

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

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COMMUNICATIONS SECTION

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotment)
FM Broadcast Stations)
(Galesburg, Illinois, and)
Ottumwa, Iowa))

MM Docket No. 97-130

RM-8751

TO: Chief, Allocations Branch

MOTION TO ACCEPT FURTHER COMMENTS

Galesburg Broadcasting Company ("GBC"), licensee of Station WLSR(FM) (formerly WGBQ[FM]), Galesburg, Illinois, by its attorney, hereby moves the Commission to accept its Further Comments submitted concurrently herewith, in response to the "Comments" of Gillbro Communications Limited Partnership filed herein on August 18, 1997.

The August 1, 1997 Public Notice formally designating Gillbro's January 1996 upgrade application as a "counterproposal" to the WGBQ rulemaking proposal was not released until after the pleading cycle established in the Notice of Proposed Rule Making herein had closed. Elemental due process requires that GBC be permitted to comment upon the "engineering data on the comparative attributes of its upgrade proposal" called for in that Public Notice and contained in Gillbro's August 18 Comments. Moreover, as shown in GBC's Further Comments filed concurrently herewith, Gillbro's "engineering data" are flawed both in their general premise and in their specifics.

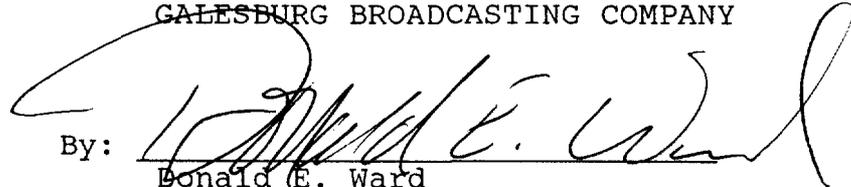
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Accordingly, it is respectfully requested that the Further
Comments submitted herewith be accepted.

Respectfully submitted,

GALESBURG BROADCASTING COMPANY

By:

A large, stylized handwritten signature in black ink, appearing to read "Donald E. Ward". The signature is written over a horizontal line.

Donald E. Ward
Law Offices of Donald E. Ward
1201 Pennsylvania Ave., N.W.
Fifth Floor
Washington, D. C. 20004
(202) 626-6290

Its Attorney

September 3, 1997

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

In the Matter of)	
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Amendment of Section 73.202(b))	
Table of Allotment)	MM Docket No. 97-130
FM Broadcast Stations)	
(Galesburg, Illinois, and)	
Ottumwa, Iowa))	RM-8751
)	

TO: Chief, Allocations Branch

FURTHER COMMENTS OF GALESBURG BROADCASTING COMPANY

Galesburg Broadcasting Company ("GBC"), licensee of Station WGBQ(FM), Galesburg, Illinois,¹ by its attorney, hereby submits its further comments, in response to the "Comments" of Gillbro Communications Limited Partnership filed herein on August 18, 1997, in support of its counterproposal to upgrade the allocation for its Station KTWA, at Ottumwa, Iowa, from Channel 224C3 to Channel 224C2. Such counterproposal is in conflict with the GBC proposal to amend the Table of FM Allotments to substitute Channel 224B1 for Channel 224A at Galesburg, Illinois.

Gillbro claims that its upgrade proposal should be preferred over that of GBC because it would bring new service to greater areas and populations, and to less-served populations. However, its presentation is fatally flawed, for it is based upon a

¹ As noted previously, the WGBQ call sign was changed to WLSR effective July 3. In the interest of consistency, these comments will continue to refer to the station as WGBQ. However, the attached Engineering Statement utilizes the new call.

comparison of its Class C2 proposal with a Class A operation, rather than with the Class C3 allotment which currently exists for KTWA,² and with which GBC's proposed upgrade for Station WGBQ is not in conflict.

As shown in the attached Engineering Statement, a correct comparison of KTWA's C2 proposal with the existing C3 allotment shows increased coverage of 16,249 persons in an area of 1,549 sq. km. -- far less than the net gains of 38,553 persons in an area of 2,362 sq. km. flowing from the WGBQ upgrade proposal.

The attached Engineering Statement further demonstrates that KTWA's claims to serving underserved populations (less than five aural services) must be rejected, since it has failed to consider in its coverage analysis Clear Channel Station WHO(AM), Des Moines, or Class C3 Station KOTM-FM, Ottumwa, much less the

² At footnote 2 of its Comments, Gillbro cites Albany, Georgia, Marianne & Quincy, Florida, 4 FCC Rcd 2631 (1989) in support of the proposition that "the FCC requires the comparison of gain service as if the competing stations were operating with maximum facilities," and its assumption of a maximum powered (6 kW) operation for Station KTWA despite its current operation with only 3 kW.

