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BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

MAR 4 - 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(Cadiz and Oak Grove, Kentucky))

MM Docket No. 93-314
RM-8396

To: Chief, Allocations Branch

REPLY COMMENTS OF SOUTHERN BROADCASTING CORPORATION

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Summary

Ham Broadcasting, Inc. seeks to demonstrate that the proposed Oak Grove allotment for Station WKDZ-FM deserves a first service allotment preference in spite of Oak Grove's presence within the Clarksville, Tennessee-Kentucky Urbanized Area. It attempts to show that Oak Grove is sufficiently independent of surrounding communities in the urbanized area to warrant such a preference. In support of its independence argument, Ham points out how Oak Grove has its own municipal government and is tied more to Christian County, Kentucky, than to Clarksville, Tennessee, the core city in the urbanized area.

Ham's factual showings are incomplete and misleading. They ignore Oak Grove's dependence upon Fort Campbell, the major facilities of which are included within the urbanized area. Oak Grove is dependent upon the Fort for jobs, business and health care. Further, Oak Grove officials rely upon the Fort to help meet emergencies and consider Oak Grove to be an integral part of the larger community that includes the Fort. The same officials rely on other neighboring jurisdictions, including Clarksville, for cooperation. Oak Grove is within the Clarksville-Hopkinsville advertising area and MSA. Further, Oak Grove is 26 times smaller and is contiguous to Clarksville. For all these reasons, Ham cannot receive a first service preference for Oak Grove.

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To: Chief, Allocations Branch

REPLY COMMENTS OF SOUTHERN BROADCASTING CORPORATION

Southern Broadcasting Corporation ("Southern"), licensee of Stations WABD and WCVQ(FM), Fort Campbell, Kentucky, hereby replies to the comments filed on February 18, 1994 by Ham Broadcasting, Inc. ("Ham"), the proponent of the reallocation proposed in this proceeding. In reply, the following is stated:

The principal argument included in Ham's comments is that Oak Grove, Kentucky is sufficiently independent from Clarksville, Tennessee, to warrant a Section 307(b) first service preference in spite of Oak Grove's presence within the Clarksville, Tennessee-Kentucky Urbanized Area. As shown below, many of Ham's conclusions are incorrect because they are based on inaccurate or incomplete data.

Proximity of Oak Grove to Clarksville. One of the factors considered in determining the "independence" of a suburban community is its proximity to the principal city in the urbanized area. On page 5 of its Comments, at note 7, Ham states that Oak Grove is "approximately 10 miles north of Clarksville". This is

not true. As the engineering statement of Carl E. Smith Consulting Engineers (Attachment 1) shows, Oak Grove and Clarksville are contiguous communities. The close proximity of the communities and the disparity in their populations (2863 vs. 75,494) are crucial in determining their interdependence. Indeed, evidence of common boundaries and a significant population disparity (here 26:1) determines how strong a showing a suburban community proponent must make to avoid a conclusion of interdependence. RKO General (KFRC), 5 FCC Rcd 3222, 3223 (1990). Given Oak Grove's presence within the urbanized area,^{1/} the great disparity in the populations of Oak Grove and Clarksville, and the fact the two communities are contiguous, Ham has a heavy burden to demonstrate that Oak Grove deserves a first service preference.

Gain Area Population. Ham points out that its proposal would result in gain area service to a total population of 184,928. Ham Comments, page 2. However, as the attached engineering statement shows, the gain area, when properly calculated, includes a population of 176,587. Of this total, 97,131, or 55%, reside within the Clarksville, Tennessee-Kentucky Urbanized Area. Attachment 1 (Narrative and Table 1). As shown in Southern's February 18, 1994 Comments, the urbanized area already has six radio stations. Moreover, as Ham admits (Ham Comments, page 3), the entire gain area already receives more than five aural

^{1/} Oak Grove also is within the Clarksville-Hopkinsville, Tennessee-Kentucky MSA. This is further evidence of the interdependence of the communities at issue here.

services. Thus, Ham's proposed upgrade of WKDZ-FM affords no cognizable benefits in terms of additional reception service. Instead, its large gain area population, concentrated as it is in the Clarksville Urbanized Area, shows that Ham's proposal is a "move-in" of the type the Commission discourages.

Other Evidence. In spite of the heavy burden it faces, Ham attempts to demonstrate through other evidence that Oak Grove is not interdependent with the other communities in the Clarksville, Tennessee-Kentucky Urbanized Area. As its format, Ham uses the eight independence "factors" listed in RKO, supra at 3223. Southern has the following comments on Ham's treatment of each such factor.

