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

In the Matter of the	) MM Docket No. 99-25
	)
	) RM-9208
Creation of a Low Power	)
	) RM-9242
	)
FM Radio Service	) Report and Order FCC 00-19

Informal Request for Action

Summary

This informal request for action asks that the Federal Communications Commission (FCC) process all the Low Power FM (LPFM) applications for construction permit filed in the August and November 2000 and future windows for the St. Louis Metropolitan Statistical Area (MSA), at the same time in order to avoid giving preference to applicants from the State of Illinois over applicants from the State of Missouri or visa versa.

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Filers

This request is being filed by Kenneth W. Bowles on behalf of himself and on behalf of Midwest Christian Media, Inc. (MCM), and Flat Foot Media, Inc. (FFM). Paul. Hipps is also filing it on behalf of Believers Bible Fellowship (BBF).

BBF is a church located in Hazelwood, Missouri.

Dr. Bowles has been involved in noncommercial FM broadcasting off and on since 1963. He has a Bachelor of Science degree in Electrical Engineering from the Missouri School of Mines. He is a member of the Society of Broadcast Engineers, National Religious Broadcasters, and the Gospel Music Association. In the past he has

been the station manager or general manager of KMFA-AM, KMSM-FM, KGNV-FM, KGNN-AM, and KGNN-FM.

Dr. Bowles has participated in the LPFM Radio Service rule making by providing comments and reply comments and by filing a friendly petition for reconsideration.

Dr. Bowles, MCM, and FFM have been assisting churches and parachurch organizations that are currently making decisions concerning whether or not they will file applications for LPFM construction permits. Most of the organizations would apply for stations in the St. Louis metropolitan area.

MCM and FFM may also apply for LPFM stations in the St. Louis metropolitan area in future years. BBF will file for a station in the St. Louis metropolitan area during the November 2000 window.

Background

The Commission created the LPFM Radio Service in its Report and Order FCC 00-19 adopted January 20, 2000. An Errata was released February 10, 2000.

In its News Release of March 27, 2000, "FCC Lottery Today Determines Order for Accepting Applications for Low Power FM Radio Stations Licenses," the Commission indicated that applications for Illinois will be taken during a window in August 2000. It also indicated that applications for Missouri will be taken in November 2000.

Indeed the Commission has been processing applications. A Public Notice, dated April 28, 2000, formally announced a LPFM filing window for eleven *other* states. After an extension, the Commission closed this window on June 8, 2000, per Public Notice 00-1239, "Low Power FM Filing Window Deadline Extended," dated June 5, 2000.

The Commission then published a list of resulting applications in its undated report, number 24760, "Broadcast Applications."

For example, the following are applicants in the San Diego area:[1]

- Old San Diego Community Church, 2444 Congress St., San Diego, CA, 105.9 MHz.
- All Souls' Episcopal Church, 1475 Cataline Blvd., San Diego, CA, 105.9 MHz.
- Revival Pentecostal Tabernacle, 1765 Pentecost Way, San Diego, CA, 105.9 MHz.
- Mirmar College Classified Senate San Diego Mirmar College [sic], 10440 Black Mountain Road, San Diego, CA, 105.9 MHz.
- Pasadena College DBA Point Loma Nazarene University, 3900 Lomaland, San Diego, CA, 105.9 MHz.
- City Heights Community Development Corporation, 4265 Fairmount Ave., San Diego, CA, 105.9 MHz.
- San Diego Calvary Korean Church, 6970 Linda Vista Road, San Diego, CA, 105.9 MHz.
- Mission Valley Christian Fellowship of San Diego, 1440 Hotel Circle North, San Diego, CA, 105.9 MHz.
- The Regents of the University of California, LaJolla, CA, 105.9 MHz.
- Prophet World Beat Productions, 2100 Park Blvd., San Diego, CA, 105.9 MHz.
- Radio Radio [sic] MFA c/o Katy Chang, 9500 Gilman Drive, LaJolla, CA, 105.9 MHz.
- San Diego Journey Community Church, 8363 Center Drive, San Diego, CA, 105.9 MHz.

