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MAR - 9 1992

Federal Communications Commission
Office of the Secretary

March 9, 1992

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Comments and Counterproposal of
Schuyler H. Martin
FM Table of Allotments
Prineville, Oregon
MM Docket No. 92-3
RM-7874

Dear Ms. Searcy:

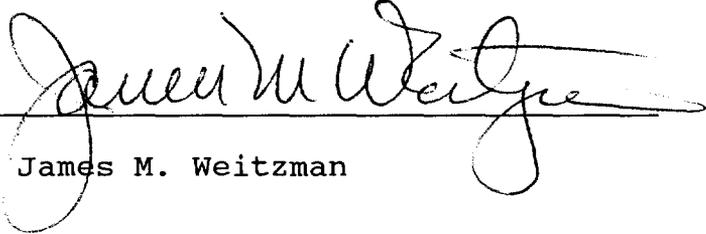
On behalf of Schuyler H. Martin, permittee of Radio Station KPXA(FM), Sisters, Oregon, there is transmitted herewith and filed an original and four copies of his Comments and Counterproposal in the above-referenced proceeding.

Should there be any questions concerning this matter, please contact the undersigned counsel.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER

By:


James M. Weitzman

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List A B C D E

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

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MAR - 9 1992

Federal Communications Commission
Office of the Secretary

In the Matter of)	MM Docket No. 92-3
)	
Amendment of Section 73.202(b),)	RM-7874
Table of Allotments,)	
FM Broadcast Stations.)	
(Prineville, Oregon))	

To: Assistant Chief, Allocations Branch

COMMENTS AND COUNTERPROPOSAL OF SCHUYLER H. MARTIN

1. Schuyler H. Martin, permittee of Radio Station KPXA(FM), Sisters, Oregon (FCC File No. BPH-891207MH), by his counsel, hereby submits his Comments and Counterproposal in the above-captioned proceeding.

2. The Notice of Proposed Rule Making released by the Commission on January 21, 1992 in the above-captioned matter ("NPRM") proposed allotting Channel 284A to Prineville, Oregon as its first local service in response to a Petition filed by Danjon, Inc.

3. Schuyler H. Martin objects to the proposed allotment as it will prevent the upgrade of his Class A station KPXA at Sisters, Oregon to a higher power Class C1 station on the same channel. The Channel 284A allotment at Prineville proposed in the NPRM would be mutually-exclusive with a change of the Sisters, Oregon allotment from Channel 281A to Channel 281C1.

4. Therefore, Mr. Martin hereby counterproposes that the Commission substitute Channel 271A for the proposed Channel 284A at Prineville and that the Commission substitute Channel 281C1

for Channel 281A at Sisters and modify the Construction Permit for KPXA accordingly.

5. The attached Engineering Statement of William F. Hammett, P.E. of the distinguished consulting firm of Hammett & Edison, Inc., San Francisco, California, herein demonstrates that Channel 271A can be allocated to Prineville with no site restriction whatsoever and in full conformance with the Commission's minimum distance separations set forth in Section 73.207. In contrast, the allotment of Channel 284A as proposed in the NPRM would have required a 12.3 km site restriction to protect two other stations.

6. Furthermore, Mr. Hammett's statement also confirms that in the event the Prineville allotment is changed to Channel 271A, Channel 281C1 can be substituted for Channel 281A at Sisters in full conformance with Commission minimum mileage separation and principal community coverage requirements.

7. Thus, both the substituted Prineville and upgraded Sisters channels proposed herein meet all pertinent Commission requirements, will eliminate the NPRM's Prineville site restriction and will make possible a wider-area broadcast service from Sisters. As such, it is eminently in the public interest.

8. Mr. Martin states that if the above-proposed changes are made, resulting in Channel 281C1 being allotted to Sisters, he will promptly file an application for modification of his Construction Permit and, when it is granted, will promptly commence construction of the higher powered facility.

