

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Received & Inspected
MAY 24 2012
FCC Mail Room

MM Docket No. _____

In re)
)
Amendment of Section 73.202 (b)) RM-_____
Table of Allotments)
FM Broadcast Stations)
(Roaring Springs and Matador, TX))

To: The Chief, Audio Division, Media Bureau

PETITION FOR RULEMAKING (Hybrid Contingent Proposal)

Jesus B. Salazar ("petitioner"), by his counsel, permittee of new FM broadcast KPMJ, Matador, TX, hereby submits this Petition for Rule Making to amend the FM Table of Allotments in order to provide better service to the public. Specifically, Petitioner requests that the Commission amend the FM Table of Allotments as stated in the following Proposal.

Proposal

1. The proposal is as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Roaring Springs, TX	249A	227A
Roaring Springs, TX	276C3	249C3
Matador, TX	227A	276C3

No. of Copies rec'd 0+4
List ASODE
MB Audio 12-14

2. This Petition for Rulemaking is filed as part of a “hybrid” contingent proposal, involving both this rule making proposal and applications.¹ It is comprised of the following elements:

(1) An FCC Form 301 minor change application is being filed on this date by Petitioner proposing to modify the facilities of KPMJ from Channel 227A to Channel 276C3 at Matador, TX.

(2) In order to accommodate the KPMJ channel change requested in the Form 301 application, it is proposed in this rule making petition to substitute Channel 227A for the vacant allotment of Channel 249A at Roaring Springs, TX, and to substitute Channel 249C3 for the vacant allotment of Channel 276C3 at Roaring Springs, TX.²

3. In approving this hybrid proposal, the Commission will permit KPMJ to upgrade its facilities from a Class A facility to a Class C3 facility. Because KPMJ is an un-built construction permit (CP), and because the initial auction allotment for Matador was for Channel 227C3, the Matador channel displacement to Channel 276C3 is permitted and can be processed as a channel substitution pursuant to Section 73.3573(a)(1)(iv).

4. Attached hereto is an Engineering Statement which contains an allocation study for both of the proposed new allotments, demonstrating technical compliance with the Commission’s rules.

5. As discussed therein, the proposed change in the Table of Allotments will result in a net gain in population to be served by the 2 Roaring Springs allocations. Also, Exhibit 29 of the KPMJ minor modification indicates that the Class C3 upgrade is not

¹ See *Revisions of Procedure Governing Amendments of FM Table of Allotments and Change of Community of License in the Radio Broadcast Service*, 21 FCC Rcd 14212, para. 17 (2006).

² The Commission does not require the filing of an application for the Roaring Springs channel substitution because the proposal does not involve an expression of interest and a request for a new

available at the currently-authorized transmitter site (which is an existing 125 meter tall tower) on channel 227. This hybrid proposal is the only known path for the KPMJ Class C3 upgrade from the authorized transmitter site. Finally, as also demonstrated in Exhibit 29 of the KPMJ minor modification, the population of the KPMJ is increased from 1,025 to 1,197 persons (an increase of 172 persons and 16.8%) by the hybrid proposal. Accordingly, grant of the instant petition for rule making would serve the public interest, convenience, and necessity.

WHEREFORE THE PREMISES CONSIDERED, it is respectfully requested that the Commission amend the FM Table of Allotments as proposed hereinabove.

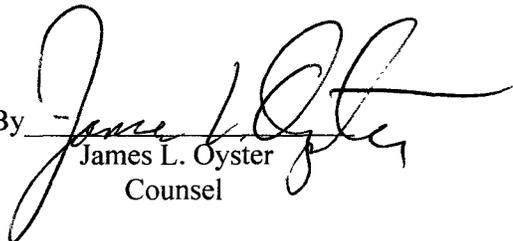
Respectfully submitted,

Law Offices
JAMES L. OYSTER
108 Oyster Lane
Castleton, Virginia 22716-9720

(540) 937-4800

May 23, 2012

JESUS B. SALAZAR

By 
James L. Oyster
Counsel

allotment. *Revision of Procedures Governing Amendments to the FM Table of Allotments*, 21 FCC Rcd at para. 20.