(1) The extent to which community residents work in the larger metropolitan area, rather than the specified community. Ham argues that 73% of Oak Grove's workforce is employed in Christian County, Oak Grove's home county. The implication is that Oak Grove is independent of the "larger metropolitan area." Ham's figures are misleading. As shown in the declaration of Southern's President, Thomas T. Cassetty (Attachment 2), the main gate, principal facilities and much of the housing at Fort Campbell, a U.S. Army base with a 1993 population of 22,378, is located in Christian County, Kentucky, adjacent to Oak Grove and within the Fort Campbell portion of the Clarksville, Tennessee-Kentucky Urbanized Area. Attachment 2, page 1 and Ex. 1. Mr. Cassetty has obtained the following information from Fort Campbell and from the

City of Oak Grove which indicates that most of Oak Grove residents work within the urbanized area at Fort Campbell:

- According to the post's telephone directory, 90% of Oak Grove's population consists of military personnel stationed at Fort Campbell. Att. 2, Ex. 2.
- The Oak Grove Comprehensive Plan (Exhibit 3 to Attachment 2) refers to the city as a "bedroom community" for the Fort. Att. 2, p. 1 (quoting Plan page 75).
- Oak Grove population growth is expected to be generated by military personnel who want to live close to work. Id., pp. 1-2 (quoting Plan page 90).
- The "majority" of the population of Oak Grove is military. Id. at p. 2 (quoting Plan page 94).
- Fort Campbell's main gate, which enters Oak Grove, has a daily traffic count of over 20,000 vehicles. Id. at p. 2 (quoting Plan page 98).
- Fort Campbell is "the largest industry in the area." Id. at p. 2 (quoting Plan page 104).

By avoiding any reference to Fort Campbell when discussing commuting to other communities within Christian County, Ham neatly sidesteps the fact most Oak Grove residents work at the Fort, the major facilities of which are within the Clarksville Urbanized Area.

(2) Whether the smaller community has its own newspaper or other media that covers the community's local needs and interests.

Ham admits Oak Grove citizens subscribe in equal numbers to the Hopkinsville and Clarksville newspapers. Ham Comments, page 8. With regard to other media serving the area, Ham states there are

five radio stations serving the Clarksville Urbanized Area, but none of them serves Oak Grove. Ham Comments, page 8. Southern pointed out in its Comments that there already are six, not five, stations licensed to the communities in the Clarksville Urbanized Area.^{2/} With regard to Oak Grove coverage, Mr. Cassetty points out that area radio stations provide public service announcements and cover news events pertaining to Oak Grove. Attachment 2, page 4. Mr. Cassetty attaches examples of such PSAs and news stories carried by Southern's stations.

(3) Whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area. Ham provides letters from the Mayor of Oak Grove and the County Judge Executive of Christian County indicating their respective jurisdictions' independence from Clarksville, Tennessee. Totally ignored is Oak Grove's relationship with Fort Campbell, also part of the Clarksville, Tennessee-Kentucky Urbanized Area.

Attachment 3 is a declaration of Sandi Lyne, Executive Director of the Oak Grove Chamber of Commerce. Ms. Lyne points out the many business ties between Oak Grove and Fort Campbell and discusses how the Oak Grove Chamber supports and participates in activities at Fort Campbell. Indeed, Ms. Lyne spends more than half of her working time on matters relating to Fort Campbell.

^{2/} These stations are WAPX-FM, WCTZ(AM), WDXN(AM) and WJCM(AM), all Clarksville, Tennessee; and Southern's stations, WABD(AM) and WCVQ(FM), Fort Campbell, Kentucky.

Attachment 4 is a letter from Oak Grove's Fire Chief, Robert M. Celing. Chief Celing discusses the close relationship between his fire department, which is 80% composed of personnel from Fort Campbell, and the Fort. He concludes his letter by saying, "Oak Grove, Ft. Campbell, Hopkinsville, and Clarksville are not separate, but one large community helping each other."

Exhibit 9 to Attachment 2 is a letter from the Chief of Police in Oak Grove, Milton D. Perry, explaining Oak Grove's relationships with Hopkinsville and Clarksville. With regard to Clarksville, Chief Perry points out that Oak Grove officers work "hand-in-hand" with the Clarksville police.

