

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

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FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )  
)  
Amendment of Section 73.202(b), ) MM Docket No. 99-214  
Table of Allotments, ) RM-9546  
FM Broadcast Stations. )  
(Camp Wood, Texas) )

To: The Chief, Allocations Branch

**COUNTERPROPOSAL**

Pursuant to Section 1.420(d) of the Commission's Rules, I, Frank McCoy, hereby submit this Counterproposal in response to the Notice of Proposed Rule Making in the captioned proceeding, DA 99-1089 (released June 4, 1999) ("Notice"). Specifically, in lieu of the change to the FM Table of Allotments advanced in the Notice, I propose the allotment of new Channel 251C2 at Rocksprings, Texas. This counterproposal is superior to the proposal advanced in the Notice under FM allotment priorities (3) and (4), in that the allotment of Channel 251C2 at Rocksprings, Texas (i) will bring a first local transmission service to the community of Rocksprings; and (ii) will provide new service to an underserved population nearly three times greater than the underserved population which would receive new service by adoption of the Notice's proposal.

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List A B C D E

**I. This Counterproposal Is Mutually Exclusive With the Channel Change Proposed in the Notice**

The Notice was issued in response to a petition for rule making filed by La Radio Cristiana Network, Inc. (“La Radio”), permittee of Station KAYG(FM), Channel 256A, Camp Wood, Texas. La Radio seeks the substitution of Channel 251C3 for Channel 256A at Camp Wood and the concomitant modification of its construction permit for KAYG to specify operation on the new channel.

The allotment of Channel 251C2 at Rocksprings, Texas, as proposed herein, is short-spaced by 112.73 kilometers to proposed Channel 251C3 at Camp Wood. See attached Engineering Statement of Reynolds Technical Consultants (“Engineering Statement”). Accordingly, proposed Channel 251C2 at Rocksprings and proposed Channel 251C3 at Camp Wood are mutually exclusive, and this proposal is appropriately considered as a counterproposal in the captioned proceeding.

**II. The Allotment of Channel 251C2 at Rocksprings is Superior to the Camp Wood Upgrade Proposal Under the Commission’s Allotment Priorities**

The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. See Revision of FM Assignment Policies and Procedures, 90 F.C.C.2d 88, 92 (1982).

This counterproposal satisfies FM allotment priority (3), as it will bring a first local service to the community of Rocksprings, Texas. Rocksprings is listed in the 1990 U.S. Census as an incorporated town, population 1,339. It is the county seat of Edwards County, Texas. The Edwards County Airport, several motels and restaurants, and a

general store are located there. See Attachment 1 hereto. Thus, Rocksprings qualifies as a “community” for allotment purposes.

Rocksprings has neither an AM nor an FM broadcast station licensed to it. The Commission’s database indicates the existence of a vacant, unapplied-for noncommercial allotment (Channel 210A) at Rocksprings. This entry, however, appears to be a vestige of the Commission’s former FM table of allotments for noncommercial stations in the U.S.-Mexico border area, which was eliminated in 1987. See Review of Technical and Operational Requirements: Part 73, Noncommercial Educational Broadcast Stations, 2 FCC Rcd 6754 (1987). Accordingly, this counterproposal seeks to provide Rocksprings with its first local broadcast service. Under the FM allotment priorities, this counterproposal is preferable to the La Radio proposal, which would merely upgrade an existing station and provide no first local service to a community without one.

Additionally, irrespective of its public interest superiority in bringing a first local service to Rocksprings, this counterproposal will also provide new service to nearly three times more persons in underserved areas (*i.e.*, areas receiving less than five aural services) than will the La Radio proposal. As shown in the attached Engineering Statement, the La Radio upgrade proposal will add new service to an underserved population of only 1,526 persons (636 of whom currently receive three aural services, 890 of whom receive four aural services). By contrast, new Channel 251C2 at Rocksprings, as counterproposed herein, will provide new service to 4,422 persons in underserved areas -- 1,342 persons currently receiving three aural services, 2,869 persons currently receiving four aural services, and 211 persons that currently receive only two

aural services. Thus, this counterproposal is superior to the La Radio proposal under FM allotment priority (4) as well.

### **III. Statement of Interest in Applying**

As shown in the attached Engineering Statement, Channel 251C2 can be allotted to Rocksprings, Texas in compliance with the Commission's technical rules. If Channel 251C2 is allotted to Rocksprings, I will file an application for the channel, and, if such application is granted, I will promptly construct a station to operate on the channel.

