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May 8, 1998

RECEIVED

MAY - 8 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Hand Delivery**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

Re: MM Docket 98-7  
RM No. 9261  
RM No. 9211

Dear Ms. Salas:

Enclosed, on behalf of Robert Sullins, are his comments in the above referenced proceeding.

Should there be any questions in connection with this transmittal, please contact the undersigned at the number given above or M. Scott Johnson at (202) 408-7122.

Sincerely,



Jocelyn R. Roy

Enclosure

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

RECEIVED

MAY - 8 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Amendment of Section 73.202(b) ) MM Docket No. 98-7  
of the Commission's Rules, ) RM No. 9261  
FM Table of Allotments ) RM No. 9211  
(Roxton, Texas) )

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

### COMMENTS

Robert S. Sullins ("Sullins"), by his attorneys, hereby submits his comments in response to the April 23, 1998 *Public Notice* issued by the Federal Communications Commission ("FCC" or "Commission"), seeking comment regarding the counterproposal filed by Soper Broadcasting Company ("SBC") in response to the *Petition for Rule Making* filed by Lake Broadcasting, Inc. ("Lake Petition"). The Lake Petition sought the allotment of FM Channel 274A to Roxton, Texas.<sup>1/</sup>

### I. INTRODUCTION

Sullins is the licensee of station KMAD (FM), operating on channel 272A, Madill, Oklahoma. Channel 272A was deleted, and Channel 273A allocated, in MM Docket No. 95-126<sup>2/</sup>. Sullins currently has an application pending to modify the current KMAD license for a first adjacent channel or "one-step upgrade" (FCC File No. BLH-850523KA) and to operate a

<sup>1/</sup> Sullins notes that the Lake Petition was withdrawn on March 23, 1998.

<sup>2/</sup> 11 FCC Rcd 5316 (1996).

class C2 station on the new channel 273.<sup>3/</sup> Grant of the counterproposal would impact Sullin's application; accordingly, Sullins is a party in interest in this proceeding.

## II. BACKGROUND

The Lake Petition sought the allocation of channel 274A as a first FM service to Roxton, Texas. SBC's counterproposal alternatively requests the allocation of channel 274A at 34-01-18N and 95-36-09W to Soper, Oklahoma, in lieu of Roxton, Texas and the allocation of channel 255A at 33-35-44N and 95-39-52W to Roxton, Texas. If granted, KMAD's proposed site would be fully spaced to the site proposed by SBC.

The FCC's *Public Notice* references different coordinates than those proposed by SBC in its counterproposal, i.e., coordinates for the allocation at Soper are given as 34-01-54N and 95-41-42W, coordinates for Roxton are given as 33-36-08N and 95-40-29W. Use of the coordinates given by the Commission would preclude the grant of KMAD's pending application.

## III. DISCUSSION

As demonstrated in the attached Engineering Exhibit, grant of SBC's counterproposal, utilizing the coordinates referenced in the counterproposal along with a site restriction, can be accomplished without any adverse effect on Sullin's pending upgrade application. Such a grant would further the public interest by facilitating the provision of new service to the public without frustrating the ability of KMAD to enhance service to its current listenership by upgrading its services. However, as noted above and in the attached Engineering Exhibit, use of the coordinates in the FCC's *Public Notice* would preclude the grant of Sullin's application.

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<sup>3/</sup> The coordinates proposed by Sullins are N33°-49'-29", W96°-46'-44".

Accordingly, Sullins respectfully requests that, if the Commission grants the counterproposal, it utilizes the coordinates as described in SBC's counterproposal - not the *Public Notice*.

### III. CONCLUSION

The counterproposal of Soper Broadcasting Company, utilizing the coordinates referenced therein, along with a site restriction, can be accomplished without adversely affecting the pending upgrade application of KMAD (FM) and would serve the public interest by providing new service, while allowing the expansion of existing service.