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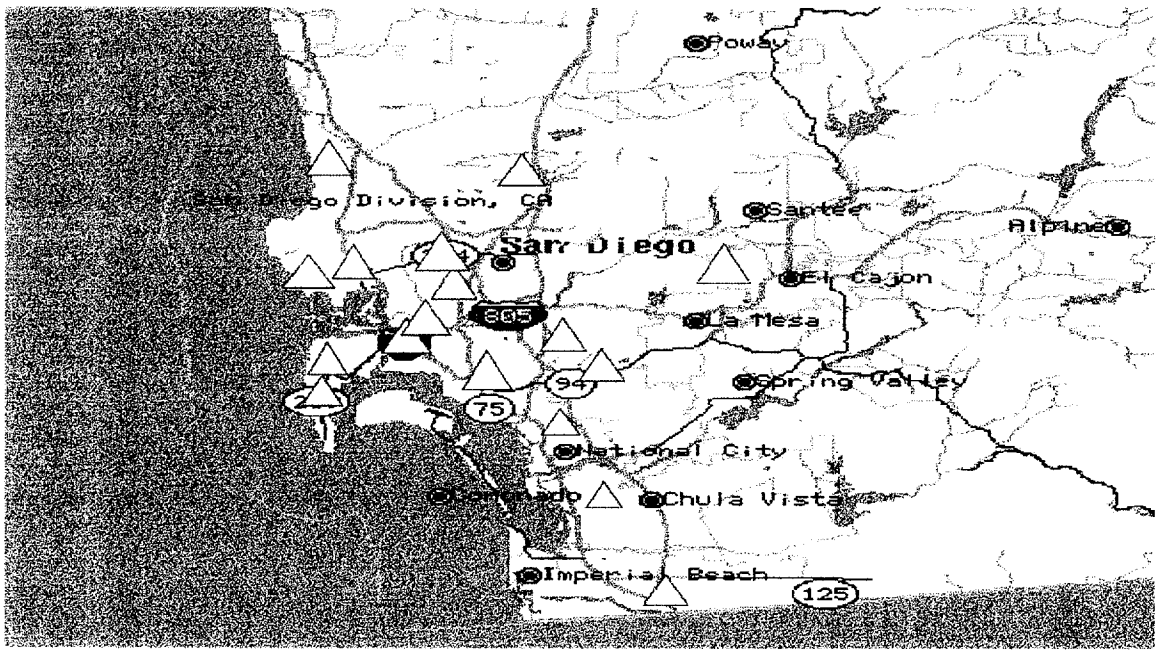
[1] Address information is from the FCC's "Consolidated Database System" at http://svartifoss.fcc.gov:8080/prod/cdbs/pubacc/prod/sta_sear.htm.

- Southwest Music Institute and Symphony Orchestra, 1053 Hornblend St., San Diego, CA, 105.9 MHz.
- Abiding Place Ministries, San Diego, CA, 105.9 MHz.
- Horizon Christian Fellowship, POB 17480, San Diego, CA, 107.5 MHz.
- San Diego Country Ser [sic] Jobs for Progress, Inc., 2904 Damon Ave., San Diego, CA, 107.5 MHz.
- The Universal Church, Inc. – National City, 330 National City Blvd., National City, CA, 105.9 MHz.
- The Universal Church, Inc. – Chula Vista, 346 L St., Chula Vista, CA, 105.9 MHz.
- Governing Board Grossmont College, 8800 Grossmont College Dr., El Cajon, CA, 89.1 MHz.

Figure 1 – Location of LP100 Applicants in San Diego[2]



The triangles represent the locations of some of the LP100 applicants in the San Diego Metropolitan area.