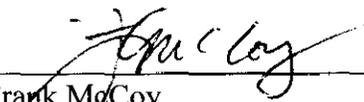
### Conclusion

For the foregoing reasons, I hereby request that the Commission allot Channel 251C2 at Rocksprings, Texas, in lieu of the Camp Wood allotment set forth in the Notice.

Verification

I hereby verify that the facts set forth in the foregoing Counterproposal are true and correct, and that the foregoing Counterproposal is not being filed for the purpose of delay.

Respectfully submitted,

  
\_\_\_\_\_  
Frank McCoy  
11508 Chancellor Drive  
Austin, TX 78759  
(512) 478-6878

Dated: July 26, 1999



**ENGINEERING STATEMENT**

**IN SUPPORT OF A**

**COUNTERPROPOSAL**

**MM Docket 99-214  
Frank McCoy, Individually**

**Prepared by:**

**Reynolds Technical Associates  
2421 Presidents Drive, Suite B-23  
Montgomery, Alabama 36116  
(334) 323-3620**

**July 21, 1999**

**Engineering Statement**  
**In Support of a**  
**Counterproposal**  
**MM Docket 99-214**  
**Frank McCoy, Individually**

**General**

The instant counterproposal was prepared for Frank McCoy, Individually ("McCoy"), the petitioner for AD251C2, Rocksprings, Texas. It is prepared and submitted in response to an NPRM for MM Docket 99-214 (see DA99-1089). McCoy proposes to add channel 251C2 at Rocksprings.

The instant counterproposal is mutually exclusive (MX) with the NPRM in its proposed use of channel 251C3 at Camp Wood, Texas. The McCoy counterproposal can only be granted by denying the petition of La Radio Cristiana Network, Inc. ("La Radio"), licensee of KAYG, channel 256A, at Camp Wood.

**Methods**

The McCoy counterproposal required no additional channel substitutions in order to allocate channel 251C2 at Rocksprings as that community's first local service.

Presently the Commission's database lists channel 210A as a vacant unused channel in the Table of Allotments. However, at present, there are no pending applications for this NCE allotment. By comparison, Camp Wood has the licensed facility of KAYG.

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. All existing stations' coverages were predicted using the FCC F(50,50) 60 dBu contour for FM station and the FCC M3 map

0.5 mV/m contours for AM stations. 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 the pertinent case where community boundaries were critical, the boundaries were cross-checked with the U.S. Census Bureau's TIGER map.

### **Nature of the McCoy Counterproposal**

McCoy proposes to allot channel 251C2 at Rocksprings as that community's first local service. No additional substitutions are required to accommodate the McCoy counterproposal; however, the spacing between channel 251C2 at Rocksprings and channel 251C3 at Camp Wood is 64.27 kilometers, while 177.0 kilometers are required for full §73.207 spacing. Therefore, channel 251C2 at Rocksprings and channel 251C3 at Camp Wood are short spaced by 112.73 kilometers. As stated earlier, the McCoy counterproposal is MX with the La Radio petition.

### **EXHIBITS EXPLAINED**

Exhibit E, Figure 1 is an allocation study depicting the spacing to all known FM facilities that are affected by the allotment of channel 251C2 at Rocksprings, using the desired McCoy reference coordinates. McCoy is aware of the aware of the Commission's practice of using reference coordinates close to the proposed community of license coordinates when available; however, McCoy feels that the reference proposed in the instant counterproposal provide a greater service to an area that has diminished aural service. Exhibit E, Figure 2 is a map depicting the usable area window for channel 251C2 at Rocksprings. It also lists the McCoy proposed allotment coordinates, the

Rocksprings community boundaries, and the separation contours of pertinent stations that affect the allotment of channel 251C2. Exhibit E, Figure 3 is a hypothetical 70-dBu contour map. It demonstrates full compliance with §73.315 of the Rules.

#### McCoy and La Radio Comparisons

Exhibit E, Figure 4 is a map demonstrating all AM and FM service contours in the Rocksprings area, as well as the proposed hypothetical 60 dBu contour for AD251C2 at Rocksprings. Exhibit E, Figure 5 is a similar map showing the coverage contours in the area of AD251C3 at Camp Wood, Texas, as well as the proposed area gained by the allotment of channel 251C3 at Camp Wood.

The studies demonstrate that neither proposal serves an area that could be classified as white or gray area. However, the La Radio proposal will add a new service to an underserved population (areas with less than 5 aural services) of only 1,526 persons. La Radio will add service to 636 persons currently receiving 3 aural services and will add service to 890 persons receiving 4 aural services.