**Wherefore**, Sullins respectfully requests that the FCC act in accordance with the foregoing comments.

Respectfully submitted,

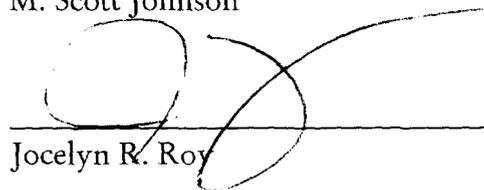
**ROBERT S. SULLINS**

By:



M. Scott Johnson

By:



Jocelyn R. Roy

His Attorneys

GARDNER, CARTON & DOUGLAS  
1301 K Street, N.W.  
Suite 900, East Tower  
Washington, D.C. 20005  
(202) 408-7100

Dated: May 8, 1998

# **ENGINEERING STATEMENT**

IN SUPPORT OF

## **REPLY COMMENTS**

MM DOCKET No. 98-7, RM-9211  
Robert S. Sullins, Individually

The instant engineering statement is prepared for Robert S. Sullins, individually ("Sullins"). Sullins is the licensee of KMAD(FM) Madill, Oklahoma. On April 21, 1998, Sullins filed a Form 301 with the Commission seeking a "one step" upgrade from its present channel of 272A to channel 273C2. Sullins was aware that his application was mutually exclusive with the proposed allotment of channel 273C3 at Pottsboro, Texas. However, the application met all other spacing requirements, including the proposed allocation of channel 274A at Roxton, Texas, and the counterproposal filing by Soper Broadcasting Company ("SBC") which requested the substitution of channel 255A at Roxton and the allotment of channel 274A at Soper, Oklahoma (MM Docket 98-7).

SBC requested an antenna site with the reference coordinates;

NL: 34-01-18  
WL: 95-36-09.

However, when the Commission entered the SBC counterproposal in the data base and the public notice it used the reference coordinates;

NL: 34-01-54  
WL: 95-41-42.

The Sullins "one step" application uses the following allocation coordinate;

NL: 33-49-29  
WL: 96-46-44.

This reference meets the Commission's requirements for a fully spaced "one step" allotment reference<sup>1</sup>. It provides the required 70 dBu contour to 100% of Madill. However, the Commission's modification of the SBC channel 274A allotment coordinates at Soper creates a prohibited short spacing to the KMAD channel 274C2 allocation site. In essence, the change in reference coordinates for channel 274A at Soper renders the KMAD "one-step" upgrade unusable.

The Sullins "one step" application for KMAD can be usable if the Commission modifies the allotment coordinates of Channel 274A at Soper to the SBC requested site. The following exhibits verify this scenario.

#### **EXHIBITS**

Exhibit A is an allocation study using the KMAD "one step" upgrade Channel 273C2 allocation coordinates. The study includes Channel 274A at Soper at both the SBC and Commission reference. It depicts that if Channel 274A is allotted to Soper at the SBC reference, the Sullins Channel

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<sup>1</sup> The KMAD "one step" upgrade is MX with the proposed deletion of Ch 273A at Madill and its subsequent allotment at Pottsboro, Texas, as Ch 273C3. This PRM has not been released and therefore the Sullins' "one step" application could be considered as a counterproposal in that proceeding.

273C2 allocations site is clear. However, it also depicts that if the coordinates the Commission entered into the data base are used, a 3.18 kilometer short space is created.

Exhibit B is a channel spacing study using the Sullins' "one step" upgrade application site as reference since the allotment and applications sites are different. This study depicts that if the SBC reference coordinates at Soper are used, the Sullins' "one step" application site is clear by 2.99 kilometers, but if the Commission reference is used, there is a 5.41 kilometer short space.

Exhibit C is an allocations study depicting that Channel 274A can be allotted to Soper at the SBC requested site and meet the Commission's minimum distance spacing requirements.