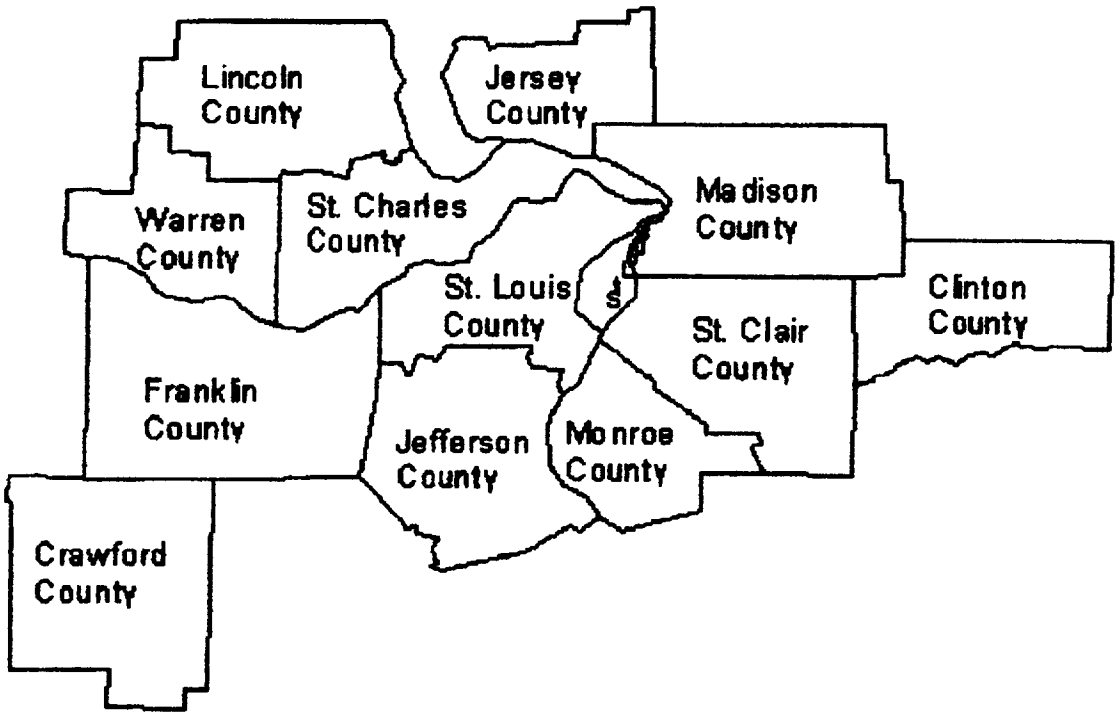
[2] The basic map is from the Census Bureau at http://www.census.gov/cgi-bin/gazetteer.

This list and the experience in other metropolitan areas that were a part of the first window, indicate that *large* numbers of applications have been filed *throughout* metropolitan areas. This petition is being made upon receipt of this recent new information concerning the volume and distribution of LPFM applications.

The St. Louis Bi-State Metropolitan Area

The St. Louis metropolitan area overlaps two states, Illinois and Missouri, separated by the Mississippi River. It includes Lincoln, Warren, St. Charles, Franklin, St. Louis, and Jefferson Counties and St. Louis and Sullivan Cities in Missouri. Also included are Jersey, Madison, St. Clair, Clinton, and Monroe Counties in Illinois.

Figure 2 – The St. Louis Metropolitan Area[3]



Since the pattern in the May 2000 window was many applications filed throughout large metropolitan areas, it can be expected that St. Louis area applicants will file in both Illinois and Missouri during the August and November windows.

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[3] The MSA map was created by the City of St. Louis, "St. Louis Five Year Strategy - Consolidated Plan Draft" at http://stlouis.missouri.org/5yearstrategy/draft/chapter2.html. According to the Office of Management and Budget's Bulletin No. 98-06, "Revised Statistical Definitions of Metropolitan Areas (MAs) and Guidance of Uses of MA Definitions," June 23, 1998, p. 39, the St. Louis MSA includes Franklin, Jefferson, Lincoln, St. Charles, St. Louis, and Warren Counties and St. Louis City in Missouri and Clinton, Jersey, Madison, Monroe, and St. Clair Counties in Illinois. It also indicates that the only portion of Crawford County, Missouri, that is in the MSA is the City of Sullivan. See http://www.whitehouse.gov/media/pdf/metro.pdf. Dr. Bowles is a resident of Franklin County, Missouri, and is aware that portions of Sullivan are in two counties, Crawford and Franklin.

Nineteen applications for the San Diego area have been identified. The 1990 population of the San Diego MSA was 2,498,016 persons. The 1990 population of the St. Louis MSA was 2,444,099 persons.[4] There will probably be as many applications in St. Louis as there were in San Diego. Many of them will be on the Illinois side of the MSA.

The Commission's LPFM Channel Finder[5] indicates that the LP100 spectrum available in the St. Louis area is shared with both the Illinois and the Missouri portions of the MSA.

Since Illinois citizens will have opportunity to apply first for the available St. Louis spectrum, their applications will tie up spectrum in the most highly populated area of the St. Louis MSA, the Missouri portion. Large portions of the LP100 spectrum will be unavailable by the time Missouri gets its turn.

