

LAW OFFICES
HALEY BADER & POTTS P.L.C.
4350 NORTH FAIRFAX DR., SUITE 200
ARLINGTON, VIRGINIA 22203-1633
TELEPHONE (703) 841-0606
FAX (703) 841-2345
E-MAIL: haleybp@haleybp.com

LISA M. PATERA
ADMITTED IN VA

E-MAIL ADDRESS
lpatera@haleybp.com

OUR FILE NO.
1031-116-63

RECEIVED

JUN 28 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 28, 1999

Magalie R. Salas, Esq.
Secretary
Federal Communications Commission
445 Twelfth Street, S.W., Room TW-A325
Washington, D.C. 20554

Re: MM Docket No. 99-151
RM-9559
Allotment of Channel 279C1 at
Rangely, Colorado

Dear Ms. Salas:

Transmitted herewith, on behalf of Idaho Broadcasting Consortium, Inc., is an original and four copies of its **Counterproposal** in connection with the above-referenced application for a new FM broadcast station on Channel 279C1 at Rangely, Colorado.

If there are any questions concerning this matter, kindly communicate directly with this office.

Sincerely yours,

Lisa M. Patera
Lisa M. Patera

LMP:dh
Enclosure

No. of Copies rec'd 074
List ABCDE

Before The
Federal Communications Commission
Washington, D.C. 20554

In The Matter Of)
)
Amendment of Section 73.202(b))
of the Commission's Rules)
Table of Allotments,)
to allocate Channel 279C1 at)
Rangely, Colorado)

MM Docket No. 99-151
RM-9559
RM-9932

RECEIVED

JUN 28 1999

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

TO: Chief, Allocations Branch
Mass Media Bureau

**COUNTERPROPOSAL
OF
IDAHO BROADCASTING CONSORTIUM, INC.**

On May 7, 1999, the Commission released a multiple docket Notice of Proposed Rule Making ("NPRM"), DA 99-867, that considers the allotment of Channel 279C1 to Rangely, Colorado.

Idaho Broadcasting Consortium, Inc. ("IBC"), by its attorneys, hereby respectfully responds to the NPRM and respectfully offers the following counterproposal for Rangely, Colorado: Replace Channel 279C2 in Silverton, Colorado,¹ with Channel 273A; reallocate Channel 279C2 to Ridgway, Colorado as that community's first aural service; and assign Channel 279C1 to Rangely, Colorado, but at an alternate site.

As set forth in the attached Engineering Statement, these

¹ IBC currently holds a construction permit for Channel 279C2 at Silverton, Colorado (File No. BPH-971126MD) See below.

allotments will comply with all distance requirements without the necessity of any site restrictions for Rangely, Silverton or Ridgway.² Moreover, the counterproposal will provide the communities of Rangely and Ridgway with new broadcast service, which will advance the public interest.

I. *Background and IBC's Counterproposal*

a. *IBC's Construction Permit for Channel 279C2, Silverton, CO.*

IBC currently has a construction permit for Channel 279C2, Silverton, Colorado (File No. BPH-971126MD). IBC proposes to reallocate Channel 279C2 from Silverton, Colorado to Ridgway, Colorado as that community's first aural service.

Silverton would not be left without service in this scenario as Channel 279C2 can be replaced with Channel 273A.³ In addition, Silverton currently awaits construction of a new full service FM station that will operate on Channel 297C1 (See File No. BPH951020MA).

Ridgway is a community deserving of an FM allotment. Ridgway is a census designated place with a 1990 U.S. Census population of

² An Engineering Statement is attached hereto as Exhibit 1.

³ Silverton can currently accommodate only a Class A station so as not to violate the Commission's minimum distance separation requirements with KVLE(FM), Gunnison, Colorado. As demonstrated in the attached Engineering Statement, an application is currently pending to upgrade KVLE to Class C3 (File No. BPH-960911IC), which, once approved, will allow Channel 273A in Silverton, to be upgraded to Class C3.

440.⁴ Ridgway is located in Ouray County, surrounded by the San Juan Mountains. In addition to a variety of outdoor sports and activities, Ridgway offers its residents a diverse selection of municipal services, businesses and cultural resources. The Ridgway Chamber of Commerce Business Members Directory offers an extensive listing of businesses and services, including banks, churches, medical services, restaurants, lodging, and a variety of retail establishments.⁵

The community of Ridgway enjoys many festivals and special events at local parks and the Sherbino Performing Arts Center.⁶ Residents are served by an number of local municipal services such as a United States Post Office, the Ouray County Government Road Department, a police department, and a fire department.⁷ A town manager and town clerk oversee various other administrative services for the citizens of Ridgway, including water, sewer, public works, licensing and public records.

b. *IBC's Counterproposal for Rangely, Colorado.*

The allotment of Channel 279C1, as proposed in the NPRM,

⁴ See <http://www.venus.census.gov/cdrom/lookup/930251652> attached hereto as Exhibit 2.

⁵ See Ridgway Area Chamber of Commerce Business Members Directory attached hereto as Exhibit 3.

⁶ See Ridgway Area Chamber of Commerce Calendar of Events attached hereto as Exhibit 4.

⁷ See listing attached hereto as Exhibit 5.

appears to be short spaced with IBC's proposed reallocation of Channel 279C1 to Ridgway, Colorado. To solve this conflict, IBC proposes that the allocation site for Rangely be made at NL 40 19' 02", WL 108 51' 46", rather than as proposed in the instant NPRM.

As set forth in the attached Engineering Statement, this site location complies with all distance separation requirements. Moreover, the site, north of Rangely, is without terrain obstructions, and will allow 70 dBu coverage of the entire town of Rangely.

II. *Conclusion.*

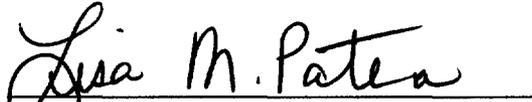
In summary, the counterproposal would better serve the public interest than the current allocations. IBC's counterproposal would provide the communities of Rangely and Ridgway with their first aural service, rather than just the community of Rangely as is proposed in the NPRM.

Accordingly, IBC requests that the FM Table of Allotments be amended as follows:

CITY	PRESSENT ALLOTMENT	PROPOSED ALLOTMENT
Rangely, Colorado	None	271
Silverton, Colorado	279C2	273A
Ridgway, Colorado	None	279C2

Respectfully submitted,

IDAHO BROADCASTING CONSORTIUM, INC.



Lee W. Shubert
Lisa M. Patera
Its Attorneys

HALEY BADER & POTTS P.L.C.
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606
June 28, 1999

EXHIBIT 1

LIEBERMAN & WALISKO
CONSULTING TELECOMMUNICATIONS ENGINEERS
11403 GILSAN ST.
SILVER SPRING, MD 20902

Idaho Broadcasting Consortium, Inc. - Ridgway, CO

ENGINEERING STATEMENT

This Engineering Statement is furnished in support of a counter proposal to MM Docket #99-151 (RM-9559) looking toward the assignment of FM channel 279 (103.7 MHz) as a Class C1 allocation to Rangely, Colorado. This counter proposal specifically requests that the allocation site for Rangely be made at NL 40° 19' 02" WL 108° 51' 46" instead of the location specified in the Petition for Rulemaking so as to accommodate a move of channel 279C2, Silverton, Colorado to channel 279C1 at Ridgway, Colorado as that community's first aural service. This can be accomplished by deleting channel 279C2 presently assigned to Silverton, Colorado and replacing it, in that community, with channel 273A. The instant proposed Rangely site, as well as the proposed sites for Ridgway and Silverton, Colorado, fully meet the spacing required by 47 C.F.R. Section §73.207.

