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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
For Broadcast Stations)
(Farmersville, Blue Ridge,)
Bridgeport, Eastland,)
Flower Mound, Greenville,)
Henderson, Jacksboro, Mineola,)
Mt. Enterprise, Sherman and)
Tatum, Texas; and Ada, Ardmore)
and Comanche, Oklahoma))

MM Docket No. 96-10
RM-8738
RM-8799
RM-8800
RM-8801

DOCKET FILE COPY ORIGINAL

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

JOINT REPLY COMMENTS TO COUNTERPROPOSALS

Hunt Broadcasting, Inc., licensee of Station KIKM(FM), Sherman, Texas ("KIKM") and permittee of Station KAIH(FM), Jacksboro, Texas (KAIH") and Cowboy Broadcasting, L.L.C., licensee of Station KVMX(FM), Eastland, Texas ("KVMX") (collectively referred to as "KIKM"), jointly by their counsel, hereby reply to the counterproposals filed by (1) Thomas S. Desmond ("Desmond") proposing to allot Channel 260A to Blue Ridge, Texas, and (2) Greenville Broadcasting ("GB") proposing to allot Channel 260C3 to Greenville, Texas, and (3) to the comments filed by Galen O. Gilbert ("Gilbert") petitioner for Channel 260C3 to Farmersville, Texas, and Farmersville Radio Group ("FRG") expressing support for

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the Farmersville proposal. KIKM also wishes to supplement the record in this proceeding to report a new development with regard to the proposal to change channels at Comanche, Oklahoma. The mutual exclusivity in this case arises from the fact that Channel 260 has been proposed for allotment to Blue Ridge, Greenville, Farmersville and Mineola, Texas. The channel can be allotted to only one of the four communities.

1. As a preliminary matter, KIKM has engaged in settlement discussions with the other parties to this proceeding. As a result of those discussions, KIKM has determined that Channel 221A can be allotted to Farmersville, Texas, as an alternate channel. See attached channel study. In a separate Joint Request for Settlement, all parties to the proceeding have agreed to allot Channel 221A to Farmersville and to adopt the KIKM counterproposal involving various changes to the FM Table of Allotments.

2. The parties believe that the public interest will be served by this universal settlement by providing a first local service to four communities (Flower Mound, Tatum, Farmersville and Mt. Enterprise) by increasing six Class A stations from 3 kW to 6 kW facilities and by providing large gains in population within the stations' respective 60 dBu contours. In addition, further litigation in this proceeding can be avoided providing expedited service to the public and preserving Commission resources. Clearly the public interest will be served by adoption of this joint settlement.

COMANCHE

3. After filing reply comments on April 22, 1996, KIKM became aware of a new development. Counsel to Comanche Radio, L.L.C. contacted undersigned counsel to KIKM and claimed to be the licensee of Station KDDQ(FM), Comanche, Oklahoma. KIKM had researched the Commission's files to determine the identity of KDDQ's licensee prior to filing its counterproposal on April 5, 1996. In note 4 of its counterproposal, KIKM indicated that the Commission's files revealed the following. On July 15, 1994, Harold Cochran, the licensee of KDDQ, first applied to assign the license to Linda K. Allen (BALH-940715GG). However, on July 14, 1995, Mr. Cochran filed a letter informing the Commission that the assignment was never consummated and Mr. Cochran remained the licensee. (Mr. Cochran's letter was submitted as Exhibit 1 to KIKM's counterproposal.) The letter also indicated that Mr. Cochran filed an application on July 13, 1995, to assign the license to Comanche Radio L.L.C. The Commission's files had no record that Comanche Radio L.L.C. had consummated. In addition, the Commission's files had no record of Comanche Radio, L.L.C. making any filing of any kind since becoming the licensee, including the submission of an ownership report, which is due within 30 days of consummation. Station KDDQ had been silent, but there was no filing by Comanche Radio, L.L.C. for special temporary authority for the station to remain silent. Presumably, Comanche Radio, L.L.C. purchased the station to operate it and to file for the Class C2 upgrade which also had not been implemented since it

was granted in 1989. In fact, KIKM understands that Mr. Cochran has made these filings and still claims to be the licensee.

4. Nevertheless, Comanche Radio, L.L.C. has provided undersigned counsel with a stamped letter dated October 31, 1995, which reports that the assignment was consummated. Comanche Radio, L.L.C. has also provided documents signed by Mr. Cochran evidencing a closing. On the basis of these documents, Comanche Radio, L.L.C. claims to be the licensee.