By comparison, the McCoy counterproposal will add a new service to 1,342 persons with 3 aural services and 2,869 to people with 4 aural services. Additionally, McCoy will provide service to 211 persons that only currently are served by 2 aural services. The proposed allotment of channel 251C3 at Camp Wood does not provide new service to any population so underserved.

In summary, the underserved population of the McCoy counterproposal versus the La Radio PRM is as follows:

	<u>McCoy</u>	<u>La Radio</u>
2 aural services	211	0
3 aural services	1,342	636
<u>4 aural services</u>	<u>2,869</u>	<u>890</u>
Total	4,422	1,526

Exhibit E, Figure 6 is a US Census Bureau TIGER map of the Rocksprings, Texas community boundaries. It verifies McCoy's representation of the Rocksprings, Texas community boundaries shown in Exhibit E, Figure 3.

### Conclusion

The McCoy counterproposal has demonstrated that it is in technical compliance with the present Commission Rules concerning such actions. The allocation of channel 251C2 at Rocksprings will be providing a community of 1,339 persons its first local service. Camp Wood, by comparison, has a population of only 595 persons, and it is currently served by channel 256A (KAYG). This, in combination with the increase in service to underserved areas, gives more than adequate cause why the allocation of channel 251C3 at Camp Wood should be denied and the allocation of channel 251C2 at Rocksprings should be granted.

**Statement of the Consultants**

The engineering section for the instant counterproposal was prepared for Frank McCoy, Individually ("The Petitioner") and supports a counterproposal to the allotment of channel 251C3, Camp Wood, Texas (MM Docket 99-214). It was developed by Lee S. Reynolds and Paul H. Reynolds of Reynolds Technical Associates ("RTA") and may not be used for purposes other than submission to the Commission by The Petitioner.

It may not be reproduced in its entirety, or in part, by anyone (other than from the Commission) without the written consent of RTA.

It is prepared for The Petitioner under contractual agreement, and its certification by RTA is used accordingly. If The Petitioner fails in his contractual obligation, RTA reserves the right to withdraw its certification.

The information in this application is compiled from the most recent Commission and outside data. RTA is not responsible for errors resulting from incorrect data or unpublished rule and procedure changes.

For Reynolds Technical Associates:

  
\_\_\_\_\_  
Lee S. Reynolds

July 20th 1999

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Montgomery, Alabama 36116  
(334) 323-3620

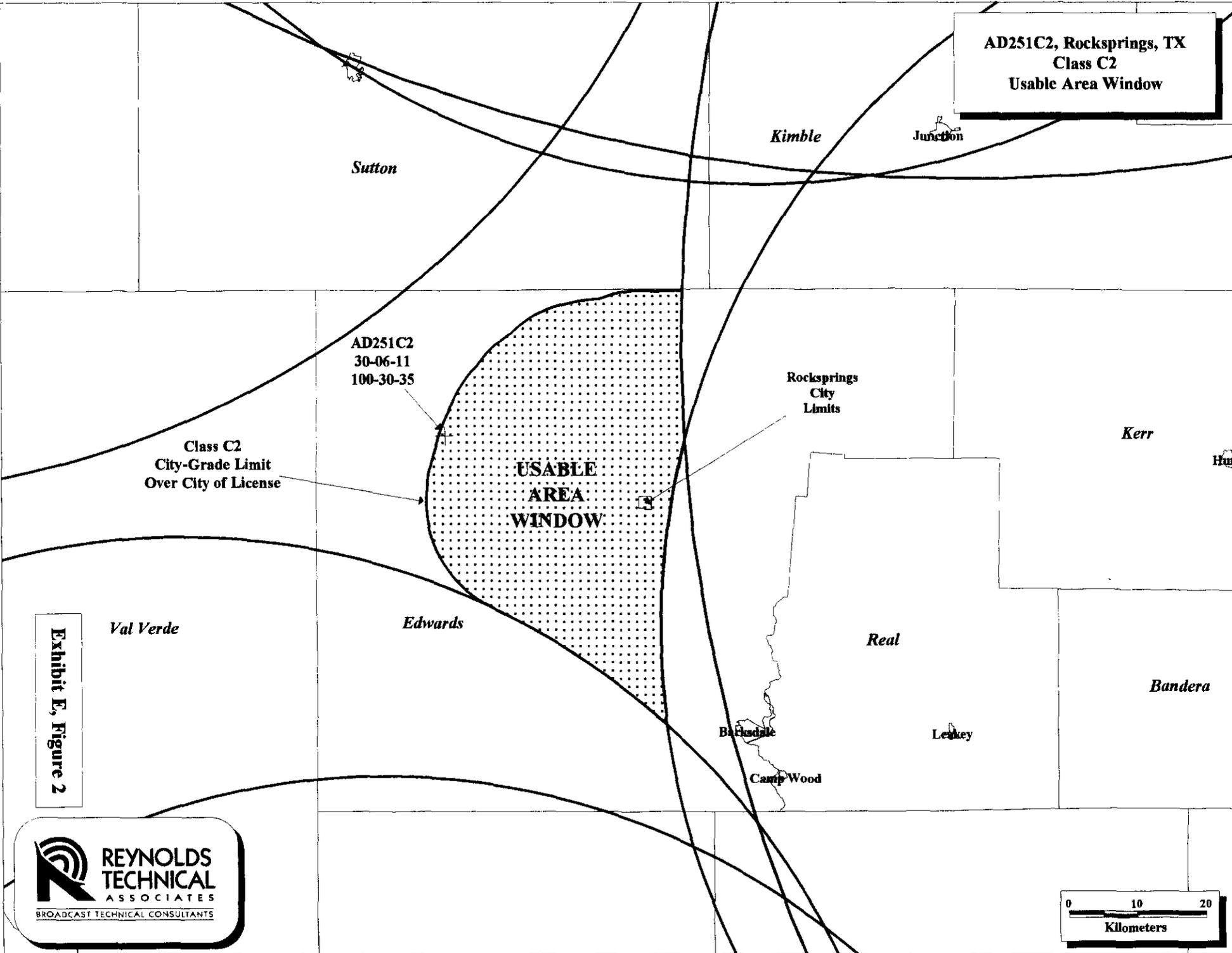
**ENGINEERING STATEMENT**  
**In Support of a**  
**COUNTERPROPOSAL**  
**MM Docket 99-214, RM-9546**

