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May 21, 1999

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VIA FEDERAL EXPRESS

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
Washington, DC 20024

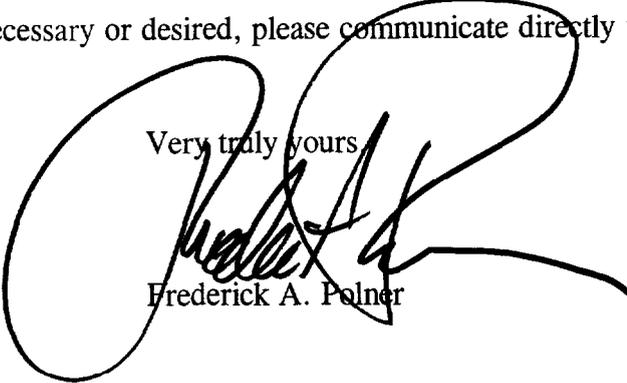
RE: REPLY COMMENTS: MM DOCKET NO. 99-58

Dear Ms. Salas:

Transmitted herewith for filing on behalf of Clarion County Broadcasting, Inc., are an original and four copies of Reply Comments to the Notice of Proposed Rulemaking in the above captioned proceeding.

If any additional information is necessary or desired, please communicate directly with the undersigned at the address shown above.

Very truly yours


Frederick A. Polner

FAP/lmw

Enclosures

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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. 99-58
Table of Allotments,	}	RM-9461
FM Broadcast Stations,	}	RM-9611
(Strattanville, Pennsylvania)	}	

To: Chief, Allocations Branch

REPLY COMMENTS

AND NOW, comes CLARION COUNTY BROADCASTING, INC., (hereinafter "Clarion"), by and through its counsel, and herein proffers this, its REPLY COMMENTS, in the above captioned proceeding. In support whereof, it is averred as follows:

Background

On or about December 22, 1998, West Wind Broadcasting (hereinafter "West Wind") filed with the Commission a petition to amend the FM Table of Allotments (Section 73.202(b)) to add Channel 267A at Strattanville, Pennsylvania, (hereinafter the "West Wind Petition").

On or about March 17, 1999, Strattan Broadcasting, Inc. (hereinafter "Strattan") filed with the Commission an opposition pleading to the West Wind Petition (hereinafter the "Opposition").

On or about April 2, 1999, Clarion timely filed with the Commission a petition to amend the FM Table of Allotments to add Channel 267A at Farmington Township, Pennsylvania.

On May 6, 1999, the Commission released a Public Notice (Report No. 2328), advising that the Clarion petition, filed on April 2nd (hereinafter the "Clarion Petition") will be treated as a counterproposal to the West Wind Petition. The Public Notice set a deadline of May 21, 1999 as the last day in which interested parties may file reply comments. (See Cal-Nev-Ari, Boulder City, MM Docket No. 93-279 (July 17, 1995.)

Discussion

Clarion endorses the Opposition filed by Strattan. Strattanville is legally undeserving of the allotment of Channel 267A.

As Strattan correctly points out, the total population of the place proposed in the West Wind Petition is only 490 persons. Further, that location is in dire circumstances. Strattan attaches to its pleading an exhibit which reveals 85.7% of families with children are in poverty. It is wholly doubtful that a station licensed to Strattanville would be economically viable and would have the resources to even minimally serve its community of license.

Clarion submits that Strattan also is correct to allege that the location proposed by West Wind for allotment of Channel 267A lacks even the legal attributes of community status required under law.

In contrast, the community proposed by Clarion, on the other hand, is quite deserving of a new FM channel allotment and meets all of the legal requirements for the Commission to make such allotment.

According to the 1990 Census, the total population for the Township is 1,927 persons, almost four times larger than the population of Strattanville.

Over sixty-five (65%) percent of the households are made up of “family households”. Seventy two (72%) percent of persons 25 years of age and older are high school graduates and over eleven (11%) percent of this same group are also college graduates.

Seventeen (17%) percent of employed persons age 16 and over are in the managerial field, while a combined forty-five (45%) percent of persons age 16 and over are in the sales and labor industries.¹ Based upon such information, it is clear that a FM broadcast station can be economically viable at Farmington, as opposed to the proposal contained in the West Wind Petition.

When confronted by mutually exclusive counterproposals to amend the FM Table of Allotments, the Commission chooses between the conflicting proposals based on the allotment criteria set forth in Revision of FM Policies and Procedures, 90 FCC 2d 88 (1982), as follows:

1. first full-time aural service;
2. second full-time aural service;
3. first local service;
4. other public interest matters.
(Co-equal weight is accorded priorities (2) and (3).)

In the captioned proceeding (assuming the Commission is of the view Strattanville has the legal qualification of a “community”), the West Wind Petition and the Clarion Petition each

¹ The correct percentage is 45%. Clarion’s Petition inadvertently reflected the percentage as 55%. Further, whereas the Clarion Petition stated Farmington is southeast to the Borough of Clarion and approximately 5 miles east of the

proposes an allotment which would result in furnishing each of their respective proposed communities with a first local service (priority 3).

