

ORIGINAL

DOCKET FILE COPY ORIGINAL

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

RECEIVED

DEC 11 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Creation of Low Power Radio Service) MM Docket No. 99-25
)
) RM-9208
) RM-9242

To: The Commission

**PETITION FOR PARTIAL RECONSIDERATION
OR CLARIFICATION**

The Broadcasters Club of Fort Valley State University ("Broadcasters"), pursuant to Section 1.106 of the Commission's Rules, respectfully seeks reconsideration or clarification of a portion of the Commission's Memorandum Opinion and Order, *Creation of Low Power Radio Service*, 65 Fed. Reg. 67289, published November 9, 2000 ("MO&O").¹

Broadcasters is a club made up of students at Fort Valley State University in Fort Valley, Georgia. On June 6, 2000, during the appropriate filing window, Broadcasters filed an application for a construction permit for a new Low Power FM (LP100) station on FM Channel 220A at Fort Valley, Georgia. The application was filed pursuant to the Public Notice, DA 00-914, released April 28, 2000. The Public Notice at p. 2 provides, *inter alia*, that "...LPFM applications must protect existing vacant FM allotments" as of the date of the Public Notice. Broadcasters' application protected all applications and vacant allotments in existence on April 28, 2000.

On June 20, 2000, after Broadcasters' application was filed, the Commission gave Public Notice (Report No. 2419) of the filing of a counterproposal in MM Docket No. 00-56 (Eastman,

¹ Petitions for Reconsideration of the MO&O are due today; thus, this petition is timely filed.

No. of Copies rec'd
List ABCDE

044

Ellaville and Byromville, Georgia) proposing to allot FM Channel 221 to Vienna, Georgia. By Report and Order, *Eastman, Vienna, Ellaville and Byromville, Georgia*, DA 00-2105, released September 15, 2000, the Commission allotted Channel 221A to Vienna, Georgia. Broadcasters' Technical Consultants believe this vacant allotment will conflict with Broadcasters' application.

Paragraph 68 of the *MO&O* provides for a procedure whereby an LPFM station that interferes with an existing station may file a "displacement" application on Form 318 which may propose, *inter alia*, a channel change to any available channel. Such an application will be treated as a "minor" change that is not subject to competing applications, provided that a requested LP 100 station site change is not greater than 2 kilometers.

Broadcasters is unsure as to what procedure the FCC will employ in the event it is electrically impossible for its new LPFM station to operate without causing interference to a future station on Channel 221A at Vienna, Georgia. Broadcasters' technical consultants have stated that there are other FM channels that Broadcasters could utilize in the Fort Valley area. In light of this, Broadcasters respectfully requests the Commission to reconsider or clarify its procedures in the *MO&O* to permit Broadcasters and other similarly-situated LPFM applicants

to file minor change “displacement” applications or amendments to avoid conflicts with future full-power FM stations under the circumstances described herein.

Respectfully submitted,

**THE BROADCASTERS CLUB OF
FORT VALLEY STATE UNIVERSITY**



By:

Gary S. Smithwick
Its Attorney

SMITHWICK & BELENDIUK, P.C.
5028 Wisconsin Avenue, N.W.
Suite 301
Washington, D.C. 20016
(202) 363-4050

December 11, 2000