**Frank McCoy, Individually**

**ALLOCATION STUDY - CH 251C2 ROCKSPRINGS, TX (AD 251C2)**

Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
30 06 11 N.				Class C2			Search Date
100 30 35 W.				Current rules spacings			07-20-99
----- Channel 251 - 98.1 MHz -----							
<b>Community of Rocksprings</b>			<b>TX</b>	<b>108.4</b>	<b>30.26</b>		
Reference Coordinates:							
North Latitude: 30-01-01							
West Longitude: 100-12-43							
<b>AD251 251C1 Camp Wood</b>			<b>TX</b>	<b>132.0</b>	<b>64.27</b>	<b>224.0</b>	<b>-159.73 *</b>
Of Note:							
Included in FCC Data Base							
in error. Petitioner requested							
AD 251C3. See below.							
<b>AD251 251C3 Camp Wood</b>			<b>TX</b>	<b>132.0</b>	<b>64.27</b>	<b>177.0</b>	<b>-112.73 *</b>
Of Concern:							
Instant petition is MX							
with this proposal							
CP252	252C2	Big Lake	TX	324.0	149.73	130.0	19.73
AL252	252A	San Carlos	CI	197.6	124.89	105.0	19.89
AL248	248C	San Carlos	CI	197.6	124.89	105.0	19.89
DE252	252A	Bandera	TX	101.3	139.70	106.0	33.70
KEEP.A	252A	Bandera	TX	101.3	139.70	106.0	33.70
DE252	252A	Bandera	TX	101.3	139.70	106.0	33.70
KEEP	252A	Bandera	TX	101.3	139.70	106.0	33.70
KVETFM	251C1	Austin	TX	87.0	258.72	224.0	34.72
KVETFM	251C1	Austin	TX	84.8	261.89	224.0	37.89
KELI	254C	San Angelo	TX	17.6	146.97	105.0	41.97
ALOPEN	251C1	Anson	TX	15.9	269.86	224.0	45.86
AL250	250A	Piedras Negras	CI	183.3	153.15	105.0	48.15