In a choice among competitive counterproposals both involving priority 3 (first local service), the Commission has uniformly made the decision based on population difference and a comparison of reception services. And, where it is found that neither community falls below a threshold level of reception services, the Commission bases its decision on a straight population comparison. Blanchard, Louisiana and Stephens, Arkansas, 8 FCC Rcd 7083 (1983), rev. denied, 10 FCC Rcd 9828 (1995). See e.g.: Bostwick and Good Hope, Georgia; 6 FCC Rcd 5084 (1991); Three Oaks and Bridgman, Michigan, 5 FCC Rcd 1004 (1990); West Liberty and Richwood, Ohio, 6 FCC Rcd 6084 (1991); Clarksville and Lanesville, Indiana, 4 FCC Rcd 4968 (1989); and Roswell, Georgia, 2 FCC Rcd 2775 (1987).

In situations where both communities have more than five reception services, the Commission considers each community to be well-served. It is well-settled, then, by Commission case law, that when comparing two competing counterproposals that would provide a first local service, and finding neither community distinguishable based on reception services, the decisional factor is the population difference.

As may be seen from the attached engineering exhibit of Ann Gallagher, an experienced and recognized communications engineer, Strattanville receive more than five full-time aural

intersection of Interstates 79 and 80, the correct geographic direction is northeast of the Borough of Clarion and the correct mileage is approximately 50 miles.

services and the community of Farmington receives between four and eight full-time aural services.²

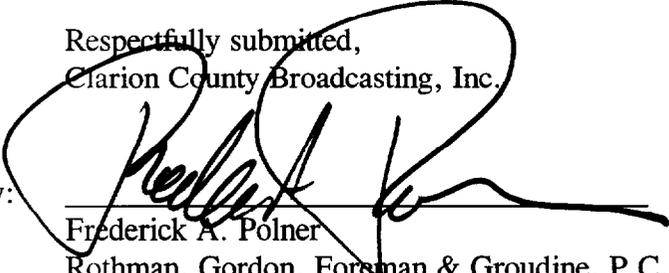
Accordingly, it is respectfully submitted the public interest would be best served by allotting Channel 267A at Farmington, Pennsylvania, as the community's first local aural transmission service, since it has the larger population.

Conclusion

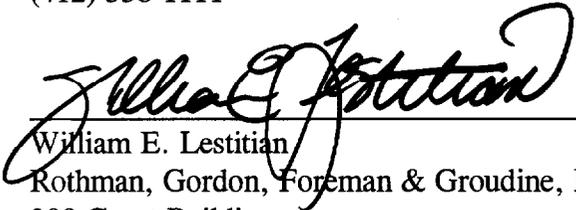
Wherefore, on the basis of the foregoing, Clarion County Broadcasting, Inc. respectfully requests the Commission to assign FM Channel 267A to Farmington Township, Pennsylvania.

Respectfully submitted,
Clarion County Broadcasting, Inc.

By:


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² In a one kilometer area of the Township, 17 persons actually will receive for the first time a fifth full-time aural service if the Clarion Petition is adopted.

**ENGINEERING STATEMENT
IN SUPPORT OF REPLY COMMENTS
MM DOCKET NO. 99-58, RM-9461
STRATTANVILLE AND FARMINGTON TOWNSHIP, PENNSYLVANIA**

This firm has been retained by Clarion County Broadcasting, Inc. to prepare engineering in support of reply comments in RM-9461. Clarion County filed a counterproposal in the subject proceeding requesting that channel 267A be allotted to Farmington Township instead of Strattanville, Pennsylvania.

The attached map shows other full-time aural services available within the predicted service areas of the Farmington Township and Strattanville facilities. Neither proposal would provide any first or second aural service ("white" or "gray" area service). The community of Strattanville is well served, with 6 full-time aural signals available. Most of Farmington Township receives at least 5 full-time signals, with the exception of a small area on the western boundary. The small portion of Farmington Township currently receiving only 4 full-time aural services covers 0.85 square kilometer and includes 17 persons. Population was counted using digitized block group boundaries from the 1990 Census. The number of persons was counted in proportion to the percentage of block group area included.

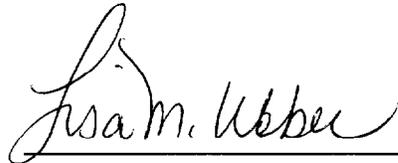
For FM stations, the 1 mV/m contours are shown for all classes of stations. FM contours were computed by assuming maximum allowable facilities for each station. The only AM contour included is the 0.5 mV/m groundwave contour of KDKA, since this is the only AM station in the area covering a significant area at night. The map includes coverage contours of the following stations:

Station	City of License	Channel	Class
KDKA	Pittsburgh, PA	1020 kHz	A
WAWN	Franklin, PA	208	A
WBEU	Brookville, PA	277	B1
WCCR	Clarion, PA	224	A
WCUCFM	Clarion, PA	219	A
WDBA	Du Bois, PA	297	B
WFRFM	Franklin, PA	257	B1
WKQWFM	Oil City, PA	242	A
WLMI	Kane, PA	280	A
WMKX (CP)	Brookville, PA	288	B1
WOYLFM	Oil City, PA	253	B1
WPKK	St. Marys, PA	248	B
WPSB	Kane, PA	211	B
WRRN	Warren, PA	222	B
WOWQ	Du Bois, PA	271	B

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing Reply Comments was mailed, via First Class Mail, postage prepaid, this 21st day of May, 1999, to the following:

Victor A. Michael, Jr., President
West Wind Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

A handwritten signature in cursive script that reads "Lisa M. Weber". The signature is written in black ink and is positioned above a horizontal line.

Lisa M. Weber