The cooperation between the Oak Grove Chamber, and its fire and police departments, with surrounding jurisdictions, and their leaders' perceptions of Oak Grove as part of the larger community, is further evidence of Oak Grove's interdependence with neighboring communities.

(4) Whether the specified community has its own local government and elected officials. While Oak Grove has its own mayor and city council, and is represented by state and federal officials different from those who represent Clarksville, this has relatively little significance since the same would be true of any incorporated community in an urbanized area that happens to be in another state. As shown herein, Oak Grove officials cooperate with surrounding jurisdictions and consider their city a part of a larger metro area.

(5) Whether the smaller community has its own telephone book provided by the local telephone company or zip code. Ham admits that Oak Grove does not have its own telephone directory, but maintains it is significant that the Christian County directory, which includes Oak Grove, does not include Clarksville. Again, the same would be true in most two-state metro areas, and should not be considered significant. Moreover, the Clarksville, Tennessee telephone directory lists Oak Grove as being included in the local toll-free calling area for Clarksville, and the Christian County directory similarly lists Clarksville. Attachment 2, Exhibit 5. Thus, regardless of the area codes used for long distance purposes, Oak Grove and Clarksville are in the same local calling area.

(6) Whether the community has its own commercial establishments, health facilities and transportation systems. While Oak Grove has some local businesses, the Oak Grove Comprehensive Plan makes it clear that local business, health care and transportation are dependent upon Fort Campbell, which, as shown above, is an integral part of the Clarksville, Tennessee-Kentucky Urbanized Area. The city plan states the military base has "a dominant effect on the social-economic development over the City." Attachment 2, Exhibit 2, page 75. The plan shows that commercial activity is primarily of a service retail nature and is concentrated near the gates of Fort Campbell. Id., page 79. Fort Campbell is identified as "an enormous mainstay" to the city economy and directly related to business prosperity. Id., page 115. According to the city plan, "Oak Grove is dependent upon Fort

Campbell and the related retailers who have established business to serve the Fort Campbell market." Id., page 115. Indeed, the Oak Grove Chamber of Commerce identifies the city as the "Gateway to Fort Campbell." Attachment 2, Exhibit 4.

As for the number of commercial establishments located in Oak Grove, Ham represents there are 233 "licensed to operate" in the community. As the attached letter from the City Clerk indicates, however, there are substantially fewer businesses actually located in Oak Grove. Attachment 5. And, as shown above, most of those are service businesses dependent on the soldiers stationed at Fort Campbell.

With regard to health care, the city plan states that the health care needs of Oak Grove citizens are largely taken care of by Fort Campbell medical facilities. Attachment 2, Exhibit 2, page 94. Similarly, the city plan states that the foundation of any transportation plan must take into account the location of the three gates to Fort Campbell that enter Oak Grove. Id., page 106.

Sandi Lyne, Executive Director of the Oak Grove Chamber of Commerce, reports she is "actively involved" in the Tennessee/Kentucky Chapter of the Association of the United States Army ("AUSA"). This organization promotes cooperation between the post and the communities that surround it, according to Ms. Lyne. Ms. Lyne attaches to her declaration a list of businesses that participate in the AUSA. The list demonstrates again that Fort Campbell binds together commercially the communities that surround it, including Oak Grove and Clarksville. Attachment 3.

This evidence, derived mostly from the City of Oak Grove, establishes quite plainly that most aspects of life in the city are dependent on Fort Campbell, and that the Fort is an integral part of the Clarksville Urbanized Area.

(7) The extent to which the specified community and the central city are part of the same advertising market. Ham argues that Oak Grove and Clarksville are not in the same advertising market due to the fact Arbitron publishes separate audience measurement surveys for Montgomery County, Tennessee, and Christian County, Kentucky. Ham Comments, page 13. Arbitron's survey methods are not determinative of this issue. In his declaration, Mr. Cassetty points out that Arbitron county-by-county surveying is standard procedure in smaller markets. Attachment 2, page 4. Southern simply buys both "books" in order to ascertain its market standing. Id.

Mr. Cassetty provides evidence that Oak Grove is, in fact, included in the Clarksville-Hopkinsville advertising market. Exhibit 6 to his declaration is a list of over 50 Oak Grove businesses which have advertised on Stations WABD/WCVQ during the past few years. Mr. Cassetty also points out that WCVQ, a 100 kw FM facility, provides city-grade service to the entire Clarksville-Hopkinsville market. Id., page 3.

