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FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 98-123
Table of Allotments,)	RM-9291
FM Broadcast Stations.)	
(Hilliard and Marysville, Ohio))	

COMMENTS OF CITICASTERS CO.

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Dated: September 8, 1998

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SUMMARY

Section 307(b) of the Communications Act directs the Commission to seek a "fair, efficient and equitable distribution of radio service." According to Commission precedent, a proposed reallocation satisfies this statutory directive when it better reflects the populations of and broadcast services available to an area and its communities.

In the *Notice*, the Commission considered the reallocation of Channel 289A (and the modification of relevant licenses and permits) from Marysville, a community with two radio allotments and a 1990 population of less than 10,000, to Hilliard, a substantially larger community with no local transmission services (the "Proposal"). The Proposal would provide Hilliard its first local transmission service and, as amended by these Comments (the "Amended Proposal"), would increase the net number of persons served by nearly a half million, with no unserved or underserved areas being created. (The Amended Proposal is similar to the Proposal, but offers new geographic reference coordinates that would better use scarce broadcast spectrum by increasing the total gain of the reallocation by more than 20,000 persons.) Moreover, Hilliard is a distinct community, well deserving of its own transmission service. According to Commission policy and precedent, the Amended Proposal would offer a fairer and better use of scarce radio spectrum and should be adopted.

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To the Chief, Allocations Branch:

COMMENTS OF CITICASTERS CO.

Citicasters Co. ("Citicasters"), by its attorneys and pursuant to Section 1.415 of the Commission's Rules, hereby submits these Comments in support of the proposal addressed by the Commission's *Notice of Proposed Rule Making*, DA 98-1373 (released July 17, 1998), in the above-captioned proceeding ("*Notice*"). ^{1/} In the *Notice*, the Commission proposed the reallocation of Channel 289A from Marysville to Hilliard, Ohio (collectively, the "Communities"),

^{1/} Citicasters also incorporates, by reference, its prior pleadings in this matter, notably the Petition for Rule Making and the Technical Exhibit in support of that Petition, submitted June 1, 1998.

and the related modification of the license of WKFX(FM), Marysville, Ohio, pursuant to Section 1.420(i) of the Commission's Rules. 2/

The proposal described in the *Notice* (the "Initial Proposal") would provide Hilliard, Ohio, its first local transmission service. It also would increase the number of persons able to be served by WKFX(FM) from 498,569 persons to 947,058 persons, which would result in a net "increase of 448,489 persons within its 60 dBu contour." *Notice* at ¶ 3 In addition, the re-location of Channel 289A and WKFX(FM) to Hilliard would not deprive any community of its sole transmission service. *See id.* at ¶ 4.

Moreover, recent events enable Citicasters to propose even better geographic reference coordinates for the Hilliard allotment than were proposed in the *Notice*. On August 28, 1998, Citicasters filed an application for a new license for WCHO-FM, Washington Court House, Ohio, which reflects the re-location of the transmitter site of that station, pursuant to Commission authorization in File No. BP-971126IC. 3/ Meanwhile, Citicasters understands that the licensee of WMXG(FM), London, Ohio, has relinquished the construction permit that authorized re-location of the site for that station (File No. BPH-971202IE). 4/ As a

2/ *Notice* at ¶ 4. A request to change the call sign of WKFX(FM) to WZAZ-FM is pending before the Commission. For the sake of clarity, the station will be referred to as WKFX(FM) throughout these comments.

3/ A copy of the license application is attached as Exhibit 4.

4/ A copy of a letter filed with the Commission regarding this relinquishment is attached as Exhibit 5.

result of these events, Citicasters hereby respectfully requests the Proposal be amended to reflect reference coordinates for WKFX(FM) at Hilliard of North Latitude 40° 03' 26" and West Longitude 83° 08' 36" (the "Amended Proposal"). 5/

As shown in the attached Technical Exhibit ("Technical Exhibit"), 6/ the Amended Proposal is sufficiently spaced from the constructed facilities of WCHO-FM, and from all other proposed or existing broadcast outlets. 7/ The Amended Proposal also would increase the number of people able to be served by a Hilliard Channel 289A from 947,058 to 968,753 without creating any unserved or underserved areas. Most important, the Amended Proposal, like the Initial Proposal, would give the vibrant community of Hilliard its first local transmission service and ensure that the smaller community of Marysville would retain a local transmission service. Accordingly, Citicasters urges that the Commission adopt the Amended Proposal in order to enable the fast-growing and already significant