5. KIKM takes no position as to whether Mr. Cochran's claim is valid or Comanche Radio, L.L.C. is indeed the licensee. KIKM understands that litigation has been instituted in Oklahoma to resolve the claims of Mr. Cochran and Comanche Radio, L.L.C. for licensee status.

6. At this stage, KIKM has had discussions with Comanche Radio, L.L.C. for the purpose of reaching an agreement which would adequately cover Comanche Radio, L.L.C.'s expenses in making the changes to KDDQ's facilities which had already been agreed to by Mr. Cochran. KIKM is willing to pay the reimbursement expenses of the KDDQ licensee but has not had sufficient time to finalize an agreement with the principals of Comanche Radio, L.L.C. in the event that entity is ultimately determined to be the licensee. Rather than await the outcome of any local action, KIKM intends to reach an agreement with Comanche Radio, L.L.C. for the changes it will be required to make as the licensee. KIKM will attempt to resolve this matter as expeditiously as possible.

7. KIKM believes that it made every reasonable effort to ascertain the identity of the KDDQ licensee when it filed its counterproposal, relying on the Commission's files and Mr. Cochran's statements. Subsequent events and the review of documents that have since been made available to undersigned counsel warrant efforts to come to an agreement with Comanche Radio, L.L.C. KIKM takes no position as to which entity is the licensee and believes it should not be placed in a position to make that determination to its detriment. For that reason, KIKM intends to reach a separate agreement with Comanche Radio, L.L.C. pending the outcome of any local court action which resolves this matter.^{1/}

8. Accordingly, KIKM urges the Commission to grant the joint settlement request to allot Channel 221A to Farmersville, Texas, and to adopt the various changes set forth in the KIKM counterproposal. In addition, KIKM will report to the Commission of any further developments retarding Comanche Radio, L.L.C.

^{1/} Comanche Radio, L.L.C. has filed an application for the Class C2 facility. (BPH-960502ID). To make this matter even more confusing, the Commission's Public Notice identifies Linda K. Allen as the licensee who filed the Class C2 application. See Exhibit 1.

Respectfully submitted,

**HUNT BROADCASTING, INC.
COWBOY BROADCASTING, L.L.C.**

By: 
Mark N. Lipp

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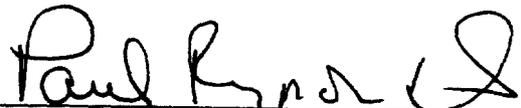
May 24, 1996

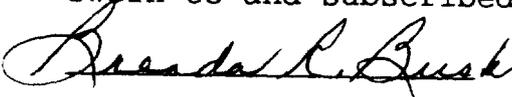
ENGINEERING CERTIFICATION

STATE OF ALABAMA)
)
BUTLER COUNTY)

Paul Reynolds, being first duly sworn upon oath deposes and says:

- * That he has completed undergraduate studies in the field of communications at the University of Southern Mississippi.
- * That he has completed course requirements for a Masters Degree in communications at the University of Alabama.
- * That he completed basic electronics at DeVry Technical Institute.
- * That he has been operating as an independent communications consultant since 1980.
- * That he is familiar with the Commission's Rules and Regulations.
- * That the engineering information for Hunt Broadcasting Inc./Cowboy Broadcasting, L.L.C. reply comments to MM Docket No. 96-10 were prepared by me or under my direct supervision.
- * That all information presented is believed to be true and correct and in full compliance of the technical standards contained in the Commission's Rules and Regulations in affect at the time of the applicant's filing date.


Paul Reynolds

Sworn to and subscribed before, this 21st day of May, 1996.
 my commission expires 6-22-97.

ENGINEERING STATEMENT

IN SUPPORT OF

REPLY COMMENTS

MM DOCKET 96-10
HUNT BROADCASTING, INC.
COWBOY BROADCASTING, L.L.C.

REPLY COMMENTS ENGINEERING STATEMENT

The instant engineering statement is submitted in support of the Hunt Broadcasting, Inc. ("Hunt") and Cowboy Broadcasting, L.L.C. ("Cowboy") counterproposal for the above captioned proceeding.

