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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

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

In the Matter of) MM Docket No. 94-70
)
Amendment of section 73.202(b)) RM-8474
Table of Allotments) RM-_____
FM Broadcast Stations)
(Moncks Corner, Kiawah Island)
and Sampit, South Carolina)

DOCKET FILE COPY ORIGINAL

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

COMMENTS AND COUNTERPROPOSAL
OF
SAMPIT BROADCASTERS

Sampit Broadcasters ("SB"), by its attorneys, hereby submits its Comments and Counterproposal in the above-captioned rule making proceeding. At the request of Ceder Carolina Limited Partnership ("Ceder")¹, by Notice of Proposed Rulemaking, DA 94-680, ___FCC Rcd___, released July 5, 1994, the Commission proposed to delete FM Channel 287C3 from Moncks Corner, South Carolina, and to allot Channel 288C2 to Kiawah Island, South Carolina. Since Channel 287C3 is currently occupied by WJYQ(FM), Ceder asked that WJYQ's outstanding construction permit be modified for operation on Channel 288C2 at Kiawah Island. The Commission established August 26, 1994, as the date for filing comments and counterproposals, so this pleading is timely filed.

¹ At the time Ceder filed its Petition for Rule Making on May 6, 1994, it was licensee of WJYQ(FM), Moncks Corner, South Carolina. The license has since been involuntarily assigned to Orville Ronald Brandon, Receiver (See File No. BALH-940707GE). To the best of counsel's knowledge, WJYQ is currently silent.

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COUNTERPROPOSAL

SB proposes herein to allot Channel 288A to Kiawah Island, Channel 287A to Moncks Corner, and Channel 289A to Sampit, South Carolina. This counterproposal would accomplish Ceder's goal of providing first service to Kiawah Island, would not deprive Moncks Corner of service, and would provide first local service to Sampit. Attachment 1 is a Technical Statement prepared by Bromo Communications, Inc., that supports this counterproposal and provides technical data. It shows that the allotments described herein can be made consistent with the Commission's allocation rules. Herein, SB points out the highlights of the Technical Statement.

PROBLEMS IN THE CEDER PROPOSAL

Lack of a Usable Site. The Technical Statement reveals that Ceder's proposed site is located in a tidal marsh and is in close proximity to the Charleston Executive Airport where towers are highly likely to be restricted to an unusable height. The Technical Statement shows that from anywhere in the Channel 288C2 usable allotment area, tower height would be severely limited due to aeronautical and environmental constraints. In Ocracoke, Edenton, Columbia, Pine Knoll Shores, North Carolina, 9 FCC Rcd 2011 (May 2, 1994), the Commission refused to substitute Channel 273C1 for Channel 273C2 at Edenton because the proposed transmitter site was located "in an isolated, low lying swampy area," where it "would be very difficult, if not impossible, to construct any tower...." The Commission said "It is Commission policy not to allot channels unless compliance with the Commission's technical requirements can be shown at the rule making stage to avoid the allotment of

substandard frequencies. *See Wilmington, North Carolina, et al.*, 6 FCC Rcd 6969 (1991)."

Location of Site in Charleston Urbanized Area. The Technical Statement shows that while neither the communities of Kiawah Island nor Moncks Corner are in the Charleston Urbanized Area, the transmitter site selected by Ceder is. This raises a presumption that the Ceder proposal is actually for Charleston and not for Kiawah Island.

Inefficient Use of Frequency. Ceder proposes a Class C2 (50,000 watt) FM station to serve the 718 permanent residents of Kiawah Island. This would be a grossly inefficient use of the frequency. As shown in the Technical Exhibit, Channel 288A can be allotted to Kiawah Island and provide more than adequate service to its residents. Kiawah Island is a resort community south of Charleston. Attachment 2 is a copy of a brochure prepared and distributed by Kiawah Island Resort. It shows the type of community Kiawah Island is. It is not a large, bustling, commercial center that would ordinarily merit a high-power FM station. On the contrary, it is a resort best served by a Class A station.

PUBLIC INTEREST MATTERS

Kiawah Island and Moncks Corner. This must be *deja vu* for the Allocations Branch, since the Commission had a previous occasion to reject Ceder's proposal to allot Channel 287C2 to Kiawah Island. In Blackville, Branchville, Estill, Georgetown, Kiawah Island, Moncks Corner, and Walterboro, South Carolina and Richmond Hill, Georgia, 7 FCC Rcd 6522 (October 7, 1992), the Commission found that Kiawah Island was a community for allotment purposes, but stated:

"The public has a legitimate expectation that existing service will continue, and this expectation is a factor we must weigh independently against the service benefits that may result from reallocating a channel from one community to another."

See Community of License MO&O, 5 FCC Rcd at 7097 (1990); *see also Report and Order (Eatonton and Sandy Springs, Georgia; Anniston and Lineville, Alabama)*, 6 FCC Rcd 6580 (1991), *app. for rev. pend.*; *Ravenswood and Williamstown, West Virginia*, (MM Docket No. 91-175), 7 FCC Rcd 5116, (released August 11, 1992). (See DA 92-974)

The Commission analyzed the benefits to the public from allotting Channel 288C2 to Kiawah Island or allotting Channel 287C3 to Moncks Corner and settled upon Moncks Corner since WJYQ would provide wide coverage area FM service. The Commission decried the loss of reception service to 22,000 persons and the loss of the sole competitive transmission service to a community of 5,607 persons. These factors outweighed the provision of a first local service to a community of 718 persons. Although Ceder has attempted to address one of the Commission's concerns by moving its proposed site closer to Moncks Corner, its most recent proposal does not address the loss of the sole competitive transmission service.

SB's Counterproposal seeks a middle ground. It would provide the first local service to Kiawah Island sought by Ceder, and would retain a competitive transmission service for Moncks Corner.

As SB does not express an interest in operating a station at Moncks Corner, the Commission may elect not to allot channel 287A to the community. However, SB's Counterproposal would result in a preferential arrangement of allotments.

Sampit, South Carolina. This counterproposal seeks the allotment to Sampit, South Carolina, of FM Channel 289A, as its first local service. If allotted, SB (or a

company in which a principal of SB has an interest) will promptly apply for a construction permit for a new FM station on Channel 289A at Sampit, and if granted, will promptly construct a station on the channel. As set out in Exhibits 4B and 4C to the Technical Statement, SB believes Sampit is a community for allotment purposes. Counsel has been informed by SB that Sampit contains businesses and organizations that further support this conclusion. A list is attached as Attachment 3.

ANALYSIS UNDER ALLOTMENT CRITERIA

Under *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982), the Commission must apply the following allotment priorities:

- (1) First full-time aural service;
 - (2) Second full-time aural service;
 - (3) First local aural service;
 - (4) Other Public Interest Matters.
- (Priorities (2) and (3) are given equal weight.)