5/ The filing of a license application suffices to enable the Allocations Branch to amend the Proposal as requested, at least on a contingent basis. *See, e.g., Memorandum Opinion & Order, Implementation of BC Docket No. 80-90 to Increase the Availability of FM Broadcast Assignments*, 59 R.R.2d 679, Appendix A & n.8 (1985) (discussing allotment to Semora, North Carolina), *remanded Reeder v. FCC*, 865 F.2d 1298 (D.C. Cir. 1989), *aff'd* 5 FCC Rcd 610 (1990); *see also Report and Order, Table of Allotments, FM Broadcast Stations (Durango & Dolores, Colorado)*, 12 FCC Rcd 9740 at n.12 (Allocations Branch 1997).

6/ The Technical Exhibit is attached as Exhibit 1.

7/ Because the Amended and Initial Proposals are similar in many respects, these comments will refer generally to the Proposal when the related statement could refer to either the Amended or Initial Proposal. The comments will specify the Amended Proposal whenever the statement refers only to that proposed reallocation.

community of Hilliard, Ohio, to obtain its first local transmission service *and* to maximize the number of persons able to enjoy the use of scarce radio spectrum.

I. THE PROPOSAL ENSURES MORE EQUITABLE AND MORE EFFICIENT BROADCAST SERVICE TO THE COMMUNITIES OF AND NEAR HILLIARD AND MARYSVILLE, OHIO.

Section 307(b) of the Communications Act directs the Commission to seek a "fair, efficient and equitable distribution of radio service." According to Commission precedent, a change to the FM Table of Allotments would result in a more efficient and equitable distribution of radio service when the proposal better reflects the populations of and broadcast services available to an area's communities. 8/ Specifically, the Commission prefers a proposed change that results in at least one of the following:

- 1) a community's first full-time aural reception service;
- 2) a community's second full-time aural reception service; or
- 3) a community's first local transmission service. 9/

8/ See Report and Order, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Parker and Port St. Joe), 11 FCC Rcd 1095 at ¶ 4 (Allocations Branch 1996) ("*Parker & Port St. Joe Order*").

9/ See *id.* Commission precedent looks first to the first criterion, but accords equal weight to the second and third priorities in matters in which they are both pertinent. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4873 & n. 8., recon. granted in part, 5 FCC Rcd 7094 (1990) ("*Change of Community R&O*"). Because Marysville, Ohio, is served by at least two radio broadcast services -- including, for example, WLVQ(FM), Columbus, Ohio, and WUCO(AM), Marysville, Ohio, see Technical Exhibit at Figure 3 -- the absence of any local transmission service for Hilliard is the most important consideration in this proceeding.

If none of these three events will result from a proposed reallocation, the Commission has considered, as its fourth priority, other public interest factors, including which arrangement of allotments would make most efficient use of the spectrum and serve the most people without creating underserved areas.

A. The Proposal Gives Hilliard, an Established and Growing Community, Its Own Transmission Service.

The Proposal qualifies as a preferred arrangement of allotments under the Commission's three criteria because it affords Hilliard, Ohio, its first transmission service. 10/ Under Section 307(b), the Commission presumes that every separate community needs at least one aural transmission service. 11/ This general presumption applies in all but two limited instances:

- when a proposed locality is not a sufficiently identifiable population grouping to be deemed a community for allotment purposes; 12/ or
- when a suburban community located within an Urbanized Area is so undistinguishable from the Area's central city as not to merit its own transmission service (the "Huntington Exception"). 13/

10/ As noted above, neither of the other criteria are implicated by the proposed re-allotment.

11/ See *Parker & Port St. Joe R&O* at ¶ 6.

12/ See, e.g., *Report and Order, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Amelia, Louisiana)*, 12 FCC Rcd 13930 at ¶ 6 (Allocations Branch 1997); *Revision of FM Assignment Policies and Procedures*, 90 FCC Rcd 88, 101 (1982).

13/ See, e.g., *Memorandum Opinion & Order, Faye & Richard Tuck, Inc.*, 3 FCC Rcd 5374 at ¶¶ 22-23 (1988); *Parker & Port St. Joe R&O* at ¶ 7. See generally *Huntington Broadcasting Co. v. FCC*, 192 F.2d 33 (1951).

