

JUN 29 1999

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

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 98-188
Table of Allotments	)	RM-9346
FM Broadcast Stations	)	
(Paonia and Olathe, Colorado)	)	

To: Chief, Allocations Branch

**REPLY COMMENTS**

Angel T. Babudro, hereby submits his reply comments to the Public Notice of the counterproposals. While Petitioner believes that because of the rugged terrain and the wide spacing of population surrounding Paonia that a Class C1 station will better serve the Paonia community and surrounding unincorporated area, his central goal is to obtain the allotment of a commercial FM channel to Paonia as its first local commercial service.

Petitioner further notes that Paonia, as compared to Olathe, is the larger of the two communities. Paonia had a 1990 U.S. Census population of 1403 persons, while Olathe had a 1990 U.S. Census population of 1263. The allotment of a new FM channel to either community will provide a first local commercial service. Therefore, Petitioner believes that the allotment of FM Channel 293C1 to Paonia best serves the public interest.<sup>1</sup> If,

<sup>1</sup> The Olathe counterproposal must be dismissed for a failure to include an affidavit verifying its statements. While Good Government Radio used the word "verify", that is insufficient. Section 1.52 of the Commission's Rules requires the inclusion of an affidavit. See Galena, KS, DA 97-307 at footnote 2; Oakhurst, CA, 9 FCC Rcd 653 (1994) at footnote 4; Corning, CA, 8 FCC Rcd 5149 (1993) at footnote 2; Blair, NE, 8 FCC Rcd 4086 (1993) at footnote 3. The counterproposal was incomplete as filed and must be dismissed as it is in conflict with the Paonia proposal.

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however, the Commission determines that another lesser class FM channel (such as a Class C2, Class C3 or Class A channel) should be allotted to Paonia, Petitioner hereby states his present intention to apply for such a channel if allotted, and if authorized, to build the facilities promptly.

Respectfully submitted,

**ANGEL T. BABUDRO**



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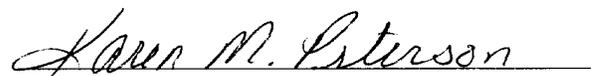
**AFFIDAVIT**

I, Angel T. Babudro, do hereby state that the foregoing is true and correct to the best of my knowledge and belief.



State of Colorado,  
County of Delta ss

The foregoing instrument was acknowledged before me this 26<sup>th</sup> day of June, 1999 by Angel T. Babudro. Witness my hand and official seal.



My commission expires 01-10-01

**CERTIFICATE OF SERVICE**

I, Susan A. Burk, hereby certify that a true and correct copy of the foregoing document was served by U.S. mail, first class, prepaid postage on this 29th day of June, 1999, upon the following individual:

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Radio  
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Susan A. Burk  
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