DELAWDER COMMUNICATIONS, INC.

P.O. Box 1095
Ashburn, Virginia 20146-1095
(703) 299-9222

ENGINEERING REPORT

Roaring Springs, TX—Two Vacant Allotment Channel Changes (Via Rule-Making)

Finally, the current and proposed allotment 60 dBu service population is provided as follows:

For Current Roaring Springs 249A:	1,254 persons
For Current Roaring Springs 276C3:	<u>2,126</u> persons
Sum of Current Allotments:	3,380 persons
For Proposed Roaring Springs 227A:	1,390 persons
For Proposed Roaring Springs 249C3:	<u>2,086</u> persons
Sum of Current Allotments:	3,476 persons

The above population data are based on year 2010 US Census centroid data and assume circular service (28 km for Class A and 39 km for Class C3) centered at the reference coordinates for each allotment. (The reference coordinates for the current Roaring Springs allotments are N 33-57-42 W 100-42-53 for channel 249A; and N 33-55-44 W 100-46-48 for channel 276C3.) The population of the combined two Roaring Springs allotments will be improved by 96 persons by the proposed channel displacements.

SECTION 73.207 SEPARATION STUDY

PROJECT: ROARING SPRINGS, TX, 227A FROM REFERENCE SITE

STUDY COORDINATES: N 33-59-36.0; W 100-52-10.0(N D-M-S; W D-M-S)

Call Docket	Channel	Class	Service	Frequency	Status	City	State	Country	File Number	
Docket	FacilityID	ERP	DA?	HAAT	RCAMSL	RCAGL	ASRN	Dist(km)	Dist(mi)	Azimuth
Latitude	Longitude			ASRN	Dist(km)	Dist(mi)	Azimuth			
Licensee/Permittee										
KJAK	224	C1	FM	92.7 MHz	LIC	SLATON		TX US	BLH-19891113KB	
-	72773			100. kW		178. m		1153. m	178. m	
N 33 32	32.00	W 101	50	14.00	-			102.67 km	63.80 mi	240.99°
G.O. WILLIAMS OIL CO. INC. D/B/A WILLIAMS BROADCASTING GROUP										
Section 73.207 Requirement: 75 km 27.67 km CLEAR										
-	226	C2	FA	93.1 MHz	VAC	ASPERMONT		TX US	RM-10283	
-	-			- kW		- m		- m	- m	
N 33 11	27.00	W 100	14	50.00	-			106.10 km	65.93 mi	146.97°
Section 73.207 Requirement: 106 km 0.10 km CLEAR										
-	227	C1	FA	93.3 MHz	VAC	MULESHOE		TX US	RM-10315	
02-251	-			- kW		- m		- m	- m	
N 34 2	3.00	W 103	2	8.00	-			200.14 km	124.36 mi	271.91°
Section 73.207 Requirement: 200 km 0.14 km CLEAR										
KPMJ	227	A	FM	93.3 MHz	CP	MATADOR		TX US	BNPH-20110620ABB	
-	189571			6. kW		46. m		790. m	58. m	
N 33 59	57.00	W 100	49	34.00	1267114			4.06 km	2.52 mi	80.77°
JESUS B. SALAZAR										
Section 73.207 Requirement: 115 km -110.94 km SHORT										
NOTE: AS A CONTINGENT MINOR CHANGE TO THIS ROARING SPRINGS 227A RULEMAKING, KPMJ, MATADOR, 227A, CP WILL BE DISPLACED TO CHANNEL 276C3.										
KWHW-FM	228	C2	FM	93.5 MHz	LIC	ALTUS		OK US	BLH-19890227KG	
-	1196			45. kW		161. m		578. m	130. m	
N 34 26	20.00	W 99	30	8.00	-			135.34 km	84.10 mi	68.11°
MONARCH BROADCASTING, INC.										
Section 73.207 Requirement: 106 km 29.34 km CLEAR										

Study Complete

SECTION 73.207 SEPARATION STUDY

PROJECT: ROARING SPRINGS, TX, 249C3 FROM REFERENCE SITE

STUDY COORDINATES: N 33-57-55.0; W 100-47-36.0(N D-M-S; W D-M-S)