Hilliard, with a 1990 population of 11,796, 14/ qualifies as an identifiable population grouping for purposes of broadcast allotments. Hilliard is a designated as a community in the most recent U.S. Census, which itself establishes a strong presumption that it deserves its own allotment. 15/ Moreover, as discussed further below, Hilliard is home to a diverse and extensive list of civic, religious, social and civic enterprises, which confirms its status as a community. 16/

Nor is Hilliard's location on the outskirts of the Urbanized Area of Columbus a sufficient reason to deny it its own broadcast station. The Commission has established that it will "recognize a community's presumptive need for local transmission service" and grant reallocation unless there is substantial evidence that the Huntington Exception applies. 17/ In this case, substantial evidence instead demonstrates that Hilliard is its own community, with its own identity, its own business, social, religious and civic organizations and services, and, accordingly, merits its own local transmission service.

14/ U.S. Census, 1990 Census of Population and Housing, Ohio, at 58 (1993) ("1990 Census") (excerpt attached as Exhibit 2).

15/ *Id.* See, e.g., *Report and Order, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Hannahs Mill, Milledgeville and Perry, Georgia)*, 6 FCC Rcd 3753 at ¶ 9 (Allocations Branch 1991); *Revision of FM Assignment Policies and Procedures*, 90 FCC Rcd 88, 101 (1982).

16/ Excerpts from a series of materials sent by Hilliard's Chamber of Commerce, which are included in Exhibit 3, also confirm that Hilliard is a distinct community. See Exhibit 3.

17/ See *Faye & Richard Tuck, Inc.*, 3 FCC Rcd at ¶ 24.

Commission precedent considers three criteria in determining whether the Huntington Exception should deny reallocation in a particular case:

- the interdependence of the community with the central city;
- the signal population coverage at maximum power; and
- the size and proximity of the specified community to the central city. 18/

Of these criteria, the first is most important. 19/ A showing that the selected community is largely independent of the nearby central city is alone sufficient cause for the Commission to treat the community as a separate municipality deserving of its own broadcast service. 20/ In this case, a review of these criteria confirms that the Huntington Exception should not prevent the distinct community of Hilliard from obtaining its own broadcast service.

1. Hilliard Is an Economically and Socially Distinct Community.

Hilliard's many residents do not depend on Columbus for private or public services, information or employment. Commission precedent considers eight factors in determining whether a community within an Urbanized Area is dependent on the Area's central city:

- the extent to which community residents work in the central city;
- whether the community has its own newspaper or other local media;

18/ *Id.*

19/ *See id.* at ¶ 40.

20/ *See id.* at ¶ 28.

- whether the community leaders and residents perceive the specified community as being separate from the larger metropolitan area;
- whether the community has its own local government and elected officials;
- whether the community has its own telephone book or zip code;
- whether the community has its own commercial establishments, health facilities, and transportation systems;
- the extent to which the specified community and the central city are part of the same advertising market; and
- the extent to which the specified community relies on the larger metropolitan area for various municipal services such as police, fire protection, schools, and libraries.

As measured by these factors, Hilliard merits its own broadcast service.

Hilliard has its own city government, including its own elected mayor and city council, its own finance, building, zoning and tax departments, its own post office, and its own recreation and parks department. 21/ It has its own school district, which includes both the city of Hilliard and some of its surrounding areas. 22/ Within Hilliard proper are located the Hilliard City School District's two high schools -- Hilliard Darby and Hilliard Davidson -- its two middle schools --

21/ See Exhibit 3, Items A & B.

22/ See Exhibit 3, Item C. In fact, the extent of the school district may cause persons who do not live within the city limits of Hilliard to associate themselves or their families with the Hilliard City School District, and consequently, with Hilliard itself. Hilliard's zip code, which encompasses addresses beyond the city limits of Hilliard, furthers this extension of Hilliard into the surrounding communities, as the zip code -- 43026 -- typically results in a Hilliard post-office address, even if the address is not technically within the city limits of Hilliard. Because Hilliard has come to represent a region, as well as a city, the lack of its own transmission service is even more significant.

