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

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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

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To: The Commission

PETITION FOR PARTIAL RECONSIDERATION

The Broadcasters Club (of Fort Valley State University, Fort Valley, Georgia) ("Broadcasters"), by its attorneys and pursuant to Section 1.106 of the Commission's Rules hereby files its Petition for Partial Reconsideration of the Commission's *Second Report and Order in the Creation of a Low Power Radio Service* (*"Second R&O"*), FCC 01-100, 66 Fed. Reg. 23861, published May 10, 2001.[1] Broadcasters seeks reconsideration as a precautionary matter since its application was omitted from Appendix B attached to the *Second R&O.*

The *Second R&O* was adopted pursuant to Section 632(a) of a law entitled "Making Appropriations for the Government of the District of Columbia for FY 2001," which law requires the Commission to modify its rules for the low power FM ("LPFM") service to, *inter alia*, prescribe LPFM station third adjacent channel interference protection standards. At paragraph 8 of the *Second R&O*, the Commission referred to applications impacted by new rules that require LPFM applications to protect the third

[1] Petitions for Reconsideration may be filed no later than 30 days following public notice of a Commission action. Since public notice was given on May 10, 2001, this petition is timely filed by June 11, 2001.

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adjacent channels and attached two Appendices to the *Second R&O*. Appendix A lists those applications that involve short spacings of less than two kilometers. The applicants whose applications appeared on Appendix A were invited to file curative amendments within 30 days of the date of publication of the *Second R&O* in the Federal Register (i.e., by June 11, 2001).

Appendix B lists those applications that have third adjacent channel short spacings of two or more kilometers, and thus cannot be cured by minor amendments filed outside an LPFM filing window. The Commission stated that it would direct the Mass Media Bureau to open an additional filing window following the completion of the final LPFM window (which closes June 15, 2001), for filing curative amendments. However, the *Second R&O* expressly limited the opportunity to file curative major amendments to those applicants listed on Appendices A and B.

On June 5, 2000, Broadcasters timely filed an application (File No. BNPL-20000605AES) for a construction permit for a new LPFM station to serve Fort Valley, Georgia, on Channel 220. As shown by the attached Technical Statement, use of Channel 220 is precluded at Fort Valley by third adjacent station WJTG, Channel 217C, Fort Valley, Georgia. The short space is greater than 2 kilometers. A new allocation, Channel 221A, Vienna, Georgia, is also short-spaced to Broadcasters' application. Nonetheless, Broadcasters' application was omitted from Appendix A or Appendix B of the *Second R&O*. A search of alternate channels at Broadcasters' desired location produces three channels that are clear and usable as alternate channels: Channels 240, 241, and 282 at Fort Valley, Georgia, are usable for a 100 watt LPFM station without creating interference to other stations. Broadcasters is concerned that if Broadcasters'

application does not appear on Appendix B, the Commission will refuse to accept its future amendment to its application to make a major change to use one of the other available channels. It is for this reason, that Broadcasters is seeking partial reconsideration of the *Second R&O.*

In light of the foregoing, Broadcasters respectfully requests the Commission to issue an Erratum to the *Second R&O* and add its application File No. BNPL-20000605AES (Fac. ID No. 124185) to those applications appearing on Appendix B that may amend their applications during the upcoming window.

Respectfully submitted,

THE BROADCASTERS CLUB OF FORT VALLEY STATE UNIVERSITY

By: _____
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June 8, 2001

Technical Statement
The Broadcasters Club
Fort Valley, Georgia
June 2001

These Technical Comments are of behalf of The Broadcasters Club (of Fort Valley State University, Fort Valley, Georgia) ("Broadcasters") who have pending application BNPL-20000605AES.

Broadcasters pending application has a third adjacent shortage to WJTG, 217 C1 when examined using the current LPFM spacing criteria. The shortage is greater than 2 KM. Subsequent to Broadcasters filing, Channel 221 A was requested and allocated at Vienna, GA. This new allocation also produces a shortage to Broadcasters application of greater than 2 KM.

A search of alternate channels at Broadcasters desired location produces three channels that are totally clear and usable by Broadcasters as alternate channels. Channels 240, 241 and 282 are all usable for 100 Watt LPFM stations.

If given an opportunity, Broadcasters can amend its pending application to any of the three alternate channels and be in compliance with all current spacing regulations.

All information contained herein is thought to be true and correct to the knowledge of the undersigned.

Clifton G. Moor

June 8, 2001

Clifton G. Moor
Technical Consultant to
The Broadcasters Club

CERTIFICATE OF SERVICE

I, Angela Y. Powell, a paralegal in the law offices of Smithwick & Belendiuk, P.C., hereby certify that on June 8, 2001, a copy of the foregoing was hand delivered to:

Peter Doyle, Esq.
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Angela Y. Powell