

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

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APR 27 1992

In the Matter of)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Blacksburg and Roanoke, Virginia)
and Lewisburg, West Virginia))

Federal Communications Commission
Office of the Secretary

MM Docket No. 92-32
RM-7907

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

COMMENTS OF SUSAN D. BROWN

By Notice of Proposed Rule Making ("NPRM") released March 4, 1992, the Commission proposed to make changes in its Table of Allotments for FM Broadcast Stations, and particularly to substitute Channel 285C3 for Channel 287A at Roanoke, Virginia.

Susan D. Brown ("Brown") now holds a construction permit for Channel 287A at Roanoke and accordingly tenders these, her Comments, in the captioned proceeding.

1. The public interest will be served by the proposed substitution, in that through upgrade of her present channel to Channel 285C3, she will bring a new FM service to a multitude of listeners not reachable with a Class A facility; and in addition she will be in a better position to compete with existing Roanoke stations WPVR(FM), WSLQ(FM) and WXLK(FM), all full Class C facilities operating with 100 kw, 200 kw and 93 kw respectively.

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Consequently, Brown supports the proposed channel change regarding Roanoke.

2. Brown is presently engaged in construction of her station. She has taken specific steps to contract for the supply of a tower and antenna, and a transmitter. Brown's support of the channel changes proposed in the NPRM (for Blacksburg, Virginia, Lewisburg, West Virginia, as well as for Roanoke, Virginia), is predicated upon payment by petitioner (or an other station involved) of the expenses of Brown reasonably and prudently incurred in making the proposed channel change of her facility. Although Brown's application was granted by an Administrative Law Judge December 9, 1991, she did not receive a construction permit until April 14, 1992, a delay occasioned through no fault of her own. Accordingly, it is unreasonable for her to discontinue construction on the possibility that the channel changes set forth in the NPRM concerning Roanoke could be granted at some time in the future. Indeed, the Commission would take a dim view of foot-dragging on the part of Brown for the purpose of awaiting a final order in the captioned rule making proceeding.¹

Conclusion

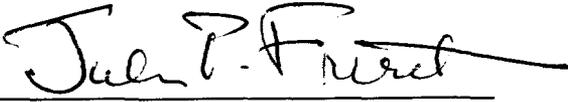
3. As set forth hereinabove, Brown supports the proposed channel change at Roanoke, whereby her facility would be upgraded

¹ If and when the Commission should issue a final order changing Brown's channel to 285C3, it would be advisable that such order specify which station should compensate Brown for her reasonable and prudent expenses, rather than direct that two or more stations share that expense, thus giving rise to squabbles of funds allocations, etc.

from Channel 287A to Channel 285C3 and urges that the Commission issue a Report and Order so amending its Table of Allotments.

Respectfully submitted,

SUSAN D. BROWN

By 
Julian P. Freret
Her Counsel

BOOTH, FRERET & IMLAY
1920 N Street, N. W.
Suite 150
Washington, D. C. 20036
(202) 296-9100

April 27, 1992

CERTIFICATE OF SERVICE

I, Margaret A. Ford, Office Manager of the law firm of Booth, Freret & Imlay, do certify that copies of the foregoing Comments of Susan D. Brown were mailed, postage prepaid, via U. S. Mail, this 27th day of April, 1992, to the offices of the following:

*Mr. Andrew Rhodes
Chief, Allocations Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, N. W., Room 8334
Washington, D. C. 20554

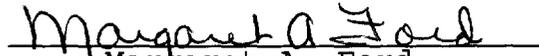
*Ms. Leslie Shapiro
Allocations Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, N. W., Room 8334
Washington, D. C. 20554

*Ms. Pamela Blumenthal
Allocations Branch
Mass Media Bureau
Federal Communications Commission
2025 M Street, N. W., Room 8308
Washington, D. C. 20554

Mr. Kenneth Bryant
Secretary-Treasurer
Seneca Broadcasting, Inc.
Post Office Box 610
White Sulphur Springs, WV 24986
WKCJ(FM) Radio Station

Mark J. Prak, Esquire
Tharrington, Smith & Hargrove
209 Fayetteville Street Mall
Post Office Box 1151
Raleigh, NC 27602
Counsel for Blacksburg-Christiansburg
Broadcasting Company

Elizabeth Clancy Hoehne
Vice President & Secretary
DJ Broadcasting, Inc.
Post Office Box 390
200 Frazier Road
Altavista, VA 24517


Margaret A. Ford

*Via Hand Delivery