

**STAMP & RETURN RECEIVED**

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

**OCT 27 2003**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
)  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Security and Genoa, Colorado) )  
)

MB Docket No. \_\_\_\_\_  
RM - \_\_\_\_\_

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

**PETITION FOR RULE MAKING**

Optima Communications, Inc. ("Optima"), licensee of Station KSKX(FM), Security, Colorado, by its counsel, hereby petitions to amend the FM Table of Allotments to substitute Channel 288C2 for Channel 288C3 at Security, Colorado and to modify the license of Station KSKX accordingly. In order for this proposal to meet the spacing requirements of 73.207 of the Commission's Rules, Channel 291C3 must be substituted for vacant Channel 288C3 at Genoa, Colorado. In support hereof, Optima states as follows:

1. As indicated in the attached channel study (Figure 1), Channel 288C2 can be substituted for Channel 288C3 at a location 10 km southwest of Security and provide a 70 dBu signal to the community (Figure 2). At this location, a 60 dBu signal can be provided to 674,475 persons in an area of 11,921 sq. km. These figures represent an increase of 149,240 persons (28.4%) in an area of 6931 sq. km (139%).

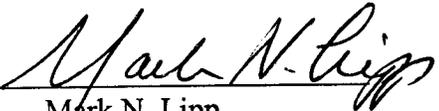
2. Channel 291C3 can be substituted for Channel 288C3 at Genoa in accordance with the Commission's spacing rules. See Figure 3. From the new reference site a predicted 70 dBu contour will be provided to Genoa. See Figure 4.

3. Optima hereby states that should Channel 288C2 be substituted for Channel 288C3 at Security, it will file an application in conformity with the Commission's technical rules and construct the facility as authorized.

4. Accordingly, Optima requests that the Commission institute a rule making proceeding to substitute Channel 288C2 for Channel 288C3 at Security, Colorado and substitute Channel 291C3 for vacant Channel 288C3 at Genoa, Colorado.

Respectfully submitted,

OPTIMA COMMUNICATIONS, INC.

By:   
Mark N. Lipp  
Vinson & Elkins, LLP.  
The Willard Office Building  
1455 Pennsylvania Avenue, NW  
Washington, D.C. 20004-1008  
(202) 639-6500

Its Counsel

October 27, 2003

JOHN J. MULLANEY  
JOHN H. MULLANEY, P.E. (1994)  
ALAN E. GEARING, P.E.

301 921-0115 Voice  
301 590-9757 Fax  
mullengr@aol.com E-mail

**MULLANEY ENGINEERING, INC.**

9049 SHADY GROVE COURT  
GAITHERSBURG, MD 20877

**ENGINEERING EXHIBIT EE-RM:**

**RULE MAKING TO AMEND  
FM TABLE OF ALLOTMENTS**

**SUBSTITUTION OF  
CH. 288C2 FOR 288C3 AT SECURITY, COLORADO  
CH. 291C3 FOR 288C3 AT GENOA, COLORADO**

**OCTOBER 24, 2003**

**ENGINEERING STATEMENT PREPARED ON BEHALF OF  
OPTIMA COMMUNICATIONS, INC.  
LICENSEE OF KSKX (FM)  
CHANNEL 288C3 - SECURITY, COLORADO**

Facility ID: 50402

**ENGINEERING EXHIBIT EE-RM:**

**RULE MAKING TO AMEND  
FM TABLE OF ALLOTMENTS**

**SUBSTITUTION OF  
CH. 288C2 FOR 288C3 AT SECURITY, COLORADO  
CH. 291C3 FOR 288C3 AT GENOA, COLORADO**

**TABLE OF CONTENTS:**

1. Declaration of Engineer
2. Narrative Statement
3. Figure 1, Channel Allocation Study for Ch. 288C2 - Security.  
From Special Ref. Point for Security, CO.
4. Figure 2 General Area Map. - 288C2 Security, CO.
5. Figure 3, Channel Allocation Study for Ch. 291C3 - Genoa.  
From Special Ref. Point for Genoa, CO.
6. Figure 4 General Area Map. - 291C3 Genoa, CO.

## Declaration

I, John J. Mullaney, declare and state that I am a graduate electrical engineer with a B.E.E. and my qualifications are known to the Federal Communications Commission, and that I am an principal engineer in the firm of Mullaney Engineering, Inc., and that I have provided engineering services in the area of telecommunications since 1977. My qualifications as an expert in radio engineering are a matter of record with the Federal Communications Commission.