That case also stands for the proposition that "vacant allotments" are considered as providing service in determining the extent of incremental coverage gains (4 FCC Rcd at 2632) -- a fact which Gillbro has apparently overlooked.

coverage of KTWA assuming its operation as a maximum C3 facility.³

Conclusion

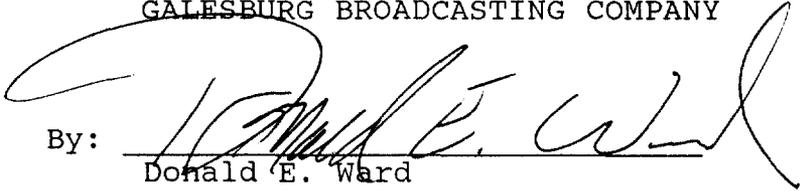
As GBC has urged previously, the Commission should promptly amend its FM Table of Allotments to substitute Channel 224B1 for 224A at Galesburg, Illinois, and dismiss the Gillbro application. Such action would require only the specification of a new reference site for KTWA's still unused 224C3 allotment, and would permit KTWA to achieve the upgrade which it sought seven years ago, and abandoned five years ago. As shown in the attached Engineering Statement, that outcome would permit KTWA to serve over 30,000 persons more than served by its assumed maximum facility Class A operation, and would permit WGBQ to serve an

³ GBC's initial comments noted that the KTWA C2 application as filed in January 1996 projected service to over 12,000 fewer persons than had been projected to receive service from its 1990 C3 application. Gillbro's July 22 Reply claimed that its consultant had omitted the population of Ottumwa's home county, Wapella County, and promised a corrective amendment. The omissions noted above, in combination with its earlier errors, do not inspire confidence in the reliability of its presentations.

additional 38,553 persons, for a total gain of over 69,000 persons -- far in excess of the 46,707 persons claimed in Gillbro's faulty analysis.

Respectfully submitted,

GALESBURG BROADCASTING COMPANY

By: 

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Its Attorney

September 3, 1997

ENGINEERING STATEMENT

The following engineering statement and attached exhibit have been prepared for Galesburg Broadcasting Company and are in support of their Reply Comments of Gillbro Communications Limited Partnership ("Gillbro") in the matter of the amendment of Section 73.202(b), Table of Allotments, of the Federal Communications Commission's Rules and Regulations (Docket No. 97-130, RM-9751).

In their comments, Gillbro claims to show comparison of the area and population which would be served by their proposed allocation on channel 244C2 at Ottumwa, Iowa. That would be for their station KTWA(FM). However, the comments as filed are significantly misleading.

All of the comments filed by Gillbro claim to show the difference between a Class A KTWA operating at 6.0 KW. and a proposed Class C2 operation for KTWA that would operate with an ERP of 50.0 KW. with the center of radiation at 150 meters above average terrain.

- 2 -

Gillbro claims that this is appropriate even though they are only operating with an ERP of 3.0 KW. at the present time. However, this would still be incorrect. The allocation on channel 244 is for a Class C3 facility. The comments for that allocation, as contained in the Commission's database, show that channel to be reserved for KTWA per Docket No. 89-365. In other words, the facilities which should be shown as the maximum possible for KTWA under the existing Table of Allotments should be for a Class C3 station, not a Class A.

Studies have been completed for KTWA operating as a Class C3 station with the improvement in area and population shown on the attached exhibit. If KTWA were to increase its facilities from a Class C3 to a Class C2, the total increase in area would be 1,549 sq. km. with an increase in population of 16, 249. For WLSR to increase from a Class A to a Class B1, the increase in area would be 2,362 sq. kilometers with an increase in population of 38,553.

- 3 -

Gillbro repeatedly argues that the Commission should go with the proposal which offers the greatest improvement in service. Galesburg Broadcasting Company agrees as that increase is clearly greatest for WLSR.

It is apparent that the most efficient use of the spectrum would be for KTWA to improve its facilities to the maximum for the assigned class by going to the equivalent of 25.0 KW. ERP at 100 meters above average terrain along with the upgrade in class for WLSR from a Class A to a Class B1. This combination would result in an increase in area served by the two stations of 4,336 sq. kilometers with a population of 69,011 in the improvement area.