In support whereof, the following exhibits are submitted.

Figure I: An FM channel spacing study showing that channel 279C1 may be employed at Rangely, Colorado at coordinates NL 40° 19' 02" WL 108° 51' 46" in lieu of the coordinates proposed in RM-9559. This study was conducted under 47 C.F.R. Section §73.207.

Figure II: A site map showing the proposed allocation site on Moosehead Mountain. This site is North of Rangely and is without terrain obstructions as shown in Figure IV.

Figure III: A contour map showing that 70 dBu coverage of the entire town of Rangely may be obtained from the instant proposed allocation site. The equivalent power for this class of station at 451.3 mAAT is 34.89 kW. The instant 70 dBu contour was constructed using this ERP.

LIEBERMAN & WALISKO
CONSULTING TELECOMMUNICATIONS ENGINEERS
11403 GILSAN ST.
SILVER SPRING, MD 20902

Idaho Broadcasting Consortium, Inc. - Ridgway, CO

ENGINEERING STATEMENT (Cont'd)

Figure IV: A profile plot of the path between the instant proposed allocation site and the proposed city of license. The path is clear and demonstrates line of sight between the transmitter and city of license as required by 47 C.F.R. Section §73.315.

Figure V: An FM channel spacing study showing channel 279C1 may be accommodated at Ridgway, Colorado at a site whose coordinates are NL 38° 10' 13" WL 107° 53' 59". This study was conducted under 47 C.F.R. Section §73.207. As indicated, this site appears to be short spaced with the proposed channel allocation of 279C1 at Rangely, Colorado (MM Docket #99-151, RM-9559). However, when considered under the instant proposal, in that the Rangely allocation site is moved to NL 40° 19' 02" WL 108° 51' 46", the instant proposed allocation site fully meets 47 C.F.R. Section §73.207.

Figure VI: A site map showing a site that is fully accessible and developed. The site is presently in use as a radio tower site and is known as Spruce Mountain.

Figure VII: A contour map showing a portion of the 70 dBu contour from the proposed allocation transmitter site as it pertains to coverage of Ridgway employing the facilities of a class C1 assignment. A class C1 facility permits an effective radiated power of 100 kilowatts at a height above average terrain of 299 meters. The height above average terrain from the instant site is 310.9 meters AMSL. The equivalent radiated power under this condition is 91.45 kilowatts.

The contour map shows the proposed community of license clearly within the 70 dBu contour as required by 47 C.F.R. Section §73.315.

Figure VIII: A profile plot of the path from the proposed allocation site toward Ridgway. The plot shows no terrain obstructions to impair line of sight as required by 47 C.F.R. Section §73.315.

LIEBERMAN & WALISKO
CONSULTING TELECOMMUNICATIONS ENGINEERS
11403 GILSAN ST.
SILVER SPRING, MD 20902

Idaho Broadcasting Consortium, Inc. - Ridgway, CO

ENGINEERING STATEMENT (Cont'd)

Figure IX: An FM channel spacing study showing that channel 273A may be employed at Silverton, Colorado at coordinates NL 37° 47' 36" WL 107° 38' 33". This study was conducted under 47 C.F.R. Section §73.207.

Further study as a class C3, indicates this channel may be upgraded when the pending Gunnison, Colorado application to move to channel 272C3 is approved.

Figure X: A site map showing the proposed allocation site on Kendall Mountain. This site is Southeast of Silverton and is without terrain obstructions as shown in Exhibit XII.

Figure XI: A contour map showing that 70 dBu coverage of the entire town of Silverton may be obtained from the instant proposed allocation site. The equivalent power for this class of station at 405.453 mAAT is 0.3456 kW. The instant 70 dBu contour was constructed using this value of ERP.

Exhibit XII: A profile plot of the path between the instant proposed allocation site and Silverton. The path is clear and demonstrates line of sight between the transmitter and city of license as required by 47 C.F.R. Section §73.315.

