use of 73.215 for short spacing requires: 203 +4.2 CLOSE
WRR	DALLAS, TX		266 C	101.1	98.0		32-35-19	226.14	226	
LIC	Fac. No. 11451		BLH-20060518ACI	508			96-58-05	177.1	+0.14	CLOSE
KMCO	MCALESTER, OK		267 C1	101.3	100.		34-59-13	133.16	133	
LIC	Fac. No. 37777		BMLH-20020513AAR	188			95-42-10	72.1	+0.16	CLOSE
KMCO	WILBURTON, OK		267 C1	101.3	100.		34-59-13	133.16	133	
CP	Fac. No. 37777		BPH-20060926AKU	188			95-42-10	72.1	+0.16	CLOSE
KLAW	LAWTON, OK		267 C1	101.3	100.		34-32-59	133.19	133	73.215
LIC	Fac. No. 35045		BLH-20010301ABH	178			98-32-21	266.8	+0.19	CLOSE
ALLOC	HOLDENVILLE, OK		265 A	100.9			35-04-53	72.89	72	
VAC			RM-10200		0		96-31-00	45.9	+0.89	CLOSE
KATTFM	OKLAHOMA CITY, OK		263 C	100.5	100.		35-33-37	109.8	95	73.215
APP	Fac. No. 8797		BPH-20061222ABA	468			97-29-08	341.0	+14.8	CLOSE
ALLOCR	OKLAHOMA CITY, OK		263 C	100.5			35-35-22	112.8	95	
DEL			RM-11330		0		97-29-03	341.6	+17.8	CLEAR
ALLOCR	OKLAHOMA CITY, OK		263 C	100.5			35-35-22	112.8	95	
DEL			RM-2011296*		0		97-29-03	341.6	+17.8	CLEAR
KATTFM	OKLAHOMA CITY, OK		263 C	100.5	97.0		35-35-22	112.9	95	
LIC	Fac. No. 8797		BLH-19841105DA	363			97-29-03	341.6	+17.9	CLEAR
ALLOCR	OKLAHOMA CITY, OK		263 C0	100.5			35-35-22	112.8	86	
ADD			RM-11330		0		97-29-03	341.6	+26.8	CLEAR
KWRDFM	HIGHLAND VILLAGE, TX		264 C	100.7	98.0		33-32-08	123.2	95	73.215
LIC	Fac. No. 6560		BLH-20020822AAL	606			96-49-54	168.8	+28.2	CLEAR
KLCU	ARDMORE, OK		212 C3	90.3	25.0		34-12-10	47.2	12	
LIC	Fac. No. 82834		BLED-19980519KA	65			97-09-12	187.1	+35.2	CLEAR
ALLOCR	OKLAHOMA CITY, OK		263 C1	100.5			35-35-22	112.8	75	
ADD			RM-2011296*		0		97-29-03	341.6	+37.8	CLEAR





TECHNICAL CERTIFICATION

The firm of Broadcast Technical Consultants has been retained for the purpose of preparing the technical data for this petition.

The data utilized was taken from the F.C.C. Database and data on file, current as of June 4, 2007. While this information is believed accurate, errors or omissions in the database and file data are possible. This firm may not be held liable for damages as a result of such data errors or omissions.

The report data exhibits were personally prepared by me. My qualifications are a matter of record before the Federal Communications Commission.

I declare under penalty of the laws of perjury that the contents of my exhibits are true and accurate to the best of my knowledge.

June 6, 2007

A handwritten signature in black ink, appearing to read "Larry P. Waggoner". The signature is stylized and includes a large, sweeping flourish at the bottom.

*Larry P. Waggoner  
Broadcast Technical Consultants  
8112 West Meadow Pass  
Wichita, KS 67205  
(316) 722-372*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing "Petition for Rule Making" was served upon the following parties via first class mail, postage prepaid, this 6th day of June, 2007:

Marlene H. Dortch, Secretary \*  
Federal Communications Commission  
TW-B204, Portals II  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20054

(Delivered to: 236 Mass. Ave., N.E.  
Suite 110  
Washington, D.C. 20002)

John A. Karousos  
Assistant Chief, Audio Division  
Media Bureau, Room 2-A465, Portals II  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554



Russell C. Fowell

\* Via Hand Delivery