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

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In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 99-28
Table of Allotments)	RM-9438
FM Broadcast Stations)	
(Olathe, Colorado))	

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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COUNTERPROPOSAL

Respectfully submitted,

COLORADIO, INC.

Mark N. Lipp
Shook, Hardy & Bacon
600 14th Street, NW
Suite 800
Washington, DC 20005
(202) 783-8400

Its Counsel

THE MEADOWLARK GROUP, INC.

Howard M. Weiss
Fletcher Heald & Hildreth, P.L.C.
1300 North 17th Street
11th Floor
Rosslyn, VA 22209-3801
(703) 812-0400

Its Counsel

March 29, 1999

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SUMMARY

This counterproposal is filed on behalf of The Meadowlark Group, Inc., permittee and transferor of Station KAVD(FM), Limon, Colorado and ColoRadio, Inc. ("ColoRadio"), transferee of Station KAVD. This counterproposal requests the upgrade of KAVD to a full Class C station and its relocation to serve a new community of license, Parker, Colorado, as its first local service. Limon will retain existing local service. The relocation will result in a substantial net gain in area and population served.

In order to make the proposed changes to KAVD, two other stations will be required to change channel. One of the affected licensees has provided a statement consenting to the proposed changes. Consistent with prior cases, the proponents request that the Commission issue a Show Cause Order with respect to the other affected licensee. In each case, however, the proponents will reimburse the affected licensees for their expenses in making the requested changes. Two additional changes are necessary to channels that have been allotted but not yet licensed.

The Counterproposal conflicts with the Commission's Notice of Proposed Rule Making in MM Docket No. 99-28 proposing to allot Channel 270C2 to Olathe, Colorado, since this Counterproposal proposes to allot that channel instead to Rifle, Colorado. However, this Counterproposal proposes an alternate channel, Channel 248C2, for allotment at Olathe. Therefore, both proposals can be granted and no weighing of the public interest benefit is necessary.

Accordingly, for the reasons set forth herein, the proponents urge the Commission to grant this Counterproposal.

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COUNTERPROPOSAL

The Meadowlark Group, Inc. ("MGI"), permittee and transferor of Station KAVD(FM), Limon, Colorado and ColoRadio, Inc. ("ColoRadio"), transferee¹ of Station KAVD, jointly, by their respective counsel, hereby submit this Counterproposal to the Notice of Proposed Rule Making, 14 FCC Rcd ____ (1999) (DA 99-269, released February 5, 1999) in the above captioned proceeding. MGI/ColoRadio propose to substitute Channel 276C for Channel 276C1 at Limon, Colorado and to change its community of license to Parker, Colorado as a first local service. In order to accomplish this Class C upgrade, the following changes to the FM Table of Allotments are requested (listed alphabetically):

	<u>Channels</u>	
<u>Community</u>	<u>Existing</u>	<u>Proposed</u>
Avon, Colorado	276C2	288C2
Craig, Colorado	273C(unoccupied)	274C
Limon, Colorado	276C1	-----
Parker, Colorado	-----	276C
Rifle, Colorado	287C	270C
Imperial, Nebraska	275C(unoccupied)	228C

1. ColoRadio currently has a 49% interest in the permit for KAVD. The pending application (BTCH-990217GI) proposes to transfer the remaining 51% interest of MGI to ColoRadio.

This proposal will require only two other existing stations (KZYR, Avon and KZKS, Rifle) to change channels. As will be discussed, ColoRadio has entered into an agreement with the Avon station for reimbursement for the changes and the Avon station has provided a consent statement for the proposed changes. The Rifle station licensee has not consented to the channel change. Therefore MGI/ColoRadio request that the Commission issue an Order to Show Cause to this licensee. The MGI/ColoRadio proposal for Channel 276C at Parker conflicts with the NPRM's proposal to allot Channel 270C2 to Olathe, Colorado due to the proposal substitution of Channel 270C at Rifle, Colorado. In support hereof, MGI/ColoRadio hereby states as follows:

I. PRELIMINARY MATTERS

1. MGI/ColoRadio each hereby state that as the licensee, it will reimburse the licensees of Stations KZKS, Rifle, and KZYR, Avon, for their reasonable expenses in changing channel and/or transmitter site. MGI/ColoRadio also hereby state that, as the licensee, it will apply for Channel 276C at Parker and construct the facility if the Commission grants this proposal.

2. In view of the fact that only one station has not provided a consent statement for its respective change in facilities, this proposal complies with the Commission's Columbus, Nebraska policy 59 RR 2d 1185 (1986).

3. As a final preliminary matter, MGI/ColoRadio hereby state that pursuant to Section 1.420(j), neither has paid nor promised to pay, in any of the agreements, any licensee, permittee or applicant for withdrawing an expression of interest, dismissing an application or forbearing to file an expression of interest or application.

II. CONFLICT WITH THE NPRM

4. As indicated in the attached Engineering Statement at Figure 7, this proposal for a first local service at Parker conflicts with the NPRM proposal to allot a first local service to Olathe, Colorado. MGI/ColoRadio is offering an alternate channel (248C2) to avoid the conflict so that Olathe can receive its first local service² and provide Parker with a first local service. See Figure 8. In view of the elimination of the conflict, this counterproposal should not receive the strict scrutiny given to proposals where other parties' proposals could be adversely affected.

5. In the event that for some reason Channel 248C2 can not be allotted to Olathe, the Commission should favor the community of Parker for a first local service under the guidelines set forth in Revision of FM Assignment Policies and Procedures 90 FCC 2d 88 (1982). Here the population of Parker is 5,450 (1990 U.S. Census) whereas the population of Olathe is 1,263. The Commission generally favors the larger community where both communities are vying for a first local service. See e.g., Rose Hill, Trenton, Aurora and Ocracoke, North Carolina 11 FCC Rcd 21223 (1996); Athens and Atlanta, Illinois, 11 FCC Rcd 3445 (1996) and Blanchard, Louisiana and Stephens, Arkansas 8 FCC Rcd 7083 (1993). In addition, the Parker proposal will result in an overall net gain area of 1,502,854 persons in an area of 16,989 sq. km.

2. In MM Docket No. 98-188, Channel 293C was proposed for allotment to Olathe as a first local service by Good Government Radio ("GGR") on December 7, 1998 prior to the date that the instant petition was filed by Mountain West Broadcasting on December 22, 1998.

III. CHANGE IN COMMUNITY OF LICENSE

6. In Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License ("Community of License"), 4 FCC Rcd 4870 (1989), recons. granted in part, 5 FCC Rcd 7094 (1990), the Commission stated that in order to grant a change in community of license: (1) the proposed use of the channel must be mutually exclusive with its current use; (2) the existing community of license must retain local service; and (3) the proposed arrangement of allotments must be preferred over the existing arrangement under the Commission's allotment priorities.

7. Here the attached channel study, Figure 1, demonstrates that the proposed allotment of Channel 276C at Parker is mutually exclusive with the current allotment of Channel 276C1 at Limon. Limon will retain existing service from Station KLIM(AM). Station KAVD(FM) is an unbuilt construction permit which is not providing any service at the present time. The new community, Parker, population 5,450, will obtain a first local service (Priority 3) while Limon (population 1,831) currently has local service (Priority 4). See Revision of FM Assignment Policies and Procedures, supra.

8. The community of Parker is not part of any urbanized area and the proposed principal community contour will not cover 50% of an urbanized area.

9. Parker fully satisfies the Commission's definition of "community" for allotment purposes. The Town of Parker was incorporated in May 1981. The 1990 census lists Parker's population at 5,450. The town now estimates that there are 14,000 residents living within the incorporated town of Parker.³ There is an elected mayor and a six member town council to govern

3. See Parker Government - Douglas County, Colorado reference page, attached as Exhibit A, taken from the Douglas County Library website

the town. The town employs a town administrator as well. Parker has its own Planning Commission, Parks and Recreation Commission, Board of Appeals, Cultural Commission and Landmark Commission. See Exhibit A.