LIEBERMAN & WALISKO
CONSULTING TELECOMMUNICATIONS ENGINEERS
11403 GILSAN ST.
SILVER SPRING, MD 20902

NEW - Ridgway, Colorado

FIGURE I

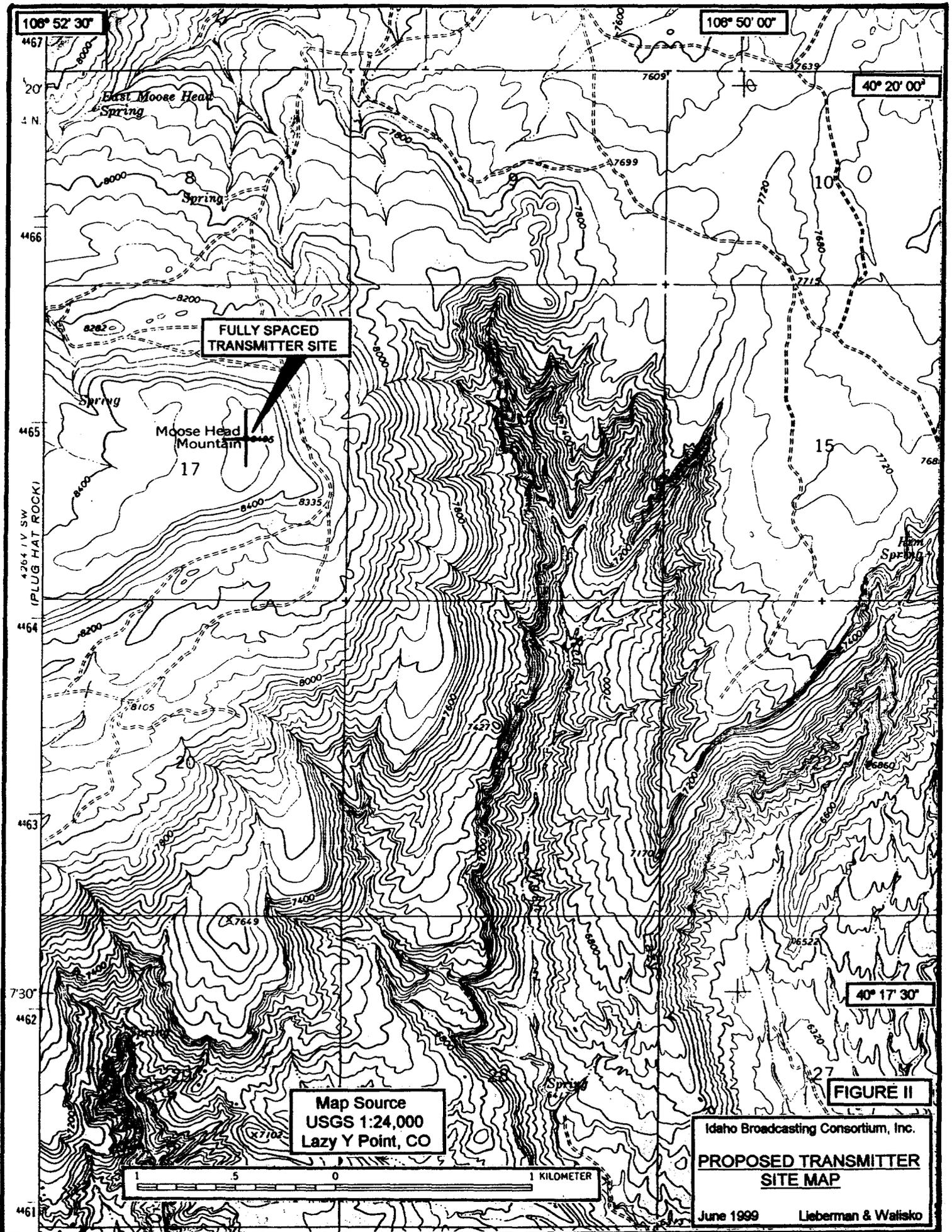
FM CHANNEL SPACING STUDY

Job title: RANGELY, CO
Channel: 279C1

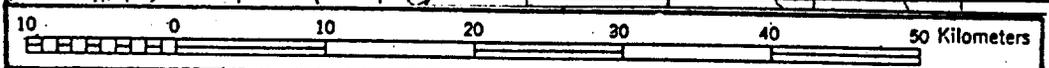
Latitude: 40 19 2
Longitude: 108 51 46

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
280A	KSNOFM	20472	Snowmass Village	CO	LIC	125.0	204.4	133.0	
281C3	KFMUFM	20513	Oak Creek	CO	LIC	92.4	169.3	76.0	
279C2	NEW	20710	Silverton	CO	CP	159.0	299.4	224.0	
277C2	KPRU	21034	Delta	CO	CP	161.0	168.9	79.0	
282C	KMXV	21062	Grand Junction	CO	LIC	175.9	139.3	105.0	
279C1	FA USE	21072	Rangely	CO	ADD	169.2	26.3	245.0	-218.7
280C1	KYKNFM	21795	Nephi	UT	APP	257.1	270.8	177.0	
280C1	KYKNFM	21797	Nephi	UT	LIC	257.1	270.8	177.0	
278C	KRSPFM	22316	Salt Lake City	UT	LIC	278.8	285.6	209.0	
278C	KRSPFM	22318	Salt Lake City	UT	LIC	278.8	285.6	209.0	

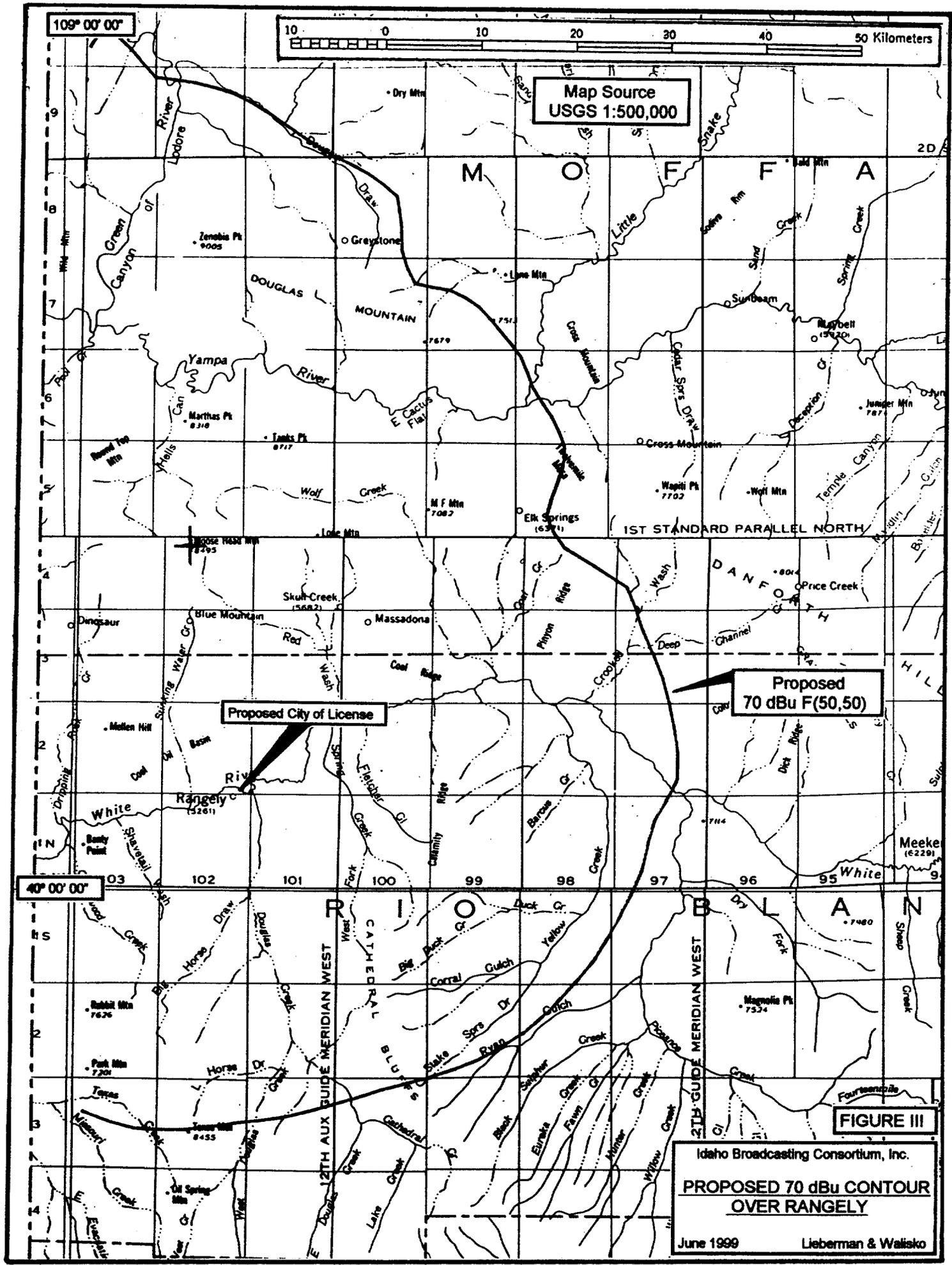
***** End of channel 279 study *****



109° 00' 00"



Map Source
USGS 1:500,000



Proposed City of License

Proposed
70 dBu F(50,50)

40° 00' 00"