Further evidence of a common advertising market is the existence of the Clarksville-Hopkinsville Ad Club. The club's brochure (Attachment 2, Exhibit 7) speaks of Clarksville/Hopkinsville as an "advertising community". The club includes representa-

tives of over 20 businesses in the Clarksville-Hopkinsville area, including all of the radio stations and newspapers. The club meets periodically to discuss matters affecting advertisers in the media in the Clarksville-Hopkinsville area. Mr. Cassetty points out that Oak Grove, with its concentration of military personnel and location between Clarksville and Hopkinsville, is an integral part of the larger market area. Attachment 2, pages 3-4.

(8) The extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries. While Oak Grove has its own police and fire departments, and provides some other basic municipal services, this does not mean that Oak Grove's governmental units operate independently of those in surrounding jurisdictions. Indeed, there is a high degree of cooperation among governmental organizations within the urbanized area. Exhibit 8 to Mr. Cassetty's declaration (Attachment 2) is a letter to the Commanding General of Fort Campbell signed by Oak Grove's mayor and published in the Fort Campbell Courier on February 24, 1994. It is a "thank you" for Fort Campbell's help to the City of Oak Grove during a recent ice storm. According to the letter, Fort Campbell personnel did much to alleviate problems caused by the storm.

Exhibit 9 to Mr. Cassetty's declaration is the letter from the Oak Grove police chief discussed above. According to the Chief, the relationship of his department with the Clarksville Police is "even closer" than its relationship with Kentucky police authorities due to Oak Grove's physical proximity to Clarksville.

Chief Perry states, "It is often just a matter of one phone call to have an officer from Clarksville meet with an Oak Grove unit to help settle a problem on or near the State line." According to the Chief, "Often detectives from both our City and Clarksville will work hand-in-hand to solve crimes that have occurred in each City." Attachment 2, Exhibit 9.

Attachment 4 is the letter from Robert M. Celing, Oak Grove's Fire Chief, referred to above. Chief Celing states, "If it were not for the Military personnel from Fort Campbell volunteering their time, we would not be operating today. Approximately 80% of our membership is on active duty and the other 20% are connected in some way with Fort Campbell." After citing other examples of support for his department from Fort Campbell, Chief Celing reports, "Hopkinsville and Clarksville also assist this City and this Department as a whole. Oak Grove, Fort Campbell, Hopkinsville, and Clarksville are not separate, but one large community helping each other."

As noted in Ham's Comments (page 15), Oak Grove does not have its own public schools or libraries.

The cooperation of Fort Campbell and Clarksville officials with Oak Grove, evidenced by the statements of Oak Grove's mayor, police chief and fire chief, indicates the type of interdependence that would be expected of neighboring communities in an urbanized area. Ham's attempt to discount this reality through a mere listing of Oak Grove's municipal departments is hollow and unconvincing.

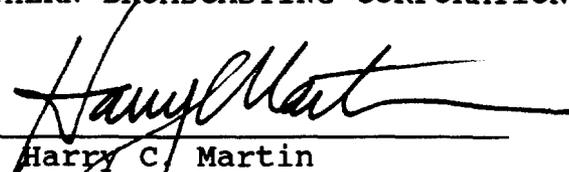
Conclusion

Based on the foregoing, it can be concluded that Oak Grove is interdependent with the other communities within the Clarksville Urbanized Area, particularly Fort Campbell. Indeed, Oak Grove is dependent on Fort Campbell for its commercial life and up to 90% of its population. Oak Grove community leaders and officials report a high degree of cooperation with their counterparts in Fort Campbell and Clarksville, and Oak Grove is at the geographic center of the Clarksville-Hopkinsville advertising market and MSA. As a community 26 times smaller than Clarksville, to which it is an appendage, Oak Grove cannot be deemed independent from the larger and well-served urbanized area of which it is an integral part. Ham has failed to meet its heavy burden of proving otherwise.