Additional engineering studies have been conducted in an attempt to provide the allocation of a new channel at Farmersville, Texas. Various petitioners had requested either channel 260A or channel 260C3 in the Farmersville area. Since minimum distance spacing requirements do not allow the use of channel 260A or 260C3 at Farmersville and Mineola, Texas (KMOO), an unrelated substitute channel was needed.

Allocation studies depict that channel 221A can be allocated to Farmersville with a site restriction of 12.3 kilometers at 2° true. The allocation of this channel is made possible by the deletion of channel 221A and substitution of channel 277A at Commerce, Texas. This change was instituted in MM Docket 94-66.

METHODS

The reference coordinates of North Latitude 33° 16' 21'' West Longitude 96° 21' 14'' were used as a reference point for the instant study. Exhibit E, Figure 1 is an allocation study depicting the proposed reference coordinates can be used for channel 221A at Farmersville without violating the Commission's minimum distance separation requirements.

A terrain study was conducted using this site in order to establish the proposed allocation's antenna CORAMSL. This figure was then used in a V-Soft "CONTOUR" program to establish a real-world 70 dBu contour. This contour was transferred to the V-Soft "INTERDLG" program, which generated the map shown as Exhibit E, Figure 2. This exhibit depicts a 70 dBu that will encompass all of the community's boundary for Farmersville.

CONCLUSION

Since channel 260A and 260C3 at Farmersville are mutually exclusive with channel 260A at the KMOO licensed site, Hunt/Cowboy is offering channel 221A at Farmersville. The two attached exhibits demonstrate that this allocation will meet all of the Commission's minimum distance separation requirements.

ENGINEERING STATEMENT

**IN SUPPORT OF
 REPLY COMMENTS
 MM DOCKET 96-10
 HUNT BROADCASTING, INC.
 COWBOY BROADCASTING, L.L.C.**

ALLOCATION STUDY - CH221A @ FARMERSVILLE
[DEPICTING SEPARATIONS FOR CH221A @ FARMERSVILLE]

33 16 21 N. 96 21 14 W.	Channel	City	Class A Current rules spacings 221 - 92.1 MHz	State	Bear'	Dist'	R'grd	Search Date 05-24-96	Margin
Community of Farmersville Reference Coordinates: North Latitude: 33-09-42 West Longitude: 96-21-27			TX		181.6	12.30			
>KEMM	221A	Commerce	TX	105.6	32.10	115.0		-82.90 *	
Of no concern Changed to Channel 277A in MM Docket 94-66									
>KDOK.C	221C3	Tyler	TX	134.5	141.97	142.0		-0.03 *	
KZPS	223C	Dallas	TX	217.2	95.15	95.0		0.15 *	
KVTT	219C	Dallas	TX	217.4	95.28	95.0		0.28 *	
KSSU	220A	Durant	OK	358.6	81.64	72.0		9.64 *	
>KDOK	221A	Tyler	TX	136.4	136.55	115.0		21.55	
>KFXI.C	221C1	Marlow	OK	315.5	223.55	200.0		23.55	
>KDOK.C	221A	Tyler	TX	134.5	141.97	115.0		26.97	
KCLEFM	221C2	Glen Rose	TX	230.1	198.73	166.0		32.73	

