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TELEPHONE 546-2520
FAX 546-1358

WSWV Radio

P.O. BOX 630
203 WEST MORGAN AVENUE
PENNINGTON GAP, VIRGINIA 24277

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

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FCC MAIL ROOM

In the Matter of:)
)
 Amendment of Section 73.202(b))
 Table of Allotments)
 FM Broadcast Stations)
)
 Jefferson City, Tennessee)
 WEZG(FM) Channel 257A)
 Cumberland Gap, Tennessee)
 WEZG(FM) Channel 256A)
 Elizabethton, Tennessee)
 WAEZ(FM) Channel 257C3)
 Elizabethton, Tennessee)
 WAEZ(FM) Channel 257C2)
 Jonesville, Virginia)
 Channel 256A)

MM Docket No: 94-116

RM-8507

RM-8567

In response to FCC Public Notice
REPORT NO. 2048

To: Chief, Allocations Branch

COUNTERPROPOSAL REPLY COMMENTS

Comes now, David Hartley, General Manager of both Station WSWV(AM) and Station WSWV(FM), Pennington Gap, Virginia, and herewith submits Counterproposal Reply Comments in the above-referenced proceeding, responding to the Counterproposal advanced by Holston Valley Broadcasting Corporation, licensee of Station WTFM(FM) at Kingsport, Tennessee, as follows:

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List A B C D E

1. On October 5, 1994, the Commission released a Notice of Proposed Rule Making in the above-referenced proceeding, proposing to substitute Channel 256A at Jefferson City, to reallocate Channel 256A from Jefferson City to Cumberland Gap, Tennessee, and to modify the authorization of station WEZG(FM) to specify Cumberland Gap as the community of license. Additionally, the Commission proposed the substitution of Channel 257C2 from Channel 257C3 at Elizabethton, Tennessee, and modification of the license for Station WAEZ(FM) to specify operation on Channel 257C2.

2. On November 25, 1994, Holston Valley Broadcasting Corporation (Holston) submitted a counterproposal suggesting that the Commission should allot Channel 256A at Jonesville, Virginia, instead. This counterproposal poses a very real economic threat to Stations WSWV(AM) and WSWV(FM) and the undersigned is very much opposed it being adopted.

3. It is the firm belief of the undersigned that Holston Valley Broadcasting Corporation submitted their counterproposal for the sole purpose of stopping or delaying the proposed upgrade of Station WAEZ(FM) at Elizabethton, Tennessee. On December 28, 1994, the undersigned spoke by telephone with George DeVault, President of Holston Valley Broadcasting Corporation, regarding their request for allotment at Jonesville, Virginia. During that telephone conversation DeVault seemed to show no real interest in building or operating an FM Broadcast Station at Jonesville, Virginia, only indicating that should the Commission grant their Counterproposal, Holston Valley would file an application and ultimately honor the application by the station if the Commission awarded them a construction permit. The economic hardship that would be caused by an additional broadcast station at Jonesville was discussed; however, DeVault showed no real concern or interest in the economic viability of such a new station,

Also discussed during the conversation was the proposed upgrade of a rival station with a format similar to WTFM, which is assumed to be WAEZ, and how the Holston Counterproposal would prevent that upgrade from occurring. Considering the conversation as a whole, the undersigned got the strong impression from DeVault that Holston Valley Broadcasting Corporation is only interested in stopping or delaying the proposed upgrade of WAEZ(FM). At one point during the conversation DeVault indicated that there would be no action on the Rule Making Proceeding by the Commission for perhaps two years.

4. Jonesville is a very small town with only a small retail community, therefore, advertising revenues for a new broadcast station there would come largely from Pennington Gap, Virginia, which is only 8 miles away. Our existing stations at Pennington Gap already

are struggling for enough revenue to continue operating, and an additional station could present a situation in which both our stations and the new facility would be economically unfeasible. Further, there is a little prospect for a significant improvement in the economic condition of the area.

Wherefore, in the light of the forgoing, the undersigned, David Hartley, respectfully requests that the Commission deny the Holston Valley Broadcasting Corporation Counterproposal.

Respectfully submitted,



David Hartley
Vice President &
General Manager
WSWV(AM) & WSWV(FM)

January 3, 1995

David Hartley
General Manager
WSWV (AM) & WSWV(FM)
P.O. Box 630
Pennington Gap, VA 24277

CERTIFICATE OF SERVICE

I, David Hartley, do hereby certify that on this 3rd day of January, 1995, I have caused to be mailed pre-paid a copy of the foregoing "COUNTERPROPOSAL REPLY COMMENTS" to the following:

Holston Valley Broadcasting Corporation
c/o Dennis J. Kelly
Cordon and Kelly
P. O. Box 6648
Annapolis, MD 21401

Eaton P. Govan, III
Berton B. Cagle, Jr.
P. O. Box 5188
Johnson City, TN 37603


David Hartley

C E R T I F I C A T I O N

STATE OF VIRGINIA)
)
LEE COUNTY)

I, hereby, certify that all the statements contained in the attached COUNTERPROPOSAL REPLY COMMENTS submitted by David Hartley, in response to the FCC Public Notice, Report No. 2048, MM Docket No. 94-116, RM-8507, RM-8567 are true and accurate to the best of my knowledge, information and belief.



David Hartley

Subscribed and sworn before me this 3rd day of January, 1995.



Notary Public

My commission expires 5/31/96