Respectfully submitted,

SOUTHERN BROADCASTING CORPORATION

By



Harry C. Martin

Its Counsel

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March 4, 1994

Attachment 1

Engineering Statement

ENGINEERING STATEMENT IN
SUPPORT OF REPLY COMMENTS
MM DOCKET 93-314
Southern Broadcasting Corp.
Fort Campbell, KY

March 2, 1994

Prepared for: Mr. Tom Cassetty, President
Southern Broadcasting Corp.
P.O. Box 2249
Clarksville, TN 37042-2249

CARL E. SMITH CONSULTING ENGINEERS

C O N T E N T S

Title Page

Contents

Engineering Affidavit

Engineering Statement

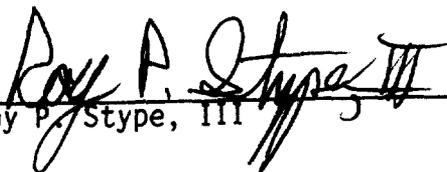
- Fig. 1.0 - Present and Proposed
WKDZ-FM Predicted
Service Contours
- Table 1.0 - Present and Proposed
WKDZ-FM Areas
and Populations
(1 mV/m Contour)
- Fig. 1.1 - Map Exhibit Depicting
City Limits of
Clarksville and Oak Grove

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)

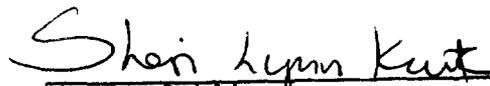
Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by the Southern Broadcasting Corporation to prepare the attached "Engineering Statement In Support of Reply Comments - MM Docket 93-314."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me this 2nd day of March, 1994.



Notary Public

SHERI LYNN KURTZ, Notary Public
For the State of Ohio
My Commission Expires June 14, 1995
Recorded in Summit County

/SEAL/

ENGINEERING STATEMENT

This engineering statement is prepared on behalf of the Southern Broadcasting Corporation, licensee of Radio Stations WABD(AM) and WCVQ (FM) - Fort Campbell, Kentucky. It supports reply comments in MM Docket 93-314, which proposes to substitute Channel 293C3 in Oak Grove, Kentucky, for Channel 292A in Cadiz, Kentucky, and modify the license of WKDZ-FM to specify operation on Channel 293C3 in Oak Grove.

Figure 1.0 is a map exhibit depicting the predicted 3.16 mV/m and 1 mV/m contours for both the present WKDZ-FM operation on Channel 292A and the proposed WKDZ-FM operation on Channel 293C3. Pursuant to FCC policy, all of these contours were projected assuming smooth earth, ignoring any terrain effects on these contours. The present contours assume nondirectional operation with an effective radiated power of 3 kilowatts at 100 meters above average terrain. The proposed contours assume nondirectional operation with an effective radiated power of 25 kilowatts at 100 meters above average terrain. Also shown in this figure are the boundaries of the Clarksville Urbanized Area, as extracted from the 1990 U.S. Census. As shown in this figure, this urbanized area, which includes the entire city of Oak Grove, falls totally within the 1 mV/m contour for the proposed operation of WKDZ-FM. Furthermore, the 3.16 mV/m contour for this proposed operation will encompass 58% of this urbanized area, including 50% of Clarksville itself.

Table 1.0 is a tabulation of the present and proposed areas and populations, as well as those of the loss and gain areas for this proposed allotment change. All areas were measured utilizing a calibrated polar planimeter. Population figures were extracted from the 1990 U.S. Census and assume uniform population distribution within each minor civil

division. As shown in this table, 55% of the population within the gain area represents the population of this urbanized area.

Finally, Figure 1.1 is a map exhibit depicting the city limits of Clarksville and Oak Grove, as extracted from the 1990 U.S. Census. As shown in this figure, Oak Grove is contiguous to Clarksville, sharing a common boundary.

