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WRITER'S DIRECT DIAL NUMBER

June 23, 1998

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

Re: MM Docket No. 98-55  
RM-9255

**RECEIVED**  
JUN 23 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Ms. Salas:

On behalf of North American Broadcasting Company, there is transmitted herewith an original and four (4) copies of its "Reply to Comments" in the above-referenced proceeding.

Should any questions arise with regard to this matter, kindly communicate directly with the undersigned.

Very truly yours,

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

By: \_\_\_\_\_

Bruce A. Eisen

Enclosure

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BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

RECEIVED

JUN 23 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Amendment of Section 73.202(b), ) MM Docket No. 98-55  
Table of Allotments, FM Broadcast Stations. ) RM-9255  
(Pleasanton, Bandera & Hondo, Texas) )

TO: Chief, Allocations Branch

**NORTH AMERICAN BROADCASTING COMPANY**  
**REPLY TO COMMENTS**

North American Broadcasting Company ("NABC"), by its attorneys, hereby submits its reply to the comments filed with regard to the above-captioned Notice of Proposed Rulemaking ("NPRM") on June 8, 1998.<sup>1</sup> In support thereof, the following is shown:

1. NABC recited in its comments and counterproposal that it was an applicant for a new FM broadcast station to operate on Channel 276C2 at Karnes City, Texas.<sup>2</sup> The Karnes City allotment had been strapped with a site restriction because of a proposed allotment of Channel 276A at Bandera, Texas, which NABC had opposed in a prior rulemaking, and which had been denied by the Chief, Policy and Rules Division, in Hondo, Hollywood Park and Dilley, Texas, 13 FCC Rcd 234 (1998). NABC has maintained that it would be extremely unfair for the

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<sup>1</sup> One commenter -- Reding Broadcasting Company -- has filed a counterproposal to change the community of license of Station KBUC(FM) from Pleasanton to Schertz, Texas, and to operate on Channel 253C1. When and if that counterproposal is placed on public notice, NABC will file an appropriate reply.

<sup>2</sup> File No. ARN-960111MX.

Commission to again consider a rulemaking proposal which would impose a severe site restriction at Karnes City, yet that prospect once more threatens to block a Karnes City licensee from providing optimum service to its listening area. NABC demonstrated that its proposed channel substitutions at Camp Wood<sup>3</sup> and Bandera would eliminate the objectionable site restriction at Karnes City. Indeed, the Commission has determined that FM applications should receive protection from conflicting rulemaking proposals at the same time that they receive such protection from other mutually-exclusive applications. See, Conflicts between Applications and Petitions for Rulemaking, 7 FCC Rcd 4917 (1992). The Karnes City applications were “cut-off” long ago and well before the captioned rulemaking was initiated. Therefore, the site restriction at Karnes City which would result from the instant rulemaking is unjustified.

2. NABC’s counterproposal would provide Bandera and Camp Wood with equivalent replacement channels that could be upgraded to Class C3 facilities by the filing of one step upgrade applications in each community. Annexed hereto is an Engineering Statement which supports that conclusion and demonstrates that the site restriction at Karnes City would be eliminated. Hence, the suggested substitutions would clearly advance the public interest, especially since no community would be deprived of service.

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<sup>3</sup> There is presently an outstanding construction permit authorized at Camp Wood. NABC will reimburse the Camp Wood station for the reasonable costs associated with a channel change if the construction permit is implemented. The Camp Wood permittee, La Radio Cristiana Network, Inc., has already filed comments supporting NABC’s counterproposal.

In light of the foregoing, the Commission should adopt the counterproposal set forth in NABC's June 8, 1998 comments and counterproposal, as modified herein.