Here there is no issue involving Priorities (1) and (2), so the matter must be resolved based upon Priorities (3) and (4). Ceder's proposal removes the sole competitive voice from Moncks Corner and provides first local service to Kiawah Island. SB's counterproposal leaves the sole competitive voice in Moncks Corner and provides first local service to two communities, instead of only one. Clearly, SB's counterproposal is preferred to Ceder's under the above-referenced allotment priorities.

SUMMARY

In sum, SB respectfully requests the Commission to amend Section 73.202 of the Rules as follows:

Community
(All South Carolina)

Present

Proposed

Moncks Corner
Kiawah Island
Sampit

287C3

--

--

287A

288A

289A

Respectfully submitted,

SAMPIT BROADCASTERS



By:

Gary S. Smithwick
Its Attorney

SMITHWICK & BELENDIUK, P.C.

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Suite 510

Washington, D.C. 20036

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August 26, 1994

ATTACHMENT 1

COUNTER PROPOSAL
NPRM MM Doc No. 94-70 (RM-8474)
Sampit Broadcasters
Sampit, Moncks Corner &
Kiawah Island, South Carolina
August 1994

Technical Exhibit
TE-1

BROMO
COMMUNICATIONS, INC.
P. O. Box 1588
Clayton, Georgia 30525-1588
(706) 782-7222

COUNTER PROPOSAL
NPRM MM Doc No. 94-70 (RM-8474)
Sampit Broadcasters
Sampit, Moncks Corner &
Kiawah Island, SC
August 1994

INTRODUCTION

This Technical Exhibit supports the Counter Proposal by Sampit Broadcasters ("**SB**") to the Notice of Proposed Rulemaking ("**NPRM**"), *MM Doc No. 94-70, RM-8474*. This **NPRM** is the result of a proposal by Ceder Carolina Limited Partnership ("**Petitioner**") which proposes to substitute channel 288C2 to Kiawah Island, South Carolina for Channel 287C3 at Moncks Corner, South Carolina. The substitution of these channels will provide Kiawah Island (population 718) with its first local service and would delete the only full-time local service from Moncks Corner (population 5,607). Moncks Corner would be served by daytime only WMCJ-AM (950 kHz, 0.5 kW).

This counter proposal will continue full-time local service to Moncks Corner, establish first local service to Kiawah Island and establish first local service to Sampit Community. **SB** proposes to substitute Channel 288A at Kiawah Island for Channel 287C3 at Moncks Corner, add Channel 287A to Moncks Corner and add Channel 289A to Sampit all South Carolina. This proposal is a more efficient use of spectrum space and is in the public interest. Each of these channels can be allocated meeting FM spacing under §73.207(b) and satisfy the requirements of §73.315(a) (b) providing a 3.16 mV/m or greater signal over the entire proposed community of license.

FLAWED SITE

The **Petitioner's** site has two major flaws. First the **Petitioner** located the site in a tidal marsh (see **Exhibit #1**). This location is not suited for a broadcast tower or for any other structure. This site is under water during times of high tide. Second the proposed site is located 2,400 meters (1.5 miles) north of the Charleston Executive Airport. Although we did not conduct an aeronautical study, our previous experience with the Federal Aviation Administration has shown that a tower of over 30 meters (100 feet) tall could not be located in an area this close to an airport. Maximum Class C2 facilities have a height above average terrain of 150 meters (492 feet). The usable area where Channel 288C2 can be located and not create short spacing under §73.207 is limited, with the center of the usable area being the airport. The usable area is primarily comprised of the airport, the Stono River, the Atlantic Ocean and associated tidal marshland. If a site were selected utilizing §73.215 of the Commission's Rules, the Class C2 signal would be limited in the direction of the short spaced facility. If a transmitter site were selected south of the **NPRM** site, then even more of its signal would be lost in the Atlantic Ocean. We determined, by polar planimeter, that from the proposed site only 48% of the Class C2 signal would be over land area with the remainder over uninhabitable marshes, rivers and the Atlantic Ocean. From anywhere in the usable area the tower height will be severely limited due to both aeronautical and environmental constraints. It would be a shame to waste Class C2 spectrum space under such conditions. **SB** does not believe this proposal is in the public's interest.

CHARLESTON URBANIZED AREA

The *Petitioner* states that neither Kiawah Island nor Moncks Corner are located in the Charleston Urbanized Area. This is true, however, the *Petitioner* proposed a transmitter/antenna site on the east side of Stono River (see Exhibit #1). This site is within the Charleston Urbanized Area. US Census maps consider everything east of the Stono River in the Charleston Urbanized Area. Since the proposed site is located in the Urbanized Area it is clear that this proposal is for another Charleston FM station instead of new local service to Kiawah Island.

In a similar situation (see MM Docket No. 93-214) the Commission denied a petition to upgrade a facility since the proposed coordinates are located in an isolated, low lying swampy area.... The Commission stated they confirmed the proposed site is in a swamp area and "*It is Commission policy not to allot channels unless compliance with the Commission's technical requirements can be shown at the rule making stage to avoid the allotment of substandard frequencies.*" **SB** contends the allotment of Channel 288C2 at Kiawah Island will be substandard.

WHY USE A CLASS C2 WHEN A CLASS A WILL DO?

The *Petitioner* requested a Class C2 facility to provide service to the 718 persons on Kiawah Island. This is not unlike using a sledge hammer to drive a tack. Kiawah Island is a restricted resort community with political town boundaries. Kiawah Island, as one might expect, is an island completely surrounded by water making up its natural boundaries. A Class C2 facility is not required to provide this community with service. We show in Exhibit #2 where Channel 288 Class A can be assigned and located on Kiawah Island. A Class A facility more than provides 3.16 mV/m city grade service to all of Kiawah Island. If the *Petitioner* truly wishes to provide local service to Kiawah Island (and not to Charleston as it has implied) then it will not have any objection to this counter proposal.

SAME REQUEST, SECOND TIME

This is not the first time the Commission has considered this same request by the same *Petitioner*. In the *Second Report and Order, MM Docket No. 91-127, adopted September 22, 1992 and released October 7, 1992*, the Commission considered the issue of either assigning Channel 287C3 to Moncks Corner or assigning Channel 288C2 to Kiawah Island. The Commission chose to continue service to Moncks Corner by assigning Channel 287C3. The Commission stated in this order "The public has a legitimate expectation that existing service will continue, and this expectation is a factor we must weigh independently against the service benefits that may result from reallocating a channel from one community to another." In September 1992, the Commission denied the *Petitioner's* request to substitute Channel 288C2 for Channel 288A at Moncks Corner and instead substituted Channel 287C3 at Moncks Corner for Channel 288A. We see the latest petition as a simple "re-hash" of the original proposal.

COVERAGE AREAS AND POPULATIONS

The *Petitioner* compared the area covered and population of the proposed Class C2 facilities and the WJYQ Class A facility at Moncks Corner. The comparison should have been between the proposed Class C2 and the WJYQ construction permit Class C3 facilities. However, we feel it is impossible to compare this issue on area and population gained or lost. As we stated earlier, the proposed site will not allow a maximum Class C2 facility. Since the

reference site cannot be used and it is unclear whether or if a maximum Class C2 facility can be constructed, we cannot determine the size of the 1.0 mV/m contour. Even if a site is found that will allow 50 kW ERP with a 150 meter height above average terrain, the 1.0 mV/m contour will be greatly limited by oceans, marshes, airports and restrictions from short spaced facilities under §73.215.