10. Parker has its own police department, supervised by its Chief of Police. The Parker Fire Protection District serves the towns of Parker and Foxfield. Parker is home of the Parker Medical Center. Parker has its own zip codes (80134 and 80138) and its own post office. There is a public library in Parker, which is a branch of the Douglas County Public Library system. See Exhibit A.

11. There are eight elementary schools located in Parker.⁴ There are also two middle schools and two high schools in Parker.⁵ Parker has its own Chamber of Commerce with hundreds of member business offering a large variety of services. There are eighteen churches and religious centers in Parker. Two local newspapers serve the Town of Parker -- The Parker Trail and the Weekly News Chronicle. See Exhibit A.

12. Each year, the Town of Parker hosts the “Parker Country Christmas” and the “Parker Country Festival.” The Country Christmas features the largest parade of horses and carriages in all of Colorado, with over 10 entries each year. The carriage parade starts a week-long series of events including a town Christmas tree lighting, arts and crafts fair, chili dinner and Sunday pancake breakfast. The Country Festival is a three day summer celebration that features an arts and crafts fair, live entertainment, a pie-eating contest and Kids’ Day. See Exhibit A.

3. (...continued)
(<http://douglas.lib.co.us/dcguid/parker.htm>).

4. Two of the schools are K-grade 3 and two others are for grades 4-6.

5. One of the high schools is for grades 9-10 only. The other is for grades 9-12.

13. Parker is also home to many service organizations, including the Parker Optimist Club, Parker Rotary Club, Parker Sunrise Lions Club, Knight of Columbus Ave Maria Council No. 7880, Parker Breakfast Club, Parker VFW Post and Auxiliary 4266, American Legion Parker Post 1864, and the Parker Area Historical Society. See Exhibit A.

IV. COMPLIANCE WITH THE COMMISSION'S TECHNICAL RULES
A. STATION KAVD
PARKER, COLORADO

14. As indicated in the attached channel study, Figure 1, Channel 276C can be allotted to Parker at coordinates 39° 29' 37" N/104° 02' 30" W in compliance with the Commission's spacing rules and provide a 70 dBu signal to Parker (See Figure 2) provided the following changes are made:

- Channel 288C2 is substituted for Channel 276C2 for Station KZYR, Avon, Colorado at a new transmitter site
- Channel 228C is substituted for Channel 275C at Imperial, Nebraska at the site specified in the only pending application

15. The upgrade to Class C at Parker will result in a net gain in population (to 1,515,568 persons) and in area served (by 13,340 sq. km.) with no loss area. See Figure 3. Thus no showing of remaining reception services in the loss area is required.

16. MGI/ColoRadio reiterates that as permittee of KAVD, it will apply for Channel 276C to serve Parker and construct the facility.

B. STATION KZYR, AVON, COLORADO

17. In order to allot Channel 276C to Parker, Channel 288C2 must be substituted for Channel 276C2 for Station KZYR, Avon, Colorado with a change in the transmitter site reference coordinates. Channel 288C2 can be allotted to Avon provided a channel substitution is made for Station KZKS (Channel 287C), Rifle, Colorado. See Figure 4. The Rifle channel change will be

discussed herein. The licensee of Station KZYR has provided a statement in which it consents to the change in channel and transmitter site reference coordinates. See Exhibit A.

18. The change in transmitter site reference coordinates will provide a 70 dBu signal over Avon, See Figure 5, and will result in a net gain in population served 1,852 and in area by 3,649 sq. km. See Figure 6.

19. ColoRadio has entered into a reimbursement agreement with the licensee of Station KZYR, Avon. Should the Commission decide to substitute Channel 288C2 for Channel 270C2 at a new transmitter site, MGI/ColoRadio both state that it will reimburse the licensee of Station KZYR for its reasonable costs in changing channel and transmitter site.

C. STATION KZKS, RIFLE, COLORADO

20. In order to substitute Channel 288C2 at Avon, Channel 270C must be substituted for Channel 287C at Rifle, Colorado for Station KZKS. Channel 270C can be substituted at the KZKS license site provided a channel change is made for the vacant allotment of Channel 273C at Craig, Colorado. See Figure 7. The Craig channel change will be discussed herein. The licensee of Station KZKS, Rifle was unwilling to provide a statement of consent to the channel change. Therefore, MGI/ColoRadio respectfully requests that the Commission issue an Order to Show Cause to provide the licensee an opportunity to explain its position. In the meantime, MGI/ColoRadio will attempt to resolve this matter for KZKS. Notwithstanding, MGI/ColoRadio both hereby state that should the Commission substitute Channel 270C for Channel 287C at Rifle, MGI/ColoRadio will reimburse the licensee for its reasonable expenses in changing channels.

21. In addition, Channel 270C at Rifle is mutually exclusive to the proposal set forth in the NPRM to allot Channel 270C2 to Olathe, Colorado. MGI/ColoRadio offers Channel 248C2 at

Olathe as a substitute to resolve the conflict and provide a first local service to that community. See Figure 8.

22. Channel 270C at Rifle is short spaced to a proposal made in MM Docket 98-188 for Channel 270A at Paonia, Colorado separately by MGI and by Good Government Radio.⁶ However both proposals have been withdrawn in that docket. Accordingly, the substitution of Channel 270C at Rifle should not be affected by the now withdrawn proposals for alternate channel 270A at Paonia.

D. CHANNEL 273C, CRAIG, COLORADO

23. In order to substitute Channel 270C at Rifle, Channel 274C must be substituted for Channel 273C at Craig, Colorado. The Craig channel allotment has four applications pending. Channel 274C can be substituted at Craig in compliance with Section 73.207 of the Commission's Rules and can be used at each of the sites specified in the 4 pending applications as well as the allotment site reference coordinates. See Figures 9 - 13.

E. CHANNEL 275C, IMPERIAL, NEBRASKA

24. In order to allot Channel 276C to Parker, Channel 228C must be substituted for proposed Channel 275C at Imperial, Nebraska. Channel 276A is currently listed in the FM Table of Allotments for Imperial and is unoccupied. On September 24, 1997, Imperial Media Association filed a one-step upgrade application for Channel 275C (BPH-970924ML). That application specified a set of allotment coordinates that were different than the application site coordinates even though the application site was not short spaced. The application site has been amended twice while the allotment site has not been amended. The proposed substitution herein of Channel 228C at Imperial can be made at the current application site (See Figure 14) but is short spaced at the allotment site

6. Channel 270A at Paonia has not been accepted by the Commission by Public Notice nor entered into the Commission's data base.

specified in the original application. Once the pending application is granted, the allotment site coordinates will be deleted from Commission records.

25. The Commission's Public Notice (Mimeo 34706) released August 31, 1993 contemplates this type of situation at Example 16. There the Commission stated that a later filed proposal such as the instant proposal could wait in a queue until the application is granted. The Commission would not consider such a proposal to be contingent under that scenario. Since no other party would be adversely affected by waiting until action occurs on the application, MGI/ColoRadio requests that the Commission consider substituting Channel 228C at Imperial under these circumstances⁷. See Conflicts between Applications and Petitions for Rule Making to Amend the FM Table of Allotments 7 FCC Rcd 4917 (1992) at para. 14, recons. 8 FCC Rcd 4743 (1993). In Conflicts, 8 FCC Rcd at 4745 note 12, the Commission stated that it would attempt to resolve conflicts by considering site restrictions. Here, by changing the Imperial allotment site coordinates by approximately 1 km, the conflict between the Imperial allotment site and the instant counterproposal would be eliminated. See Figure 15.