EXHIBIT E
Figure 1

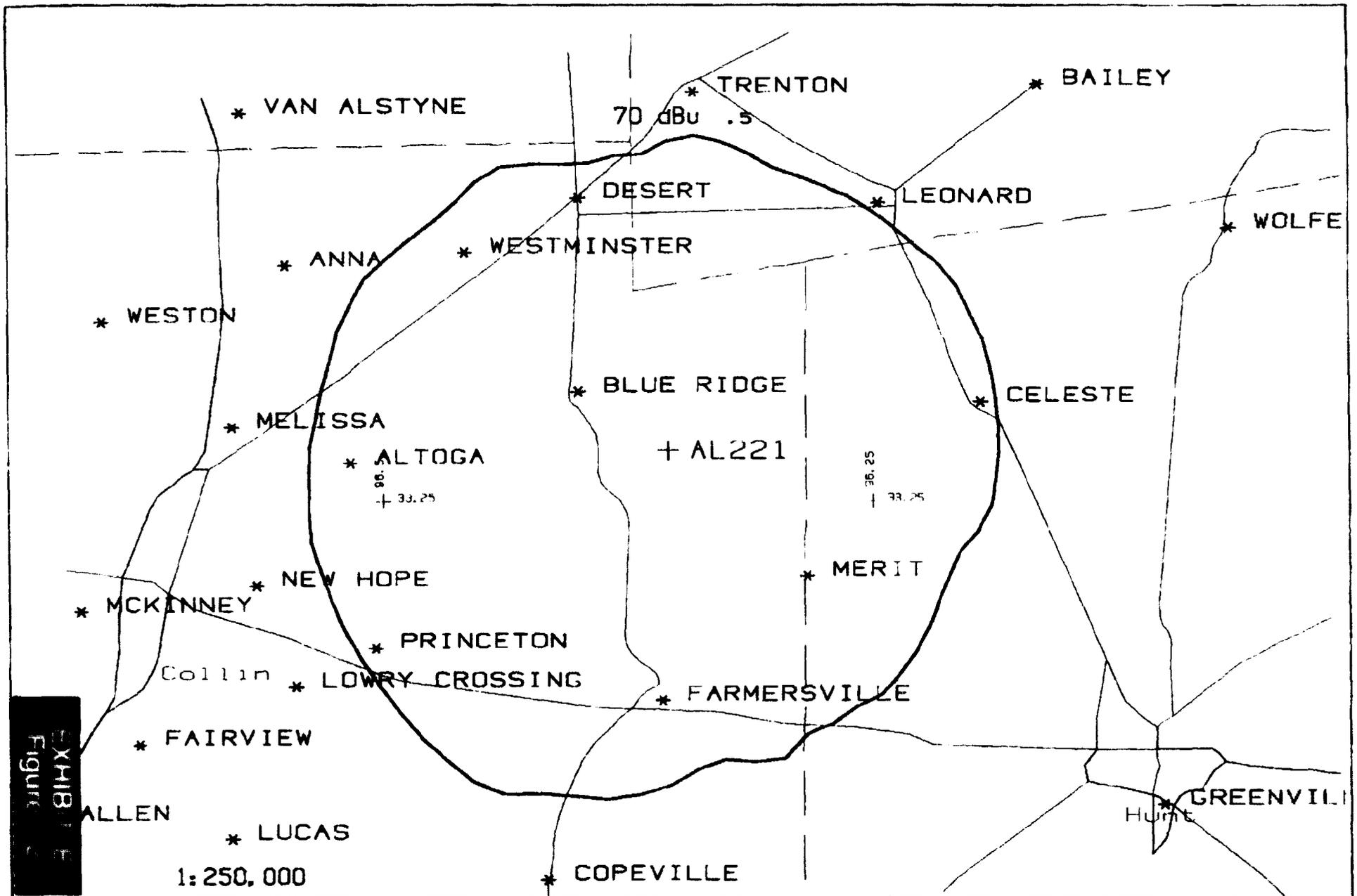
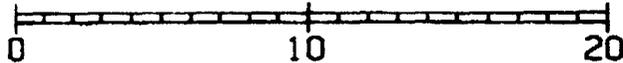


EXHIBIT
Figure 5

1:250,000

Scale in km



AL221 221 6kW

N. Lat. 33 16 21

W. Lng. 96 21 14

CH221A AT FARMERSV

LAKE BROADCASTING

EXHIBIT 1



PUBLIC NOTICE

Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

News media information 202 / 418-0500 Recorded listing of releases and texts 202 / 418-2222 62952

REPORT NO. 23739

BROADCAST APPLICATIONS

May 16, 1996

<u>STATE</u>	<u>FILE NUMBER</u>	<u>CALL LETTERS</u>	<u>APPLICANT AND LOCATION</u>	<u>NATURE OF APPLICATION</u>
AM BROADCAST STATION APPLICATIONS FOR RENEWAL ACCEPTED FOR FILING				
IN BR	-960326ZA	WBZL	EQUITY ONE MEDIA PARTNERS BRAZIL, IN	RENEWAL OF LICENSE
IN BR	-960327ZP	WJOB	COLBY BROADCASTING CORP. HAMMOND, IN	RENEWAL OF LICENSE
IN BR	-960327ZU	WTHI	WABASH VALLEY BROADCASTING CORP. TERRE HAUTE, IN	RENEWAL OF LICENSE
IN BR	-960328A4	WAKE	PORTER COUNTY BROADCASTING CORP. VALPARAISO, IN	RENEWAL OF LICENSE
IN BR	-960328XL	WJPS	SOUTH CENTRAL B/C CORPORATION EVANSVILLE, IN	RENEWAL OF LICENSE
IN BR	-960328XO	WTCJ	EASTE OF JAMES R. BREWER TELL CITY, IN	RENEWAL OF LICENSE
IN BR	-960328ZN	WILO	KASPER BROADCASTING COMPANY, INC. FRANKFORT, IN	RENEWAL OF LICENSE
IN BR	-960401F5	WLBC	DRMS COMMUNICATIONS, INC. MUNCIE, IN	RENEWAL OF LICENSE
KY BR	-960327ZQ	WDFB	ALUM SPRINGS VISION & OUTREACH CORP JUNCTION CITY, KY	RENEWAL OF LICENSE
KY BR	-960401E7	WMST	MT. STERLING BROADCASTING CO., INC. MT. STERLING, KY	RENEWAL OF LICENSE
KY BR	-960401E9	WKXO	BEREA BROADCASTING CO., INC. BEREA, KY	RENEWAL OF LICENSE