#### **CONCLUSION**

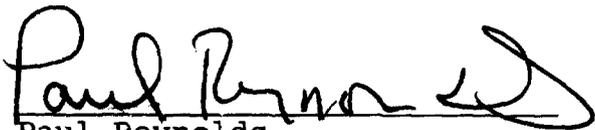
Sullins, licensee of KMAD(FM) Madill, Oklahoma, filed a "one step" upgrade which cleared the allotment site requested by the petitioner, Soper Broadcasting Company. However, the Commission, following its normal procedure of allotting channels as close the community of license as possible, created an unnecessary short space to the KMAD Channel 273C2 allotment site. The above referenced studies demonstrate that this conflict can be resolved by modifying the Channel 274A reference coordinates at Soper to those requested by the petitioner.

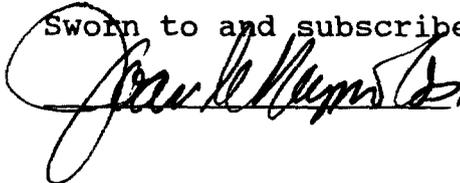
ENGINEERING CERTIFICATION

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 instant Reply Comments in MM Docket 98-7 were prepared by him or under his 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 document's filing date.

  
Paul Reynolds

Sworn to and subscribed before, this 7 day of May, 1998.  
 my commission expires 7-15-2008.

# ENGINEERING STATEMENT

In Support of

## REPLY COMMENTS

**EXHIBIT A**

AD Channel 274A, Soper, Oklahoma  
ROBERT S. SULLINS D/B/A RADIO STATION KMAF

### CH 273C2 ALLOCATION STUDY

[DEPICTING SPACING WHICH ALLOWS ALLOCATION OF CH 273C2]  
(MUTUALLY EXCLUSIVE WITH ALLOTMENT OF CH 273C3 @ POTTSBORO, TX, & INCLUDING  
PROPOSED ALLOTMENT OF CHANNEL 274A AT SOPER, OKLAHOMA)

33 49 29 N. 96 46 44 W.			Class C2 Current rules spacings Channel 273 -102.5 MHz				Search Date 05-07-98
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
<b>Community of Madill</b>			OK	1.2	29.62		
Reference Coordinates: North Latitude: 34-05-30 West Longitude: 96-46-20							
<b>AD273</b>	<b>273C3</b>	<b>Pottsboro</b>	<b>TX</b>	<b>120.4</b>	<b>11.51</b>	<b>177.0</b>	<b>-165.49 *</b>
<b>DE273</b>	<b>273A</b>	<b>Madill</b>	<b>OK</b>	<b>0.7</b>	<b>31.27</b>	<b>166.0</b>	<b>-134.73 *</b>
Of Concern Instant One-Step Application MX with this PRM							
<b>AD273</b>	<b>273A</b>	<b>Madill</b>	<b>OK</b>	<b>0.7</b>	<b>31.27</b>	<b>166.0</b>	<b>-134.73 *</b>
<b>DE272</b>	<b>272A</b>	<b>Madill</b>	<b>OK</b>	<b>0.7</b>	<b>31.27</b>	<b>106.0</b>	<b>-74.73 *</b>
<b>KMADFM</b>	<b>272A</b>	<b>Madill</b>	<b>OK</b>	<b>0.7</b>	<b>31.27</b>	<b>106.0</b>	<b>-74.73 *</b>
Of No Concern All Related to Applicant's Present Facility							
<b>AD274</b>	<b>274A</b>	<b>Soper</b>	<b>OK</b>	<b>77.1</b>	<b>102.8</b>	<b>106.0</b>	<b>-3.18 *</b>
Of Concern Allotment Coordinates used by Commission Petitioner Site Listed Below							
<b>AD274</b>	<b>274A</b>	<b>Roxton</b>	<b>TX</b>	<b>104.4</b>	<b>105.71</b>	<b>106.0</b>	<b>-0.29 *</b>
<b>KQXC</b>	<b>273A</b>	<b>Wichita Falls</b>	<b>TX</b>	<b>274.5</b>	<b>166.08</b>	<b>166.0</b>	<b>0.08 *</b>
<b>KCES.A</b>	<b>273C3</b>	<b>Eufaula</b>	<b>OK</b>	<b>37.0</b>	<b>177.57</b>	<b>177.0</b>	<b>0.57 *</b>
<b>KBRQ</b>	<b>273C1</b>	<b>Hillsboro</b>	<b>TX</b>	<b>189.1</b>	<b>224.64</b>	<b>224.0</b>	<b>0.64 *</b>
<b>AD274</b>	<b>274A</b>	<b>Soper</b>	<b>OK</b>	<b>78.6</b>	<b>110.95</b>	<b>106.0</b>	<b>4.95 *</b>
Of Concern Allotment Coordinates used by Petitioner Commission Site Listed Above							
<b>KCES.C</b>	<b>273C3</b>	<b>Eufaula</b>	<b>OK</b>	<b>38.6</b>	<b>185.93</b>	<b>177.0</b>	<b>8.93 *</b>
<b>AP220</b>	<b>220A</b>	<b>Callisburg</b>	<b>TX</b>	<b>231.7</b>	<b>27.74</b>	<b>15.0</b>	<b>12.74</b>
<b>KJYO</b>	<b>274C</b>	<b>Oklahoma City</b>	<b>OK</b>	<b>341.1</b>	<b>201.99</b>	<b>188.0</b>	<b>13.99</b>