Respectfully submitted,

NORTH AMERICAN BROADCASTING COMPANY

By:



Bruce A. Eisen  
Its Attorney

KAYE, SCHOLER, FIERMAN,  
HAYS & HANDLER, LLP  
901 15th Street, N.W.  
Suite 1100  
Washington, D.C. 20005  
(202) 682-3500

June 23, 1998

North American Broadcasting Company  
1100 Guadalupe  
Austin, Texas 78701

**ENGINEERING STATEMENT**  
Reply Comments  
MM Docket 98-55  
Pleasanton, Hondo and Bandera, Texas  
June 1998

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F. W. Hannel, PE  
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STATE OF ILLINOIS     )  
                                  )  
COUNTY OF PEORIA    )    SS:

F. W. Hannel, after being duly sworn upon oath, deposes and states:

He is a registered Professional Engineer, by examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding Bachelor of Science and Master of Science degrees, both in Electrical Engineering;

His qualifications are a matter of public record and have been accepted in prior filings and appearances requiring scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him personally or under his supervision and direction and;

The facts stated herein are true, correct, and complete to the best of his knowledge and belief.

June 21, 1998



F. W. Hannel, P.E.

F. W. Hannel, PE  
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North American Broadcasting Company  
1100 Guadalupe  
Austin, Texas 78701

**ENGINEERING STATEMENT**  
Reply Comments  
MM Docket 98-55  
Pleasanton, Hondo and Bandera, Texas  
June 1998

**ENGINEERING STATEMENT**

This firm has been retained by North American Broadcasting Company, an applicant for FM Channel 276C2 at Karnes City, Texas, to prepare this engineering statement in support of their reply comments in the above captioned proceeding. Docket 98-55 proposes that the FM Table of Allotments be amended to assign FM Channel 253C2 to Pleasanton, Texas, and in order to accommodate that upgrade, channels changes are proposed in Bandera and Hondo, Texas. In response to the Notice of Proposed Rulemaking, North American Broadcasting filed a counterproposal seeking the substitution of proposed channels at Bandera so that an existing site restriction imposed on FM Channel 276C2 at Karnes City, Texas, be eliminated. The Karnes City site restriction was necessary to accommodate the substitution of FM Channel 276A at Bandera, Texas, to replace the presently assigned FM Channel 252A at that community.

North American Broadcasting proposed that FM Channel 251A be substituted for FM Channel 253A at Camp Wood, Texas, and that FM Channel 256A be substituted for FM Channel 252A at Bandera<sup>1</sup> as an alternate equivalent channels at the respective communities. The proposed substitutions at Bandera and Camp Wood would eliminate

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<sup>1</sup> Two other counterproposals were filed in this proceeding along with the North American Broadcasting proposal. Blanco Broadcasting requested the assignment of FM Channel 252C2 at Blanco, and Reding is requesting that FM Channel 252A at Pleasanton be deleted and that FM Channel 253C1 be allotted to Schertz, Texas. The Commission has not published any of the counterproposals.

the site restriction imposed by the proposed allotment of FM Channel 276A at Bandera, Texas. The proposal of North American Broadcasting would provide both Camp Wood and Bandera equivalent replacement channels that could be upgraded to Class C3 channels by the filing of one step upgrade applications in each of the communities.

Attached as Exhibit E-1 is an FM Channel study conducted on FM Channel 251C3 which demonstrates that FM channel 251C3 can be assigned to Camp Wood in full compliance with the Commission's Rules. In order to for FM Channel 251C3 to be assigned to Camp Wood, it would only be necessary for that permittee to file an application requesting the upgraded channel.

Attached as Exhibit E-2 is an FM Channel Study conducted on FM Channel 256C3 which demonstrates that FM Channel 256C3 can be assigned to Bandera, Texas, at their present transmitter site utilizing the provisions of Section 73.215 of the Commission's Rules. This channel would qualify as a one step upgrade if the licensee of Radio Station KEEP(FM) would simply file an Application for Construction Permit requesting the upgraded channel.

The North American Broadcasting proposal in this proceeding would provide additional public interest benefits to all of the communities involved. Bandera would receive a channel that could be upgraded, Camp Wood would receive a channel that could be upgraded, the site restriction at Karnes City would be eliminated, and the suggested substitutions would not deprive any community of service, as opposed to the Reding counterproposal which proposes to delete FM Channel 252A at Pleasanton, Texas.

