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January 20, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, D.C. 20554

**Re: Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Martin, Tiptonville and Trenton, Tennessee)
MM Docket No. 96-204; RM-8876 and RM-9015**

Dear Ms. Salas:

Transmitted herewith on behalf of Thunderbolt Broadcasting Company is an original and four copies of its Reply to the November 2, 1998 Opposition to Petition for Reconsideration filed by Twin States Broadcasting, Inc. concerning the above-referenced rule making proceeding, pursuant to Section 1.429(g) of the Commission's Rules.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,

John F. Garziglia
Patricia M. Chuh

Enclosures

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

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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| In the Matter of |) | |
| |) | |
| Amendment of Section 73.202(b) |) | MM Docket No. 96-204 |
| Table of Allotments |) | RM-8876 |
| FM Broadcast Stations |) | RM-9015 |
| (Martin, Tiptonville and |) | |
| Trenton, Tennessee) |) | |

To: Chief, Allocations Branch

REPLY TO OPPOSITION TO PETITION FOR RECONSIDERATION

Thunderbolt Broadcasting Company ("Thunderbolt"), by its attorneys and pursuant to Section 1.429(g) of the Commission's rules, hereby replies to the November 2, 1998 Opposition to Petition for Reconsideration filed by Twin States Broadcasting, Inc. ("Twin States") against the October 19, 1998 Petition for Reconsideration filed by Thunderbolt, which seeks reconsideration of the Report and Order, MM Docket No. 96-204, RM-8876 and RM-9015, DA 98-1799, released September 11, 1998 ("Report and Order") retaining Channel 267C3 at Tiptonville, Tennessee, among other things.^{1/} Because the retention of Channel 267C3 at Tiptonville, Tennessee contravenes established Commission policy concerning FM allotments, the Commission should reverse the Report and Order and adopt the Alternate Allotment Plan proposed by Thunderbolt. In support whereof, the following is respectfully submitted:

^{1/} The instant reply is timely filed pursuant to Sections 1.429 and 1.4 of the Commission's rules. The filing of the Petition for Reconsideration in this rule making proceeding was published in the Federal Register on December 23, 1998, which established the due date for filing Oppositions as January 7, 1999. See 63 Fed. Reg. 71141 (December 23, 1998).

1. Although Twin States continues to allude to Commission policy which purportedly prohibits the downgrading of a vacant FM allotment, Twin States' ruminations appear to be wishful thinking. There is no such Commission policy as confirmed by Twin States' failure to provide any citations to such policy. In fact, established Commission policy concerning FM allotments is contrary to Twin States' self-serving statements.

2. Contrary to Twin States' assertions, established FM allotment policy prescribes the adoption of Thunderbolt's Alternate Allotment Plan.^{2/} Because first local service will be provided to Tiptonville, Tennessee (via Channel 247A), while at the same time allowing WCMT-FM to provide service to an additional 30,000 persons (via Channel 267C3), Thunderbolt's Alternate Allotment Plan will provide greater public interest benefits than only the retention of Channel 267C3 at Tiptonville, Tennessee. Accordingly, the adoption of Thunderbolt's Alternate Allotment Plan will result in a preferential arrangement of FM allotments in accord with the Commission's FM allotment policy.

3. Furthermore, there is no "downgrade" of the Tiptonville allotment, as Twin States erroneously alleges. Because the Tiptonville, Tennessee allotment is vacant (i.e., there is no existing station or authorized facility at Tiptonville), there is

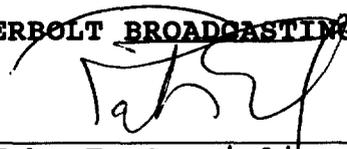
^{2/} Thunderbolt proposes: the substitution of Channel 247A for vacant Channel 267C3 at Tiptonville, Tennessee; allotment of Channel 267C3 to Martin, Tennessee and the modification of the facilities of WCMT-FM, Martin, Tennessee to specify operation on Channel 267C3; and the substitution of Channel 249C3 for Channel 248C3 at Trenton, Tennessee and the modification of the facilities of WWEZ(FM) to specify operation on Channel 249C3 ("Alternate Allotment Plan").

no loss of service as a result of the substitution of a Class A channel in lieu of a Class C3 channel. As shown in Thunderbolt's Petition for Reconsideration, the Commission routinely allows the substitution of a lesser class channel in lieu of a vacant higher class channel to provide a community with its first local service, as is proposed here, where there is an expression of interest in the lesser class channel and there is no showing that the lesser class channel is insufficient to provide coverage to that community. The adoption of Thunderbolt's Alternate Allotment Plan is therefore in accord with Commission policy.

WHEREFORE, for the foregoing reasons, the Commission should reverse its decision in the Report and Order, MM Docket No. 96-204, RM-8876 and RM-9015, DA 98-1799, released September 11, 1998, and substitute Channel 247A for vacant Channel 267C3 at Tiptonville, Tennessee; allot Channel 267C3 to Martin, Tennessee and modify the facilities of WCMT-FM to specify operation on Channel 267C3; and substitute Channel 249C3 for Channel 248C3 at Trenton, Tennessee and modify the facilities of WWEZ(FM) to specify operation Channel 249C3.

Respectfully submitted,

~~THUNDERBOLT BROADCASTING COMPANY~~

By: 

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Its Attorneys

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January 20, 1999

CERTIFICATE OF SERVICE

I, Lisa Skoritoski, a secretary in the law firm of Pepper & Corazzini, L.L.P., certify that the foregoing Reply to Opposition to Petition for Reconsideration were mailed on this 20th day of January, 1999 to the following by first class mail, postage prepaid:

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