

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),) MM Docket No. 98-189
Table of Allotments,) RM-9377
FM Broadcast Stations.)
(Manzanita, Oregon))

**COUNTERPROPOSAL TO
PETITION FOR RULE MAKING TO AMEND THE
TABLE OF ALLOTMENTS**

Broad Spectrum Communications, Inc. ("BSCI"), by its attorneys and pursuant to Section 1.420 (d) and (g) of the rules of the Federal Communications Commission ("FCC" or "Commission"), 47 C.F.R. § 1.420(d), (g) (1997), hereby submits its counterproposal to the Petition for Rule Making to Amend the Table of Allotments filed by John L. Zolkoske to add Channel 235A to Manzanita, Oregon ("Zolkoske Petition").¹ BSCI, the licensee of Station KCBZ(FM), Channel 243A, Cannon Beach, Oregon, proposes a more efficient counterproposal pursuant to which KCBZ's licensed facilities would be modified by substituting Channel 235C3 for Channel 243A at Cannon Beach, Oregon, and adding Channel 242A to Bay City, Oregon as that community's first local aural service, provided that there are no other timely filed expressions of interest for Channel 235C3.

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¹ See Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, (Manzanita, Oregon), Notice of Proposed Rule Making, MM Docket No. 98-189, RM-9377 (Allocations Branch, Mass Media Bur. Oct. 23, 1998).

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I. INTRODUCTION

The Zolkoske Petition, filed with the Commission on August 31, 1998, requests the Commission to initiate a rule making to amend the table of FM allotments, 47 C.F.R. § 73.202(b), to add Channel 235A to Manzanita, Oregon. According to petitioner John L. Zolkoske, the new channel will be Manzanita's first radio station, serving a small tourist community with a population of 513.² However, as demonstrated herein, the Zolkoske Petition does not represent the most efficient allocation of spectrum.

II. COUNTERPROPOSAL

The Commission will accept counterproposals in proceedings to amend the FM Table of Allotments and will modify the license of an FM station to another class of channel in the same proceeding if, any one of the conditions in Section 1.420 (g) is met, including *inter alia*, "[t]here is no other timely filed expression of interest. . . ."³ BSCI requests that its license be modified to operate on Channel 235C3 and Channel 242A be allotted to Bay City as that community's first aural station, provided that there are no other timely filed expression of interest for Channel 235C3. Should such expressions of

² Petition Made by John L. Zolkoske for Rule-Making to Amend the Table of FM Allotment to Add Channel 235A (94.9 mHz) to Manzanita, Oregon, MM Docket No. 98-189, RM-9377 at 1 (filed Aug. 31, 1998). All population figures throughout the instant counterproposal are taken from the 1990 U.S. Census figures.

³ 47 C.F.R. § 1.420(g)(1). In the Report and Order implementing subparagraph (g) of Section 1.420, the Commission stated that "[w]e continue to believe that FM . . . station licensees should be encouraged to upgrade their facilities in order to improve service to their audiences." *Amendment of the Commission's Rules Regarding the Modification of FM and Television Station Licenses*, Report and Order, 98 FCC 2d 916, 919 (1984) ("Modification Order"), *recon. on other grounds*, 59 RR 2d 1466 (1986).

interest be filed, BSCI requests that its license to operate Station KCBZ remain on Channel 243A.⁴

A. Channel 235C3 at Cannon Beach, Oregon

The substitution of Channel 235C3 for Channel 243A at Cannon Beach represents a more efficient use of spectrum.⁵ Station KCBZ, operating on the Class C3 channel as proposed herein, would be able to serve 38,365 persons, while a full power, fully spaced Class A station at Cannon Beach would provide service to 20,158 persons.⁶ Channel 235C3 can be allocated to Cannon Beach in compliance with the minimum distance separation requirements without the imposition of a site restriction.⁷ A Class C3 station cannot be allocated to Manzanita on Channel 235.