CHANNEL 288A - KIAWAH ISLAND

Exhibit #2 shows Channel 288A can be allocated to Kiawah Island, SC. We selected a site at *North Latitude 32° 35' 45"*, *West Longitude 80° 07' 05"*. This location is on Kiawah Island and from this location a 3.16 mV/m or greater signal will be provided for all of the island. About half of the proposed Class A 1.0 mV/m contour will be wasted in the Atlantic Ocean. However, **SB** feels it is better to waste half of a Class A signal rather than wasting half of a Class C2 facility. This is especially true when the proposed Class C2 will block two other Class A allotments. It has already been determined that Kiawah Island is a community deserving of service, thus, we will not re-visit that issue.

CHANNEL 287A - MONCKS CORNER

SB proposes to continue full-time local service to Moncks Corner with Channel 287A. We used a reference site at *North Latitude 33° 14' 20"*, *West Longitude 79° 57' 35"*. This channel can be allotted to Moncks Corner at this site and provide service to 100% of the community with a 3.16 mV/m or greater signal (see **Exhibit #3**). WJYQ was ordered to Channel 287C3; this facility has never been built. Thus, the public should have no expectation of the continuation of Class C3 service as they have never had this service in the first place. However, the public does have the right to expect to continue what they have had since 1969, which is a full-time Class A FM station.

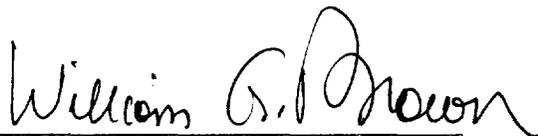
CHANNEL 289A - SAMPIT

It is further proposed to add Channel 289A to Sampit Community as that community's first local service. Channel 289A can be assigned to this community meeting all of the spacing rules under §73.207 (a)(b) and providing the entire community with a 3.16 mV/m or greater coverage. We proposed a reference site at *North Latitude 33° 18' 20"*, *West Longitude 79° 25' 00"*. This community is not incorporated thus the community boundaries are indefinite and subject to interpretation. **Exhibit #4B and #4C** is information received from the Georgetown County Planning Commission ("**GCPC**"). The **GCPC** states the population of Sampit Community is 2,607 persons. The community has a defined center with a commercial core along US Highway 17-A. There are numerous churches and schools in the community. In addition, the Sampit Community Organization, Inc. represents the community. This organization works with and provides input to the various governmental organizations including the Georgetown County Government and the **GCPC**. The map shown in **Exhibit #4C** was furnished by the combined efforts of the **GCPC** and the Sampit Community Organization, Inc. It was stated by the Assistant Planning Director that the size of the **Exhibit #4C** map was liberally drawn. We interpolated this map on **Exhibit #4** which shows the proposed site of Channel 289A at Sampit and the proposed 3.16 mV/m contour. From this information and other information contained in this counter proposal, **SB** feels Sampit Community is deserving FM service. If this channel is assigned to Sampit, **SB** will tender a timely application for a construction permit of this facility and will construct the facility if authorized.

CONCLUSION

It is proposed to amend the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, for the communities listed below, to read as follows:

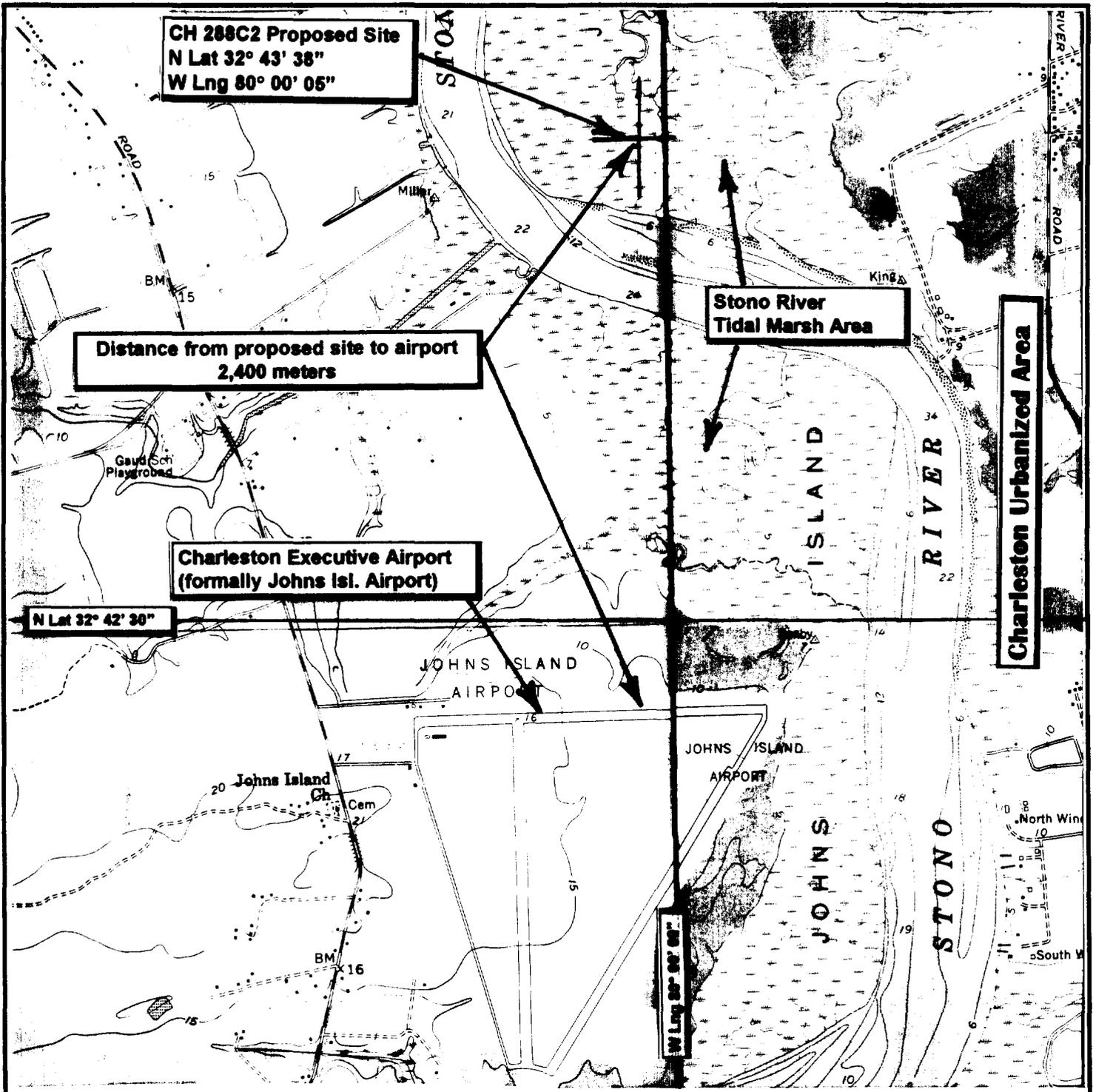
| COMMUNITY | PRESENT | PROPOSED by SB | PROPOSED by <i>Petitioner</i> |
|-------------------|----------------|---------------------------|--|
| Moncks Corner, SC | 287C3 | 287A | ----- |
| Kiawah Island, SC | --- | 288A | 288C2 |
| Sampit, SC | --- | 289A | ----- |



William G. Brown
Bromo Communications, Inc.