V. CONCLUSION

25. This counterproposal is intended to provide Parker, Colorado with a first local service on Channel 276C for Station KAVD, Limon, Colorado. Rather than build the facility as a Class C1 to cover Limon and then build a Class C station at another transmitter site to cover Parker,

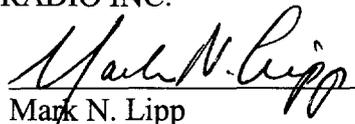
7. MGI/ColoRadio notes that the allotment site specified in the application is located approximately 31 km from the application site. The result of having two separate nonshort spaced sites protected is to give the applicant a much greater degree of protection than the Commission anticipated in Conflicts, *supra*. There appears to be no purpose in unduly restricting the filing of proposals which protect the application site where that site is non short spaced and provides city grade coverage. Otherwise the applicant is given protection for two sites which in this case extends 31 km. Rather the only purpose of having to specify a separate allotment site is where the application site is filed under Section 73.215 and proposes one or more short spacings.

MGI/ColoRadio requests expedited action on its Counterproposal which is filed in a manner which eliminates all known conflicts, i.e., Channel 248C2 instead of Channel 270C2 at Olathe. The KAVD permit expires automatically on April 4, 2000 (approximately 1 year) under the Commission's new 3 year rule. MGI/ColoRadio has attempted to gain the consent of all affected stations and has succeeded except for Rifle Station KZKS. MGI/ColoRadio will attempt to avoid the need for issuance of a show cause order in order to expedite Commission processing of this request. In addition to the provision of a first local service at Parker, the proposal will provide overall net gains in area -- 16,989 sq. km, and population -- 1,502,854 persons.

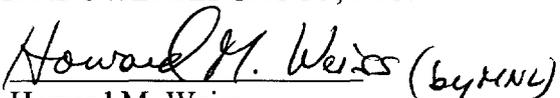
26. MGI/ColoRadio is confident that it can implement this rule making proposal in a timely manner. Therefore, MGI/ColoRadio respectfully request that the Commission grant the Counterproposal to allot Channel 276C to Parker, Colorado as its first local service.

Respectfully submitted,

COLORADIO INC.

By: 
Mark N. Lipp
Shook, Hardy & Bacon
600 14th Street, NW
Suite 800
Washington, DC 20005-2004
(202) 783-8400

THE MEADOWLARK GROUP, INC.

By:  (by MNL)
Howard M. Weiss
Fletcher, Heald & Hildreth P.L.C.
1300 North 17th Street
11th Floor
Rosslyn, VA 22209-3801

Its Counsel

March 29, 1999

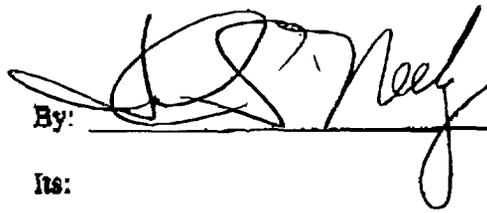
EXHIBIT A

**Station KZYR
Avon, Colorado**

AGM-Rocky Mountain Broadcasting I, L.L.C. ("Licensee"), licensee of Station KZYR, Avon, Colorado, hereby agrees to have Station KZYR's license modified to change channel from Channel 276C2 to Channel 288C2 and, if necessary, to change its transmitter site. Licensee will file an application to implement the changes should the Commission approve the amendment to the Table of Allotments. Licensee understands that this statement may be used in a filing with the Federal Communications Commission and hereby authorizes its use for that purpose.

I verify that this statement is true and accurate to the best of my knowledge, information and belief and is made in good faith.

AGM-ROCKY MOUNTAIN BROADCASTING I, L.L.C.

By:  P.O.A.
Its: _____

ENGINEERING STATEMENT

In Support of a

COUNTERPROPOSAL

MM Docket 99-28, RM-9438

ColoRadio, Inc.

The Meadowlark Group, Inc.

C O N T E N T S

FOR ENGINEERING EXHIBITS

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3.	Table 1	Summary of communities and channels
4.	Exhibit E, Figure 1	Allocation study for channel 276C, KAVD.P, Parker, Colorado
5.	Exhibit E, Figure 2	KAVD.P 70 dBu contour map
6.	Exhibit E, Figure 2A	KAVD.P 70 dBu contour map (zoomed)
7.	Exhibit E, Figure 2B	TIGER map of Parker, Colorado City Boundaries
8.	Exhibit E, Figure 3	KAVD.P gain and loss area map
9.	Exhibit E, Figure 4	Allocation study for channel 288C2, KZYR.L, Avon, Colorado
10.	Exhibit E, Figure 5	KZYR.L 70 dBu contour map
11.	Exhibit E, Figure 6	KZYR.L gain and loss area map
12.	Exhibit E, Figure 7	Allocation study for channel 270C, KZKS.L, Rifle, Colorado
13.	Exhibit E, Figure 8	Allocation study for channel 248C2, AD270C2, Olathe, Colorado
14.	Exhibit E, Figure 9	Allocation study for channel 274C, Roger L. Hoppe II, AP273C, Craig, Colorado

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FOR ENGINEERING EXHIBITS

15. Exhibit E, Figure 10 Allocation study for channel 274C,
Gaylen C. & Laurel W. Palmer, AP273C,
Craig, Colorado
16. Exhibit E, Figure 11 Allocation study for channel 274C,
Ebbill, LLC, AP273C, Craig, Colorado
17. Exhibit E, Figure 12 Allocation study for channel 274C,
George S. Flinn, Jr., AP273C,
Craig, Colorado
18. Exhibit E, Figure 13 Allocation study for channel 274C,
AL273C, Craig, Colorado
19. Exhibit E, Figure 14 Allocation study for channel 228C,
AP275C, Imperial, Nebraska
20. Exhibit E, Figure 15 Allocation study for channel 275C,
AP275C (revised coordinates), Imperial, Nebraska

ENGINEERING STATEMENT

In Support of a

COUNTERPROPOSAL

MM Docket 99-28, RM-9438

ColoRadio, Inc.

The Meadowlark Group, Inc.

Summary of Channels

(Depicting all communities, channels, and modifications)

COMMUNITY	PRESENT	PROPOSED	COMMENTS
Limon, CO	229A, 276C1	229A	Delete 276C1 & Change Community of License
Parker, CO	-----	276C	Add 276C, First Local Service
Olathe, CO	210C1, 270C2	210C1, 248C2	Change channel only
Craig, CO	202A, 211C3, 229C1, 273C	202A, 211C3, 229C1, 274C	Change channel only
Imperial, NE	275C	228C	Change channel and amend allocation coordinates.
Avon, CO	276C2	288C2	Change channel & site
Rifle, CO	287C	270C	Change channel only

Table 1

Engineering Statement

In Support of a

**Counterproposal
MM Docket 99-28, RM-9438
ColoRadio, Inc.
The Meadowlark Group, Inc.**

General

The instant counterproposal was prepared for ColoRadio, Inc. ("ColoRadio") and The Meadowlark Group, Inc. ("Meadowlark"), permittee of KAVD, channel 276C1, Limon, Colorado. It is prepared and submitted in response to an NPRM for MM Docket 99-28. ColoRadio/Meadowlark proposes to delete channel 276C1 at Limon and subsequently allocate channel 276C at Parker, Colorado. It proposes that the license of KAVD be modified accordingly.

The instant counterproposal is mutually exclusive (MX) with the NPRM in its proposed use of channel 270C2 at Olathe, Colorado. A substitution is proposed to eliminate the MX conflict between the instant counterproposal and the NPRM. Therefore, if the Commission adopts the ColoRadio/Meadowlark counterproposal as submitted, the proposed allotment of channel 270C2 at Olathe, Colorado must be denied. However, Olathe can be granted a class C2 facility if the instant counterproposal is adopted by substituting channel 248C2 for channel 270C2.

Methods

The ColoRadio/Meadowlark counterproposal is presented in sections, with each channel or licensed facility where a change is proposed is discussed individually. All sections begin with an allocation or channel spacing study. The proposed modification's technical compliance is then supported by additional exhibits.

All searches were performed on a V-Soft SearchFM program and verified with the EDX FMSR search program. The FCC F(50,50) contours were calculated using SoftWright's Terrain Analysis Package (TAP) Version 4.00.282. The studies were based on the latest technical data from the Commission's databases. Mapping, population counts, and gain/loss areas were conducted by a professional mapping program from MapInfo Corporation, Version 5.0. The program contains the exact community boundaries of the relevant cities. In pertinent cases where community boundaries were critical, the boundaries were cross-checked with the U.S. Census Bureau's TIGER maps.

