

DOCKET FILE COPY ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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. 08-85
RM-11427

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

FILED/ACCEPTED
SEP 15 2008
Federal Communications Commission
Office of the Secretary

COMMENTS OF ROCKET RADIO, INC.

Rocket Radio, Inc., by its attorney and pursuant to Sections 1.415 and 1.420 of the Commission's rules, respectfully submits these Comments in response to the Notice of Proposed Rule Making and Order to Show Cause ("Notice") adopted by the Commission in the above-captioned proceeding on July 25, 2008 (DA98-1713, released on July 25, 2008).

In the Notice, the Commission has sought comment on the following proposed amendments to the FM Table of Allotments, Section 73.202(b) of the Commission's rules:

	<u>Channel</u>	
Community	Present	Proposed
Needles, California	---	287B1
Ehrenberg, Arizona	286C2	228C2
First Mesa, Arizona	247C	281C
Wickenburg, Arizona	287C2	286C2
Kachina Village, Arizona	288C2	246C2

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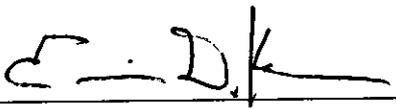
Concurrently with the submission of these Comments, Rocket Radio is filing an application on FCC Form 301 for a new FM broadcast station on Channel 287C2 at Williams, Arizona, and a Petition for Rule Making requesting that the Commission amend the FM Table of Allotments to allot Channel 287C2 at Williams, Arizona. Attachment A is a copy of the aforementioned Petition for Rule Making which is hereby incorporated by reference. If the Commission grants Rocket Radio's Petition for Rule Making, Needles and Williams will receive new service.

For the reasons set forth in the Petition for Rule Making and the discussion contained in the Notice, Rocket Radio, Inc. respectfully submits that the public interest will be served by the following amendment of the FM Table of Allotments:

	<u>CHANNEL</u>	
	Present	Proposed
Community	---	287B1
Needles, California	---	228C2
Ehrenberg, Arizona	286C2	281C
First Mesa, Arizona	247C	287C2
Williams, Arizona	---	286C2
Wickenburg, Arizona	287C2	246C2
Kachina Village, Arizona	288C2	

Respectfully submitted,

ROCKET RADIO, INC.

By: 
 Erwin G. Krasnow, Esq.
 Garvey Schubert Barer
 1000 Potomac Street, N.W.
 Fifth Floor, Flour Mill Building
 Washington, DC 20007-3501
 Its Attorney

Date: September 15, 2008

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)
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Amendment of Section 73.202(b)) MB Docket No. ____
Table of Allotments) RM- ____
New FM Broadcast Station)
(Williams, Arizona))
)
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To: Office of Secretary
Attn: Chief, Audio Division
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PETITION FOR RULE MAKING

Rocket Radio, Inc., by its attorney and pursuant to Sections 1.415 and 1.420 of the Commission's rules, hereby requests that the Commission institute a rulemaking proceeding to amend the Table of FM Allotments, Section 202(b) of the Commission's rules, to allot Channel 287C2 to Williams, Arizona. In support thereof, the following is shown:

I. Background

In a Notice of Proposed Rule Making and Order to Show Cause ("Notice") adopted in the above-captioned proceeding on July 25, 2008 (DA 98-1713, released on July 25, 2008), the Commission sought comment on the following proposed amendments to the FM Table of Allotments:

	<u>CHANNEL</u>	
	Present Allotment	Proposed Allotment
Community	---	287B1
Needles, California	---	287B1
Ehrenberg, Arizona	286C2	228C2
First Mesa, Arizona	247C	281C

Wickenburg, Arizona	287C2	286C2
Kachina Village, Arizona	288C2	246C2

As shown in the attachment Engineering Statement of Joseph M. Pietro, P.E., RFEngineers, Inc., which is incorporated by reference herein, Channel 287C2 may be allotted to Williams in conformance with the minimum distance requirements of Section 73.202(b) and the principal community contour coverage requirements of Section 73.315 of the Commission's rules if the Commission were to make the above changes in the FM Table of Allotments. Concurrently with the submission of this Petition for Rule Making, Rocket Radio is filing with the Commission an application on FCC Form 301 for a new FM broadcast station on Channel 287C2 at Williams, Arizona, as well as Comments in the response to the Notice.

