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

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FEB 10 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 96-255
Table of Allotments	)	RM-8960
FM Broadcast Stations	)	
(Laramie, Wyoming)	)	
	)	
TO: Chief, Allocations Branch	)	

COMMENTS AND COUNTERPROPOSAL

Red Rock Broadcasting ("Red Rock"), by its attorneys and pursuant to Sections 1.401 and 1.420 of the Commission's Rules, hereby submits its comments and counterproposal in the above-captioned rule making proceeding. Red Rock requests that the Commission deny the joint petition for rule making of Rule Communications ("Rule") and Mount Rushmore Broadcasting, Inc. ("Mount Rushmore") to amend the FM Table of Allotments to add Channel 254A at Laramie, Wyoming, and instead amend the FM Table of Allotments to add Channel 254A at Rock River, Wyoming, as the community's first local aural service. In support of this request, Red Rock states the following:

1. Rule and Mount Rushmore are both applicants for Channel 244A at Laramie, Wyoming (FCC File Nos. BPH-960520MO and BPH-960520MK, respectively). In their joint petition for rule making, Rule and Mount Rushmore seek the allotment of Channel 254A at

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Laramie, with cut-off protection, and request that Mount Rushmore be allowed to amend its application to specify operation on channel 254A in lieu of Channel 244A.

2. Allotment of Channel 254A to Laramie would provide Laramie with its ninth local aural service (its seventh local FM service).[1] By contrast, currently there are no local aural services at Rock River, and allotment of Channel 254A there would provide this community with its first local aural service. Channel 254A can be allotted to Rock River consistent with the Commission's distance separation requirements. (See Engineering Exhibit attached hereto). However, allotment of Channels 254A at Rock River and allotment of 254A at Laramie are mutually exclusive; only one or the other allotment may be made consistent with the Commission's Rules. (Id.)

3. Given the choice between provision of first local services at Rock River and a ninth local service at Laramie, the Rock River allotment must be preferred. Allotment of Channel 254A

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[1] The following commercial FM channels are currently allotted to Laramie: 236C, 244A, 275C, 283C2, and 288A. The following AM frequencies are currently allotted to Laramie: 1290 kHz (KOWB(AM)) and 1210 kHz (KLDI(AM)), for a total of seven commercial aural transmission services. In addition, there is one noncommercial educational FM station in Laramie (licensed to the University of Wyoming at Laramie on Channel 91.9 MHz), which according to the Commission is to be considered in a Section 307(b) transmission service analysis. See Valley Broadcasters, Inc., 5 FCC Rcd 2785 (1990). Thus, the total number of aural transmission services currently allotted to Laramie is eight. Allocation of Channel 254A would increase the total to nine.

at Rock River better meets the Commission's FM allotment priorities than allotment of Channels 254A at Laramie. The Commission's FM allotment priorities are as follows:

(1) first aural service;

(2) second aural service;

(3) first local service;

(4) other public interest matters.

Co-equal weight is given to priorities (2) and (3). Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 90-93 (1982). Because Rock River and Laramie have two or more aural reception services, provision of a first local transmission service (priority 3) is the most significant factor to be considered in this instance.

4. The Commission has long recognized the importance of providing communities such as Rock River with its first local transmission service. See Atchison, Horton and Wathena, Kansas, 7 FCC Rcd 4645 (Mass Med. Bur. 1992) (provision of first local transmission service preferred over provision of second such service); Alegria I, Inc., 61 RR 2d 136 (Rev. Bd. 1986), recon. denied, 2 FCC Rcd 1762 (Rev. Bd. 1987) (to same effect); Caldwell Broadcasting Corp., 100 FCC 2d 115 (Rev. Bd. 1985), rev. denied, FCC 86-245 (rel. 5-15-86) (to same effect); Alessandro Broadcasting Corp., 99 FCC 2d 1 (Rev. Bd. 1984), rev. denied, FCC 84-334 (rel. 6-28-86) (to same effect). In the above cases the Commission's Allocations Branch and Review Board consistently favored the

provision of a first local service over a second local service. Clearly in this case providing a **first** local transmission service at Rock River must be preferred over providing a **ninth** such service at Laramie.

5. Because the instant counterproposal to allot Channel 254A to Rock River clearly prevails over the proposal to allot Channel 254A to Laramie with regard to the third allotment priority, further analysis is not required. However, there are public interest benefits to the allotment of Channel 254A to Rock River that are not associated with the allotment of yet another FM channel to Laramie. Rock River is an incorporated community of 182 persons[2] with a local government consisting of a mayor and a city council. Rock River has the attributes of an independent community including its own Town Hall, volunteer fire department, library, post office, zip code (82083), and a school, the Rock River School, serving students in Kindergarten through 12th grade. In addition, Rock River is home to a small museum -- the Rock River Museum -- that features the history of the area. There is also a small motel in Rock River. Accordingly, the public interest weighs in favor of providing a first local radio service to Rock River as compared to a ninth such service to Laramie.

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[2] Source: P.P.L.-28, Resident Population and Change for Places, April 1, 1990-July 1, 1994, (U.S. Census Bureau Report).

6. In sum, Red Rock, hereby requests that the Commission deny the petition of Rule and Mount Rushmore to amend the FM Table of Allotments to allot Channel 254A to Laramie, Wyoming and instead amend the Table of Allotments to allot Channel 254A to Rock River. If Channel 254A is allotted as requested, Red Rock intends to file with the Commission an application for a construction permit for the channel, and if awarded the permit intends to construct and operate a new station on Channel 254A at Rock River.