9. Accordingly, Schuyler H. Martin proposes the following Amendment to the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, for the communities listed below, and the modification of his existing Construction Permit to allow construction and operation of KPXA on the higher powered channel:

<u>City</u>	<u>Present</u>	<u>Channel No.</u>	
		<u>NPRM</u>	<u>This Proposal</u>
Prineville, Oregon	--	284A	271A
Sisters, Oregon	281A	N/A	281C1

10. In light of the foregoing, Schuyler H. Martin respectfully requests that the Commission issue an Order consistent with this Counterproposal.

Respectfully submitted,

SCHUYLER H. MARTIN

By: _____

James M. Weitzman

Kaye, Scholer, Fierman, Hays & Handler
901 15th Street, N.W., Suite 1100
Washington, D.C. 20005
(202) 682-3536

His Counsel

March 9, 1992

**FM STATION KPXA
104.1 MHZ, CHANNEL 281C1
SISTERS, OREGON**

STATEMENT OF WILLIAM F. HAMMETT, CONSULTING ENGINEER

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Schuyler H. Martin, permittee of FM Station KPXA, to prepare an engineering statement in support of a counterproposal to MM Docket No. 92-3.

BACKGROUND

On January 21, 1992, the Commission issued a Notice of Proposed Rule Making, MM Docket No. 92-3, RM-7874, that proposed the allotment of FM Channel 284A to the community of Prineville, Oregon. The proposed allotment has a site restriction of 12.3 km southeast of Prineville in order to avoid short-spacings to FM Stations KMCQ, Channel 283C, The Dalles, Oregon, and KLCX, Channel 284C, Florence, Oregon.

ALLOCATION CONDITIONS

The allotment of Channel 284A to Prineville would prevent an upgrade of permitted FM Station KPXA, Channel 281A, Sisters, Oregon, to Class C1. As a result, it is proposed that Channel 271A be allotted to Prineville instead of Channel 284A, and that Channel 281C1 be substituted for Channel 281A at Sisters.

A study of the existing Table of Allotments indicates that Channel 271A could be allocated to Prineville, Oregon, North Latitude 44° 18' 24" West Longitude 120° 50' 36", with no site restriction required as in the present proposal, in full conformance with the separation distances given by the FCC Rules, as shown in the following table:

<u>Channel</u>	<u>Nearest Assignment, Allotment, or Application</u>	<u>Distance to Proposed Ch. 271A</u>	<u>FCC-Specified Required Distance</u>
217C2	KOAB-FM, Bend, OR	46.6 km	15 km
218C	KOPB-FM, Portland, OR	202.4	29
268C	KEJO, Corvallis, OR	170.7	95
269C3	KACA, Prosser, WA	225.8	42
270C	KINK, Portland, OR	202.1	165
271C	KPQ-FM, Wenatchee, WA	331.5	226
272A	KYYT, Goldendale, WA	166.1	72
273A	Proposed, Cottage Grove, OR	188.3	31
274C	KORD, Richland, WA	237.4	95

**FM STATION KPXA
104.1 MHZ, CHANNEL 281C1
SISTERS, OREGON**

In addition, a similar study shows that Channel 281C1 may be substituted for Channel 281A at Sisters, Oregon, at a site located at North Latitude 44° 04' 40" West Longitude 121° 19' 52", in full conformance with the separation distances given by the FCC Rules, as shown in the following table:

<u>Channel</u>	<u>Nearest Assignment, Allotment, or Application</u>	<u>Distance to Proposed Ch. 281C1</u>	<u>FCC-Specified Required Distance</u>
227C2	KTEL-FM, Walla Walla, WA	309.5 km	27 km
228A	KQIK-FM, Lakeview, OR	223.5	22
278C	KOPE, Medford, OR	241.2	105
279C	KIQY, Lebanon, OR	138.3	105
280C1	KYRE, Yreka, CA	293.9	177
281C	KXDD, Yakima, WA	280.3	270
282C2	KTRQ-FM, Tri City, OR	202.6	158
283C	KMCQ, The Dalles, OR	182.3	105
284C	KLCX, Florence, OR	178.0	105