Hilliard Weaver and Hilliard Heritage -- and several of its elementary schools, including a separate building that houses all of the District's sixth-grade classrooms. Hilliard operates its own police department and shares a fire department with the Norwich Township (in which Hilliard is located). It also maintains a number of medical facilities, including a MedOhio Urgent Care facility, the Hilliard Chiropractic Center, the Hilliard Foot & Ankle Center, the Mt. Carmel Health System -- Hilliard Branch, and the Hilliard Square Medical Center.

Nor are the residents of Hilliard dependent on Columbus in their private arrangements. More than twenty churches and several civic organizations have a Hilliard address, including a Moose Home Lodge, an American Legion Memorial Post, a Garden Club, a Jaycees chapter, a Kiwanis Club, a Lions Club, a Women's Club and an Optimist Club. 23/ Hilliard also has its own Chamber of Commerce, Convention & Visitors Bureau, and Arts Council. 24/ Although the city of Hilliard does not yet have any local broadcast service, two weekly newspapers -- Hilliard Northwest News and Hilliard This Week, each with a circulation of nearly 20,000 -- 25/ inform residents of the community's affairs. A long calendar of Hilliard events also creates opportunities for Hilliard's residents to interact as a community. 26/

23/ See Exhibit A, Items B & D.

24/ See *id.*

25/ *Editor & Publisher International Year Book* at II-63 (77th Ed. 1997).

26/ See Exhibit A, Item E (calendar of events during the last quarter of 1997).

In addition, Hilliard is a commercial center in its own right.

Compu-Serve, one of the largest on-line providers in the United States, has corporate offices in Hilliard. 27/ Red Roof Inns, Inc., a national hotel chain with locations in more than 30 states, is based in Hilliard. 28/ Other large employers in Hilliard include a division of Novus/Discover Card and the Gates-McDonald Company. 29/ Employment also is provided by the dozens of retailers and local service providers-- from restaurants to computers -- located in Hilliard. For example, a K-mart, a Sears Hardware, at least five hotels, more than a dozen housewares or home equipment stores, and more than 40 restaurants -- from fast food to fine cuisine -- have a Hilliard address. 30/ In all, an estimated 15,400 persons are employed in Hilliard. 31/

As noted, a finding that a proposed community is distinct from a nearby city is the single most important consideration in determining whether the

27/ See generally Exhibit A, Item F.

28/ See *id.*

29/ See *id.*

30/ See, e.g., Exhibit 3, Item G; Yahoo Yellow Pages (available through the internet site: http://gnn.yahoo.com/Regional/U_S_States/Ohio/Cities/Hilliard).

31/ This figure was based on a study recently conducted by Hilliard's Finance Department, as described by Mr. Dave Delande, Deputy Finance Director of Hilliard in a telephone conversation on December 12, 1997. This more recent figure is slightly larger -- as consistent with the fast-growing nature of Hilliard -- than a similar figure contained in the 1996 demographics study, attached in Exhibit 3, Item H, which states that approximately 14,470 persons (a number larger than the 1990 Census population) are employed in Hilliard.

narrow Huntington Exception should block a requested change in the Table of Allotments. 32/ Because, in this case, Hilliard is not dependent on Columbus for its government, its schools, its religious, social, commercial or health services, or its residents' employment, the Huntington Exception should not deny Hilliard its first local transmission service.

2. Other Huntington Criteria Confirm that Channel 289A Should Be Re-Alloted to Hilliard.

The other Huntington criteria -- signal population coverage and the relative size and location of the proposed community -- also support grant of the Proposal. First, according to the Technical Exhibit, relocation of WKFX(FM)'s allotment and operations to Hilliard would result in less than half of the Columbus Urbanized Area being within WKFX(FM)'s 70 dBu contour. 33/ Because the proposed change in allotments would not encompass the Columbus Urbanized Area with the related station's primary signal, the Proposal merits Section 307(b) preference. 34/

32/ See *Faye and Richard Tuck, Inc.*, 3 FCC Rcd at ¶ 28.

33/ See Technical Exhibit at 3.

34/ See generally *Parker & Port St. Joe R&O* at ¶ 8 (approving reallocation that would have resulted in signal encompassing 30 percent of local Urbanized Area); *Report and Order, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Arcadia & Fort Meade, Florida)*, DA 98-287, MM Docket No. 97-159 at ¶ 2 (Allocations Branch, released February 20, 1998) (noting that allotment would not be deemed to serve Urbanized Area unless it would serve at least 50 percent of that Area with a 70 dBu signal).

