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November 22, 1994

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NOV 22 1994

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Room 222  
1919 M Street, N.W.  
Washington, DC 20554

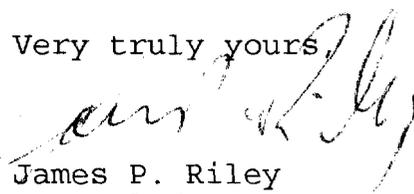
RE: MM Docket No. 94-100

Dear Mr. Caton

Transmitted herewith on behalf of KYFM Radio, Inc., are an original and four copies of its Reply Comments.

Should any additional information be required, please contact the undersigned.

Very truly yours,

  
James P. Riley  
Counsel for  
KYFM Radio, Inc.

JPR/rhw  
Enclosure

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List A B C D E

CONFIDENTIAL

BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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**NOV 22 1994**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY**

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 94-100
Table of Allotments,	)	
FM Broadcast Stations.	)	
(Okmulgee, Nowata, and Pawhuska,	)	
Oklahoma)	)	

Directed to: Acting Chief, Allocations Branch

**REPLY COMMENTS**

KYFM Radio, Inc., by counsel, hereby submits reply comments in the above-referenced proceeding.

On November 7, 1994, KYFM filed its Comments and Counterproposal in this proceeding. Thereafter, it was determined that there was a greater likelihood of improving KYFM's short-spaced Class A facilities outside of this multi-party proceeding.

On November 17, 1994, KYFM filed a unilateral Request for Dismissal of the Comments and Counterproposal it had submitted November 7. On November 18, the FCC issued a Public Notice (Report No. 2041) listing as a counterproposal one of the alternatives which KYFM's November 7 comments had presented.

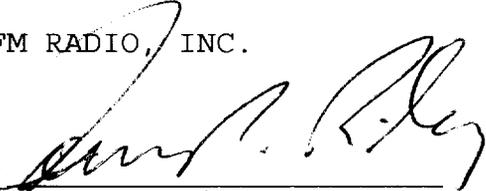
Because KYFM dismissed its Comments and Counterproposal before the November 18 Public Notice, KYFM submits that the Public Notice's listing of its counterproposal is moot, and that the counterproposal is no longer before the Commission.

Nevertheless, these reply comments are submitted to urge the

Allocations Branch to promptly issue a follow-up Public Notice showing the dismissal of KYFM's counterproposal and the consequent deletion of the invitation for expressions of interest in the use of channel 286C3 at Bartlesville.<sup>1</sup> Persons and parties other than those served with KYFM's November 17 Request for Dismissal will not be made aware except by a prompt follow-up Public Notice that the counterproposal is no longer pending and, therefore, expressions of interest would themselves be moot.

Respectfully submitted,

KYFM RADIO, INC.

By: 

James P. Riley

Its Attorney

FLETCHER, HEALD & HILDRETH, P.L.C.  
1300 North 17th Street  
11th Floor  
Rosslyn, Virginia 22209  
(703) 812-0400

November 22, 1994.

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KYFM believes it was incorrect in any event to invite expressions of interest in channel 286C3 at Bartlesville. KYFM's counterproposal for allotment of channel 286C3 to Bartlesville with the allotment to Nowata of KYFM's present channel 261A as a replacement for KRIG's channel 232A, was explicitly stated to be an incompatible channel swap. See, Comments and Counterproposal at n. 2. KYFM has no intention of relinquishing its channel 261A so that channel 286C3 can be made available for open application. For the record, KYFM is filing as an attachment the statement of F. W. Hannel, P.E., reaffirming his conclusion that KYFM's counterproposal was indeed an incompatible channel swap.

KYFM Radio, Inc.  
Radio Station KYFM(FM)  
1200 SE Frank Phillips Blvd.  
Bartlesville, Oklahoma 74005

**ENGINEERING STATEMENT**  
Reply Comments  
MM DOCKET 94-100

November 1994

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F. W. Hannel, PE  
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STATE OF ILLINOIS            )  
                                  )            SS:  
COUNTY OF PEORIA            )

F. W. Hannel, after being duly sworn upon oath,  
deposes and states:

He is a registered Professional Engineer, by  
examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding  
Bachelor  
of Science and Master of Science degrees, both in Electrical  
Engineering;

His qualifications are a matter of public record and  
have been accepted in prior filings and appearances requiring  
scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him  
personally or under his supervision and direction and;

The facts stated herein are true, correct, and  
complete to the best of his knowledge and belief.

*F W Hannel*

November 22, 1994

\_\_\_\_\_  
F. W. Hannel, P.E.

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Henry, Illinois 61537  
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KYFM Radio, Inc.  
Radio Station KYFM(FM)  
1200 SE Frank Phillips Blvd.  
Bartlesville, Oklahoma 74005

**ENGINEERING STATEMENT**  
Reply Comments  
MM DOCKET 94-100

November 1994

**ENGINEERING STATEMENT**

This firm has been retained by KYFM Radio, Inc., ("KYFM"), licensee of Radio Station KYFM(FM), Bartlesville, Oklahoma, to prepare this Engineering Statement in support of its Reply Comments in the above captioned proceeding. The Commission, in MM Docket 94-100, proposed a number of alternate proposals seeking reallocation of FM channels at Okmulgee, Nowata, and Pawhuska, Oklahoma. None of these proposals involved an upgrade for Radio Station KYFM(FM), Bartlesville, Oklahoma, and KYFM filed a counterproposal seeking an alternate arrangement of channels. After reviewing all comments, KYFM(FM) withdrew its proposal on November 17, 1994, and the Commission published the counterproposal the following day, unaware that the proposal had been withdrawn.

In the publication of the counterproposal, the Commission indicated that outside expressions of interest would be accepted with regard to the proposed assignment of FM Channel 286C3 to Bartlesville. This firm has conducted an across the band frequency search for Radio Station KRIG(FM), Nowata, Oklahoma, and could find no other Class A channels available for assignment to this community at the transmitter site of Radio Station KRIG(FM). In Exhibit E-1 of the original proposal of KYFM, it was clearly demonstrated that the assignment of FM Channel 286C3 was in conflict with the present operation of Radio Station KRIG(FM), on FM Channel 232A. This conflict results in the proposal being an incompatible channel swap, and the Commission erred in its Public Notice by indicating

that outside expressions of interest would be entertained with regard to the assignment of FM Channel 286C3 as outlined in the KYFM proposal. Insofar as KYFM has withdrawn its proposal, and since the Commission erred in indicating that outside expressions of interest would be accepted with regard to the assignment of FM Channel 286C3 to Bartlesville, Oklahoma, KYFM is requesting that the Commission rescind the Public Notice of the Counterproposal filed by KYFM.

CERTIFICATE OF SERVICE

I, Roberta Wadsworth, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C. do hereby certify that true copies of the foregoing "Reply Comments" were sent this 22nd day of November, 1994, by first class United States mail, postage prepaid, to the following:

Ms. Leslie K. Shapiro\*  
Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
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Counsel for Integrated Broadcasting Company, Inc.

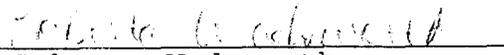
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\_\_\_\_\_  
Roberta Wadsworth

\* Hand Delivery