# ENGINEERING STATEMENT

In Support of

## REPLY COMMENTS

**EXHIBIT B**

Channel 274A, Soper, Oklahoma  
ROBERT S. SULLINS D/B/A RADIO STATION KMAD

### KMAD.A APPLICATION SITE CHANNEL SPACING STUDY [DEPICTING SPACING TO ALL KNOWN FM FACILITIES]

(USING APPLICATION SITE & §73.215 SPACING AS REFERENCE & INCLUDING PROPOSED ALLOTMENT OF CHANNEL 274 @ SOPER, OK)

Call	Ch#	City	Channel	Class C2 rules spacings 273 -102.5 MHz	State	Bear'	Dist'	R'qrd	Margin	Search Date
------	-----	------	---------	--	-------	-------	-------	-------	--------	-------------

33 56 02 N.  
96 46 38 W.

Class C2  
rules spacings  
273 -102.5 MHz

Search Date  
05-07-98

#### Community of Madill

OK 1.5 17.51

Reference Coordinates:

North latitude: 34-05-30

West Longitude: 96-46-20

AD273 273C3 Pottsboro

TX 151.4 20.42 177.0 -156.58 \*

DE273 273A Madill

OK 0.6 19.17 166.0 -146.83 \*

Of Concern

Instant Application is MX

with this PRM

AD273 273A Madill

OK 0.6 19.17 166.0 -146.83 \*

DE272 272A Madill

OK 0.6 19.17 106.0 -86.83 \*

KMADFM 272A Madill

OK 0.6 19.17 106.0 -86.83 \*

Of No Concern

All Related to Applicants

Present facility

KCES.A 273C3 Eufaula

OK 39.5 167.92 177.0 -9.08 \*

KCES.C 273C3 Eufaula

OK 41.0 176.48 177.0 -0.52 \*

Of Concern

Protection Proposed Under

§73.215 (Contour Protection)