Figure 3 is an example of how this might happen. In August 2000 an application for a construction permit is made in East St. Louis, Illinois. In November 2000 BBF begins to fill out an electronic application for construction permit for a station to be located in Hazelwood, Missouri, but finds the frequency reserved by the applicant in East St. Louis because the two proposed stations are too close.[6]

In fact the East St. Louis application would keep out applications from the most densely populated area in the MSA (basically the area in Missouri within the circle) on the same and adjacent channels. Figure 4 estimates the population within the Missouri

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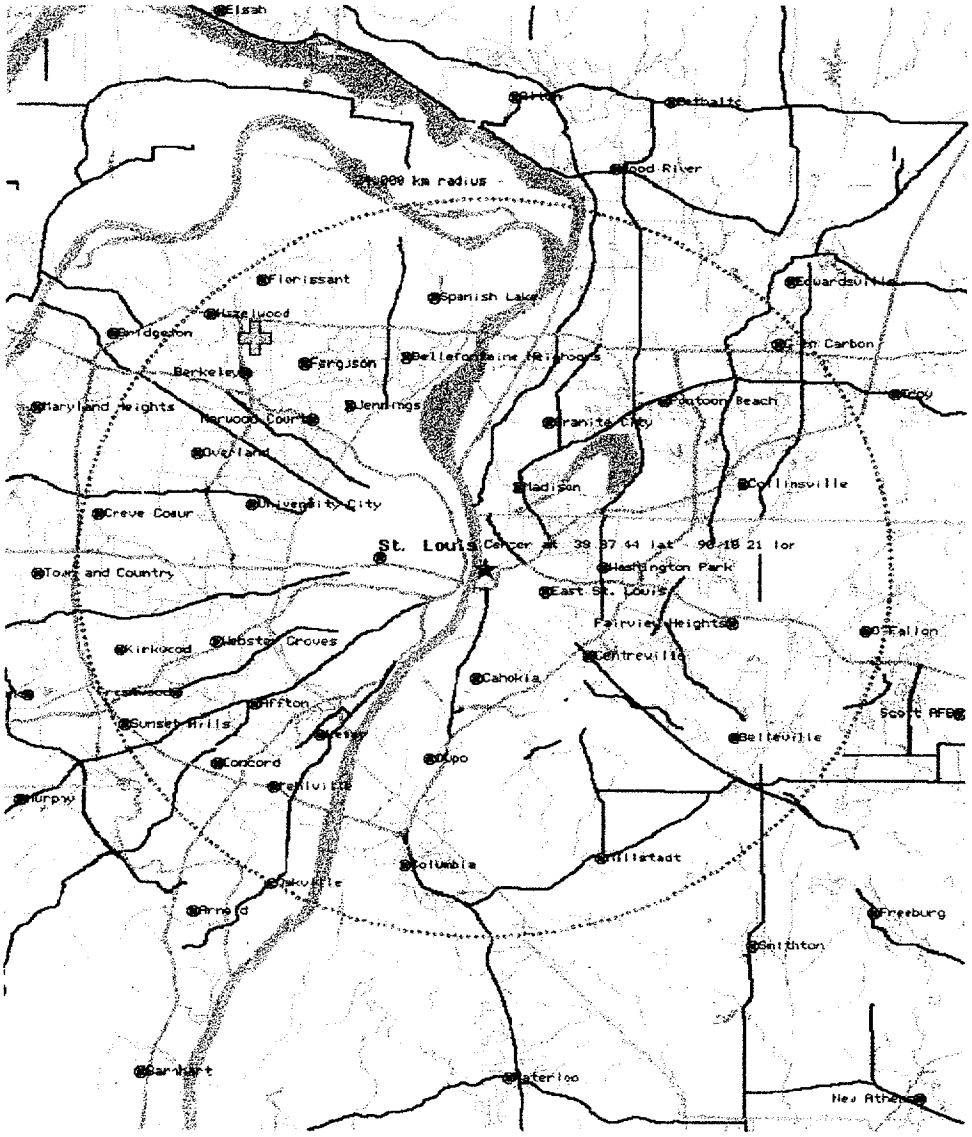
[4] The populations are from the Census Bureau at http://venus.census.gov/cdrom/lookup/962134175 .

[5] At http://www.fcc.gov/mmb/asd/lpfm/lpfm_channel_finder.html.

[6] There are channels available that are common to the BBF and East St. Louis locations per the FCC's LPFM Channel Finder.

portion of the circle as *almost one million persons who could be completely or partially disenfranchised* from the total available LP100 spectrum.