**AD251C2, Rocksprings, TX  
Class C2  
Usable Area Window**



AD251C2  
30-06-11  
100-30-35

Class C2  
City-Grade Limit  
Over City of License

**USABLE  
AREA  
WINDOW**

Rocksprings  
City  
Limits

Kerr

Hur

Exhibit E, Figure 2

Val Verde

Edwards

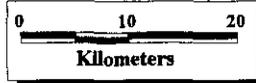
Real

Bandera

Backdale

Leakey

Camp Wood



**AD251C2, Rocksprings, TX  
Class C2  
Hypothetical 70 dBu Contour**

*Sutton*

Hypothetical  
70 dBu Contour

AD251C2  
30-06-11  
100-30-35

Rocksprings  
City  
Limits

*Val Verde*

*Edwards*

*Real*

Barksdale

Camp Wood

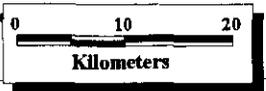
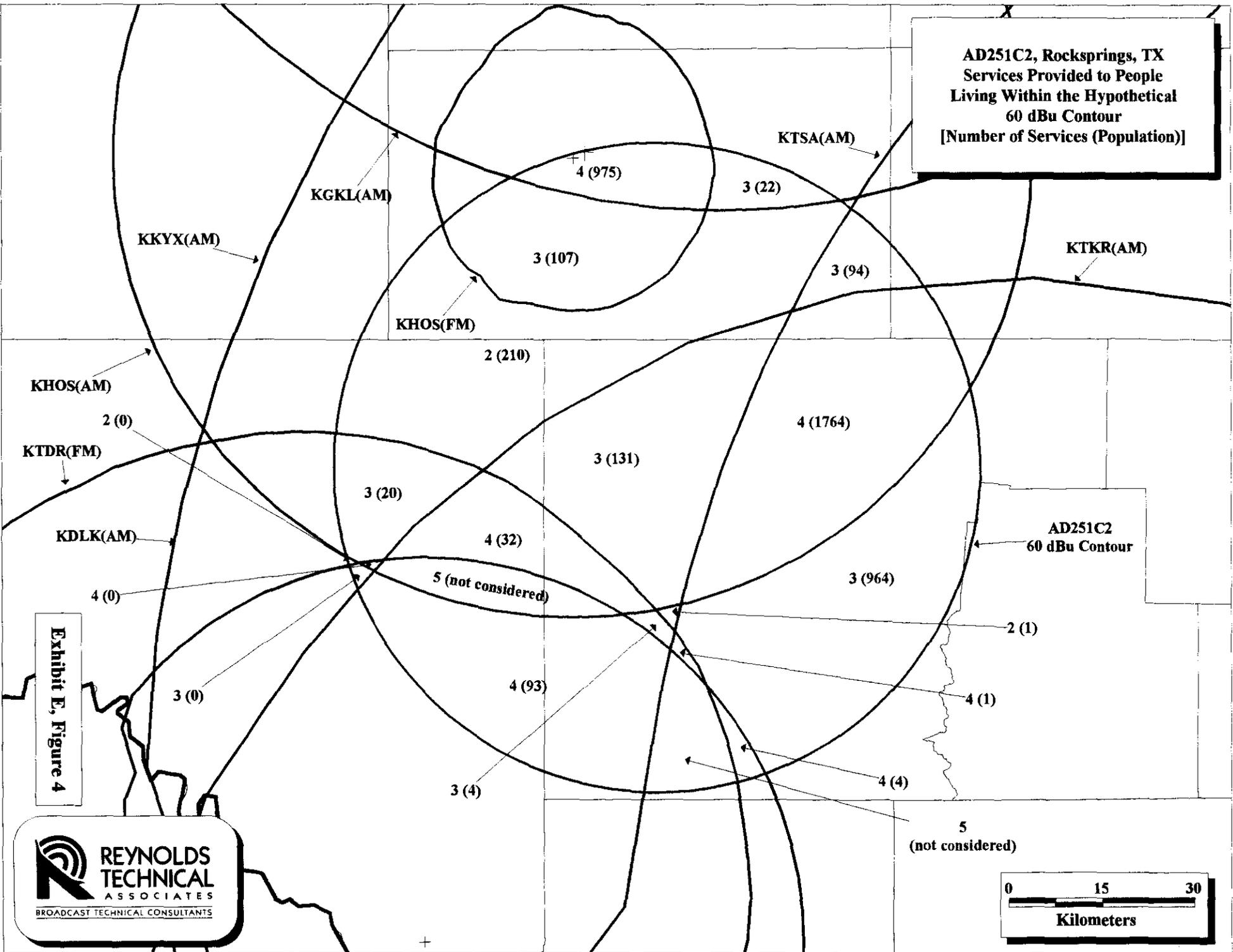