Second, Hilliard is physically distinct from Columbus. Hilliard is a significant population center in its own right, with a population estimated to be nearly double that of the 1990 Census reported population of 11,796. The city, located across the Scioto River from and nine miles west of Columbus, lies predominantly outside of Columbus' "Outerbelt" -- Interstate 270 -- which circles Columbus and its immediate suburbs. At least four other cities with FM allotments -- Gahanna, Grove City, Upper Arlington, and Westerville, Ohio -- are roughly as far from Columbus as Hilliard. ^{35/} In fact, Gahanna lies just six miles from Columbus. Grove City, like Hilliard, is nine miles distant from Columbus. Another city with an FM allotment, Westerville, Ohio, lies 10 miles away from Columbus. Most notably, Hilliard is almost entirely separated from Columbus by a community that already has its own FM allotment -- Upper Arlington -- which alone is reason for the Commission to recognize Hilliard as a community separate from Columbus. ^{36/}

B. Other Public Interest Considerations Confirm That Hilliard Merits Its Own Broadcast Service.

In addition that the Proposal affords Hilliard, a distinct and significant community, its first local transmission service, the Proposal also provides for a more equitable distribution of broadcast allotments and results in other benefits to the

^{35/} See 47 C.F.R. § 73.202.

^{36/} See *Parker & Port St. Joe*, 11 FCC Rcd at ¶ 8. (All distances were found using the U.S. Geographic Name Server through the web site: <http://www.indo.com/distance>, which has been used in other Commission proceedings.)

public interest. Under the Proposal, Hilliard -- with its 1990 Census population of 11,796 and an estimated 1996 population of 19,000 -- 37/ will have at least the same number of local transmission services as nearby Marysville, which has a 1990 Census population of only 9,656. 38/ Section 307(b) mandates that the Commission assign, where possible, radio service befitting the population of the community or communities to be served by a particular allotment. 39/ The allotment of one broadcast channel to both Hilliard and Marysville, rather than two to Marysville and none to the larger community of Hilliard, better reflects the communities' relative populations. 40/

In addition to already being the more populated community in absolute terms, Hilliard also is growing far more quickly than Marysville. In 1980, Marysville was home to 7,414 individuals. From 1980 to 1990, Marysville's population increased by roughly 30 percent. In that same time period, however, Hilliard grew from 8,131 to 11,796 residents, an increase of approximately 45 percent. 41/

37/ See Exhibit 3 at Item H.

38/ Compare 1990 Census at 58 & 60.

39/ See Parker & Port St. Joe Order at ¶ 4.

40/ See Report and Order, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Douglas, Tiffin & Unionville, Georgia), 12 FCC Rcd 1280 at ¶ 5 (Policy & Rules Div. 1997) (moving allotment from a community of 10,464 to one of 14,215 in order to give each the same number of local transmission services).

41/ See 1990 Census at 58, 60.

In recent years, the growth of Hilliard only has accelerated. A local demographic study estimates that the city's 1996 population was 19,000 -- or almost 40 percent larger than its 1990 population. In light of these rapid increases, the state Census Bureau has named Hilliard as "the fastest growing city in the State of Ohio." 42/ The comparative growth rates of the two communities underscores that Hilliard is likely to continue to be larger than Marysville, and, as the larger and faster-growing community, merits at least the same number of local transmission services as Marysville.

In addition to the equitable arguments in favor of the Proposal, reallocating Channel 289A to Hilliard undoubtedly offers a more efficient use of broadcast spectrum. As noted in the Technical Exhibit, the Amended Proposal would enable WKFX(FM) to serve almost twice as many persons as it does now -- or roughly 968,753 people within its 60 dBu service area. As a result, approximately 470,000 people more than the present arrangement of allotments would be able to receive broadcast service from WKFX(FM). 43/

This net gain in service would neither deprive Marysville of its lone transmission facility nor create any unserved or underserved area. 44/ As demonstrated by the Technical Exhibit, Marysville and its surrounding communities will continue to receive a large number of aural services. In fact, any

42/ See Exhibit 3 at Item H.

43/ See Technical Exhibit at 3.