FIGURE III

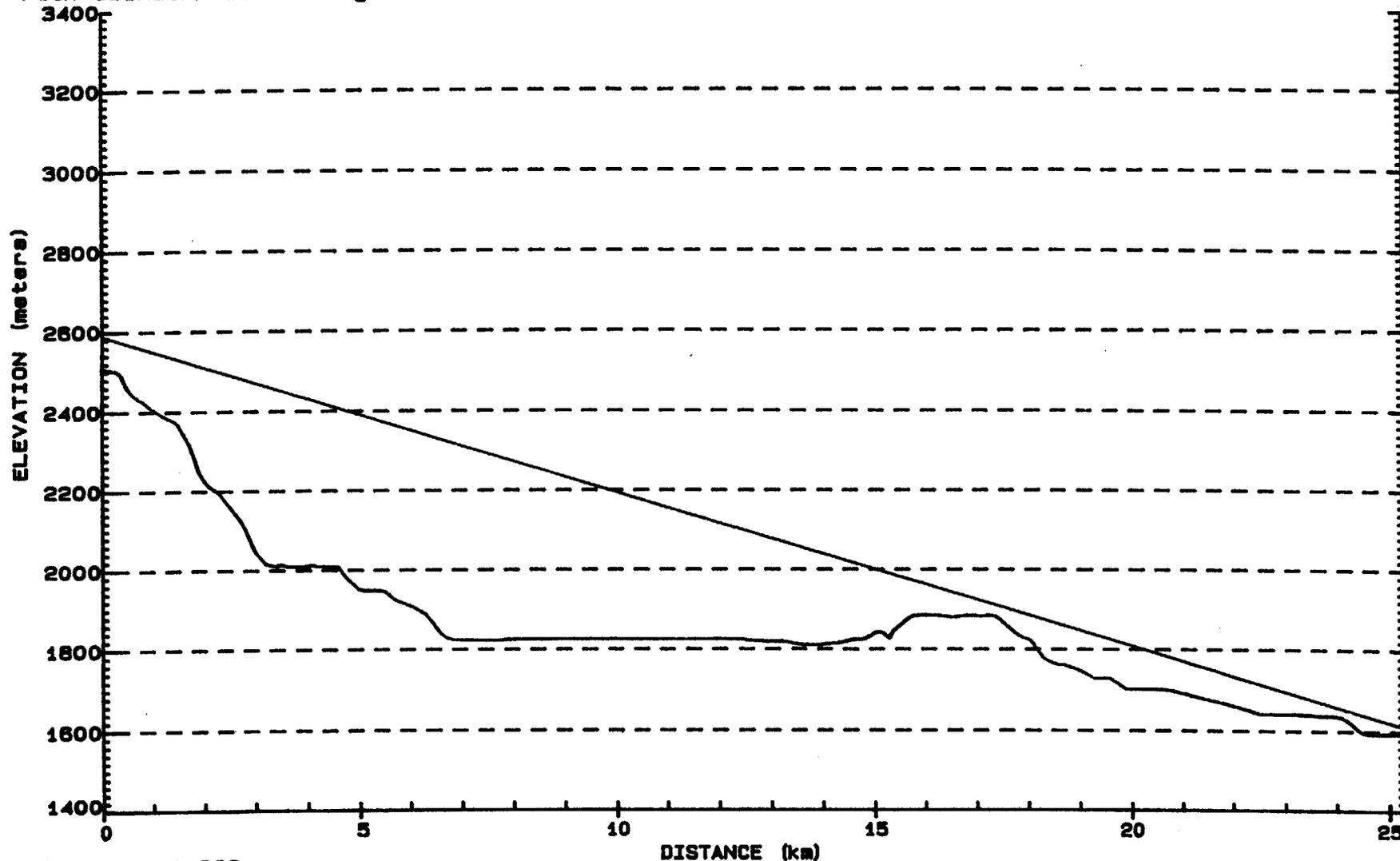
Idaho Broadcasting Consortium, Inc.
**PROPOSED 70 dBu CONTOUR
OVER RANGELY**

June 1999 Lieberman & Walisko

Site: NEW SITE RANGELY
N 40 18 22 W 108 51 26
Ant. Elev. (AMSL): 2589.1 m
Path azimuth: 164.62 degs.

Frequency: 103.7 MHz
Path Length: 25.3 km
Total Path Loss: 104.0 dB
Excess Path Loss: 3.1 dB

Site: RANGELY, CO
N 40 5 15 W 108 46 43
Ant. Elev. (AMSL): 1610.0 m
Path azimuth: 344.67 degs.



K factor: 1.333
Fresnel Zone: .60
3 Second Database - NAD 27
Rain loss: .0 dB
Urban loss: .0 dB
Foliage loss: .0 dB

