

ORIGINAL

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

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SEP 15 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations.)
(Tumon, Guam))

MM Docket No. 98-113
RM-9296

REPLY COMMENTS

Guam Broadcast Services, Inc. ("GBS"), pursuant to Section 1.420 of the Commission's Rules and by its counsel, hereby files its Reply Comments with respect to the Commission's Notice of Proposed Rule Making, DA 98-1325 (released July 10, 1998) ("NPRM").¹ Granting the NPRM will be in compliance with the Commission's technical rules and policies, including the milage separation rules, and will not cause harmful interference. In support thereof, GBS states as follows:

1. As demonstrated in GBS' Comments, the proposed allotment would serve the public interest by providing a first local service to Tumon, the third priority under the Commission's FM Assignment Policies.² GBS has also demonstrated that the proposed allotment is fully-spaced and complies with the Commission's technical rules and policies.

¹ The NPRM permits the filing of Reply Comments until September 15, 1998. Thus these Reply Comments are timely filed.

² The FM priorities are: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88, 92 (1982) ("FM Assignment Policies").

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2. Inter-Island Communications, Inc. ("Inter-Island"), licensee of Station KZMI(FM), San Jose, Saipan, filed comments. Inter-Island acknowledges that the proposed allotment of Channel 280A meets the Commission's minimum mileage separation requirements, but incorrectly alleges that interference with KZMI is anticipated based upon the salt water path which separates Tumon, Guam and San Jose, Saipan. Inter-Island Comments at paragraph 2. The Commission will not consider an interference analysis when the proposed allotment satisfies the Commission's technical rules, including the minimum mileage separation rules. See Fairview, Pennsylvania, 10 FCC Rcd 2149, 2151 (Chief, Allocations Branch 1995). The minimum mileage separation for a Class A to a Class C3 is 142 km (98.2 miles). However, the mileage separation between the proposed Tumon allotment on channel 280A and the KZMI site is 211 km (131.1 miles). Because the Tumon proposal is 69 km (42.8 miles) further than the minimum distance required by the rules, the proposal satisfies the Commission's minimum mileage separation requirements.

3. Although the requested allotment of 280A complies with the Commission's technical rules, GBS is willing to accept the allotment of Channel 282A to Tumon, Guam in lieu of Channel 280, in the interest of providing expedited service to the public. The allotment of Channel 282 to Tumon, Guam will also comply with the Commission's technical rules and policies. *See Engineering Statement of John Mullaney.*³

4. If the allotment is granted, GBS will file an application for construction permit to construct and operate a station on either Channel 280A or Channel 282A, Tumon, Guam, and will expeditiously construct the new facility.

³ The Engineering Statement is attached as Exhibit 1.

WHEREFORE, GBS respectfully submits that the public interest would be served by amending the FM Table of Allotments as proposed herein.

Respectfully submitted,

GUAM BROADCAST SERVICES, INC.

A handwritten signature in black ink, appearing to read 'Rini', written over a horizontal line.

By:

Robert J. Rini

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Its Attorney

September 15, 1998

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ENGINEERING EXHIBIT EE-1:

**GUAM BROADCAST SERVICES, INC.
TUNON, GUAM
ALLOTMENT OF CHANNEL 282A IN LIEU OF 280A
MM DOCKET 98-113**

SEPTEMBER 15, 1998

**ENGINEERING STATEMENT IN SUPPORT OF A
PETITION FOR RULE MAKING
TO AMEND
THE FM TABLE OF ASSIGNMENTS**

MULLANEY ENGINEERING, INC.**ENGINEERING EXHIBIT EE-1:****GUAM BROADCAST SERVICES, INC.
TUMON, GUAM
ALLOTMENT OF CHANNEL 282A IN LIEU OF 280A
MM DOCKET 98-113****NARRATIVE STATEMENT:**

This engineering statement has been prepared on behalf of Guam Broadcast Services, Inc. The purpose of this statement is to support a request that the FM Table of Assignments be amended to allocate Ch. 282A (104.3 MHz) in lieu of Ch. 280A (103.9MHz) at Tumon, Guam as proposed in MM Docket 98-113. There is no local aural service licensed to Tumon.