August 25, 1994

Date



Proposed CH 289C2 Kiawah Island

Please Note:

All of the area east of the Stono River is inside the Charleston Urbanized Area. Thus the Proposed Site in the Charleston Urbanized Area.

Exhibit #1

COUNTER PROPOSAL

NPRM MM Dec No. 94-70 (RM-8474)

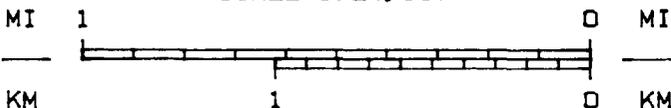
Sampit Broadcasters

Sampit, Moncks Corner &

Kiawah Island, SC

August 1994

SCALE 1:24,000



BROMO
COMMUNICATIONS

BROADCAST
 TECHNICAL CONSULTANTS

St Simons Island, Georgia

Washington, D.C.

BROMO COMMUNICATIONS INC
 Broadcast Telecommunications Consultants
 (706) 782-7222 - (202) 429-0600

NPRM MM Doc No. 94-70 (RM-8474)
Assign CH 288C2 - Kiawah Isl., SC
Delete CH 287C3 - Moncks Corner, SC

REFERENCE
 32° 43' 38" N
 80° 00' 05" W

CLASS C2
Current rules spacings

DISPLAY DATES
 DATA 07-28-94
 SEARCH 08-22-94

----- CHANNEL 288 -105.5 MHz -----

| CALL | CH# | CITY | STATE | BEAR' | D-KM | R-KM | MARGIN |
|--------------|--------------|----------------------|-----------|-------------|--------------|--------------|----------------------------|
| AD288 | 288C2 | Kiawah Island | SC | 0.0 | 0.00 | 190.0 | -190.00¹ |
| WJYQ | 288A | Moncks Corner | SC | 355.8 | 40.68 | 166.0 | -125.32 ^{2*} |
| WJYQ.C | 287C3 | Moncks Corner | SC | 355.8 | 40.68 | 117.0 | -76.32 ^{3*} |
| WDAR | 288C3 | Darlington | SC | 3.4 | 176.54 | 177.0 | -0.46 * |
| WZNY | 289C | Augusta | GA | 294.2 | 188.01 | 188.0 | 0.01 < |
| WNMB | 288A | N. Myrtle Bch | SC | 43.3 | 166.93 | 166.0 | 0.93 < |
| PRM | 287A | Moncks Corner | SC | 3.9 | 56.88 | 166.0 | -109.12⁴ |
| PRM | 289A | Sampit | SC | 40.4 | 84.25 | 106.0 | -21.75⁵ |

EXHIBIT #1A
COUNTER PROPOSAL
NPRM MM Doc No. 94-70 (RM-8474)
Sampit Broadcasters
Sampit, Moncks Corner &
Kiawah Island, SC

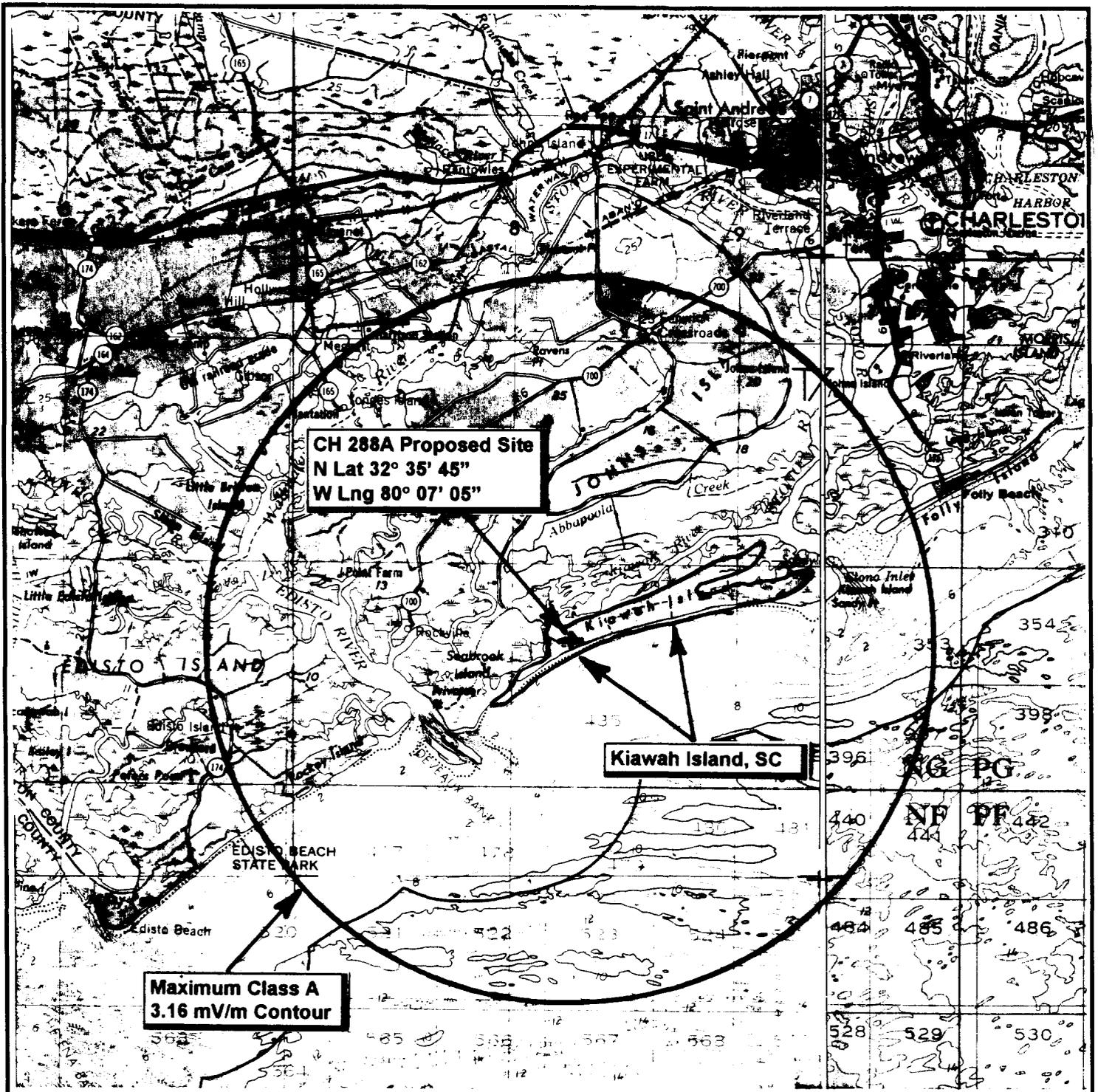
¹ Proposed in MM Docket No. 94-70 (RM-8474) to substitute Channel 288C2 at Kiawah Island for Channel 287C3 at Moncks Corner

² WJYQ is licensed to Channel 288A however the station is currently dark.