FM BROADCAST STATION APPLICATIONS ACCEPTED FOR FILING
(MINOR CHANGE APPLICATIONS ARE SIMULTANEOUSLY ACCEPTED FOR TENDER)

IL BPH	-960424ID	WHRK 102.7 MHZ	ROPER BROADCASTING, INC. ROCKLEDGE, FL	CP TO CHG STRUCTURE HGT, & TL
IL BAPLH	-960506GS	WOMX-FM 105.1 MHZ	NATIONWIDE COMMUNICATIONS, INC. ORLANDO, FL	VOL APL TO OMNIAMERICA GROUP (FORM 314) 200 SKYLIGHT OFFICE TOWER 160 WEST 2ND STREET CLEVELAND, OH 44113
IE BMPH	-960425JA	WRED 95.9 MHZ	VACATIONLAND B/CSTING SERVICES, INC. SACO, ME	EXTENSION OF (BP-911016IB)
IO BMPH	-960503IA	KMHM 104.1 MHZ	HAROLD L. LAWDER LUTESVILLE, MO	MOD OF CP TO CHG ERP
IM BTCH	-960507GF	KIOT 102.5 MHZ	SIMMONS NEW MEXICO, INC LOS LUNAS, NM	VOL TC FROM ROY W. AND ELIZABETH E. SIMMONS TO ROY W. SIMMONS AND ELIZABETH E. SIMMONS CHARITABLE REMAINDER UNITRUST (FORM 316)
OH BALH	960506GT	WMMS 100.7 MHZ	WMMS LICENSE PARTNERSHIP CLEVELAND, OH	VOL AL TO NATIONWIDE COMMUNICATIONS, INC. (FORM 314) ONE NATIONWIDE PLAZA, 27TH FLOOR COLUMUS, OH 43216
OH BALH	-960506GU	WMJI 105.7 MHZ	WMJI LICENSE PARTNERSHIP CLEVELAND, OH	VOL AL TO NATIONWIDE COMMUNICATIONS, INC. (FORM 314) ONE NATIONWIDE PLAZA, 27TH FLOOR COLUMUS, OH 43216
OK BMPH	-960429ID	KEYB 107.9 MHZ	ALTUS FM, INC. ALTUS, OK	ONE STEP APPLICATON TO CHG CHANNEL FROM 300C3 TO 300C2
OK BPH	-960502ID	KDDQ 96.7 MHZ	LINDA K. ALLEN COMANCHE, OK	CP TO CHG ANTENNA STRUCTUE HGT., HAAT, ERP, FREQ & CLASS
PA BPH	-960429IE	WZMT 97.9 MHZ	4 M BROADCASTING, INC HAZLETON, PA	CP TO CHG STRUCTURE HGT, HAAT, TL, & ERP
RI BPH	-960502IA	WPJB 102.7 MHZ	FULL POWER RADIO OF NARRAGANSETT, INC NARRAGANSETT PIER, RI	MOD OF CP TO CHG STRUCTURE HGT, HAAT, ERP, & TL

CERTIFICATE OF SERVICE

I, Veronica Abarre, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., do hereby certify that I have this 24th day of May, 1996, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "JOINT REPLY COMMENTS TO COUNTERPROPOSAL" to the following:

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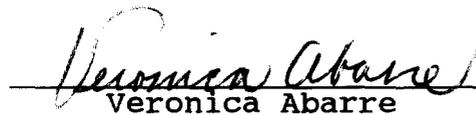
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