All modifications that require a class change or antenna site modification have a gain/loss study for population and square kilometers. Because the facility that requires a change in the city of license (KAVD) has no loss area, no remaining services study is included.

Nature of the ColoRadio/Meadowlark Counterproposal

A summary of all communities and their related channels (present and proposed) is included in Table 1 for reference. ColoRadio/Meadowlark proposes to delete channel 276C1 at Limon and substitute channel 276C at Parker, Colorado for use by KAVD. In order to accomplish this, various channels and licensed facilities are proposed to be modified in order to create compliance with §73.207. The counterproposal provides for a first local service at Parker, Colorado and an increase in square kilometers covered. This is demonstrated by the large increase in the number of persons served by the new 60-dBu contour.

The allotment of channel 276C at Parker requires the following modifications:

- I). KZYR.L - channel 276C2, Avon, Colorado. The allotment of channel 276C at Parker creates a short-space to the channel 276C2 license of KZYR at Avon of 41.75

kilometers. In order to eliminate this short-spacing, ColoRadio/Meadowlark proposes to substitute channel 288C2 with a change of the KZYR antenna reference site. The substitution of channel 288C2 for channel 276C2 at Avon will require no other modification on the part of KZYR if certain additional changes are made in the spectrum. To accomplish this substitution, the following additional facility changes must occur.

A) KZKS -channel 287C, Rifle, Colorado. Presently KZKS, licensed to Rifle, Colorado, operates on channel 287C. The substitution of channel 288C2 for channel 276C2 at Avon creates a short-spacing to the license of KZKS at Rifle on channel 287C of 38.88 kilometers. In order to eliminate this short-spacing, ColoRadio/Meadowlark proposes to delete channel 287C at Rifle by substituting channel 270C.

The substitution of channel 270C for channel 287C at Rifle appears to be short-spaced to the allotment (and subsequent applications) of channel 273C at Craig, Colorado. However, the ColoRadio/Meadowlark counterproposal notes that no short-spacing will exist, since the instant counterproposal proposes to substitute channel 274C for channel 273C at all Craig sites.

The substitution of channel 270C at Rifle is mutually exclusive with the allocation of channel 270C2 at Olathe, Colorado. This is the MX point against which this counterproposal is being filed. However, ColoRadio/Meadowlark propose the allocation of channel 248C2 in lieu of channel 270C2. This would alleviate all mutually exclusivity between

the instant counterproposal and the allocation of a class C2 facility at Olathe. CH248C2 can be substituted with no change in the requested reference coordinates.

- 1) ALOPEN (AP273C) - channel 273C, Craig, Colorado. The Commission has accepted applications for the allocation of channel 273C to Craig, Colorado. The substitution of channel 270C at Rifle at its licensed coordinates creates short-space to the allocation coordinates as well as all the applicants' coordinates at Craig. ColoRadio/Meadowlark proposes a mutually exclusive channel change for Craig from channel 273C to channel 274C. All applications, as well as the allocation site, are fully spaced on channel 274C with no other spectrum changes required.

II). AP275C (ALOPEN) - channel 275C, Imperial, Nebraska. Presently channel 276A is allotted at Imperial and channel 275C is proposed in a one-step upgrade application. The lone applicant's coordinates and the allocation coordinates for CH275C are 31.01 kilometers apart. ColoRadio/Meadowlark propose the substitution of channel 228C at Imperial and the deletion of channel 275C at Imperial. This would eliminate the short-spacing that the application and the allocation sites offer to the proposed allocation of channel 276C at Parker, Colorado. If the applicant's request at Imperial for a one-step upgrade from channel 276A to channel 275C is denied, then the allotment of channel 276C at Parker complies with the current allotment of channel 276A at Imperial. A problem that the allocation of channel 228C at Imperial poses is with the distance between the allocation coordinates and the application coordinates. Although the

proposed substitution of channel 228C is fully spaced with no other spectrum changes necessary, the allocation coordinates are not fully spaced. To eliminate this short-spacing, the applicant has consented to a change in the allocation coordinates for channel 275C at Imperial to coincide with the application coordinates. These coordinates have a site restriction of 33.63 kilometers, which is well within the 67.7 kilometers allowable for a class C. However, if the applicant at Imperial were to desire to locate at the original channel 275C allotment reference site, the site would be fully spaced to the allotment of KAVD at Parker. Therefore, the substitution of channel 228C for channel 275C would be unnecessary. In summary, the applicant for a class C FM at Imperial has a wide choice of antenna sites including his current his current application site.

This completes the required Table of Allotments' modifications required for the allocation of channel 276C at Parker.

EXHIBITS EXPLAINED

KAVD

Exhibit E, Figure 1 is an allocation study depicting the spacing to all known FM facilities that are affected by the allotment of channel 276C at Parker. The study depicts all of the major on-channel and adjacent channel modifications required, but not the subchanges.

Exhibit E, Figure 2 is a map generated using the programs and techniques in the Methods section of the instant counterproposal. This study depicts the KAVD channel 276C allotment coordinates, a maximum class C 70 dBu contour, and the community boundaries of Parker. It demonstrates full compliance with §73.315 of the Rules.

Exhibit E, Figure 2A is a zoomed view of Exhibit E, Figure 2, showing clearly that the

proposed hypothetical 70 dBu contour covers 100% of the proposed community of license (Parker, Colorado). Exhibit E, Figure 2B is a portion of the TIGER map from the US Census Bureau's web site. This map verifies the accuracy of the city boundaries shown in Exhibit E, Figures 2 and 2A. Exhibit E, Figure 3 is a map demonstrating the gain and loss area of the respective 60 dBu contours for KAVD.

Commission Rules require a remaining services study whenever a facility is changing its community of license and its technical parameters. However, the present KAVD.C 60 dBu is totally inside the proposed KAVD 60 dBu, and no area will be left without KAVD 60-dBu service as a result of the proposed move of channel 276C1 at Limon to channel 276C at Parker. Because of this, no remaining services study is needed.

KZYR

Exhibit E, Figure 4 is an allocation study depicting the spacing to all known FM facilities that are affected by the substitution of channel 288C2 for channel 276C2 at the modified site of KZYR, Avon, Colorado. The study depicts all of the major on-channel and adjacent channel modifications required, and there are no subchanges. Exhibit E, Figure 5 is a map generated using the programs and techniques in the Methods section of the instant counterproposal. This study depicts the KZYR channel 288C2 allotment coordinates, a maximum class C2 70 dBu contour, and the community boundaries of Avon. It demonstrates full compliance with §73.315 of the Rules. Exhibit E, Figure 6 is a map demonstrating the gain and loss area of the respective 60-dBu contours for KZYR.

KZKS

Exhibit E, Figure 7 is an allocation study depicting the spacing to all known FM facilities that are affected by the substitution of channel 270C at Rifle, Colorado for channel 287C.

This exhibit shows that channel 270C at Rifle will be short-spaced to the allocation site (and all application sites) for channel 273C, Craig, Colorado. This short-spacing is solved by moving Craig to channel 274C. Because the proposed change at Rifle involves a channel change only, it is assumed that the station's coverage (and hence, its service to the community of license) will not be affected.

AL270C2 (ALOPEN)

Exhibit E, Figure 8 is an allocation study depicting the spacing to all known FM facilities that are affected by the allotment of channel 248C2 at the allocation site for channel 270C2, Olathe, Colorado. This is the proposed elimination of the conflict with between the instant counterproposal and the allocation of a new class C2 facility at Olathe. The study demonstrates no additional spectrum changes are required for this substitution.