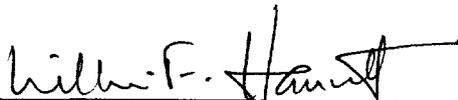
PRINCIPAL COMMUNITY SERVICE

Although the proposed site for the allotment of Channel 281C1 is approximately 30 kilometers south of the reference coordinates of Sisters, a Class C1 facility at this site would easily enclose the entire community of Sisters within its 70 dBu contour.

CONCLUSIONS

The substitution of Channel 271A for 284A at Prineville, Oregon, results in the elimination of the existing site restriction and can be made in full conformance with the FCC Rules. The existing allocation of Channel 281A to Sisters, Oregon, can then be upgraded to Channel 281C1 at the specified site in conformance with the FCC Rules.

HAMMETT & EDISON, INC.
Consulting Engineers



William F. Hammett, P.E.



March 2, 1992

AFFIDAVIT

State of California)
) ss:
County of San Mateo)

William F. Hammett, being first duly sworn upon oath, deposes and says:

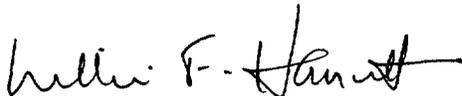
1. That he is a qualified Registered Professional Engineer, holds California Registrations Nos. E-013026 and M-020676, which expire on June 30, 1993, and is a principal in the firm of Hammett & Edison, Inc., Consulting Engineers, with offices located near the city of San Francisco, California,

2. That he graduated from Dartmouth College with a degree in Engineering Sciences in 1977 and from the University of Illinois with a degree of Master of Science in 1978, has completed two years of employment by the Standard Oil Company and five years by Dean Witter Reynolds in various engineering, computer, and management capacities, and has been associated with the firm of Hammett & Edison, Inc., since 1985,

3. That the firm of Hammett & Edison, Inc., Consulting Engineers, has been retained by Schuyler H. Martin, permittee of FM Station KXPA, to prepare an engineering statement in support of a counterproposal to MM Docket No. 92-3,

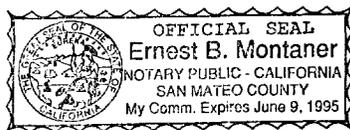
4. That such engineering work has been carried out by him or under his direction and that the results thereof are attached hereto and form a part of this affidavit, and

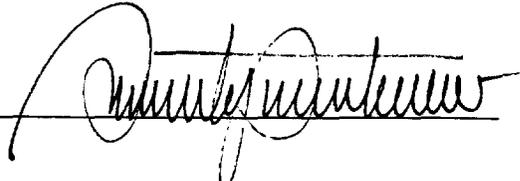
5. That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge except such statements made therein on information and belief, and as to such statements, he believes them to be true.



William F. Hammett, P.E.

Subscribed and sworn to before me this 2nd day of March, 1992



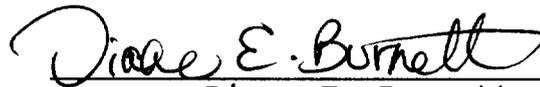


CERTIFICATE OF SERVICE

I, Diane E. Burnett, a secretary with the law firm of Kaye, Scholer, Fierman, Hays & Handler, do hereby certify that copies of the foregoing "Comments and Counterproposal of Schuyler H. Martin" were served by U.S. Mail, postage prepaid, this 9th day of March, 1992, to the following:

Mr. Michael C. Ruger*
Assistant Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W., Room 8318
Washington, D.C. 20554

Shelton M. Binstock, Esq.
Suite 703
1140 Connecticut Avenue, N.W.
Washington, D.C. 20036
(Counsel to Danjon, Inc.)



Diane E. Burnett

* / Hand-Delivered