Mullaney Engineering, Inc., has been requested by Optima Communications, Inc., to prepare the instant engineering exhibit in support of a rule making petition to amend the FM Table of Allotments for KSKX at Security, CO (FCC Facility ID Number: 50402).

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

/s/ John J. Mullaney

John J. Mullaney, Consulting Engineer

Executed on the 24th day of October 2003

**ENGINEERING EXHIBIT EE-RM:**

**RULE MAKING TO AMEND  
FM TABLE OF ALLOTMENTS**

**SUBSTITUTION OF  
CH. 288C2 FOR 288C3 AT SECURITY, COLORADO  
CH. 291C3 FOR 288C3 AT GENOA, COLORADO**

**NARRATIVE STATEMENT:**

This engineering statement has been prepared on behalf of Optima Communications, Inc., licensee of Radio Station KSKX, at Security, Colorado (Facility ID 50402). The purpose of this statement is to provide engineering in support of a rule making petition to amend the FM Table of Allotments to substitute Ch. 288C2 for 288C3 at Security, CO and to substitute Ch. 291C3 for the Vacant 288C3 at Genoa, CO and to modify the license of KSKX accordingly.

KSKX wishes to point out that the upgrade it seeks is on its existing channel in its existing city of license and, therefore, it is not necessary to demonstrate the availability of an additional equivalent channel in accordance with of the rules.

The proposed reference point is not within 290 kilometers (180 miles) of a United States Border and, therefore, foreign concurrence is not required.

## Proposed Reference Site - 288C2 Security, CO

For the purposes of this rule making the applicant proposes to use a special reference point located 10 km (6.2 miles) Southwest of the city reference coordinates for Security, CO.

N. Latitude:            38° 42' 10"    NAD-27  
W. Longitude:        104° 50' 00"

The proposed reference site for Ch. 288C2 is located well within the 33 km circle used for C2 allotment criteria. The proposed reference site will provide an unobstructed view of the city of license. **Figure 2** is a general area map showing Security, CO, and the existing C3 & proposed C2 sites.

## Channel Allocation Study - Security, CO

**Figure 1** is a Channel Allocation Study from the special reference point proposed herein for Security, Colorado. The study indicates the actual & required separation in kilometers to all licenses, construction permits, applications, vacant allocations and pending rule makings. From this study it can be determined that proposed reference point exceeds all of these minimum separations **except** that associated with the vacant allotment on Ch. 288C3 at Genoa, CO. However, as will be shown, **291C3 is available for substitution at Genoa.**

The licensed C3 site of KSKX is located 5.2 km (3.2 miles) away.

## Proposed Reference Site - 291C3 Genoa, CO

For the purposes of this rule making the applicant proposes to use a special reference point located 18.4 km (11.4 miles) East-Southeast of the city reference coordinates for Genoa, CO.

N. Latitude:            39° 15' 35"    NAD-27  
W. Longitude:        103° 17' 15"

The proposed reference site for Ch. 291C3 is located well within the 23 km circle used for C3 allotment criteria. In addition, it is located closer to Genoa than is the existing allotment point for Ch. 288C3 and the terrain paths are to the city are similar. **Figure 4** is a general area map showing Genoa, CO, and the existing 288C3 & proposed 291C3 sites.

## Channel Allocation Study - Genoa, CO

**Figure 3** is a Channel Allocation Study from the special reference point proposed herein for Genoa, Colorado. The study indicates the actual & required separation in kilometers to all licenses, construction permits, applications, vacant allocations and pending rule makings. From this study it can be determined that proposed reference point exceeds all of these minimum separations **except** that associated with the vacant allotment on Ch. 288C3 at Genoa, CO.

## **Public Interest Showing**

KSKX presently operates as a C3 facility with maximum equivalent facilities (0.41 kW at 679 meters HAAT). The proposed upgrade to Class C2 facilities will permit KSKX to serve a wider area and more population. KSKX presently provides a 60 dBu service to 525,235 persons and 4,990 square kilometers. The C2 reference point used herein will potentially provide 60 dBu service to 674,475 persons and 11,921 square kilometers (2000 Census). This represents a 28.4% increase in population and a 139% increase in area.

The city of Security-Widefield CDP is located in El Paso County and has a population of 29,845 persons. The substitution of Ch. 291C3 for 288C3 at the city of Genoa is an equivalent exchange.

Based upon the above information, KSKX believes that its request results in a preferential arrangement of allotments and therefore, serves the public interest.