AP273C (ALOPEN)

Exhibit E, Figures 9 through 12 are allocation studies depicting the spacing to all known FM facilities that are affected by the substitution of channel 274C for channel 273C at Craig, Colorado. These allocation studies are at the application site for all applicants for channel 273C at Craig. These exhibits show that channel 274C at Craig can be substituted for channel 273C with no other modifications to the spectrum necessary.

Exhibit E, Figure 13 is an allocation study for the allotment coordinates of channel 273C at Craig. This study, along with the others, shows no short-spacing when channel 274C is used instead of channel 273C. However, if the Imperial applicant chooses to return to the CH275C allotment reference site, there will be no short-space to the allotment of CH276C at Parker.

AP275C

Exhibit E, Figure 14 is an allocation study depicting the spacing to all known FM facilities that are affected by the substitution of channel 228C for channel 275C at the application site of AP275C, Imperial, Nebraska. The study shows that no additional spectrum changes are needed for the proposed substitution of channel 228C for channel 275C at Imperial. However, because of the distance between the allocation and application coordinates for channel 275C at Imperial, the allocation coordinates are short-spaced to KSWN, McCook, Nebraska. ColoRadio/Meadowlark proposes to solve this by amending the allocation coordinates of channel 275C at Imperial to the application coordinates for channel 275C.

If the Commission does not wish to relocate the allocation coordinates of AP275C to the current application coordinates, another alternative is to slightly amend the allocation coordinates for CH275C at Imperial by 1.04 kilometers. The allocation study for such an amendment is shown as Exhibit E, Figure 15. This study shows that a small adjustment in the allocation coordinates of CH275C at Imperial will allow KAVD to upgrade at the proposed coordinates.

ColoRadio/Meadowlark Counterproposal Gain-Loss Area

Listed below is a tabulation of the gain/loss area for each facility that requires an antenna location or class change. Stations that are proposed to have only their present channel substituted at their licensed site and require no class change are not included in this study. It is assumed that the service they would provide with a channel change would not deviate from their current coverage.

Station	Area Gain (sq. km)	Area Loss (sq. km)	Pop. Gain (1999)	Pop. Loss (1999)
KAVD	13,340	0	1,515,568	0
KZYR	5,108	1,459	14,566	12,714

The study includes three facilities that have a deviation in their coverage area proposed by the instant counterproposal. Listed in the study is each station's loss and gain area in square kilometers and the population gains and losses in number of persons according to the U.S. Census Bureau's estimated 1999 population figures. It depicts a cumulative total loss area of 1,459 square kilometers and a gain area of 18,448 square kilometers. The ColoRadio/Meadowlark counterproposal has a net area gain of 16,989 square kilometers. The population loss has a cumulative loss of 12,714 persons, while the population gain is 1,515,568 persons. Therefore, the net population gain of the ColoRadio/Meadowlark counterproposal is 1,502,854 persons.

Conclusion

The ColoRadio/Meadowlark counterproposal has demonstrated that it is in technical compliance with the present Commission Rules concerning such actions. The counterproposal produces a new first local at Parker, Colorado, a community of 5,450 persons (according to 1990 Census Bureau data) and an upgrade of KAVD, Limon, Colorado, to a full class C. The counterproposal creates a new 60-dBu service to 16,989 square kilometers and 1,502,854 persons.

ENGINEERING CERTIFICATION

My education and qualifications are a matter of record before the Commission. This firm has filed numerous applications, forms, and petitions with the Commission for a period of 21 years. I am familiar with the Commission's Rules and Regulations, and those Rules were followed during the preparation of this counterproposal.

All engineering in the instant counterproposal (MM Docket 99-28) was prepared by me or under my direct supervision.

Respectfully submitted,
REYNOLDS TECHNICAL ASSOCIATES

A handwritten signature in cursive script that reads "Lee S. Reynolds".

Lee S. Reynolds,
Technical consultant to
ColoRadio, Inc.
The Meadowlark Group, Inc.

March 29, 1999

REYNOLDS TECHNICAL ASSOCIATES
301 Cedar Street
Suite 4
Greenville, AL 36037
(334) 382-3239

**ENGINEERING STATEMENT
In Support of a**

**COUNTERPROPOSAL
MM Docket 99-28, RM-9438**

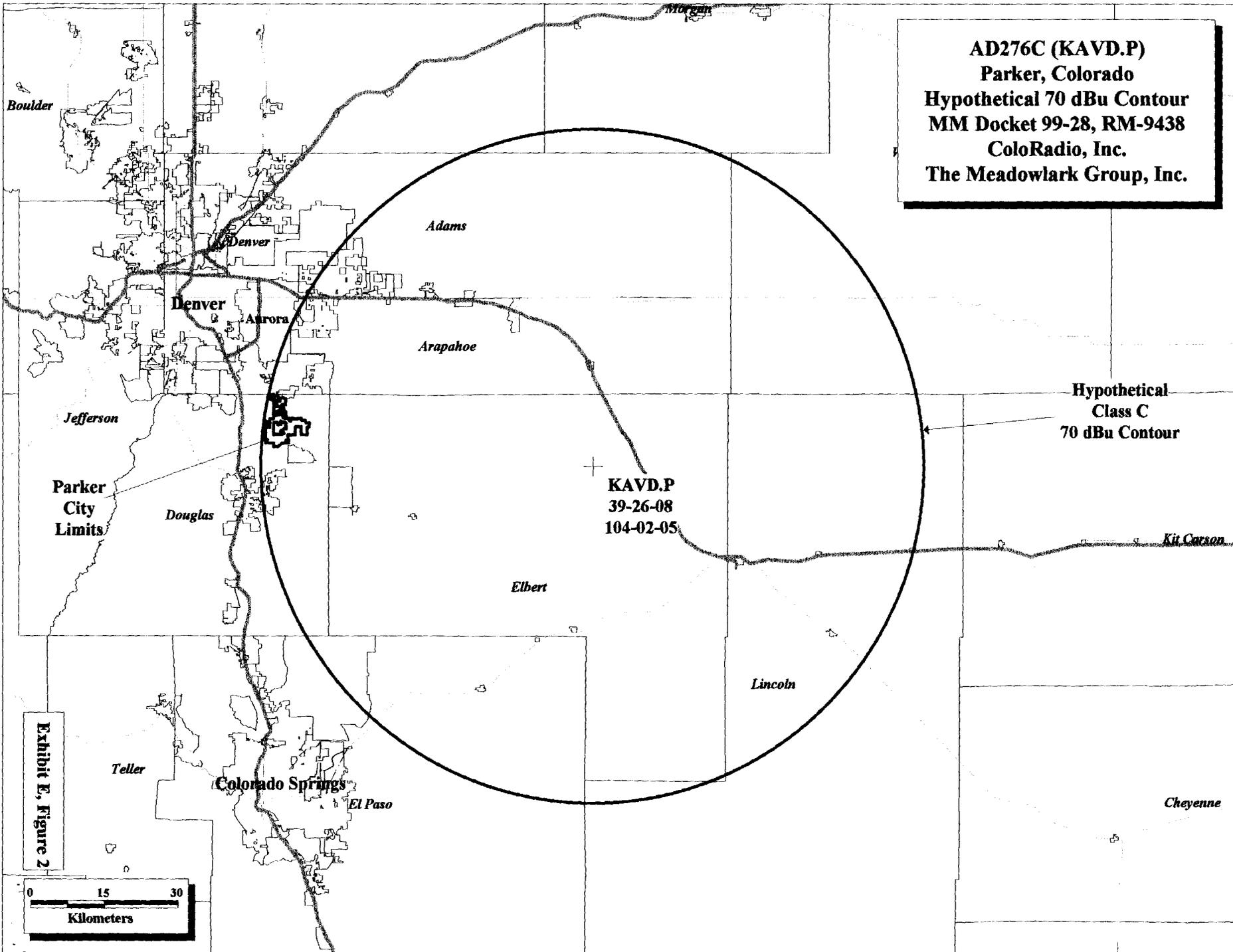
**ColoRadio, Inc.
The Meadowlark Group, Inc.**

Allocation Study - CH 276C, Parker, Colorado (KAVD.C)