³ WJYQ has been ordered to Channel 287C3 (MM Docket 91-127, RM-7445) a construction permit was issued per FCC release #21713 9/3/93 (BPH-930511B). To this date this facility remains unbuilt.

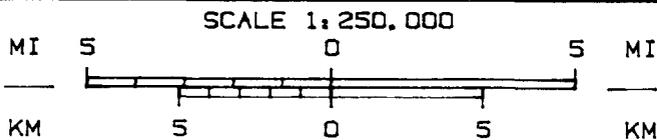
⁴ Entry shown to illustrate where the assignment of Channel 288C2 at Kiawah Island would prohibit CH 287A at Moncks Corner.

⁵ Entry shown to illustrate where the assignment of Channel 288C2 at Kiawah Island would prohibit CH 289A at Sampit.

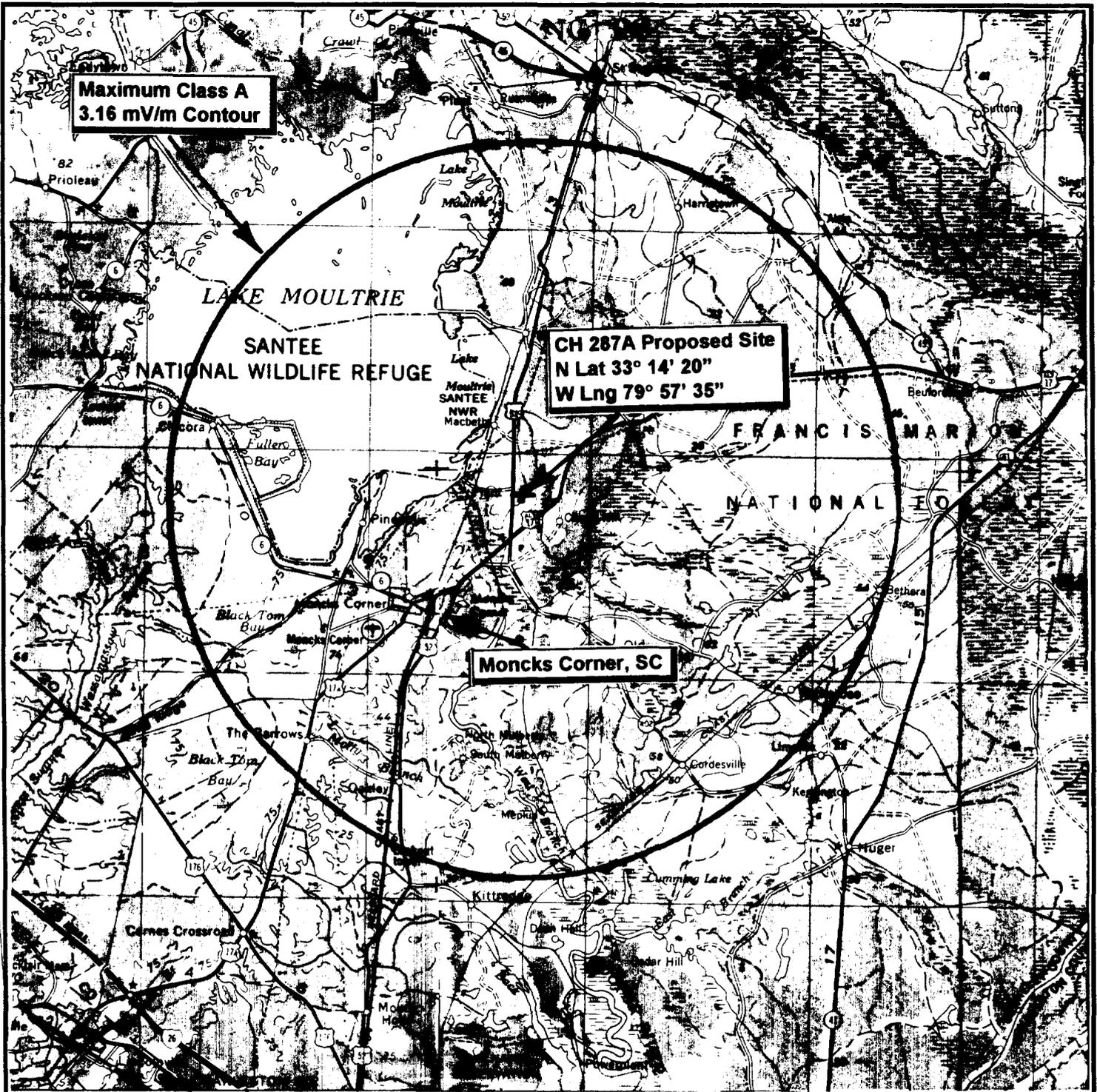


Proposed CH 288A City Grade Contour

Exhibit #2
COUNTER PROPOSAL
 NPRM MM Dec No. 94-70 (RM-8474)
 Sampit Broadcasters
 Sampit, Moncks Corner &
 Kiawah Island, SC
 August 1994



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 St Simons Island, Georgia Washington, D.C.



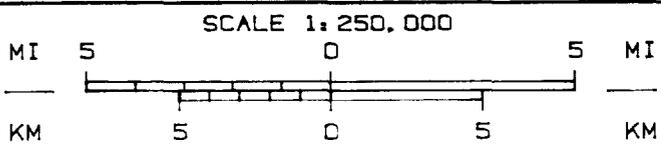
**Maximum Class A
3.16 mV/m Contour**

**CH 287A Proposed Site
N Lat 33° 14' 20"
W Lng 79° 57' 35"**

Moncks Corner, SC

Proposed CH 287A City Grade Contour

**Exhibit #3
COUNTER PROPOSAL
NPRM MM Doc No. 94-70 (RM-8474)
Sampit Broadcasters
Sampit, Moncks Corner &
Kiawah Island, SC
August 1994**



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ALLOCATION STUDY
Counter Proposal to Assign CH 287A
Moncks Corner, SC