Call Docket	Channel FacilityID	Class Service	Frequency ERP	Status DA?	City HAAT	State RCAMSL	Country RCAGL	File Number
Latitude	Longitude			ASRN	Dist(km)	Dist(mi)	Azimuth	

KZWE-FM	248	C3 FM	97.5 MHz	CP	WELLINGTON	TX	US	BNPH-20110630AIC
-	189517		12.5 kW		141. m	884. m	80. m	
N 34 51	52.00	W 100 36	56.00	1053736	101.07 km	62.80 mi	9.21°	
HISPANIC FAMILY CHRISTIAN NETWORK, INC.								
Section 73.207 Requirement:					99 km	2.07 km CLEAR		
KHIM	249	A FM	97.7 MHz	LIC	MANGUM	OK	US	BLH-20080530AFX
-	85874		0.54 kW		329. m	824. m	138. m	
N 34 58	39.00	W 99 24	35.00	1209681	169.61 km	105.39 mi	48.02°	
FUCHS RADIO L.L.C.								
Section 73.207 Requirement:					142 km	27.61 km CLEAR		
-	249	A FA	97.7 MHz	VAC	O'DONNELL	TX	US	RM-10380
01-271	-		- kW		- m	- m	- m	
N 32 55	32.00	W 101 40	59.00	-	141.92 km	88.19 mi	215.77°	
Section 73.207 Requirement:					142 km	-0.08 km CLEAR (ROUNDED TO NEAR KM)		
-	249	A FA	97.7 MHz	VAC	ROARING SPRINGS	TX	US	RM-10380
01-271	-		- kW		- m	- m	- m	
N 33 57	42.00	W 100 42	53.00	-	7.28 km	4.52 mi	93.15°	
Section 73.207 Requirement:					142 km	-134.72 km SHORT		
NOTE: AS A CONTINGENT RULEMAKING TO THIS ROARING SPRINGS 249C3 RULEMAKING, THIS ROARING SPRINGS 249A ALLOTMENT WILL BE DISPLACED TO CHANNEL 227A.								
-	249	A FA	97.7 MHz	VAC	ROBY	TX	US	RM-11146
05-66	-		- kW		- m	- m	- m	
N 32 43	0.00	W 100 27	0.00	-	142.12 km	88.31 mi	166.97°	
Section 73.207 Requirement:					142 km	0.12 km CLEAR		
KGNC-FM	250	C FM	97.9 MHz	LIC	AMARILLO	TX	US	BLH-20050418AAL
-	63161		100. kW		398. m	1441. m	385. m	
N 35 18	53.00	W 101 50	47.00	1044248	178.13 km	110.69 mi	327.60°	
MCC RADIO, LLC								
Section 73.207 Requirement:					176 km	2.13 km CLEAR		
-	252	A FA	98.3 MHz	VAC	GUTHRIE	TX	US	RM-10531
02-241	-		- kW		- m	- m	- m	
N 33 41	26.00	W 100 23	15.00	-	48.37 km	30.06 mi	129.06°	
Section 73.207 Requirement:					42 km	6.37 km CLEAR		

SECTION 73.207 SEPARATION STUDY

PROJECT: ROARING SPRINGS, TX, 249C3 FROM REFERENCE SITE

STUDY COORDINATES: N 33-57-55.0; W 100-47-36.0(N D-M-S; W D-M-S)

Call Docket	Channel	Class	Service	Frequency	Status	City	State	Country	File Number
Latitude	Longitude	ERP	DA?	HAAT	RCAMSL	RCAGL	Dist(km)	Dist(mi)	Azimuth
Licensee/Permittee									
-	252	A	FA	98.3 MHz	VAC	SILVERTON	TX	US	RM-10674
03-72	-	-	-	kW	-	m	-	m	-
N 34 28	15.00	W 101 13	9.00	-	68.44	km	42.53	mi	325.26°

Section 73.207 Requirement:					42 km	26.44 km CLEAR			

Study Complete

**FIGURE 1: ROARING SPRINGS, TX 227A & 249C3
70 DBU SERVICE TO COMMUNITY OF LICENSE**