39 26 08 N.			Class C				Search Date
104 02 05 W.			Current rules spacings				03-25-99
----- Channel 276 - 103.1 MHz -----							
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin

Community of Parker			CO	277.5	63.26		
Reference Coordinates:							
North Latitude: 39-30-35							
West Longitude: 104-45-49							
KAVD.C 276C1	Limon		CO	109.5	21.39	270.0	-248.61
Of No Concern:							
Station Modified							
In Instant Counterproposal							
KZYR 276C2	Avon		CO	276.1	208.51	249.0	-40.49
Of Concern:							
Moved to channel 288C2 in							
Instant Counterproposal							
AP275 275C	Imperial		NE	51.4	235.55	241.0	-5.45
Of Concern:							
Moved to channel 228C in							
Instant Counterproposal							
ALOPEN 275C	Imperial		NE	58.9	240.09	241.0	-0.91
Of Concern:							
Moved to channel 228C in							
Instant Counterproposal							
KRQU 275C	Laramie		WY	329.9	240.57	241.0	-0.43
KBIQ 274C	Manitou Springs		CO	223.0	104.82	105.0	-0.18
KRFX 278C	Denver		CO	287.6	108.22	105.0	3.22
ALOPEN 276A	Imperial		NE	58.3	233.59	226.0	7.59
KTRR 273C2	Loveland		CO	326.1	136.35	105.0	31.35

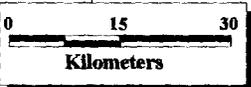
AD276C (KAVD.P)
Parker, Colorado
Hypothetical 70 dBu Contour
MM Docket 99-28, RM-9438
ColoRadio, Inc.
The Meadowlark Group, Inc.



Hypothetical
Class C
70 dBu Contour

KAVD.P
39-26-08
104-02-05

Exhibit E, Figure 2



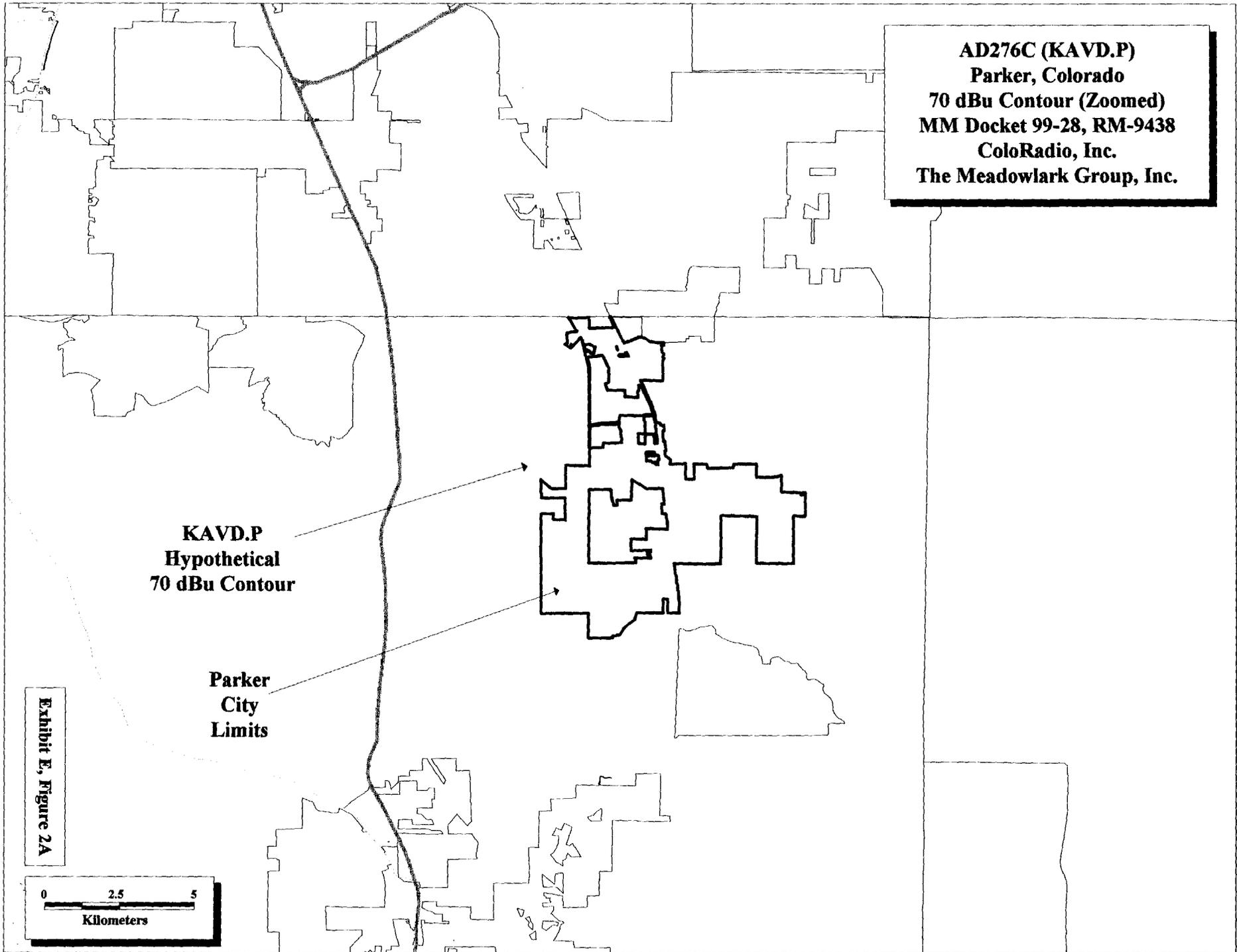
AD276C (KAVD.P)
Parker, Colorado
70 dBu Contour (Zoomed)
MM Docket 99-28, RM-9438
ColoRadio, Inc.
The Meadowlark Group, Inc.

KAVD.P
Hypothetical
70 dBu Contour

Parker
City
Limits

Exhibit E, Figure 2A

0 2.5 5
Kilometers



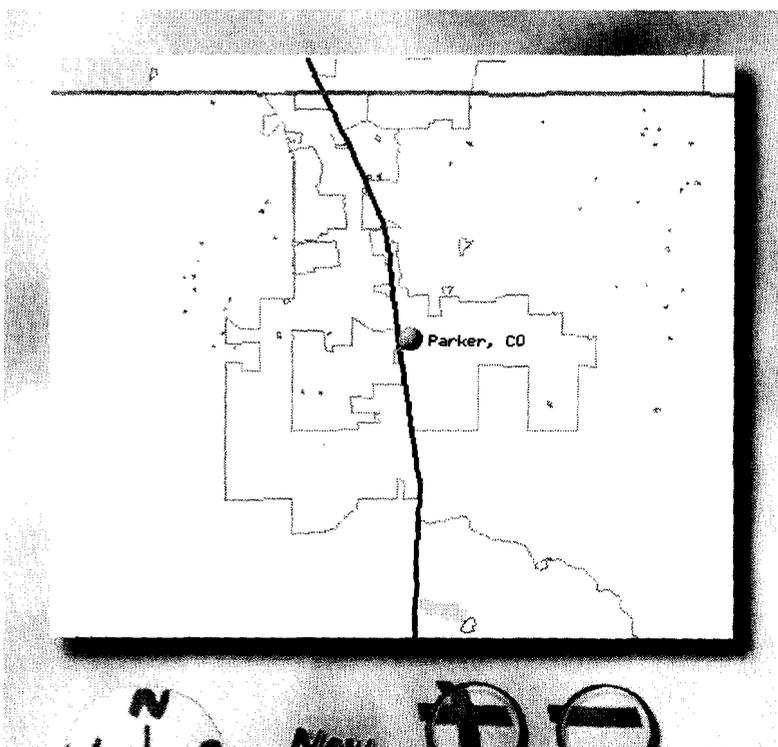
**ENGINEERING STATEMENT
In Support of a**