B. Channel 242A at Bay City, Oregon

With the substitution of Channel 235C3 at Cannon Beach, Channel 242A can be allocated to Bay City, Oregon, thereby providing that community with its first aural

⁴ Where timely competing expressions of interest are filed and additional equivalent channels would not be provided, the Commission permits licensees to withdraw their proposals where the existing and proposed allotments are incompatible. Modification Order at 920-21.

⁵ The Commission has repeatedly recognized that serving larger areas by upgrading from a Class A channel represents “major benefits” in terms of spectrum efficiency. Modification Order at 921 (citing *Modification of FM Broadcast Station Rules to Increase the Availability of Commercial FM Broadcast Assignments*, 94 FCC 2d 152, 173 (1983)).

⁶ The licensed operation of Station KCBZ currently is short spaced to Station KYCW(FM) in Seattle by 0.61 kilometers. The population calculations set forth herein are based on the allocation coordinates of each channel.

⁷ An allocation study is attached hereto as Attachment A.

station. Channel 242A can be allocated in compliance with the minimum distance separation requirements without the imposition of a site restriction.⁸

Bay City is an incorporated community in Tillamook County on the Oregon Coast. It has a population of 1,027 people, almost twice that of Manzanita. Bay City is an established community of homes, businesses and offices. It has a city hall, a post office, a volunteer fire department and many retail establishments. A Class A station in Bay City can serve more of Tillamook County's 21,570 residents than a Class A station in Manzanita. A Class A station at Manzanita would serve 14,622 persons. The same class of station at Bay City would serve 20,730 persons.

BSCI believes that the public interest would be best served by substituting Channel 235C3 for Channel 243A at Cannon Beach and allocating Channel 242A to Bay City. A substantially larger population can be served than with the proposal presented in the Zolkoske Petition. The combined population served by the current allocation in Cannon Beach (assuming a full power, fully spaced Class A station) and by the Zolkoske proposal is 34,780 persons. The combined population of the BSCI counterproposal is 59,095 persons.

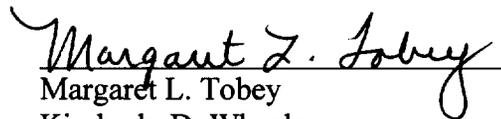
III. CONCLUSION

BSCI requests that the Table of Allotments be amended to specify that Channel 235C3 be allocated to Cannon Beach and Channel 242A be allocated to Bay City as that community's first radio station. Moreover, BSCI requests that the licensed facilities of Station KCBZ, Cannon Beach, be modified to operate on Channel 235C3, provided that no competing expressions of interest are submitted to the Commission. If authorized to

⁸ An allocation study is attached hereto as Attachment B.

operate on Channel 235C3, BSCI will promptly construct and begin operation on the improved facilities. BSCI also will apply for Channel 242A at Bay City if that channel is allocated as proposed herein. If competing expressions of interest for the proposed new Cannon Beach allotment are submitted and the Commission determines that there are no additional equivalent channels available, BSCI will withdraw this counterproposal and maintain its licensed facilities on Channel 243A at Cannon Beach.

Respectfully submitted,



Margaret L. Tobey
Kimberly D. Wheeler
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
(202) 887-1500

Counsel for Broad Spectrum
Communications, Inc.

December 14, 1998

ATTACHMENT A

FM CHANNEL SPACING STUDY

Job title: 235C3 at Cannon Beach
 Proposed latitude: N 45 53 42.00
 Proposed longitude: W 123 57 36.00
 Database file name: E:\EDX\Fccdata\Fm981005.edx
 Use pre-1989 Class A spacings?: N