North American Broadcasting Company  
 1100 Guadalupe  
 Austin, Texas 7B701

**ENGINEERING STATEMENT**  
 Reply Comments  
 MM Docket 98-55  
 Pleasanton, Hondo and Bandera, Texas  
 June 1998

Exhibit E-1  
 FM CHANNEL 251C3  
 N29-42-53  
 W100-00-56

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEAR
ALC	San Carlos	CI	248	C		114.7	96.0	228.6°	18.7
ALC	Piedras Negras	CI	250	A		124.0	88.0	207.4°	36.0
ALC	Austin	TX	251	C1	U	225.8	211.0	75.0°	14.8
ALC	Laredo	TX	251	C1	U	247.9	211.0	168.8°	36.9
KRRG	Laredo	TX	251	C1	L	247.9	211.0	168.8°	36.9
KVETFM	Austin	TX	251	C1	L	218.6	211.0	75.1°	7.6
ALC	San Carlos	CI	252	A		114.7	88.0	228.6°	26.7
ALC	Bandera	TX	252	A	U	91.0	89.0	83.0°	2.0
KEEP	Bandera	TX	252	A	D	90.8	89.0	80.1°	1.8
KEEP	Bandera	TX	252	A	D	90.8	89.0	80.1°	1.8
KEEP	Bandera	TX	252	A	L	90.8	89.0	80.1°	1.8

All distances in Kilometers

North American Broadcasting Company  
 1100 Guadalupe  
 Austin, Texas 78701

**ENGINEERING STATEMENT**  
 Reply Comments  
 MM Docket 98-55  
 Pleasanton, Hondo and Bandera, Texas  
 June 1998

Exhibit E-2  
 FM CHANNEL 256C3  
 N29-51-22  
 W99-05-25

CALL	CITY	ST	CHN	CLS	DIST	SEPN	BRNG	CLEAR
KPAC	San Antonio	TX	202	C1 L	51.2	24.0	136.1°	27.2
ALC	Hondo	TX	253	A U	68.0	42.0	185.4°	26.0
KBUC	Pleasanton	TX	253	C2 A	86.7	56.0	149.3°	30.7
KBUC	Pleasanton	TX	253	C2 A	86.7	56.0	149.3°	30.7
KRBH	Hondo	TX	253	A D	66.9	42.0	182.9°	24.9
KRBH	Hondo	TX	253	A D	66.9	42.0	182.9°	24.9
KRBH	Hondo	TX	253	A C	66.9	42.0	182.9°	24.9
ALC	Dilley	TX	255	C2 U	131.5	117.0	183.4°	14.5
ALC	Lampasas	TX	255	C1 U	143.2	144.0	47.7°	-0.8
KJFK	Lampasas	TX	255	C1 L	143.2	144.0	47.7°	-0.8
NEW	Dilley	TX	255	C2 C	123.0	117.0	182.9°	6.0
ALC	Camp Wood	TX	256	A U	91.5	142.0	256.9°	-50.5
KAYG	Camp Wood	TX	256	A C	90.8	142.0	260.1°	-51.2
ALC	San Antonio	TX	258	C U	102.7	96.0	128.8°	6.7
KISSFM	San Antonio	TX	258	C L	102.7	96.0	128.8°	6.7

Camp Wood Relocated to FM Channel 251A  
 All distances in Kilometers

**CERTIFICATE OF SERVICE**

I, Toni R. Daluge, a secretary in the law offices of Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that on this 23rd day of June, 1998, a copy of the foregoing "North American Broadcasting Company's Reply to Comments" was sent via regular United States mail, postage prepaid, to the following:

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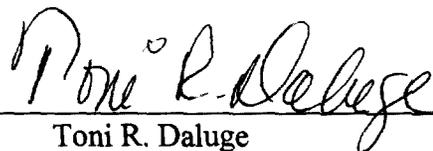
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\_\_\_\_\_  
Toni R. Daluge