Lieberman & Malisko
Consulting Engineers
Silver Spring, MD

Idaho B'dcasting Cons., Inc

PATH PROFILE

Line of Sight Clearance

June 1988

Figure IV

LIEBERMAN & WALISKO
 CONSULTING TELECOMMUNICATIONS ENGINEERS
 11403 GILSAN ST.
 SILVER SPRING, MD 20902

NEW - Ridgway, Colorado

FIGURE V

FM CHANNEL SPACING STUDY

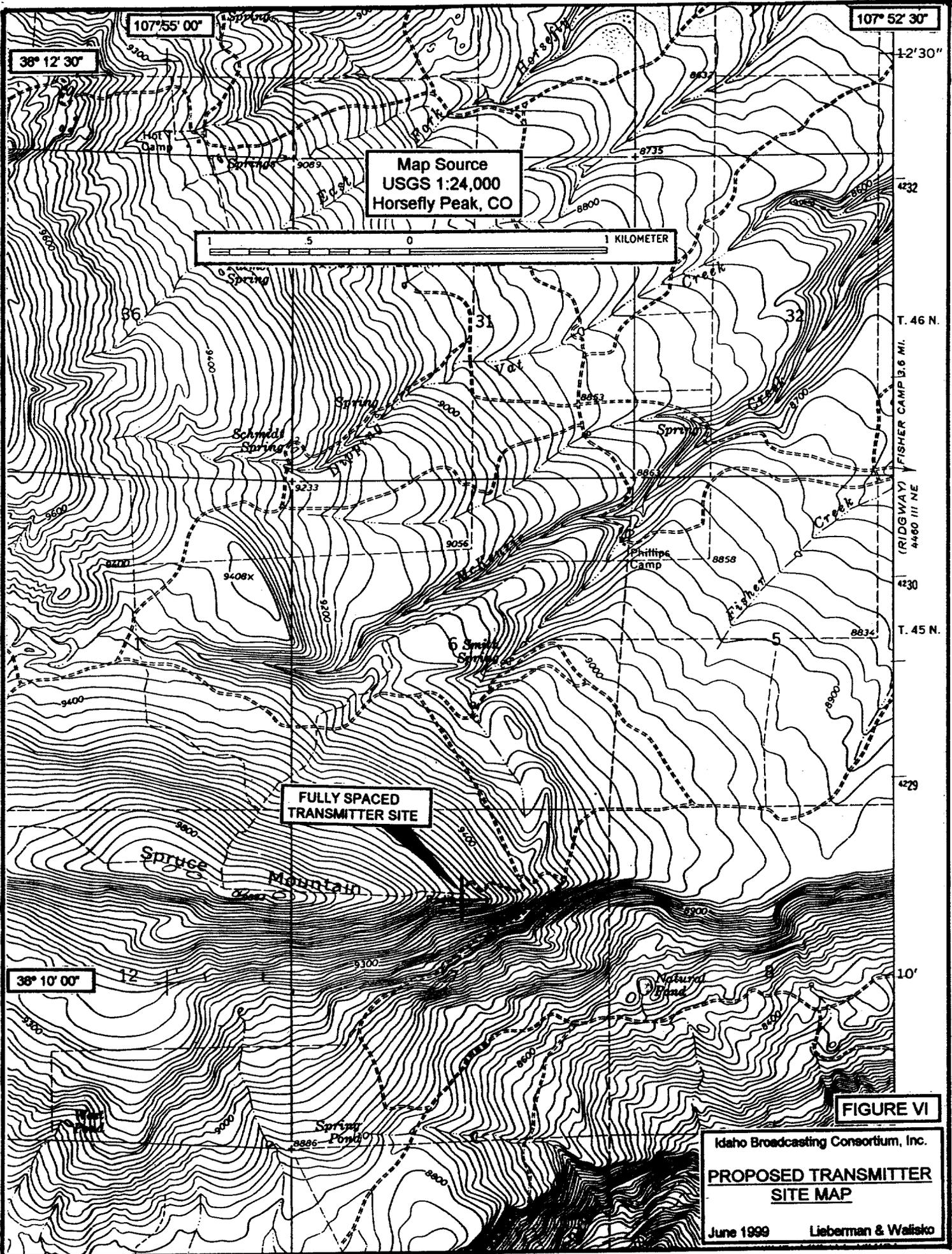
Job title: RIDGEWAY, CO
 Channel: 279C1

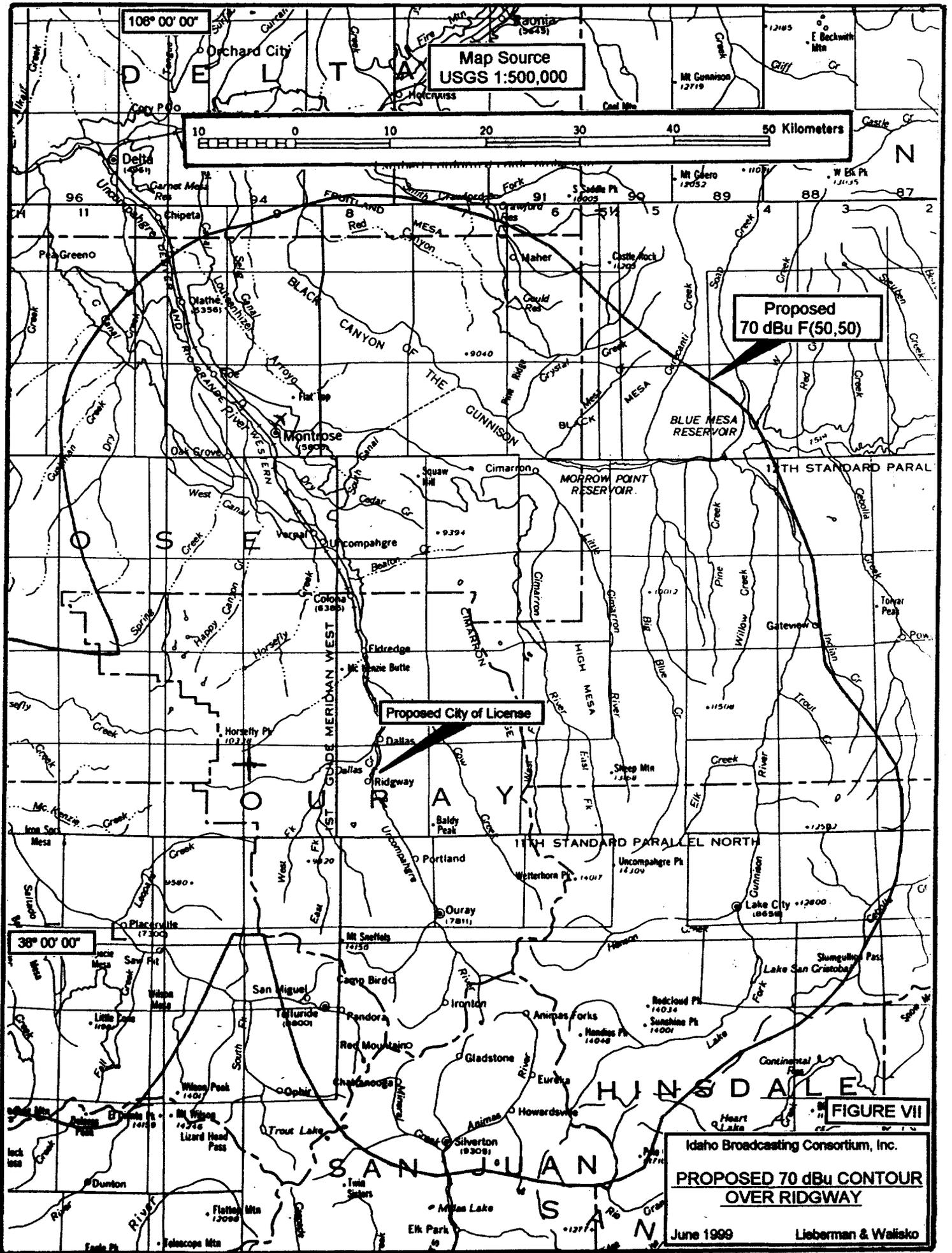
Latitude: 38 10 13
 Longitude: 107 53 59

CH	Call	Record	City	ST	Status	Bear.	Dist.	Reqd. Dist.	Result
279C1		19947	Questa	NM	VACANT	127.9	266.7	245.0	21.7
278C	KRFX	20029	Denver	CO	LIC	52.2	288.7	209.0	
281C3	KBVC	20413	Buena Vista	CO	LIC	66.1	161.6	76.0	
280A	KSNOFM	20472	Snowmass Village	CO	LIC	35.1	146.8	133.0	13.8
279C2	NEW	20710	Silverton	CO	CP	151.6	47.6	224.0	-176.4
279C	KTHR	20966	Grants	NM	LIC	185.9	301.5	270.0	31.5
279C	KTHR	20967	Grants	NM	APP	185.9	301.5	270.0	31.5
277C2	KPRU	21034	Delta	CO	CP	340.2	83.5	79.0	4.5
226C1	KQIX	21050	Grand Junction	CO	LIC	329.6	119.1	34.0	
282C	KMXV	21062	Grand Junction	CO	LIC	323.8	123.8	105.0	18.8
279C1	FA USE	21072	Rangely	CO	ADD	340.1	226.5	245.0	-18.5*

***** End of channel 279 study *****

NOTE: This distance was computed to the site referenced in MM Docket #99-151 (RM-9559). When computed to the instant proposed site for Rangely (NL 40° 19' 02" WL 108° 51' 46")the distance becomes 252.43 km. This is 7.43 km more than required by 47 C.F.R. Section §73.207.