Gillbro further attempts to show improvement in areas which receive up to five other services. No argument is taken with the areas and population shown by Gillbro which would receive the improved service from WLSR. However, the exhibits and claimed improvement areas and population for KTWA are significantly in error and must be disregarded. In particular, Gillbro has failed to show another station which exists in Ottumwa.

- 4 -

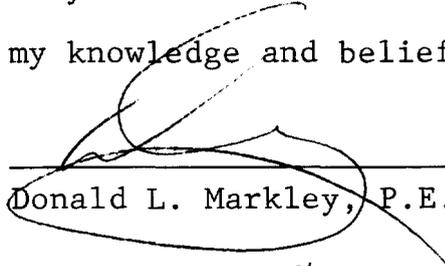
KOTM-FM at Ottumwa currently operates as A Class A station with an application on file to increase to a Class C3 facility. This is clearly shown in the Commission's current database.

In addition to missing KOTM-FM, Gillbro unfortunately missed WHO at Des Moines. WHO operates on 1040 KHz. with 50 KW. utilizing a non-directional antenna pattern on a full-time basis. As a Class A station, the entire area to be served by any proposed facility at Ottumwa lies within the interference free contour of WHO. Therefore, their table, which purports to show population receiving fewer than five services, is fatally flawed and must be disregarded. In particular, the area and population identified "four other services" becomes part of the larger number which would become five or more other services. The number for "three other services" would partially apply to that area identified as "four other services". Part of the "four other services" area and population would be served by the Class C3 facility for KOTM-FM. In addition, a large portion of that area and population would also be served by a

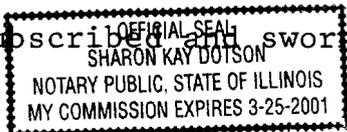
correctly plotted and configured KTWA based on a Class C3 allocation.

In summary, the contours shown for KTWA are incorrect as they are for a non-existent 6.0 KW. Class A facility as opposed to being shown for the Class C3 allocation which actually exists. In addition to that problem, services provided to the area which would be served by the proposed KTWA are not shown on the comparative maps. Therefore, that portion of their comparative study is unusable. The attached exhibit clearly shows that the improvement by WLSR from a Class A to a Class B1 facility offers a significant advantage in area and population as compared to the improvement of KTWA from a Class C3 to a Class C2 facility.

The preceding statement and attached exhibit have been prepared by me or under my direction and are true and correct to the best of my knowledge and belief.


Donald L. Markley, P.E.

Subscribed and sworn to before me this 20 Day of August, 1997.



Sharon Dotson
Notary Public

**AREA AND POPULATION COMPARISON
KTWA; OTTUMWA, IA AND WLSR; GALESBURG, IL**

	CLASS A	CLASS B1/C3	CLASS C2
AREA:			
KTWA	2591 SQ.KM.*	4565 SQ.KM.	6114 SQ.KM.*
WLSR	2309**	4671**	

POPULATION:

KTWA	47,601*	78,059	94,308*
WLSR	60,295**	98,848**	

*Comments of Gillbro Communications Limited Partnership

**Comments by Galesburg Broadcasting Company

COMPARISON OF GAINS:

	AREA	POPULATION
KTWA FROM C3 TO C2:	1,549 SQ. KM.	16,249
WLSR FROM A TO B1:	2,362 SQ. KM.	38,553

MOST EFFICIENT USE OF SPECTRUM:

KTWA IMPROVES TO MAXIMUM FOR THEIR CLASS FACILITY.
WLSR UPGRADES FROM CLASS A TO CLASS B1.

GAIN: AREA: 4336 SQ. KM.

POPULATION: 69,011

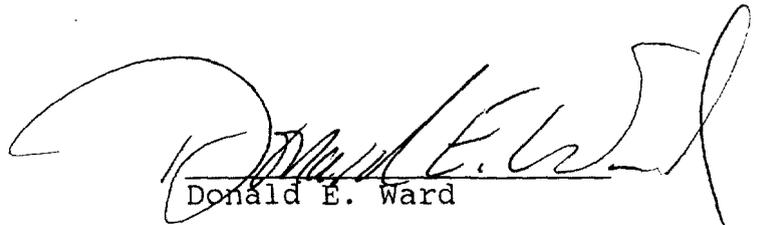
Certificate of Service

I, Donald E. Ward, hereby certify that on this 3rd day of September, 1997, I have served the foregoing Motion to Accept Further Comments, and Further Comments, by placing copies thereof in the U.S. Mail, postage prepaid, and addressed to the following:

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Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
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Donald E. Ward