REFERENCE
 33° 14' 20" N
 79° 57' 35" W

CLASS A
Current rules spacings

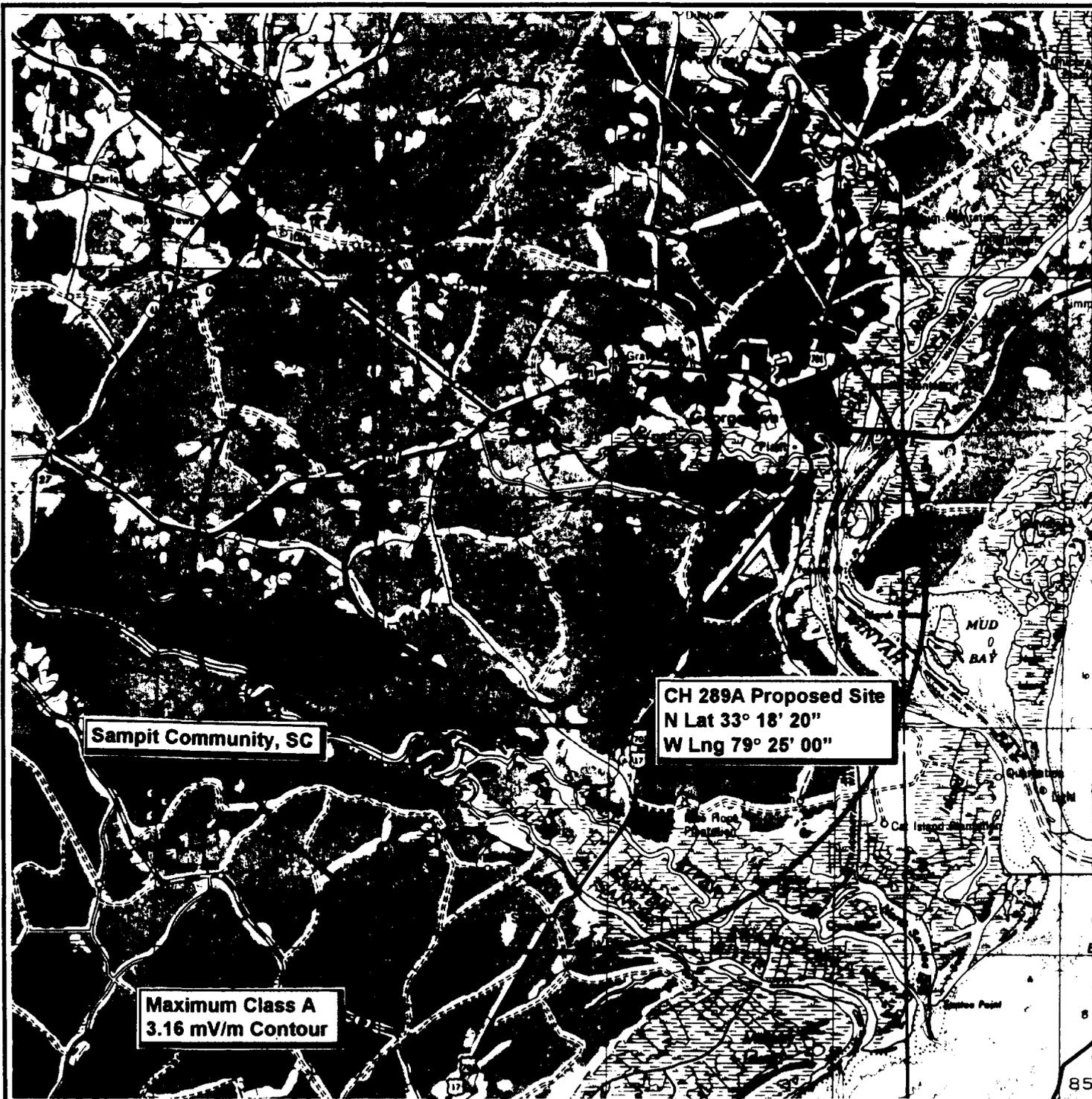
DISPLAY DATES
 DATA 07-28-94
 SEARCH 08-22-94

----- CHANNEL 287 -105.3 MHz -----

| CALL | CH# | CITY | STATE | BEAR' | D-KM | R-KM | MARGIN |
|-----------------|-----|----------------------|-----------|--------------|--------------|--------------|-----------------------------|
| PRM 287A | | Moncks Corner | SC | 0.0 | 0.00 | 115.0 | -115.00^{1*} |
| PRM 288A | | Kiawah Island | SC | 191.7 | 72.84 | 72.0 | 0.84^{1<} |
| WRHA.A 286A | | Johnsonville | SC | 29.1 | 73.31 | 72.0 | 1.31 < |
| WRHA.C 286A | | Johnsonville | SC | 37.2 | 75.76 | 72.0 | 3.76 |
| WGFG.C 286A | | Branchville | SC | 272.8 | 81.71 | 72.0 | 9.71 |
| PRM 289A | | Sampit | SC | 81.7 | 51.13 | 31.0 | 20.13¹ |
| WRHQ 287C3 | | Richmond Hill | GA | 219.6 | 171.40 | 142.0 | 29.40 |
| WWIR.C 287A | | Fair Bluff | NC | 33.0 | 145.58 | 115.0 | 30.58 |
| WDAR 288C3 | | Darlington | SC | 3.2 | 119.66 | 89.0 | 30.66 |
| WNOK 284C | | Columbia | SC | 319.0 | 134.21 | 95.0 | 39.21 |
| WDAR 288A | | Darlington | SC | 3.2 | 119.66 | 72.0 | 47.66 |

EXHIBIT #3A
COUNTER PROPOSAL
NPRM MM Doc No. 94-70 (RM-8474)
Sampit Broadcasters
Sampit, Moncks Corner &
Kiawah Island, SC

¹ Counter Proposal to MM Docket No. 94-70 (RM-8474). Counter proposed to substitute CH 288A at Kiawah Island for Channel 287C3 at Moncks Corner, add CH 287A at Moncks Corner and add CH 289A at Sampit



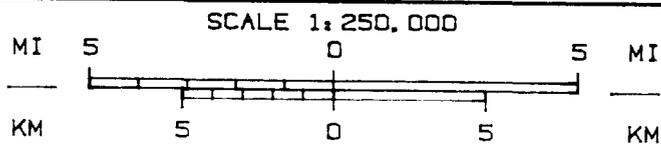
Sampit Community, SC

CH 289A Proposed Site
 N Lat 33° 18' 20"
 W Lng 79° 25' 00"

Maximum Class A
 3.16 mV/m Contour

Proposed CH 289A City Grade Contour

Exhibit #4
COUNTER PROPOSAL
 NPRM MM Doc No. 94-70 (RM-8474)
 Sampit Broadcasters
 Sampit, Moncks Corner &
 Kiawah Island, SC
 August 1994



BROMO BROADCAST
 COMMUNICATIONS TECHNICAL CONSULTANTS
 St Simons Island, Georgia Washington, D.C.