II. Allotment of Channel 286C2 to Williams Would Serve the Commission's Allocations Priorities and Thus, Would Be in the Public Interest

According to the 2000 U.S. Census, the city of Williams had a population of 2,842. The 2006 U.S. Census estimates that the population of the city is 3,094. Because of its location near the South Rim of Grand Canyon National Park, Williams is a major tourist stop. The City of Williams operates under the Council-Manager form of government and is served by the Williams Unified School District. Three schools, Williams Elementary Middle School, Williams High School, and Excel Education Center (which is not a part of the District) serve the city.

As shown above, Williams enjoys all of the attributes that the Commission traditionally associates with a community. Incorporated communities listed in the U.S. Census are presumed to have the status of a community for allotment purposes. See Arnold and Columbia, California, 7 FCC Rcd 6302 (1992). Moreover, the Commission has previously held that Williams has the

status of a community for allocations purposes by allotting to Williams an FM channel (Channel 244C2) and an AM channel (KYET, 1180 kHz).

As explained in Revision of FM Assignment Policies and Procedures, 90 FCC 2nd 88 (1988), the FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters (with co-equal weight being given to priorities (2) and (3)). Under Rocket Radio's proposal, Williams will receive its third local transmission service and new aural service will be provided to 8,405 persons. See Engineering Statement. In furtherance of the Commission's allocations priorities, Rocket proposes to provide a first FM service and a second aural service to 558 people. If Station KYET(AM), a station which is dark and is not expected to resume operation at Williams is removed from consideration, 558 persons would receive a first aural service and, an additional 14 persons would receive a second aural service. Id.¹

III. Conclusion

For the reasons stated above, Rocket Radio, Inc. submits that the allocation of Channel 287C2 at Williams would serve the public interest and accordingly, respectfully requests that the Commission adopt the following amendment to the FM Table of Allotments:

	<u>CHANNEL</u>	
Community	Present Allotment	Proposed Allotment
Williams, Arizona	---	287C2

¹ In requesting authority to remain silent (BLSTA-20080711ADG), the licensee of Station KYET advised the Commission that despite "its exhaustive search" for a permanent antenna site located in the city of Williams, it has been unable to find such a site and anticipates "that location of a suitable site may entail an application to change the community of license of KYET."

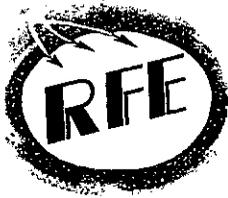
Rocket Radio hereby commits that if Channel 287C2 is allocated to Williams and if the Commission grants its application for a construction permit, it will construct the facilities promptly. Also, if the Commission were to decide against granting the proposals set forth in the Petition for Rule Making filed by Michael Cusinato which are described in the Notice, Rocket Radio requests that the Orders to Show Cause to Univision Radio License Corporation and Grenax Broadcasting II, LLC be issued as set forth in the Notice and to the extent that the Orders to Show Cause are necessary for a grant of the Williams Rule Making Petition, Rocket Radio hereby states that it will reimburse Univision Radio License Corporation and Grenax Broadcasting II, LLC for their reasonable expenses in changing channels.

Respectfully submitted,

ROCKET RADIO, INC.

By: 
Erwin G. Krasnow, Esq.
Garvey Schubert Barer
1000 Potomac Street, N.W.
Fifth Floor, Flour Mill Building
Washington, DC 20007-3501
Its Attorney

Date: September 15, 2008



RFEEngineers, Inc.