**SUMMARY**

Optima Communications, Inc., licensee of Radio Station KSKX, at Security, Colorado (Facility ID 50402) requests that the FM Table of Allotments be amended to substitute Ch. 288C2 for 288C3 at Security, CO and to substitute Ch. 291C3 for the Vacant 288C3 at Genoa, CO and to modify the license of KSKX accordingly.

	<b>Present</b>	<b>Proposed</b>
Security, CO	288C3	288C2
Genoa, CO	288C3	291C3

KSKX believes that the proposed upgrade to Class C2 facilities will serve the public interest. If granted, KSKX will quickly file an application for construction permit.

/s/ John J. Mullaney

John J. Mullaney, Consulting Engineer

October 24, 2003.

## Optima Communications, Inc.

REFERENCE	Special Reference Point	DISPLAY DATES
38 42 10 N	CLASS = C2	DATA 10-22-03
104 50 00 W	Current Spacings	SEARCH 10-24-03
----- Channel 288 - 105.5 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
ADD-C2	RM 288C2	Security	CO 0.00	0.0	189.5	Special Ref
KSKX	LIC 288C3	Security	CO 5.23	332.3	176.5	C3 License
<b>ALLO</b>	<b>VAC 288C3</b>	<b>Genoa</b>	<b>CO 153.29</b>	<b>59.8</b>	<b>176.5</b>	<b>-23.21 to 291</b>
KXKLFM	LIC 286C	Denver	CO 104.79	342.1	104.5	0.29
KALC.C	CP 290C	Denver	CO 119.51	343.3	104.5	15.01
KALC	LIC-D 290C	Denver	CO 119.57	343.3	104.5	15.07
KVAY	LIC 289C1	Lamar	CO 176.25	111.3	157.5	18.75
KIMX.A	APP-N 288C2	Timnath	CO 216.78	348.9	189.5	27.28
ALLO	VAC 285A	Rye	CO 87.11	185.6	54.5	32.61
ALLO	RSV 288C2	Timnath	CO 229.04	351.5	189.5	39.54
ALLO	VAC 287C	Des Moines	NM 232.50	157.6	187.5	45.00
ALLO	VAC 287A	Center	CO 153.68	226.8	105.5	48.18
KWGL	LIC 289C	Ouray	CO 250.14	262.8	187.5	62.64
KWGL.C	CP 289C	Ouray	CO 250.14	262.8	187.5	62.64
KIMX.C	CP 288C2	Laramie	WY 270.29	346.1	189.5	80.79
KRKFSM	CP 234C	Lafayette	CO 121.83	332.8	34.5	87.33
<b>Alt</b>	<b>RM 291C3</b>	<b>Genoa</b>	<b>CO 147.53</b>	<b>64.6</b>	<b>55.5</b>	<b>92.03 ALT</b>