44/ See Technical Exhibit at 3 & Figure 3.

listener in WKFX's existing service area still would be able to receive at least five radio stations following a relocation of WKFX(FM) to Hilliard. 45/ Moreover, nearly 95 percent of these listeners would remain within WKFX(FM)'s service area even after the Proposal were implemented. 46/

In a number of precedent, the Commission has established that the provision of radio service to more individuals through an allotment of scarce broadcast spectrum is preferable to serving fewer. 47/ In this instance, the Proposal would increase service to nearly a half-million persons by a reallocation of Channel 289A to Hilliard. This substantial net gain in service without the creation of any

45/ Precedent has established that the loss of a single existing service to well-served populations is not cause to reject a proposed reallocation that would increase the total number of persons served. See, e.g., *Report and Order, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Coleman, Sebawaing & Tuscola, Michigan)*, 11 FCC Rcd 1095 at ¶ 5 (Allocations Branch, 1996) ("*Coleman Order*").

46/ Although, as explained in the *Notice*, the Proposal would require a new transmitter site for WKFX(FM), only 26,166 persons currently within WKFX(FM)'s service area would not remain within WKFX(FM)'s service area were it to become Hilliard's first local transmission service. See Technical Exhibit at Figure 3.

47/ See, e.g., *Report and Order, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Albion, Honeoye Falls and South Bristol Township, New York)*, DA 98-1574, MM Docket No. 98-8 at ¶ 6 (Allocations Branch, released August 14, 1998) (switching, for public interest reasons, allotments between three communities in order to increase total service by approximately 280,000 persons, even though all involved communities already had at least two aural reception services and one aural transmission service); *Coleman Order*, 11 FCC Rcd 1095 at ¶ 5; *Report and Order, Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Albany, Georgia, Marianne & Quincy, Florida)*, 4 FCC Rcd 2631 (Allocations Branch, 1989) (reallocating channel because would result in a net service increase of approximately 220,000 persons, even though much of that increase involved already well-served populations).

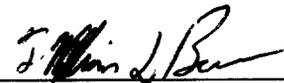
unserved or underserved population or the deprivation of any community of its local transmission service makes clear that the Proposal should be adopted as a more efficient arrangement of the FM Table of Allotments.

II. CONCLUSION

As noted in the initial Petition for Rule Making, Citicasters is prepared to apply for the channel requested, if allotted, and, if authorized, to construct or modify the facilities necessary. *See attached.* For the foregoing reasons, the Commission should grant the Amended Proposal as soon as possible.

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By: 

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F. William LeBeau

Attorneys for Citicasters Co.

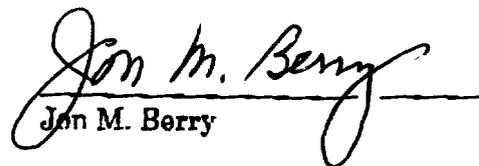
Dated: September 8, 1998

DECLARATION OF JON M. BERRY

I, Jon M. Berry, declare as follows:

1. I am Senior Vice President of Citicasters Co. ("Citicasters").
2. Citicasters intends to apply for construction permit for Channel 289A upon adoption of the proposed rule making amending Section 73.202, Table of Allotments, FM Broadcast Stations (Marysville and Hilliard, Ohio).
3. If awarded the construction permit for Channel 289A, Citicasters will promptly construct and operate such facilities.

I hereby declare under penalty of perjury that the statements made in this declaration are true and accurate to the best of my knowledge, information and belief.


Jon M. Berry

Executed this 4th day of September, 1998.

EXHIBIT 1

TECHNICAL EXHIBIT
IN SUPPORT OF
COMMENTS IN THE NOTICE OF PROPOSED RULE MAKING
IN MM DOCKET NO. 98-123
MARYSVILLE AND HILLIARD, OHIO

Technical Narrative

This technical exhibit has been prepared on behalf of Citicasters Co. ("Petitioner"), licensee of FM station WKFX, channel 289A, Marysville, Ohio, in support of comments in the Federal Communications Commission Notice of Proposed Rule Making in MM Docket No. 98-123 (herein "Notice"). The Notice was issued in response to a petition for rule making filed by Citicasters requesting the reallocation of channel 289A from Marysville to Hilliard, Ohio as the community's first local aural service, and the modification of WKFX's license accordingly. The purpose of this technical exhibit is to (1) specify an alternate allotment reference site and (2) provide data reflecting the reception services which are available within the gain and loss areas that would result from the allotment of channel 289A to Hilliard.