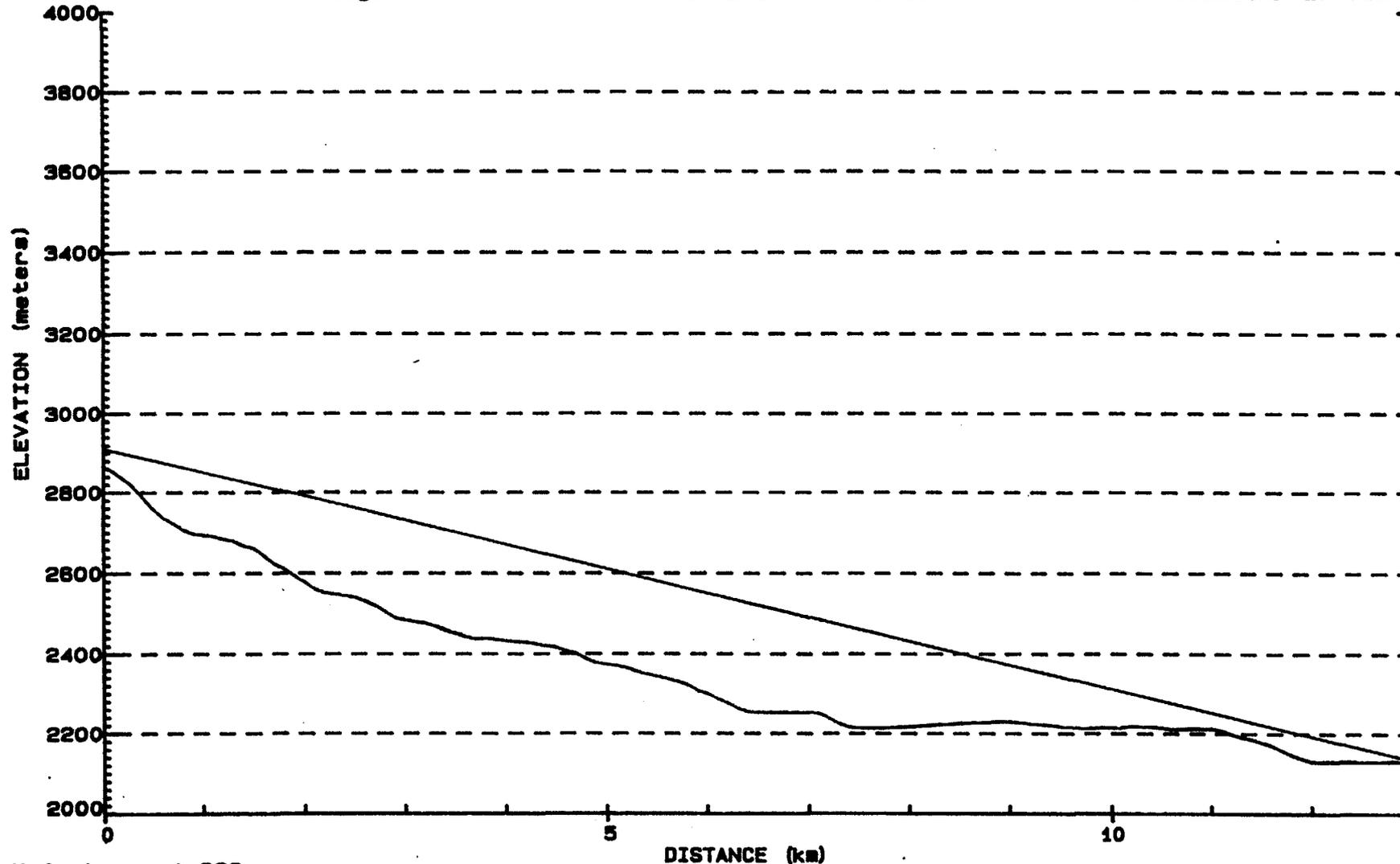




Site: NEW SITE RIDGEWAY
 N 38 10 13 W 107 53 59
 Ant. Elev. (AMSL): 2910.7 m
 Path azimuth: 97.05 degs.

Frequency: 103.7 MHz
 Path Length: 13.0 km
 Total Path Loss: 98.0 dB
 Excess Path Loss: .9 dB

Site: RIDGEWAY, CO
 N 38 9 21 W 107 45 8
 Ant. Elev. (AMSL): 2133.5 m
 Path azimuth: 277.15 degs.



K factor: 1.333
 Fresnel Zone: .60
 S Second Database - NAD 27
 Rain loss: .0 dB
 Urban loss: .0 dB
 Foliage loss: .0 dB

Lieberman & Malisko Consulting Engineers Silver Spring, MD	Idaho B'dcasting Cons., Inc