Comments were filed indicating an objection to the allotment of Channel 280A on the grounds that interference (although not objectionable under the FCC rules) will be caused because of the intervening sea water path which increases real world FM coverage. While the allotment of Channel 280A is in full compliance with the FCC separation rules, Guam Broadcasting requests the substitution of Channel 280A in an effort to insure maximum benefit to the public.

Figure 1 is a channel study which indicates that the only conflict with the requested use of Ch. 282A is the existing proposal to allot Ch. 280A. The channel study was actually run as a Class C1 facility (rather than a

**Guam Broadcast Services, Inc.
Petition for Rulemaking (9/98)**

MULLANEY ENGINEERING, INC.

Class A facility) to insure that any existing or proposed operation on nearby islands were identified. Despite this no other stations were identified. Further investigation indicates that no U.S. station currently operates on channels 281, 282 or 283 within a radius of 354 km (220 miles) of Tumon. Thus, no significant interference to any station is probable due to the sea water path.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

September 15, 1998.



John J. Mullaney

***** FM CHANNEL STUDY NO. 2 - MULLANEY ENGINEERING, INC. GAITHERSBURG, MARYLAND - 15-SEP-98 13:23:35 *****
 ***** LAST UPDATE: 980912 *****

282 C1 FR	POLARIZATION	ERP (KW)	HAAT	RCAMSL
Tumon GU US		HOR PLN	BM TILT	(METER)
13.3025-144.4805 (D.MMSS)	HORIZONTAL	100.000	0.000	299.0
	VERTICAL	0.000	0.000	0.0

THE FOLLOWING CONTOURS ARE CALCULATED USING:
 ERP= 100.000 (KW) 20.0 (DBK) HAAT= 0.0 (METERS)

INTERFERING DOMESTIC
 DBU KM
 CO CHANNEL (40.0) 130.7
 1ST ADJACENT (54.0) 59.1
 2ND ADJACENT (80.0) 10.2
 3RD ADJACENT (100.0) 3.2

 PROTECTED (60.0) 31.0

 CITY GRADE (70.0) 18.1

AZIMUTH		LAT		LONG		ERP (KW)		HAAT	D	I-CON	P-CON	IR	IC	REZLT					
FROM	TO	CALL	STS	FILE NUMBER	CITY	ST C	(D.MMSS)	REL CHN	HORZ	VERT	(M)	A	F5010	F5050	DIST	RSEP	RSEP	IR	IC
												(KM)	(KM)	(KM)	(KM)	(KM)			
0.0	0.0		ADD	RM9296	Tumon	GU A	13.3025-144.4805	2ND 280A	H	V					0.0	75.			

THERE WERE 0 AM STATIONS WITHIN 6.43 KM (4 MI) OF THE FM REFERENCE COORDINATES

<p>CHANNEL ALLOCATION STUDY</p> <p>CH. 282A/C1 TUMON, GUAM</p>	<p>MULLANEY ENGINEERING, INC.</p> <p>GAITHERSBURG, MARYLAND</p> <p>FIGURE 1</p> <p>SEPTEMBER 1998</p>
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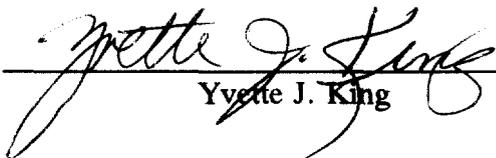
CERTIFICATE OF SERVICE

I, Yvette J. King, with the law firm of Rini, Coran & Lancellotta, P.C., do hereby certify that the foregoing "Reply Comments" was served on the below listed parties by First Class U.S. Mail this 15th day of September, 1998.

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Yvette J. King

***VIA HAND DELIVERY**