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

MAY 6 1997

In the Matter of:

Amendment of Section 73.202(b))	MM Docket No. 97-84
Table of Allotments)	RM-9021
FM Broadcast Stations)	
(Pauls Valley, Oklahoma))	

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

REPLY COMMENTS

Bowie-Nocona Broadcasting Company, Inc., Dynamic Broadcasting, Inc., and East Texas Broadcasting Company, Inc. (collectively, "Joint Petitioners"), by their counsel, hereby reply to the comments filed in this proceeding by Tom Stamper, Suelou Broadcasting Company ("Suelou"), and a counterproposal filed by Carter County Broadcasting ("CCB").^{1/} In support hereof, the Joint Petitioners state the following:

1. On April 21, 1997, the Joint Petitioners filed a counterproposal seeking to (1) upgrade Station KRJT-FM, Bowie, Texas from Channel 264C3 to Channel 264C and change community of license to Highland Village, Texas; (2) substitute Channel 263C for Channel 264C for Station KORQ-FM, Abilene, Texas at a new transmitter site reference point; (3) substitute Channel 264C2 for Channel 264C for Station KPXI(FM), Mt. Pleasant, Texas and change

^{1/} CCB failed to provide an address in its counterproposal for service, but did provide a telephone number. A copy of the Reply Comments is being served on CCB at the location that was provided by telephone.

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community of license to Overton, Texas; and (4) substitute Channel 291A for Channel 265C2 for Station KFXT(FM), Sulphur, Oklahoma.

2. This proposal would provide two first local services, a large overall gain area and better serve the public interest than the current configuration of channel allotments. In addition, the Joint Petitioners provided an alternate channel, 283A, for Pauls Valley. Both Tom Stamper and Suelou have expressed an interest in operating a station at Pauls Valley. Channel 283A would serve that purpose.

3. CCB has filed a counterproposal suggesting that Channel 291A be allotted to Ratliff City as a first local service, rather than Pauls Valley as a third local service. The allotment of Channel 291A at Ratliff City would conflict with the proposed substitution of Channel 291A at Sulphur.

4. CCB failed to submit a verification statement with its counterproposal as required by Section 1.52 of the Commission's Rules. See also Amendment of Sections 1.420 and 73.3584 of the Commission's Rules Concerning Abuses of the Commission's Processes, 5 FCC Rcd 3911 n. 41 (1990). Counterproposals must be technically and procedurally correct at the time of their filing. See Fort Bragg, California, 6 FCC Rcd 5817 (1991); Hattiesburg, Mississippi, 7 FCC Rcd 7602 (1992). The Commission has consistently held that the absence of a verification statement in a counterproposal, by itself, is grounds for dismissal. See, e.g., Lincoln, Osage Beach, Steelville and Warsaw, Missouri, 7 FCC Rcd 3015 (1992), recon. dismissed, 11 FCC Rcd 6372 (1996). CCB made an attempt to correct

this defect in a filing on April 24, 1997 by submitting a verification statement. However, CCB cites no case in which the Commission has accepted a late-filed verification after the counterproposal deadline. Furthermore, the language offered in the late-filed verification does not comply with Section 1.52 because CCB fails to verify to the truthfulness of the statements contained in its counterproposal.

Should the Commission staff nevertheless accept the CCB counterproposal by issuing a Public Notice, the Joint Petitioners will address the merits of CCB's proposal to provide a first local service at Ratliff City, Oklahoma versus the proposal for two first local services at Highland Village and Overton, Texas.

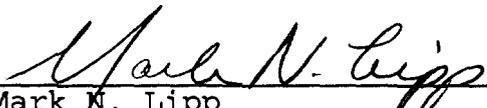
Respectfully submitted,

BOWIE-NOCONA BROADCASTING
COMPANY, INC.

DYNAMIC BROADCASTING, INC.

EAST TEXAS BROADCASTING
COMPANY, INC.

By:


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Its Counsel

Dated: May 6, 1997

CERTIFICATE OF SERVICE

I, Cynthia D. Hamm, a secretary in the law firm of Ginsburg, Feldman & Bress, hereby certify that I have, this 6th day of May, 1997, caused to be delivered by U.S. mail, postage pre-paid or by hand, as indicated, the foregoing "Reply Comments" as follows:

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*Via Hand Delivery


Cynthia D. Hamm

^{1/} Address provided by a telephone call to the number provided by Carter County Broadcasting.