TABLE 1.0

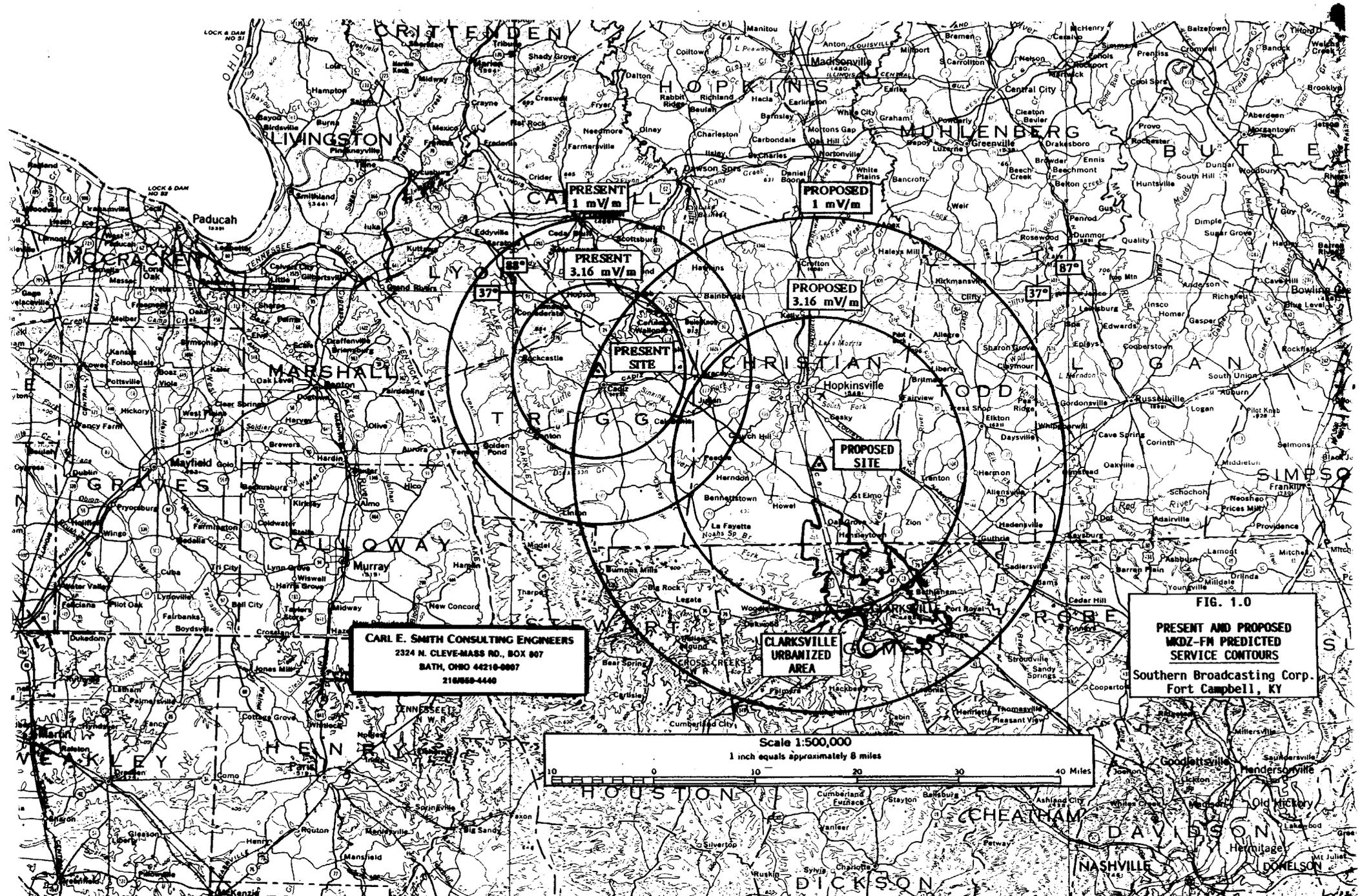
PRESENT AND PROPOSED
WKDZ-FM AREAS
AND POPULATIONS
(1 mV/m CONTOUR)

Southern Broadcasting Corp.
Fort Campbell, KY

	Area (square kilometers)	Population
Present	1840	16,335
Gain*	3961	176,587
Loss	998	7065
Proposed	4803	185,857
Net Gain	2963	169,522

*226 square kilometers of gain area containing 97,131 persons
lie within the Clarksville Urbanized Area.

All population data from 1990 U.S. Census.