-----

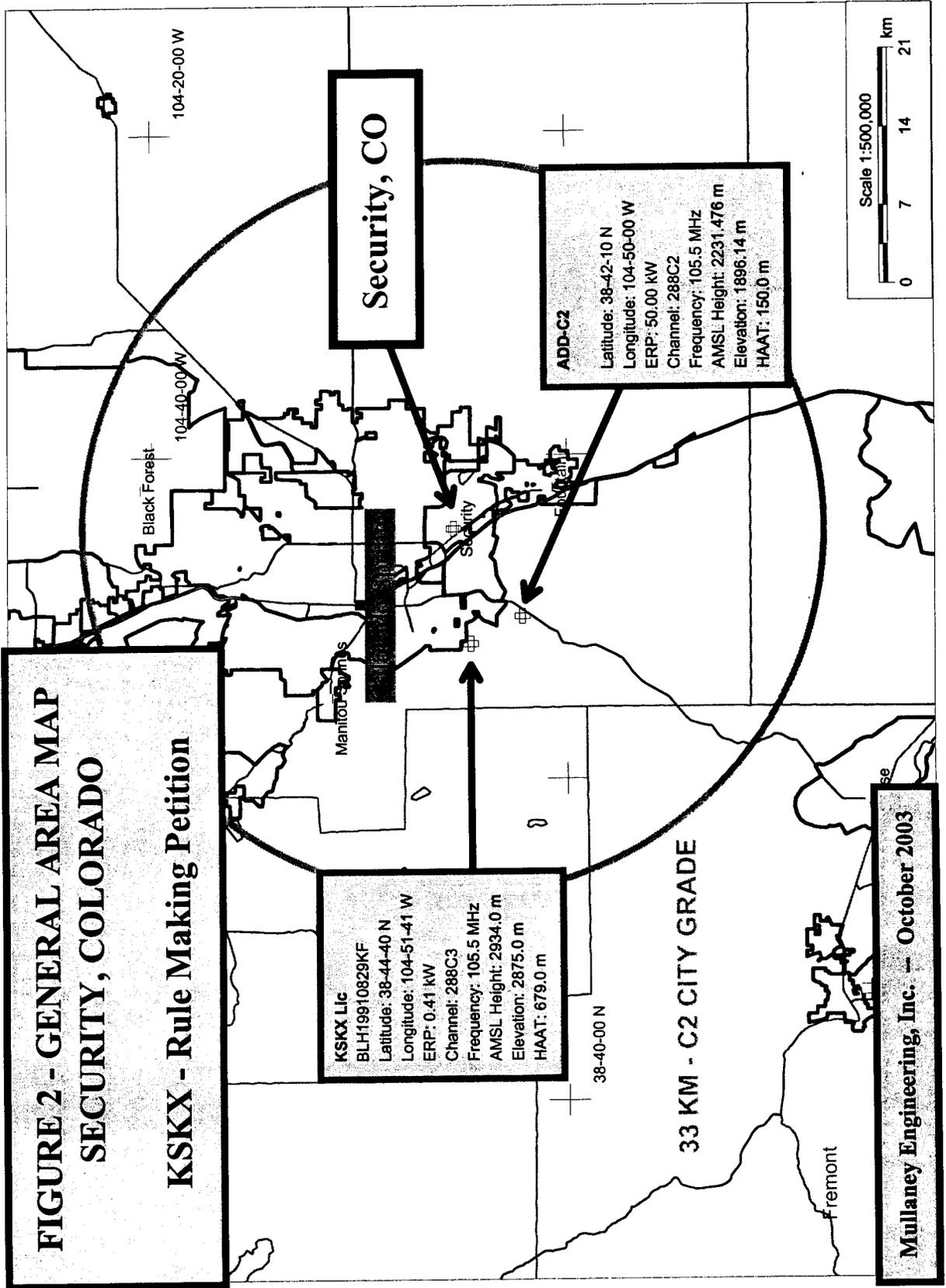
**SUBSTITUTE CH. 291C3 FOR 288C3 AT GENOA, CO.**

CHANNEL STUDY - 288C2 - C2 UPGRADE - KSKX

OPTIMA COMMUNICATIONS, INC. - KSKX(FM)  
 RULE MAKING PETITION  
 SECURITY & GENOA, COLORADO

MULLANEY ENGINEERING, INC.  
 GAITHERSBURG, MARYLAND

**FIGURE 1**  
 OCTOBER 2003



**FIGURE 2 - GENERAL AREA MAP  
 SECURITY, COLORADO  
 KSKX - Rule Making Petition**

**Mullaney Engineering, Inc. - October 2003**

## Optima Communications, Inc.

<b>REFERENCE</b> 39 15 35 N 103 17 15 W	<b>Special Reference Point</b> CLASS = C3 Current Spacings ----- Channel 291 - 106.1 MHz -----	<b>DISPLAY DATES</b> DATA 10-22-03 SEARCH 10-24-03
---	---	--

Call	Channel	Location	Dist	Azi	FCC	Margin		
Alt	RM	291C3	Genoa	CO	0.00	0.0	152.5	Special Reference
ALLO	VAC	288C3	Genoa	CO	13.92	357.7	42.5	-28.58 SELF
KALC.C	CP	290C	Denver	CO	175.61	288.1	175.5	0.11
KALC	LIC-D	290C	Denver	CO	175.71	288.1	175.5	0.21
KPRB.A	APP	292C3	Brush	CO	103.29	350.1	98.5	4.79
ALLO	RSV	292C3	Brush	CO	103.29	350.1	98.5	4.79
KPRB	LIC	292A	Brush	CO	111.93	342.0	88.5	23.43
KKLI	LIC	292C2	Widefield	CO	147.95	247.7	116.5	31.45
KVAY	LIC	289C1	Lamar	CO	130.52	167.3	75.5	55.02
KBPI.A	APP	294C	Denver	CO	175.61	288.1	95.5	80.11
KBPI.A	APP	294C	Denver	CO	175.61	288.1	95.5	80.11
KBPI	LIC	294C	Denver	CO	175.71	288.1	95.5	80.21
ADD-C2	RM	288C2	Security	CO	147.53	245.6	55.5	92.03 UPGRADE