**COUNTERPROPOSAL
MM Docket 99-28, RM-9438**

**ColoRadio, Inc.
The Meadowlark Group, Inc.**

TIGER Map of Parker, Colorado City Boundaries

(This map can be found at: <http://tiger.census.gov/cgi-bin/mapsurfer?infact=2&outfact=2&act=move&off=CITIES&off=water&tlevel=-&tvar=-&tmeth=i&mLat=39.50959&mLon=-104.76379&msym=redpin&mLabel=Parker%2C+CO&murl=&lat=39.5137672&lon=-104.7720108&wid=0.125&ht=0.125&conf=mapnew.con&map.x=227&map.y=187>)



Click ON THE IMAGE to:

- Zoom in, factor:
- Zoom out, factor:
- Move to new center
- Place Marker (select symbol b
- Download GIF image

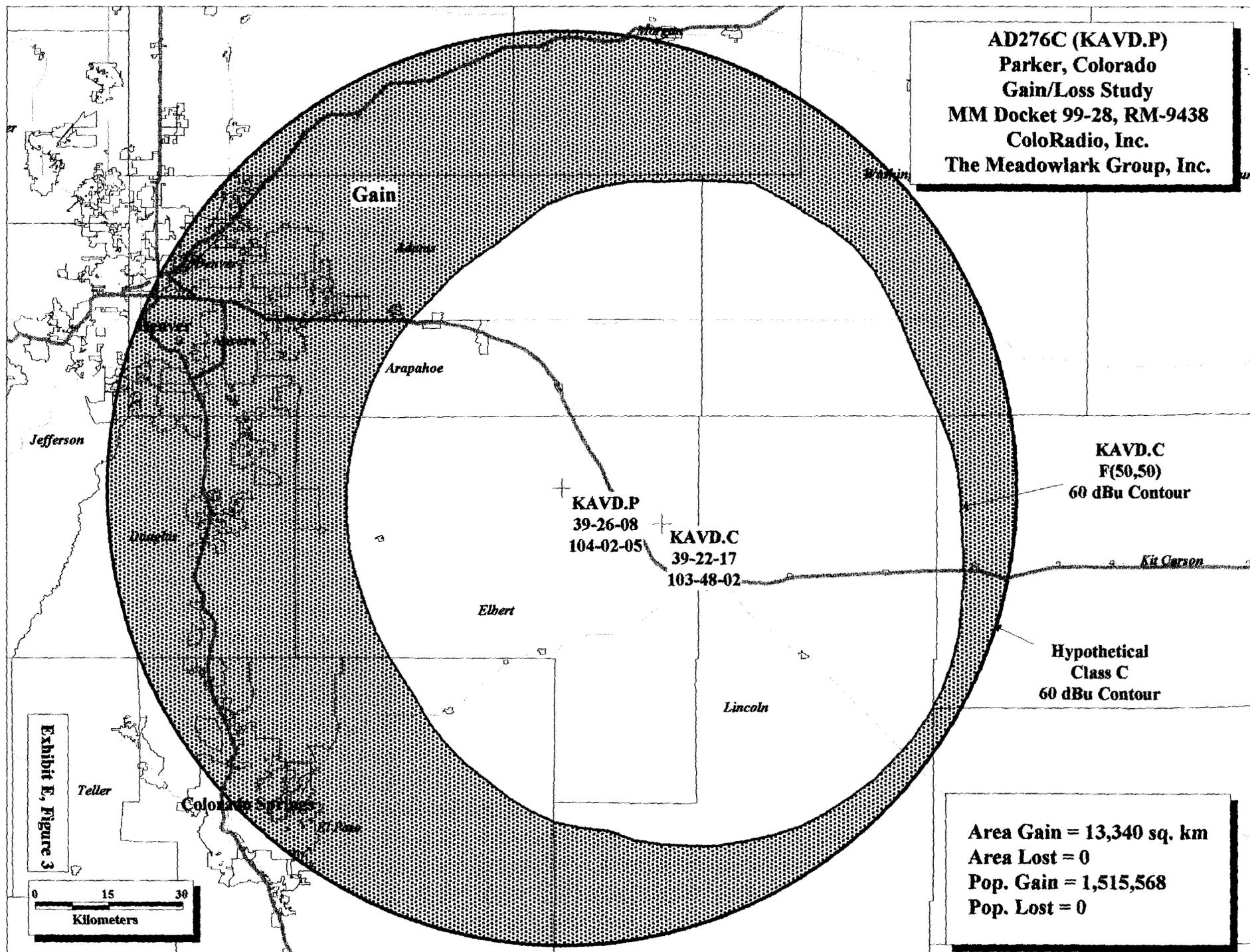
OR

REDRAW MAP

with any option selected below

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| <input type="checkbox"/> <input type="checkbox"/> Grid (lat/lon) | <input type="checkbox"/> <input type="checkbox"/> St Hv |
| <input type="checkbox"/> <input type="checkbox"/> Cens bg points | <input type="checkbox"/> <input type="checkbox"/> State |
| <input type="checkbox"/> <input type="checkbox"/> Cens bg bounds | <input type="checkbox"/> <input type="checkbox"/> US H |
| <input type="checkbox"/> <input type="checkbox"/> Congress dist | <input checked="" type="checkbox"/> <input type="checkbox"/> Wate: |
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| <input type="checkbox"/> <input type="checkbox"/> Highways | |

AD276C (KAVD.P)
Parker, Colorado
Gain/Loss Study
MM Docket 99-28, RM-9438
ColoRadio, Inc.
The Meadowlark Group, Inc.



KAVD.C
F(50,50)
60 dBu Contour

Hypothetical
Class C
60 dBu Contour

Area Gain = 13,340 sq. km
Area Lost = 0
Pop. Gain = 1,515,568
Pop. Lost = 0

Exhibit E, Figure 3

0 15 30
Kilometers

**ENGINEERING STATEMENT
In Support of a**

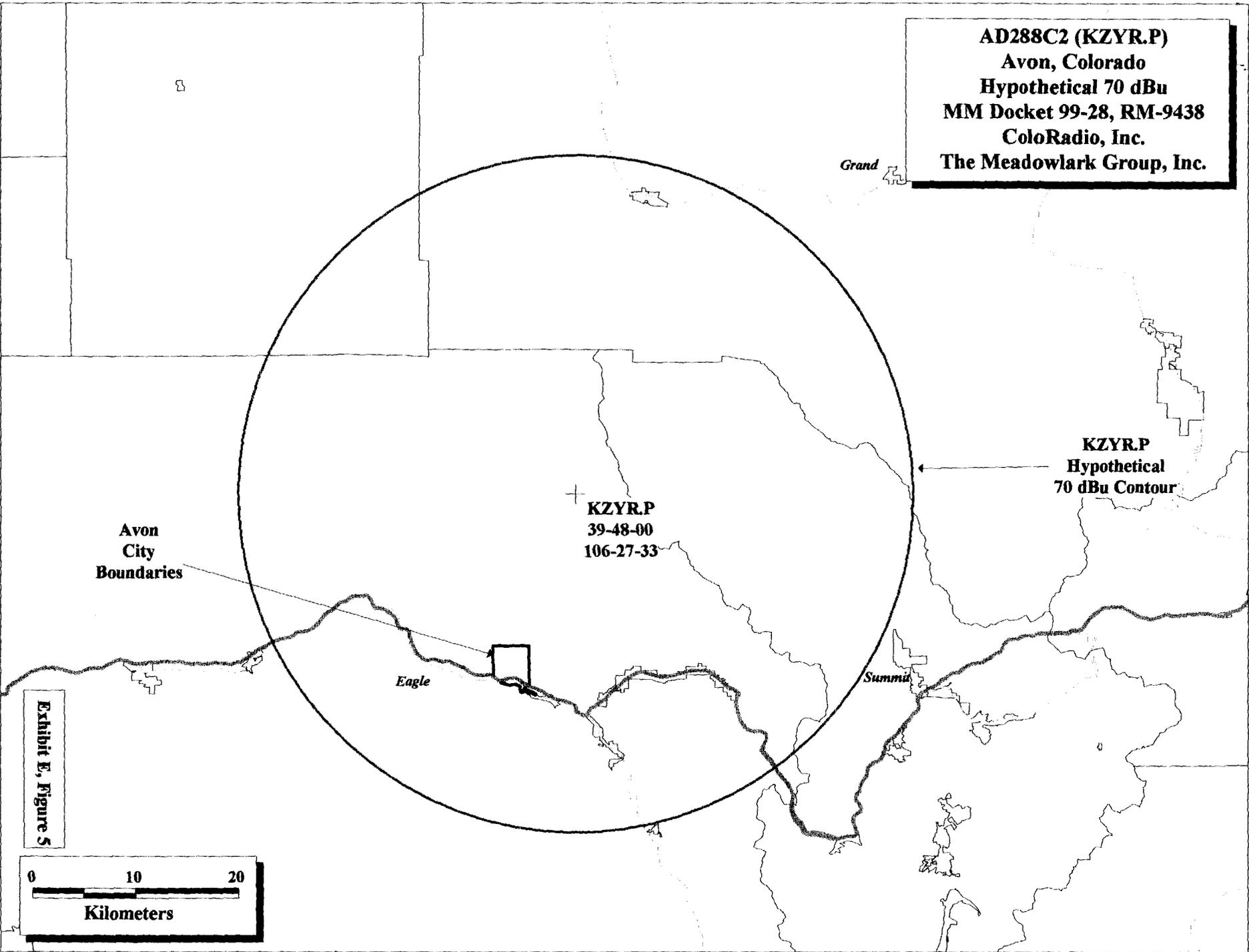
**COUNTERPROPOSAL
MM Docket 99-28, RM-9438**