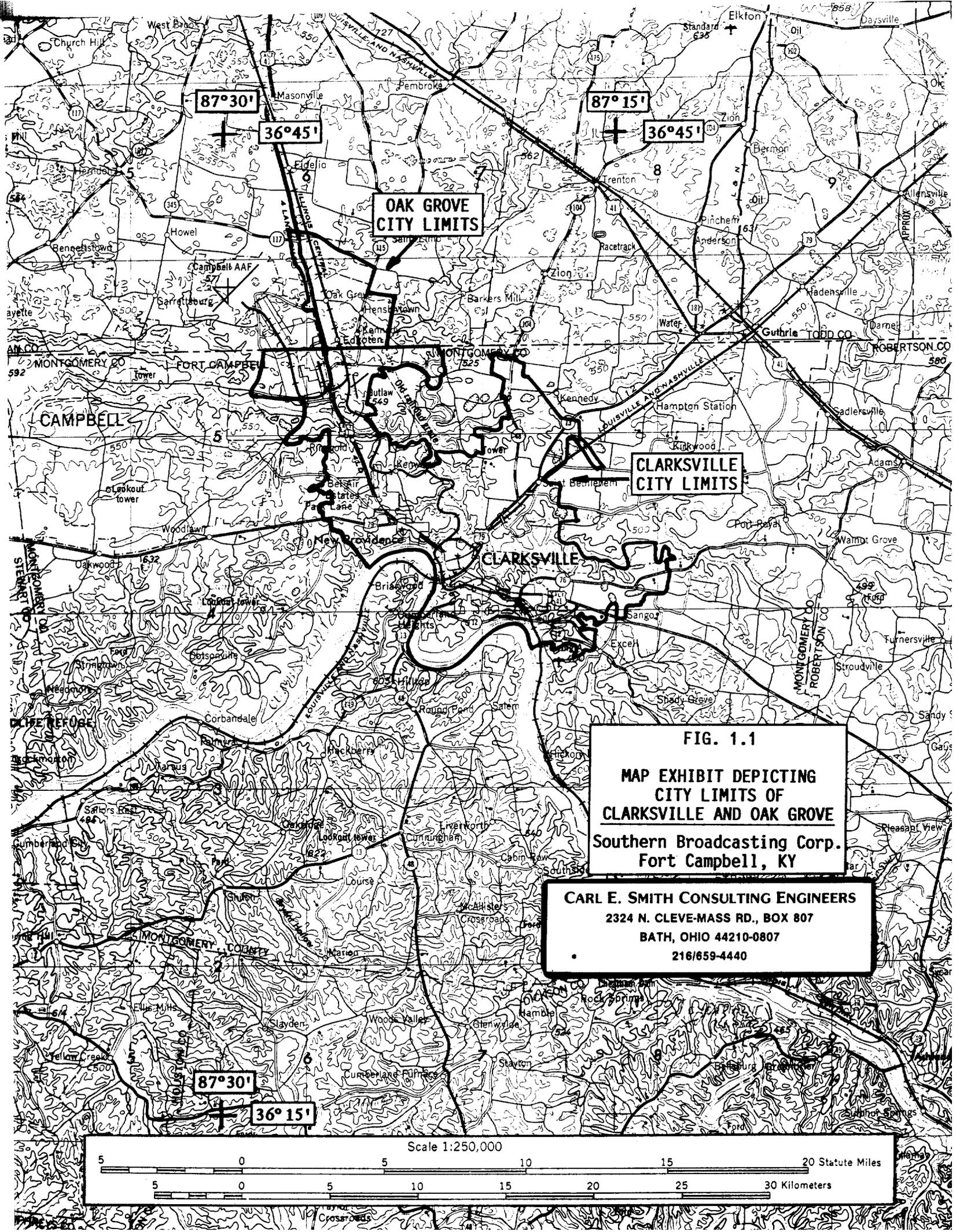


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**CLARKVILLE
 URBANIZED
 AREA**

FIG. 1.0
**PRESENT AND PROPOSED
 500K-FM PREDICTED
 SERVICE CONTOURS**
 Southern Broadcasting Corp.
 Fort Campbell, KY

Scale 1:500,000
 1 inch equals approximately 8 miles



87°30'
36°45'

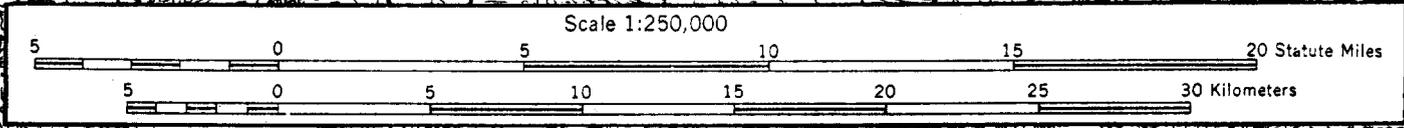
87°15'
36°45'

**OAK GROVE
CITY LIMITS**

**CLARKSVILLE
CITY LIMITS**

FIG. 1.1
**MAP EXHIBIT DEPICTING
CITY LIMITS OF
CLARKSVILLE AND OAK GROVE**
Southern Broadcasting Corp.
Fort Campbell, KY

CARL E. SMITH CONSULTING ENGINEERS
2324 N. CLEVE-MASS RD., BOX 807
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Declaration of Thomas T. Cassetty