Respectfully submitted,

RED ROCK BROADCASTING

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February 10, 1997

February 7, 1997

FM Spacing study

Title: rock river 254 — Latitude: 41-44-24
Channel 254A (98.7 MHz) — Longitude: 105-58-24
Database: DW 02/06/97 — Safety zone: 18.6 mi

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Call    Autn Licensee name              Chan ERP-kW  Latitude Br-to  Dist  Req.
City of License        St FCC File no.  Freq EAH-ft Longitude -from  (mi)  (mi)
==========================================================================

NEW     APP  FEDERAL SIGNAL CORPORATI  200   .001   30-38-51 141.0 937.3
BRAZOS                 TX 961024MF      87.9        96-16-42 327.6
Tendered per FCC release #23861 dated 11/05/96; ACTUAL FREQ IS 87.9 MHZ; PREFI
X IS BPEX; EXPERIMENTAL FM STATION

NEW     APC  SOUTHWEST FLORIDA COMM R *201A   .12   39-43-49 164.5 143.8 6.214
WESTMINSTER            CO BPED-960521MA  88.2  958  105-15-00 348.0 137.6 CLEAR
Accepted per FCC release #23747 dated 05/29/96; Cut-off 09/26/96 A-300

ALLOC                                  251C        40-02-24 221.5 155.3 59.03
MEEKER                 CO DOC-95-106    98.1       107-55-00  40.2 98.27 CLEAR
Granted effective 10/15/96, adopted 08/23/96, released 08/30/96; Filing window
 10/15-11/15/96 **CLOSED** ; RM-8698

PRM          PROPOSED RULE MAKING      252A        42-51-30   3.7 77.36 19.26
GLENROCK               WY DOC-96-227    98.3       105-52-24 183.8 58.10 CLEAR
PRM adopted 11/01/96, released 11/08/96; RM-8910

KYGO-FM LIC  JEFFERSON-PILOT BROADCAS  253C   100   39-40-35 169.7 144.7 102.5
DENVER                 CO BLH-880420KA  98.5 1821BT105-29-09 350.0 42.15 CLEAR

PRM          PROPOSED RULE MAKING      254A        41-18-42 145.7 35.77 71.46
LARAMIE                WY DOC-96-255    98.7       105-35-06 326.0 -35.7 SHORT
PRM adopted 12/13/96, released 12/20/96; RM-8960

PRM          PROPOSED RULE MAKING      255A        40-29-12 207.6 97.40 44.74
STEAMBOAT SPRINGS      CO DOC-97-17     98.9       106-49-54  27.0 52.66 CLEAR
PRM adopted 01/10/97, released 01/17/97; RM-8942

KUAD-FM LIC  NORTHERN COLORADO RADIO   256A/C  100   40-38-34 141.2 96.72 46.60
WINDSOR                CO               99.1  660  104-49-08 322.0 50.12 CLEAR
Was FORT COLLINS  COLO

KKTY-FM LIC  DOUGLAS BROADCASTING      257A   .81   42-43-42  18.2 71.91 19.26
DOUGLAS                WY               99.3  530  105-31-46 198.5 52.65 CLEAR
Was KNOG-FM 12/02/93 per FCC release #220 dated 12/10/93
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>> End of channel 254A study <<

February 7, 1997

FM Spacing study

Title: rock river 254
Channel 254A (98.7 MHz)
Database: FCC 01/16/97

Latitude: 41-44-24
Longitude: 105-58-24
Safety zone: 18.6 mi

Call	Auth	Licensee name	Chan	ERP kW	Latitude	Br-to	Dist.	Req.
City of License		St FCC File no.	Freq	EAH-ft	Longitude	-from	(mi)	(mi)
NEW	APC	Colorado Christian Unive	*201A	.13	39 43-19	164.5	143.8	6.214
Lakewood		CO	88.1	958	105-15-00	345.0	137.6	CLEAR
ALLOC			251C		40-02-24	221.5	155.3	59.03
Meeker		CO DOC-95-106	98.1		107-55-00	40.2	96.27	CLEAR
Filing window 10/15-11/15/96 **CLOSED**								
PRM	ADD	Vixen Valley Broadcastin	252A		42-51-30	3.7	77.36	19.26
Glenrock		WY DOC-96-227	98.3		105-32-24	183.0	58.10	CLEAR
ALLOC			253C		39-40-35	169.7	144.7	102.5
Denver		CO	98.5		105-29-39	350.0	42.15	CLEAR
PRM	ADD	Mt. Rushmore Broadcastin	254A		41-18-42	145.7	35.77	71.46
Laramie		WY DOC-96-255	98.7		105-35-06	328.0	-35.7	SHORT
PRM	ADD	Colorado Alpine Broadcas	255A		40-29-12	207.6	97.40	44.74
Steamboat Springs		CO	98.9		106-49-54	27.0	52.66	CLEAR
KUAD-FM	LIC	Northern Colorado Radio,	256C1	100	40-38-34	141.2	96.72	46.60
Windsor		CO BLH-6702	99.1	659	104-49-08	322.0	50.12	CLEAR
ALLOC			257A		42-43-42	18.2	71.91	19.26
Douglas		WY	99.3		105-31-46	198.5	52.65	CLEAR

>> End of channel 254A study <<

CERTIFICATE OF SERVICE

I, Lisa R. Smith, a secretary in the law offices of Roberts & Eckard, P.C., do hereby certify that true copies of the foregoing "Comments and Counterproposal" were sent February 10, 1997, by first-class United States Mail, postage prepaid, or as indicated, by hand, to the following:

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