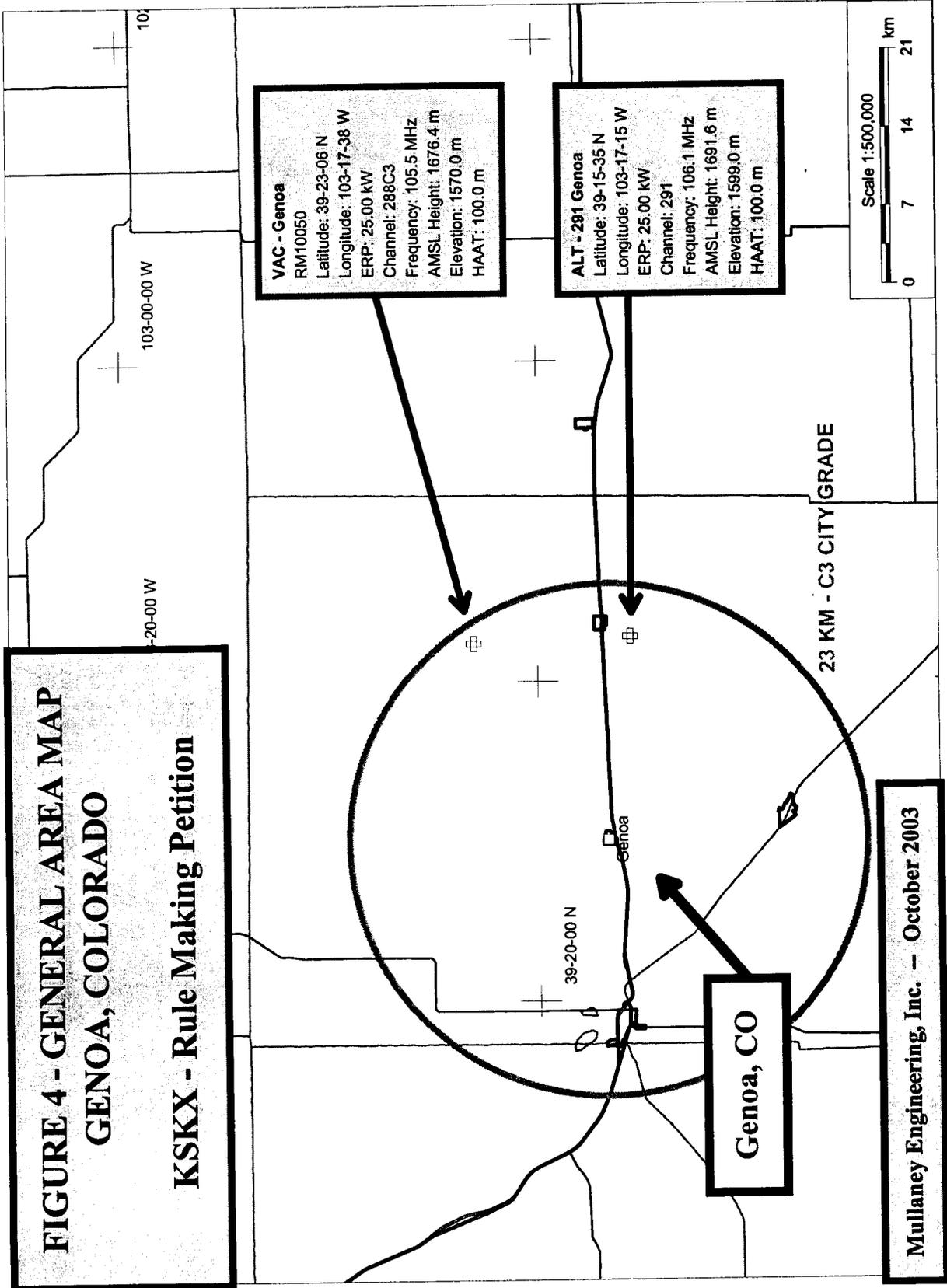
-----

**SUBSTITUTE CH. 291C3 FOR 288C3 AT GENOA, CO.**

CHANNEL STUDY - 291C3 - SUBSTITUTION - GENOA  OPTIMA COMMUNICATIONS, INC. - KSKX(FM) RULE MAKING PETITION SECURITY & GENOA, COLORADO	MULLANEY ENGINEERING, INC. GAITHERSBURG, MARYLAND  <b>FIGURE 3</b> OCTOBER 2003
--	---

**FIGURE 4 - GENERAL AREA MAP  
GENOA, COLORADO**

**KSKX - Rule Making Petition**



Mullaney Engineering, Inc. - October 2003