Proposed channel: 235C3

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
234C2	KNRK	25566	Camas	WA	CP MOD	113.6	120.3	117.0	3.3
234C2	KNRK	25567	Camas	WA	LIC	113.6	120.6	117.0	3.6
238C	KXLFM	25568	Portland	OR	CP	114.2	108.4	96.0	12.4
238C	KXLFM	25570	Portland	OR	APP	114.2	108.4	96.0	12.4
238C	KXLFM	25571	Portland	OR	LIC	114.2	108.2	96.0	12.2
288A	KLYK	25639	Longview	WA	LIC	70.3	90.7	12.0	
288A	KLYK	25640	Longview	WA	APP	75.0	83.3	12.0	
235C1	KUOW	25668	Seattle	WA	LIC	32.7	229.2	211.0	18.2
233A	KUKN	26066	Kelso	WA	LIC	63.0	79.6	42.0	
236A	KITIFM	26067	Winlock	WA	LIC	44.7	102.2	89.0	13.2
237C3	KGHOEM	26068	Hoquiam	WA	CP	6.5	117.1	43.0	
237A	KGHOEM	26070	Hoquiam	WA	LIC	8.5	116.5	42.0	
289C2	KFMY	26087	South Bend	WA	CP MOD	9.2	90.2	17.0	
289C2	KFMY	26089	South Bend	WA	APP	9.2	90.2	17.0	
235C1	KOOS	26438	North Bend	OR	LIC	182.8	278.6	211.0	
236C2	KSND	26474	Lincoln City	OR	LIC	183.1	126.7	117.0	9.7
232A	KKEE	26488	Long Beach	WA	LIC	351.4	47.1	42.0	5.1

***** End of channel 235 study *****

ATTACHMENT B

FM CHANNEL SPACING STUDY

Job title: 242A at Bay City
Proposed latitude: N 45 31 24.00
Proposed longitude: W 123 53 18.00
Database file name: E:\EDX\Fccdata\Fm981005.edx
Use pre-1989 Class A spacings?: N

Proposed channel: 242A

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
243C	KWEG	25056	Warm Springs	OR	LIC	109.1	222.2	165.0	
241C	KXXO	25630	Olympia	WA	LIC	41.1	165.4	165.0	0.4
243C	KYCW	25673	Seattle	WA	LIC	30.6	262.9	165.0	
241C	KZELEFM	25986	Eugene	OR	LIC	159.8	179.9	165.0	14.9
244A	KCRFFM	25988	Lincoln City	OR	LIC	186.0	72.4	31.0	
243A	KCBZ	26025	Cannon Beach	OR	LIC	355.4	48.0	72.0	-24.0
243A	KCBZ	26027	Cannon Beach	OR	APP	355.5	47.8	72.0	-24.2
296C3	KRQT	26091	Castle Rock	WA	LIC	33.5	109.8	12.0	
244C1	KCRF	26476	Lincoln City	OR	CP	188.5	86.2	75.0	11.2

***** End of channel 242 study *****

DECLARATION

I, Paul Eric Dausman, president of Broad Spectrum Communications, Inc., have reviewed the foregoing COUNTERPROPOSAL TO PETITION FOR RULE MAKING TO AMEND THE TABLE OF ALLOTMENTS, and I hereby declare under penalty of perjury that the facts stated therein are true and correct to the best of my personal knowledge and belief.



Paul Eric Dausman
President
Broad Spectrum Communications, Inc.

Dated: December 10, 1998

CERTIFICATE OF SERVICE

I, Theresa L. Pringleton, do hereby certify that the foregoing
**COUNTERPROPOSAL TO PETITION FOR RULE MAKING TO AMEND THE
TABLE OF ALLOTMENTS** was mailed on this 14th day of December, via first class U.S.
mail to the following:

John L. Zolkoske
915 N. Douglas Avenue
Stayton, OR 97383

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W. , TW-A325
Washington, D.C. 20554

Leslie Shapiro
Mass Media Bureau
Allocations Branch
Federal Communications Commission
2000 M Street, N.W. - Room 536
Washington, D.C. 20554


Theresa L. Pringleton