12 September 2008

Engineering Statement

This statement is in reference to the petition for rulemaking by Rocket Radio, Inc. for an addition to the FM Table of Allotments regarding a New Station on channel 287C2 serving Williams, Arizona.

The Allocation site is proposed at the site of FCC Registered Tower Number 1221567.

73.207 spacing:

As shown in Table 1, under the current arrangement the proposed allocation site is short to KFLX and KHOV-FM. RM-11427 proposes, among other things, to substitute Channel 246C2 for Channel 287C2 at Kachina Village. This removes the shortspacing of KFLX. Further, the rulemaking proposes to substitute 286C2 for 287C2 at Wickenburg. This removes the shortspacing of KHOV-FM.

Table 2 shows the 73.207 spacing after grant of the rulemaking. The allocation site is now fully spaced.

ID	City	St	Chan	CL	Stat	Prefix	ARN	Dist	Min 207	Clear 207
KFLX	KACHINA VILLAGE	AZ	286	C2	LIC	BLH	19991202ABY	69.56	130	-60.44
KHOV-FM	WICKENBURG	AZ	287	C2	LIC	BLH	19910830KD	130.18	190	-59.82
KVRD-FM	COTTONWOOD	AZ	289	C3	LIC	BLH	19971110KI	64.54	56	8.54

Table 1: 73.207 spacing prior to RM11427.

ID	City	St	Chan	CL	Stat	Prefix	ARN	Dist	Min 207	Clear 207
KHOV-FM	WICKENBURG	AZ	286	C2	ADD	RM	11427	130.18	130	0.18
KVRD-FM	COTTONWOOD	AZ	289	C3	LIC	BLH	19971110KI	64.54	56	8.54

Table 2: 73.207 spacing after grant of RM11427.

Community of License coverage:

The 70dBu class contour for a C2 (50kW at 150m) is 32.6km. This class contour, centered on the allocation site, encompasses 100% of Williams, AZ. The contour was created assuming uniform terrain.

Other aural services licensed to Williams are KYET (1180 AM) and KWMX (FM 244C2).