Alternate Allotment Reference Site

The attached Figure 1 is a tabulation of required separations pertinent to use of channel 289A at Hilliard.¹ The alternate reference site complies with the Commission's minimum distance separation requirements contained in section 73.207 to all existing, authorized and proposed stations and allotments, except to the licensed facilities of WCHO-FM on channel 288A at Washington Court House, Ohio (BLH-4254) and the authorized facilities of WMXG on channel 292A at London, Ohio (BPH-971202IE).

¹The geographic coordinates for Channel 289A at Hilliard are North Latitude 40°03'26" and West Longitude 83°08'36".

However, WCHO-FM, which also is owned by the Petitioner, has an outstanding construction permit (BPH-971126IC) which is fully-spaced to the allotment reference site. Station WCHO-FM has constructed the facilities authorized in BPH-971126IC, has filed an application for license (FCC Form 302-FM) for these facilities, and now is operating on automatic program test authority at this fully-spaced location. Furthermore, with regard to the WMXG short-spacing, WMXG is relinquishing its construction permit which will eliminate its short-spacing.

Figure 2 is a map which was developed using the 1990 U.S. Census Topologically Integrated Geographic Encoding and Referencing (TIGER)/Line files and which shows the area to locate channel 289A at Hilliard in compliance with the Commission's minimum distance separation requirements and city coverage requirements based on maximum Class A facilities (ERP 6 kW/HAAT 100 m). Operation from the alternate reference allotment reference point will provide the requisite city grade (70 dBu) coverage to all of Hilliard. The Hilliard city limits shown on Figure 2 were also obtained from the TIGER/Line files.

Pursuant to Section 1.420(i), the Commission will consider proposals to modify the license of an FM station to specify a new community if the proposed allotment would be mutually exclusive with the present assignment. As the entire area to locate for channel 289A at Hilliard, depicted on Figure 2, would be short-spaced to the licensed WKFX site, the new allotment is mutually exclusive with the existing allotment.

Urbanized Area Considerations

Hilliard, Ohio is located within the Columbus Urbanized Area. However, the proposed 70 dBu contour will encompass less than 50% of the Columbus Urbanized Area.

60 dBu Gain Area

The authorized WKFX 60 dBu contour encompasses 498,569 persons within 2,515 square kilometers. The proposed 60 dBu contour will encompass 968,753 persons within 2,515 square kilometers. Therefore, adoption of the Petitioner's proposal will result in an increase in the number of persons within the 60 dBu contour of 470,184 persons.

Available Reception Services to Gain and Loss Areas

Figure 3 is a map depicting the FM 1 mV/m primary service contours for the licensed WKFX operation on channel 289A at Marysville and the proposed WKFX operation on channel 289A at Hilliard. Also shown are other aural (AM, FM) services available to the areas that will gain and lose service within the 1 mV/m contour.² For FM stations the 1 mV/m contour is depicted, and for Class A AM stations WJR and WLW the 0.5 mV/m groundwave contours are shown. Figure 4 tabulates the AM and FM stations whose contours are shown on Figure 3. Only those FM and AM services necessary to provide at least five (5) fulltime aural services to the loss area have been shown on Figure 3. The letters identify the AM and FM service contours of stations tabulated on Figure 4. There are at least five fulltime aural services available to the gain

²The determination of available reception services was based on the criteria set forth in footnote 1 of the Notice of Proposed Rule Making in MM Docket No. 96-219 (DA 96-1774; adopted October 25, 1996, released November 1, 1996).

and loss areas based on operation from the alternate allotment reference site put forth in these comments.³

Coverage Contours

The FM predicted coverage contours were calculated in accordance with the provisions of Section 73.313, except that uniform terrain was presumed in all directions.

Population and Area

The population within each FM primary service contour (1 mV/m) and the gain, common and loss areas was calculated using a computer program that utilizes the 1990 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose centroid was within each service area. The area within each FM primary service contour was calculated using a root mean square algorithm.



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³ There are also at least five fulltime aural services available to the gain and loss areas based on operation from the allotment reference site contained in the Notice.