Figure 3 – Effects of an LP100 in East St. Louis, Illinois



The East St. Louis site is a 36.5 meter tall tower registered by Dow, Lohnes & Albertson, PLLC, at Latitude 38-37-44 and Longitude 90-10-21.[7] The FCC's LPFM

[7] This information is from Berkana Productions, Inc., at http://www.berkana.com/tower.php3.

rules allow LP100 stations at this site.[8] This tower is the center of the circle.[9] The circle has a radius of 24 km, the specified separation between co-channel LP100 stations.[10] Believers' Bible Fellowship (BBF) is located at the cross (upper left) at Latitude 38-46-1 and Longitude 90-20-3 (8610 Latty Avenue, Hazelwood, Missouri 63042-3200).

Figure 4 – Missouri Population within Circle

Zip Code	Population in Zip Area	Percent of Population within Circle	Missouri Population within Circle
63033	44,880	100%	44,880
63034	13,424	20%	2,684
63042	19,872	20%	3,974
63043	21,824	100%	21,824
63044	16,438	10%	1,644
63045	439	30%	146
63074	16,099	100%	16,099
63101	1,101	100%	1,101
63102	624	100%	624
63103	4,635	100%	4,635
63104	18,348	100%	18,348
63105	14,210	100%	14,210
63106	13,453	100%	13,453
63107	19,572	100%	19,572
63108	17,586	100%	17,586
63109	23,064	100%	23,064
63110	17,870	100%	17,870
63111	18,755	100%	18,755
63112	22,067	100%	22,067
63113	19,883	100%	19,883
63114	39,623	100%	39,623
63115	25,315	100%	25,315
63116	37,815	100%	37,815
63117	10,142	100%	10,142

[8] So indicates the FCC's LPFM Radio Channel Finder.

[9] The map was generated using the FCC's web page, "Plot Circles on Map," at http://www.fcc.gov/mmb/asd/bickel/plot/radius.html. The tower is at the star.

[10] See Roy J. Stewart, FCC, "Errata," released February 10, 2000, paragraph 73.807.

63118	27,381	100%	27,381
63119	34,147	100%	34,147
63120	14,470	100%	14,470
63121	31,160	100%	31,160
63122	41,040	100%	41,040
63123	48,521	100%	48,521
63124	10,043	100%	10,043
63126	16,204	100%	16,204
63127	4,724	100%	4,724
63128	28,487	80%	22,790
63129	47,528	80%	38,022
63130	31,927	100%	31,927
63131	17,003	70%	11,902
63132	14,305	100%	14,305
63133	10,562	100%	10,562
63134	16,528	100%	16,528
63135	22,816	100%	22,816
63136	53,852	100%	53,852
63137	20,857	100%	20,857
63138	21,521	10%	5,247
63139	22,398	100%	22,398
63140	2,486	100%	2,486
63141	20,807	50%	10,404
63143	11,010	100%	11,010
63144	9,504	100%	9,504
63146	28,745	30%	8,624
63147	10,736	100%	10,736
TOTAL			946,974

The Zip Codes were selected using maps in the United States Postal Service's "Zip Code Directory" and the Rand McNally, "St. Louis & Vicinity, Street Finder," 1994 ed. Populations are from the Zip Find Central. Populations were current as of January 2000.[11]

[11] http://link-usa.com/Zipcode/.

Conclusion

The method that the FCC has formulated to accept LPFM applications discriminates against potential applicants from the Missouri side of the St. Louis MSA during the proposed November 2000 window.

It is unfair to the Missouri citizens of the St. Louis MSA that they will not have the same access to potential LPFM spectrum as the Illinois citizens of the same MSA. It is unfair that the Missouri citizens of the St. Louis MSA will not be treated the same as the citizens of the San Diego and other MSAs.

It is requested that the FCC revise its LPFM application processing procedure so that all the LPFM applications for construction permit filed in the August and November 2000 and future windows for the St. Louis MSA, are processed at the same time in order to avoid giving preference to applicants from the State of Illinois over applicants from the State of Missouri or visa versa.

This change in procedure can be done without modifying the way applications are received during the windows. Thus the suggested change in processing should not cause confusion among potential applicants.

The change will give all the potential applicants of the St. Louis MSA equal opportunity to obtain a LPFM license.

Distribution of This Request

This request was filed on July 19, 2000, via the Commission's Electronic Comment Filing System. In addition the original and four copies were sent to the

Commission on the same date via Airborne Express under its Airbill number 7464984074.

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