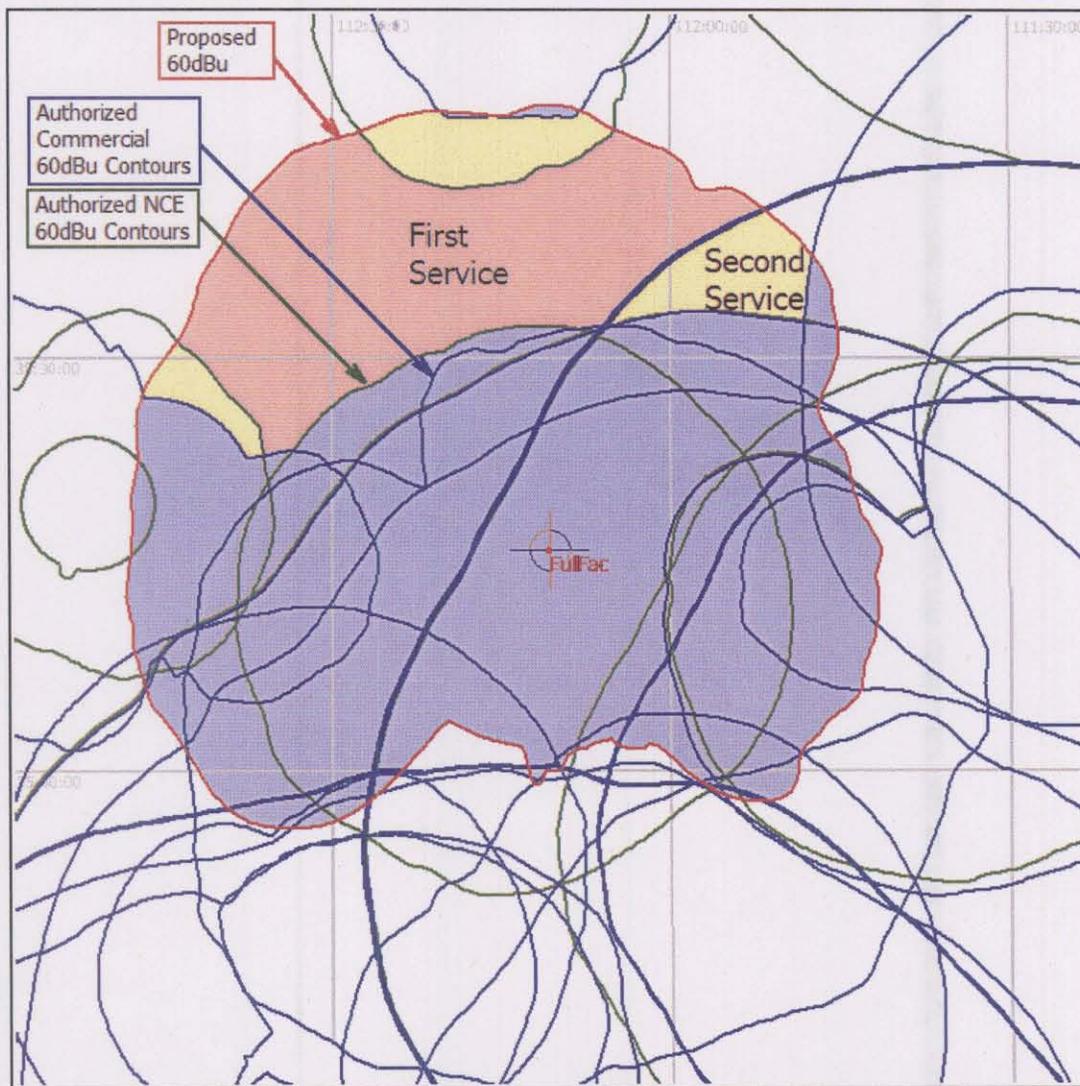
White Space/ Gray Space:

The attached White/Gray Map details the 60dBu protected contours of all commercial and noncommercial-educational FM stations in the region. Assuming a new station operating at maximum facility at the allocation site 558 persons would receive first FM service and an additional 14 persons would receive second service. Population counts are based on Census 2000. If authorized AM station KYET (presently dark) is included in the analysis, using the daytime facilities 2mV/m contour, the first service number is zero and the second service is 558.

Population and Area of the Proposed Allotment:

The population of a full facility station's 60dBu contour at the proposed allotment site is 8,405 persons. The area covered by the contour is 7,631km².

1213 NW 16th Avenue
Gainesville, FL 32601
Phone: 352-367-1725



White-Gray Map

The green contours are from NCE authorizations, the blue contours are from Commercial authorizations and the red contour is from the proposed allotment.

The blue shaded areas presently receive two or more FM services, the yellow shaded areas presently receive one FM service and the red shaded area presently receives no FM service.

Joseph M. DiPietro, P.E.
12 September 2008

CERTIFICATE OF SERVICE

I, Sharon Chichester, a secretary with the law firm of Garvey Schubert Barer, hereby certify that on this 15th day of September, 2008, copies of the foregoing COMMENTS OF ROCKET RADIO, INC. have been served by United States first class mail, postage prepaid, upon the following:

Univision Radio License Corporation
1999 Avenue of the Stars
Suite 3050
Los Angeles, California 90067

Scott R. Flick, Esq.
Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, N.W.
Washington, DC 20037
Counsel to Univision

Grenax Broadcasting II, LLC
10337 Carriage Club Drive
Lone Tree, Colorado 80124

M. Scott Johnson, Esq.
Fletcher, Heald and Hildreth, PLC
1300 North 17th St., 11th Floor
Arlington, VA 22209
Counsel to Grenax

Michael Cusinato
1705 Peridot Ct.
Castle Rock, Colorado 80108



Sharon Chichester