PATH PROFILE

Line of Sight Clearance

June 1999

Figure VIII

LIEBERMAN & WALISKO
 CONSULTING TELECOMMUNICATIONS ENGINEERS
 11403 GILSAN ST.
 SILVER SPRING, MD 20902

NEW - Ridgway, Colorado

FIGURE IX

FM CHANNEL SPACING STUDY

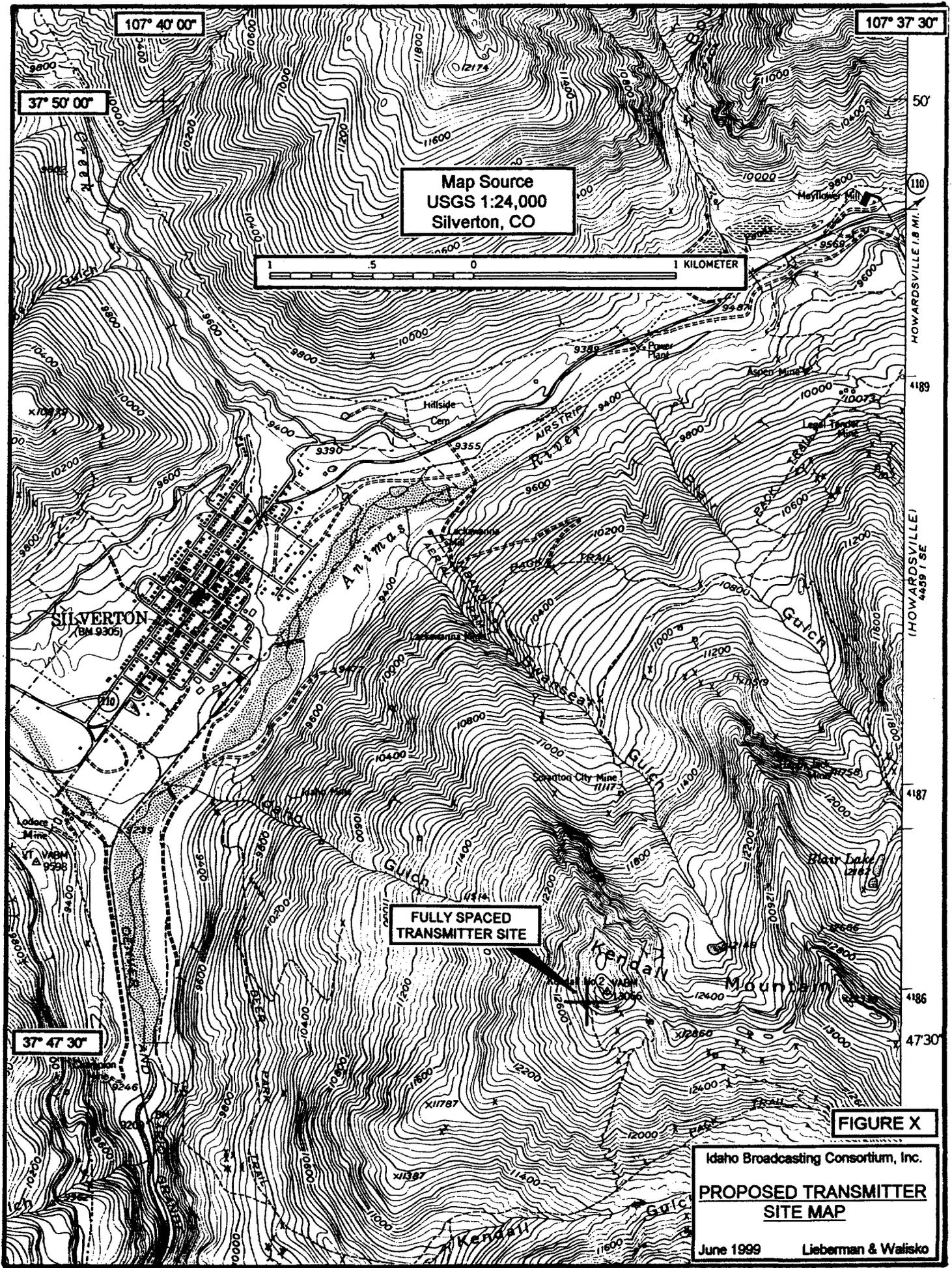
Job title: SILVERTON, CO
 Channel: 273A

Latitude: 37 47 36
 Longitude: 107 38 33
 Req'd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
272A	KVLE	20408	Gunnison	CO	LIC	35.9	106.1	72.0	
272C3	KVLE	20409	Gunnison	CO	APP	38.2	103.6	89.0	14.6
271C	KTRA	20662	Farmington	NM	LIC	191.5	110.9	95.0	15.9
275C	KAZX	20664	Kirtland	NM	LIC	191.6	110.9	95.0	15.9
219A	KOTO	20685	Telluride	CO	LIC	312.9	22.8	10.0	12.8
219A	KOTO	20686	Telluride	CO	APP	309.4	36.2	10.0	26.2
220A	KDUR	20687	Durango	CO	LIC	199.0	60.8	10.0	
270C2		20768	Olathe	CO	ADD	341.9	94.9	55.0	
272C3*		20770	Gunnison	CO	VACANT	33.8	92.1	89.0	3.1
273C	NEW	20862	Craig	CO	APP	354.7	268.0	226.0	
273C	NEW	20863	Craig	CO	APP	354.7	267.9	226.0	
273C		20864	Craig	CO	VACANT	354.7	267.9	226.0	
273C	NEW	20865	Craig	CO	APP	354.7	268.0	226.0	
273C	NEW	20866	Craig	CO	APP	355.4	264.1	226.0	

***** End of channel 273 study *****

* Reference Site. This channel can be upgraded to a C3 when the Gunnison reference site is vacated as a result of a grant of an applied for construction permit.



107° 40' 00"

107° 37' 30"

37° 50' 00"

50'

Map Source
USGS 1:24,000
Silverton, CO

1 5 0 1 KILOMETER

HOWARDSVILLE 1.8 MI.

4189

(HOWARDSVILLE)
4459 1 SE

4187

4186

4730'