BROMO COMMUNICATIONS INC
 Broadcast Telecommunications Consultants
 (706) 782-7222 - (202) 429-0600

ALLOCATION STUDY
Counter Proposal to Assign CH 289A
Sampit Community, SC

REFERENCE
 33° 18' 20" N
 79° 25' 00" W

DISPLAY DATES
 DATA 07-28-94
 SEARCH 08-22-94

CLASS A
Current rules spacings

----- CHANNEL 289 -105.7 MHz -----

| CALL | CH# | CITY | STATE | BEAR' | D-KM | R-KM | MARGIN |
|-----------------|-----|----------------------|-----------|--------------|--------------------------|--------------|----------------------------|
| PRM 289A | | Sampit | SC | 0.0 | 0.0 | 115.0 | -115.0^{1*} |
| WZNY 289C | | Augusta | GA | 273.2 | 225.77 | 226.0 | -0.23 * |
| WNMB 290C3 | | N. Myrtle Bch. | SC | 46.9 | 89.05 | 89.0 | 0.05 < |
| WNMB 288A | | N. Myrtle Bch. | SC | 46.3 | 82.87 | 72.0 | 10.87 |
| ALOPEN 291A | | St. Stephen | SC | 295.4 | 48.64 | 31.0 | 17.64 |
| PRM 287A | | Moncks Corner | SC | 259.5 | 51.47¹ | 31.0 | 20.47¹ |
| WRHA.C 286A | | Johnsonville | SC | 354.9 | 53.20 | 31.0 | 22.20 |
| WRHA.A 286A | | Johnsonville | SC | 345.3 | 58.60 | 31.0 | 27.60 |
| PRM 288A | | Kiawah Island | SC | 219.8 | 102.45 | 72.0 | 30.45¹ |
| WDAR 288C3 | | Darlington | SC | 338.7 | 120.28 | 89.0 | 31.28 |
| WSSX 236C | | Charleston | SC | 215.0 | 69.06 | 29.0 | 40.06 |
| AP292 292A | | Ladson | SC | 237.8 | 75.22 | 31.0 | 44.22 |
| WRLQ 292A | | Ladson | SC | 236.9 | 76.56 | 31.0 | 45.56 |
| WDAR 288A | | Darlington | SC | 338.7 | 120.28 | 72.0 | 48.28 |
| WGQR 289A | | Elizabethtown | NC | 26.6 | 163.92 | 115.0 | 48.92 |

EXHIBIT #4A
COUNTER PROPOSAL
NPRM MM Doc No. 94-70 (RM-8474)
Sampit Broadcasters
Sampit, Moncks Corner &
Kiawah Island, SC

¹ Counter Proposal to MM Docket No. 94-70 (RM-8474). Counter proposed to substitute CH 288A at Kiawah Island for Channel 287C3 at Moncks Corner, add CH 287A at Moncks Corner and add CH 289A at Sampit

GEORGETOWN COUNTY PLANNING COMMISSION

1200 HIGHMARKET STREET
GEORGETOWN, D.C. 20440

Telephone (303) 840-8602
FAX (303) 827-8802

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Exhibit #4B
COUNTER PROPOSAL
NPRM MM Dec No. 94-70 (RM-8474)
Sampit Broadcasters
Sampit, Moncks Corner &
Kiawah Island, SC
August 1994

August 18, 1994

Mr. Bill Brown
Bromo Communications, Inc.
P.O. Box 1588
Clayton, GA 30525

RE: Identification of Sampit Community

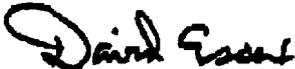
Dear Mr. Brown:

In response to our telephone conversation yesterday, please be advised that the Sampit area of Georgetown County meets the definition of "community". As shown on the attached map, the Sampit Community has a defined center, and a small commercial core does exist along U.S. 17-A. In addition, there is an active community organization (Sampit Community Organization, Inc.), a school and several churches in the area. If you need any specific information about the community, I suggest you contact Mr. Samuel Wragg (548-3939).

The general area depicted on the map contains approximately 1000 houses and 2607 persons of which 1176 are white and 1431 are black. Since the Sampit Community is an unincorporated area, no defined boundaries are available. The community boundary shown on the map is subject to interpretation.

Please call if I can assist you further.

Sincerely,



David Essex
Assistant Planning Director

Enclosure

DE/bac



GEORGETOWN COUNTY PLANNING COMMISSION

1230 HIGHMARKET STREET
GEORGETOWN, S.C. 29440

Telephone (803) 546-8502
FAX (803) 527-2302

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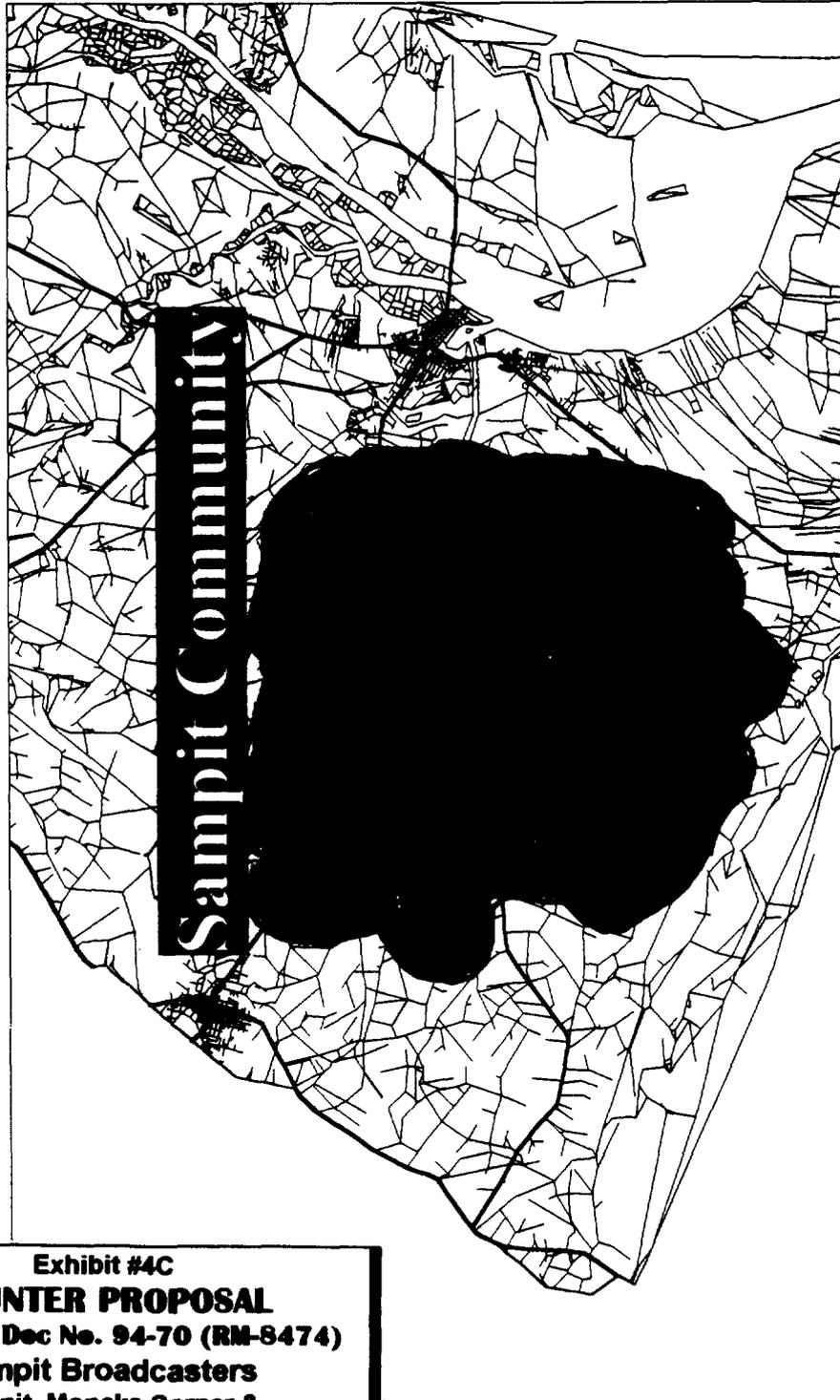