**ColoRadio, Inc.
The Meadowlark Group, Inc.**

Allocation Study - CH 288C2, Avon, Colorado (KZYR)

39 48 00 N.			Class C2				Search Date
106 27 33 W.			Current rules spacings				03-25-99
----- Channel 288 - 105.5 MHz -----							
Call	Ch#	City	State	Bear'	Dist'	R'grd	Margin

Community of Avon			CO	201.1	17.56		
Reference Coordinates:							
North Latitude: 39-39-09							
West Longitude: 106-31-59							
KZKS	287C	Rifle	CO	254.1	149.12	188.0	-38.88
Of Concern:							
Substituted for channel 270C							
In Instant Counterproposal							
KALC	290C	Denver	CO	94.1	105.02	105.0	0.02
KWGL.C	289C	Ouray	CO	213.8	188.77	188.0	0.77
KSKX	288C3	Security	CO	130.4	180.95	177.0	3.95
KXKLFM	286C	Denver	CO	101.7	109.44	105.0	4.44
>KIMX	288C3	Laramie	WY	27.5	186.23	177.0	9.23
KNFO	291A	Basalt	CO	218.7	68.91	55.0	13.91
>KRKSFM	234C	Lafayette	CO	99.4	84.61	35.0	49.61



AD288C2 (KZYR.P)
Avon, Colorado
Hypothetical 70 dBu
MM Docket 99-28, RM-9438
ColoRadio, Inc.
The Meadowlark Group, Inc.

**Avon
City
Boundaries**

KZYR.P
39-48-00
106-27-33

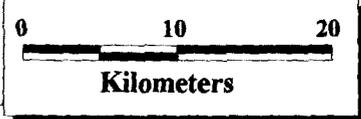
KZYR.P
Hypothetical
70 dBu Contour

Eagle

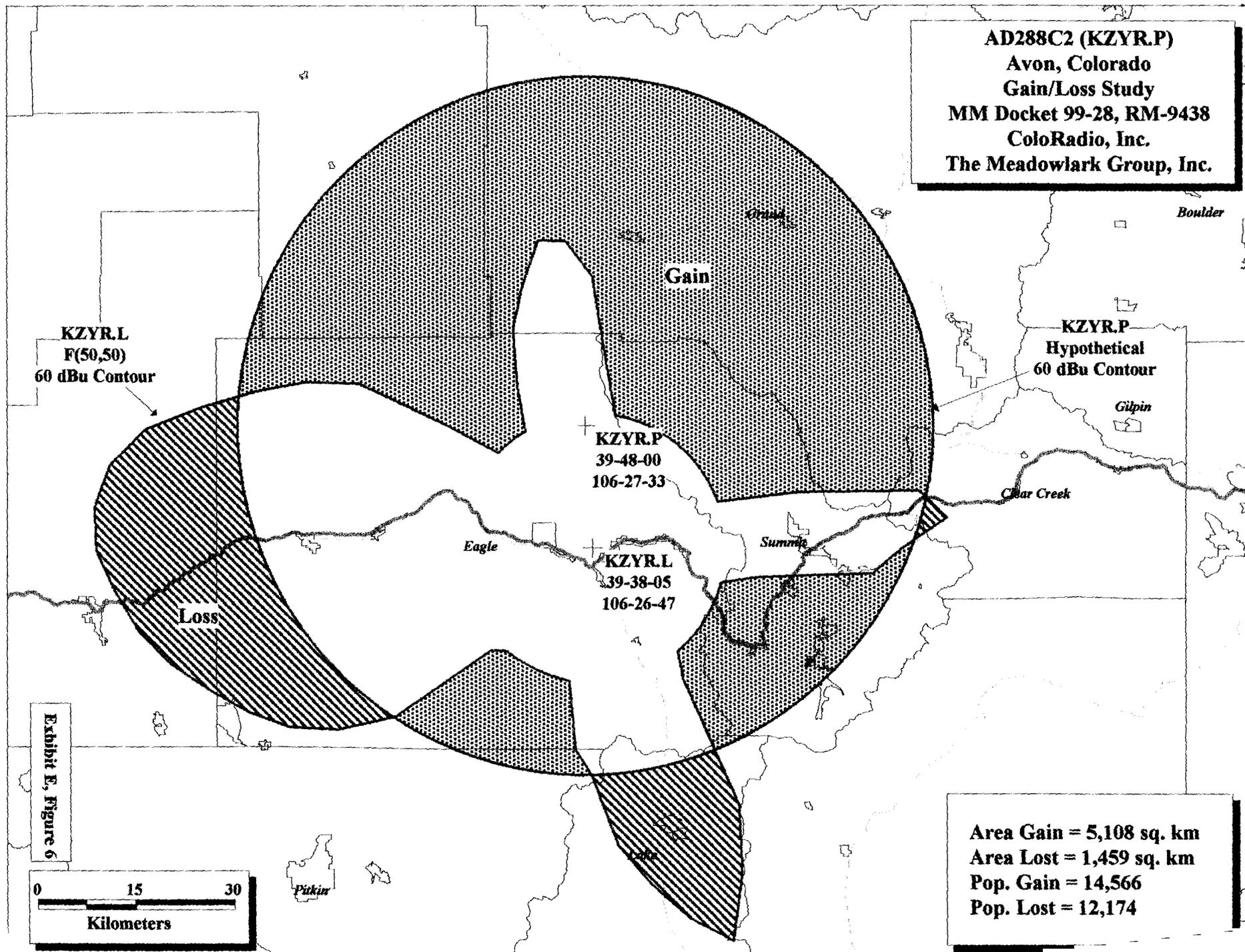
Summit

Grand

Exhibit E, Figure 5



AD288C2 (KZYR.P)
Avon, Colorado
Gain/Loss Study
MM Docket 99-28, RM-9438
ColoRadio, Inc.
The Meadowlark Group, Inc.



KZYR.L
F(50,50)
60 dBu Contour

KZYR.P
Hypothetical
60 dBu Contour

KZYR.P
39-48-00
106-27-33

KZYR.L
39-38-05
106-26-47

Area Gain = 5,108 sq. km
Area Lost = 1,459 sq. km
Pop. Gain = 14,566
Pop. Lost = 12,174

Exhibit E, Figure 6

0 15 30
Kilometers