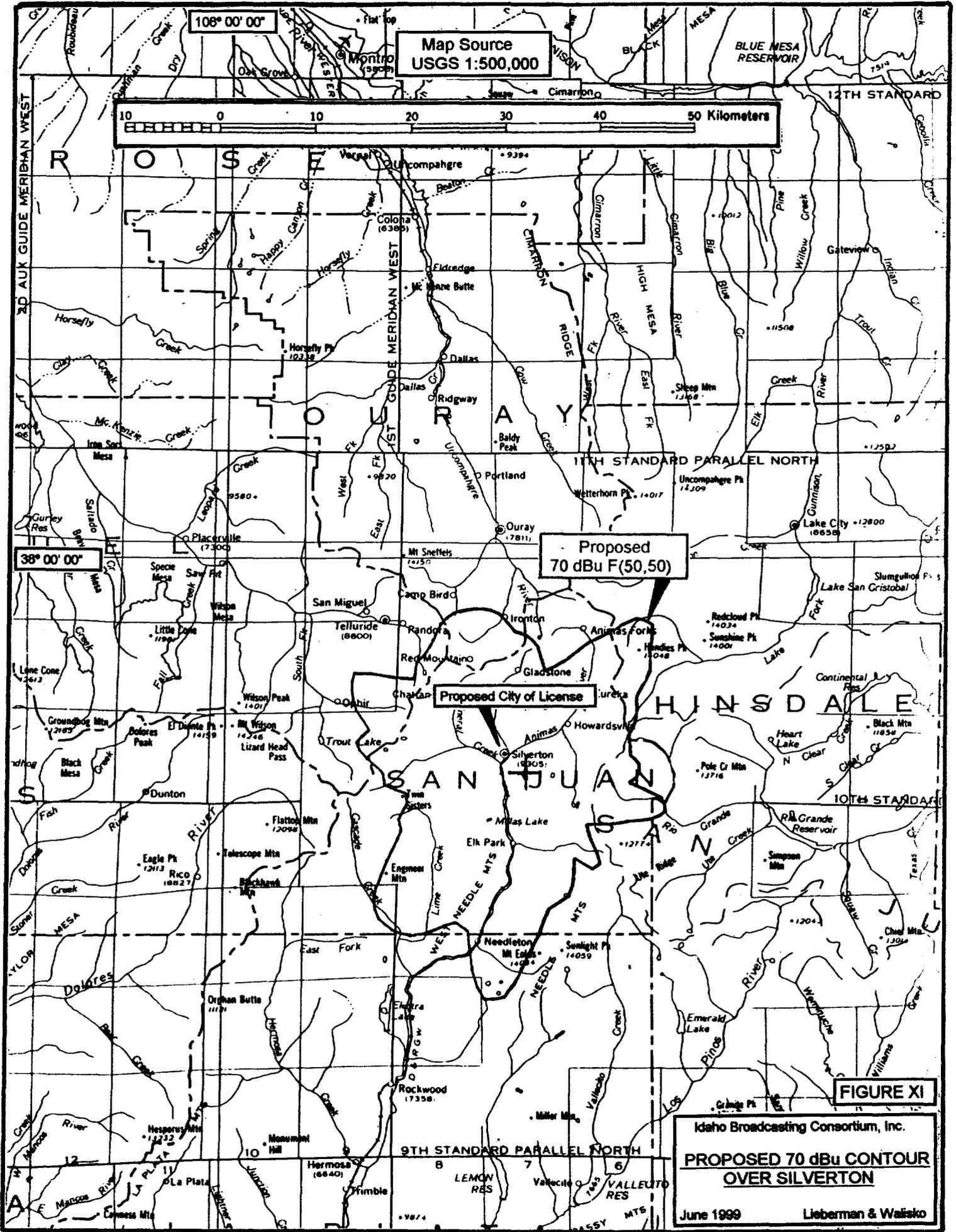
FULLY SPACED
TRANSMITTER SITE

FIGURE X

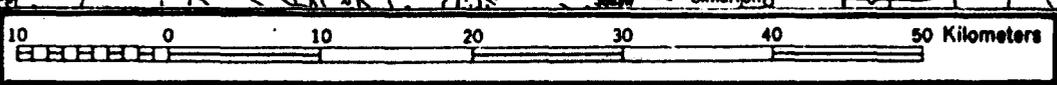
Idaho Broadcasting Consortium, Inc.

PROPOSED TRANSMITTER
SITE MAP

June 1999 Lieberman & Walisko



Map Source
USGS 1:500,000



38° 00' 00"

Proposed
70 dBu F(50,50)

Proposed City of License

FIGURE XI

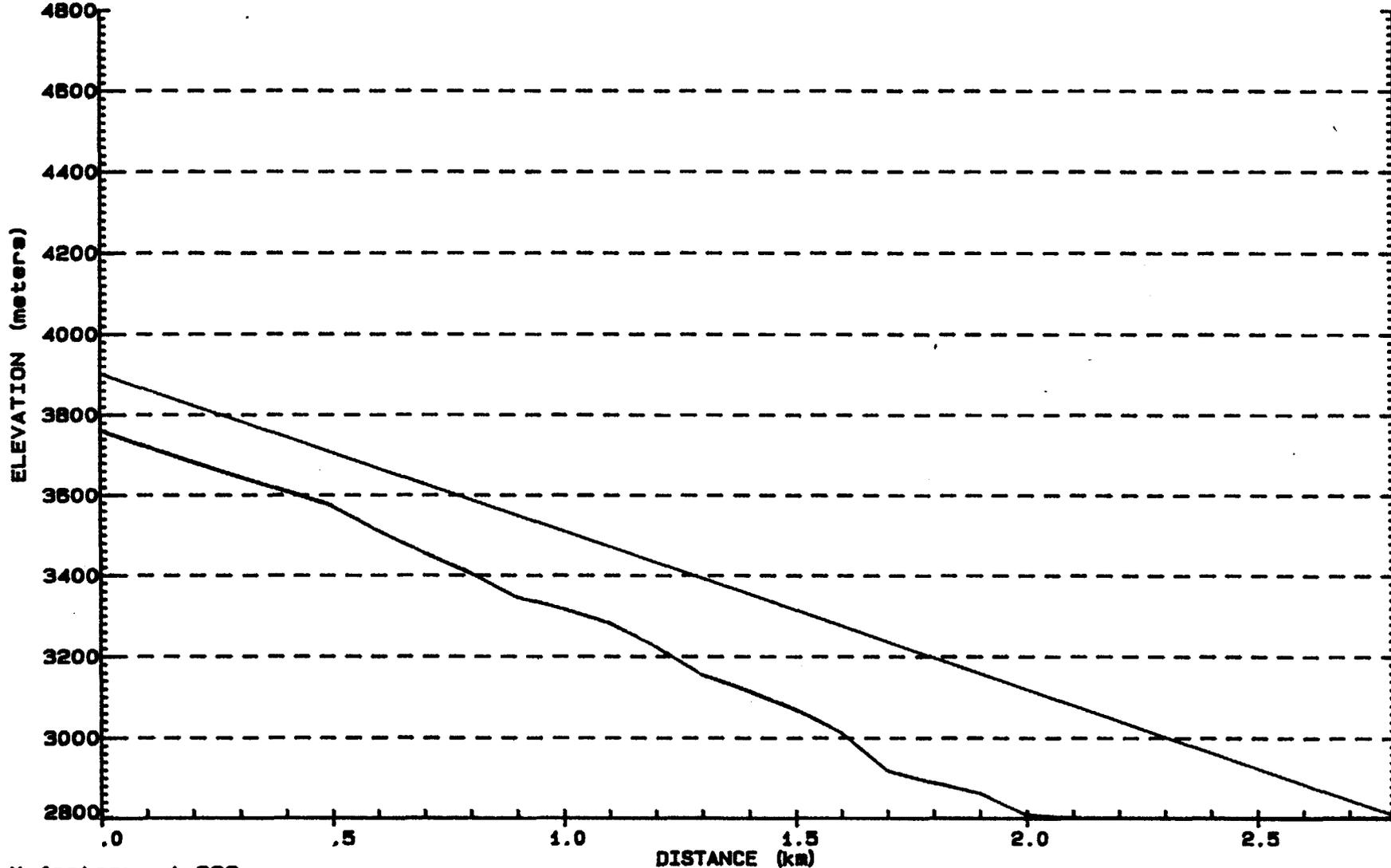
Idaho Broadcasting Consortium, Inc.
**PROPOSED 70 dBu CONTOUR
OVER SILVERTON**

June 1999 Lieberman & Walisko

Site: NEW SITE SILVERTON
 N 37 47 36 W 107 38 33
 Ant. Elev. (AMSL): 3901.3 m
 Path azimuth: 316.01 degs.

Frequency: 102.5 MHz
 Path Length: 2.8 km
 Total Path Loss: 81.6 dB
 Excess Path Loss: .0 dB

Site: SILVERTON, CO
 N 37 48 39 W 107 39 50
 Ant. Elev. (AMSL): 2805.5 m
 Path azimuth: 135.99 degs.



K factor: 1.333
 Fresnel Zone: .60
 3 Second Database - NAD 27
 Rain loss: .0 dB
 Urban loss: .0 dB
 Foliage loss: .0 dB

Liebersen & Welisko
 Consulting Engineers
 Silver Spring, MD

Idaho B'casting Cons., Inc

PATH PROFILE

Line of Sight Clearance

June 1989

Figure XII

LIEBERMAN & WALISKO
CONSULTING TELECOMMUNICATIONS ENGINEERS
11403 GILSAN ST.
SILVER SPRING, MD 20902

NEW - Ridgeway, Colorado

DECLARATION

MELVYN LIEBERMAN, declares and certifies as follows:

That he is associated with the firm of LIEBERMAN & WALISKO, Inc.;

That this firm has been retained by Idaho Broadcasting Consortium, Inc. to prepare this Engineering Statement;

That his qualifications are a matter of record with the Federal Communications Commission;

That he has either prepared or directly supervised the preparation of all technical material contained in this engineering statement and that the facts stated in this report are true of his knowledge and belief except as to such statements as are herein stated to be on information and belief and as to such statements, he believes them to be true.

June 25, 1999

Date

Melvyn Lieberman
Melvyn Lieberman