Exhibit #4C
COUNTER PROPOSAL
NPRM MM Dec No. 94-70 (RM-8474)
Sampit Broadcasters
Sampit, Moncks Corner &
Kiawah Island, SC
August 1994

ATTACHMENT 2

Kiawah Island[®]
RESORT



MAKE A FEW DAYS LAST A LIFETIME



KIAWAH ISLAND RESORT



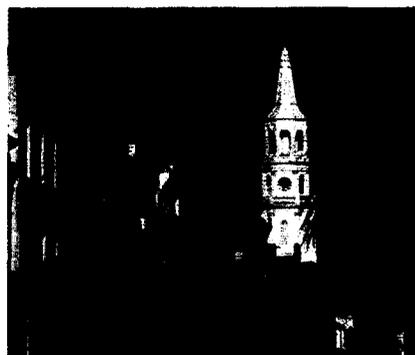
It's a place where time flows gently from season to season. A tiny piece of earth shielded from

the tides by a beach that seems to go on forever. 10,000 pristine acres of barrier island, bordered by the hardy Atlantic to the south and delicate marshlands to the north. It is an accommodating home for birds and wildlife, and a special refuge for visitors who come to rejuvenate themselves and to rediscover their families in an atmosphere of casual comfort.

Located just 21 miles south of historic Charleston, South Carolina, Kiawah Island Resort is a vacation retreat which offers something for everyone. Guests enjoy comfortable accommodations in beautiful surroundings, award-winning golf and tennis, fun shopping excursions and authentic Low-country cuisine. Add the unparalleled children's recreation programs, and it's easy to see why Kiawah Island Resort was recently included in *Better Homes and Gardens'* list of "America's 30 Favorite Vacation Resorts".

With a pace set by the unhurried and relaxed tempo of nature, families can make lasting memories and look forward to returning to Kiawah Island Resort year after year.

HISTORIC CHARLESTON

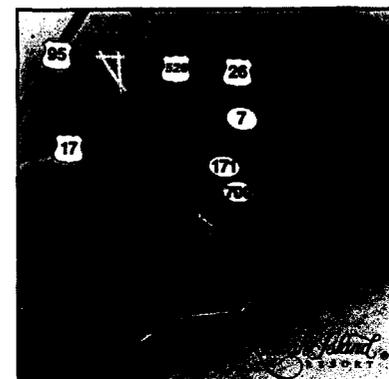


A WINDOW TO AMERICA'S PAST

Historic Charleston provides our guests a unique opportunity to step back in time to the eighteenth century, before the revolution, when Charleston was the seat of British rule and the cultural capital of the New World.

There's so much to see and do in the historic city that even the residents are never able to uncover all its mysteries. Here you can stroll down cobblestone streets, untouched by time. Visit Fort Sumter, where the first shot of the Civil War was fired. And gaze out at the bustling harbor where ships unload their goods, much as they've done since the first landing in 1670.

Historic homes and buildings open their doors for tours, churches toll their bells on the hour, and merchants ply their wares in public markets. Charleston is truly an "old world" city in every respect - a feast for the senses, and a wonderful excursion for guests of Kiawah Island Resort.




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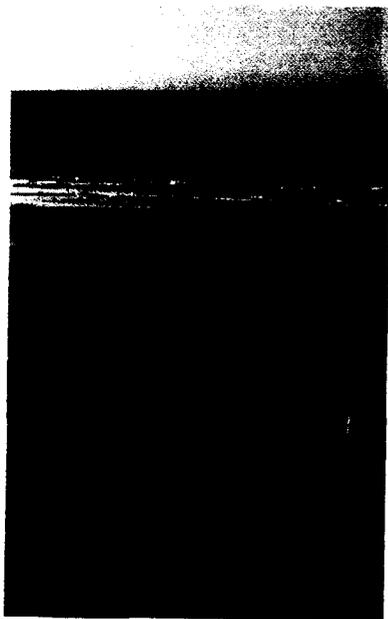
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KIAWAH ISLAND GOLF



Kiawah is a place where golfers can play four of the best courses in America without leaving the island. A place where golfers can come for a week at a time just for the game, or play a round a day and enjoy the rest of the time

with their families on the beach.

Kiawah Island captured the attention of golfers around the world during the 1991 Ryder Cup matches when the Americans recaptured the coveted cup from their European counterparts on Kiawah's Ocean Course. The victory came down to the last day, the last putt and the Americans prevailed. Anyone who watched those matches will never forget the intensity that came with both triumph and defeat. Since construction (in 1991) of The Ocean Course, it has been garnished with awards such as "America's Toughest Resort Course" and 3rd in the nation in the list of "America's Top 75 Resort Courses" (*Golf Digest*).

The Resort also offers world-class golf on three other championship courses designed by the best in the business - Nicklaus, Fazio, and Player - all of which have also been placed high in the rankings. Kiawah Island Resort is the only resort in America that has three courses ranked on *Golf Digest's* list of America's Top 75 Resort Courses.

Kiawah Island golf...perhaps the world's finest collection of courses.

KIAWAH ISLAND TENNIS



Named as one of America's "Family Favorites" in 1993 and consistently rated among the "Top 50 Tennis Resorts in the U.S." by *Tennis Magazine*, tennis at Kiawah Island Resort is among the nation's best, thanks to the programs developed by director Roy Barth.

Roy Barth, director of tennis since 1976, played professionally for seven years during which time he was one of the country's top 50 players. As both a player and an instructor, Roy has been regarded as one of the best in both fields. In 1990 he was awarded USPTA Pro of the Year, and since that time, Barth has built one of the finest tennis programs in the nation.

There are two magnificently landscaped tennis facilities on Kiawah Island. West Beach Racquet Club features 14 Har-Tru clay courts, two lighted hard courts and a backboard. East Beach Tennis Club has nine Har-Tru clay courts plus three hard courts and features a zoned practice court with an automated ball machine and retrieval. Both clubs offer fully staffed pro shops, complete instructional facilities and match-making services for all levels of play.

While clinics and facilities are important, the tournaments and special events are what make Kiawah tennis truly exceptional. Year-round, Kiawah offers unique exhibitions, mini-camps, tiny-tot lessons, stroke-a-day clinics, free clinics taught by the pros, and special programs. For the avid tennis player, Barth's programs offer two tennis packages with different levels of intensive instruction.

For tennis, there is but one ideal setting - Kiawah Island Resort.