AD274 274A Soper

OK 83.8 100.59 106.0 -5.41 \*

Of Concern

Allocation Coordinates Used by Commission

Coordinates Proposed by Petitioner Listed Below

KQXC 273A Wichita Falls

TX 270.3 165.62 166.0 -0.38 \*

KJYO 274C Oklahoma City

OK 339.9 190.61 188.0 2.61 \*

AD274 274A Soper

OK 84.9 108.99 106.0 2.99 \*

Of Concern

Allocation Coordinates Proposed by Petitioner

Coordinates Used by Commission Listed Above

AD274 274A Roxton

TX 110.6 109.14 106.0 3.14 \*

KBRQ 273C1 Hillsboro

TX 188.7 236.62 224.0 12.62

ALOPEN 276C2 Atoka

OK 50.7 76.55 58.0 18.55

KKENFM 272A Duncan

OK 300.3 127.09 106.0 21.09

KHKCFM 276A Atoka

OK 45.2 76.24 55.0 21.24

# ENGINEERING STATEMENT

In Support of

## REPLY COMMENTS

**EXHIBIT C**

AD Channel 274A, Soper, Oklahoma  
ROBERT S. SULLINS D/B/A RADIO STATION KMAD

### CH 274A SOPER, OK ALLOCATION STUDY

[DEPICTING SPACING WHICH ALLOWS ALLOCATION OF CH 274A @ PETITIONERS REQUESTED REFERENCE COORDINATES]

34 01 18 N.			Class				Search Date	
95 36 09 W.			Current rules spacings				05-07-98	
Call	Ch#	City	Channel 274 -102.7 MHz	State	Bear'	Dist'	R'qrd	Margin
<b>Community of Soper</b>			OK	277.7		8.78		
Reference Coordinates:								
North Latitude: 34-01-56								
West Longitude: 95-41-48								
<b>AD274 274A Soper</b>			OK	277.4		8.61	115.0	-106.39 *
Of No Concern								
Allotment Coordinates Used by Commission								
<b>DE274 274A Roxton</b>			TX	187.9		48.52	115.0	-66.48 *
<b>AD274 274A Roxton</b>			TX	187.9		48.52	115.0	-66.48 *
Of Concern								
Soper MX with this Allotment								
Substitute Channel Proposed								
<b>KMAD.A 273C2 Madill</b>			OK	264.9		108.99	106.0	2.99 *
Of Concern								
Application Site of KMAD for								
Channel 273C2								
<b>AD273 273C2 Madill</b>			OK	258.6		110.95	106.0	4.95 *
Of Concern								
Allotment Site of Channel 273C2								
for KMAD								
<b>ALOPEN 275A Idabel</b>			OK	101.0		72.89	72.0	0.89 *
<b>AP275 275A Idabel</b>			OK	91.9		74.97	72.0	2.97 *
<b>DE272 273C2 Madill</b>			OK	264.9		108.99	106.0	2.99 *
<b>KMADFM 273C2 Madill</b>			OK	258.6		110.95	106.0	4.95 *
<b>ALOPEN 276C2 Atoka</b>			OK	308.3		62.54	55.0	7.54 *
<b>AD273 273C3 Pottsboro</b>			TX	254.4		102.69	89.0	13.69
<b>KJYO 274C Oklahoma City</b>			OK	314.4		241.97	226.0	15.97
<b>ALOPEN 274C2 Van Buren</b>			AR	31.7		186.05	166.0	20.05
<b>KKYRFM 273C1 Texarkana</b>			TX	115.0		155.16	133.0	22.16
<b>KCES.C 273C3 Eufaula</b>			OK	359.5		119.90	89.0	30.90
<b>AD273 273A Madill</b>			OK	275.0		108.65	72.0	36.65
<b>DE273 273A Madill</b>			OK	275.0		108.65	72.0	36.65
<b>KHKCFM 276A Atoka</b>			OK	309.1		69.76	31.0	38.76
<b>KDMX 275C Dallas</b>			TX	218.7		204.60	165.0	39.60

CERTIFICATE OF SERVICE

I, Barbara N. Haile, a secretary in the law firm of Gardner, Carton & Douglas, hereby certify that a true and correct copy of the foregoing Comments in MM Docket 98-7 were sent via first-class mail, postage paid, this 8th day of May, 1998, to each of the following:

William Harrison  
President  
Lake Broadcasting, Inc.  
101 East Main, Suite 255  
Denison, Texas 75020

Ann Bavender, Esquire  
Fletcher, Heald & Hildreth, P.L.C.  
1300 N. 17th Street, 11th Floor  
Arlington, VA 22209

Counsel for Soper Broadcasting Company

  
Barbara N. Haile