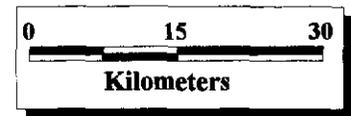
Exhibit E, Figure 3



**AD251C2, Rocksprings, TX  
Services Provided to People  
Living Within the Hypothetical  
60 dBu Contour  
[Number of Services (Population)]**



**Exhibit E, Figure 4**



**AD251C3, Camp Wood, TX**  
**Services Provided to People**  
**Living Within the Hypothetical**  
**Gain Area**  
 [Number of Services (Population)]  
 (Shaded Area Has >5 Services)

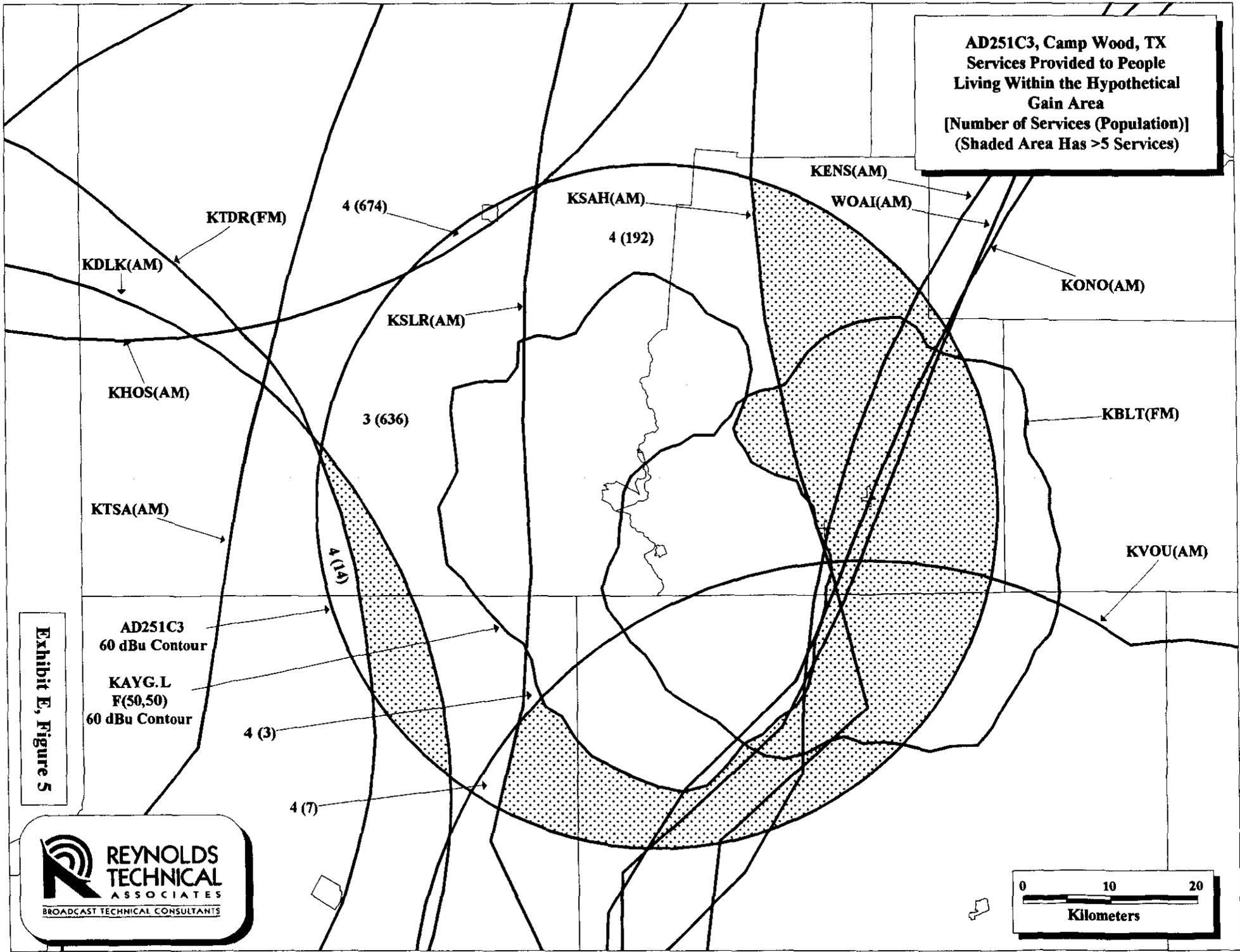
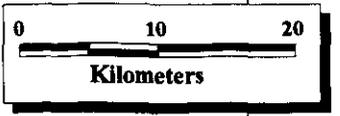


Exhibit E, Figure 5

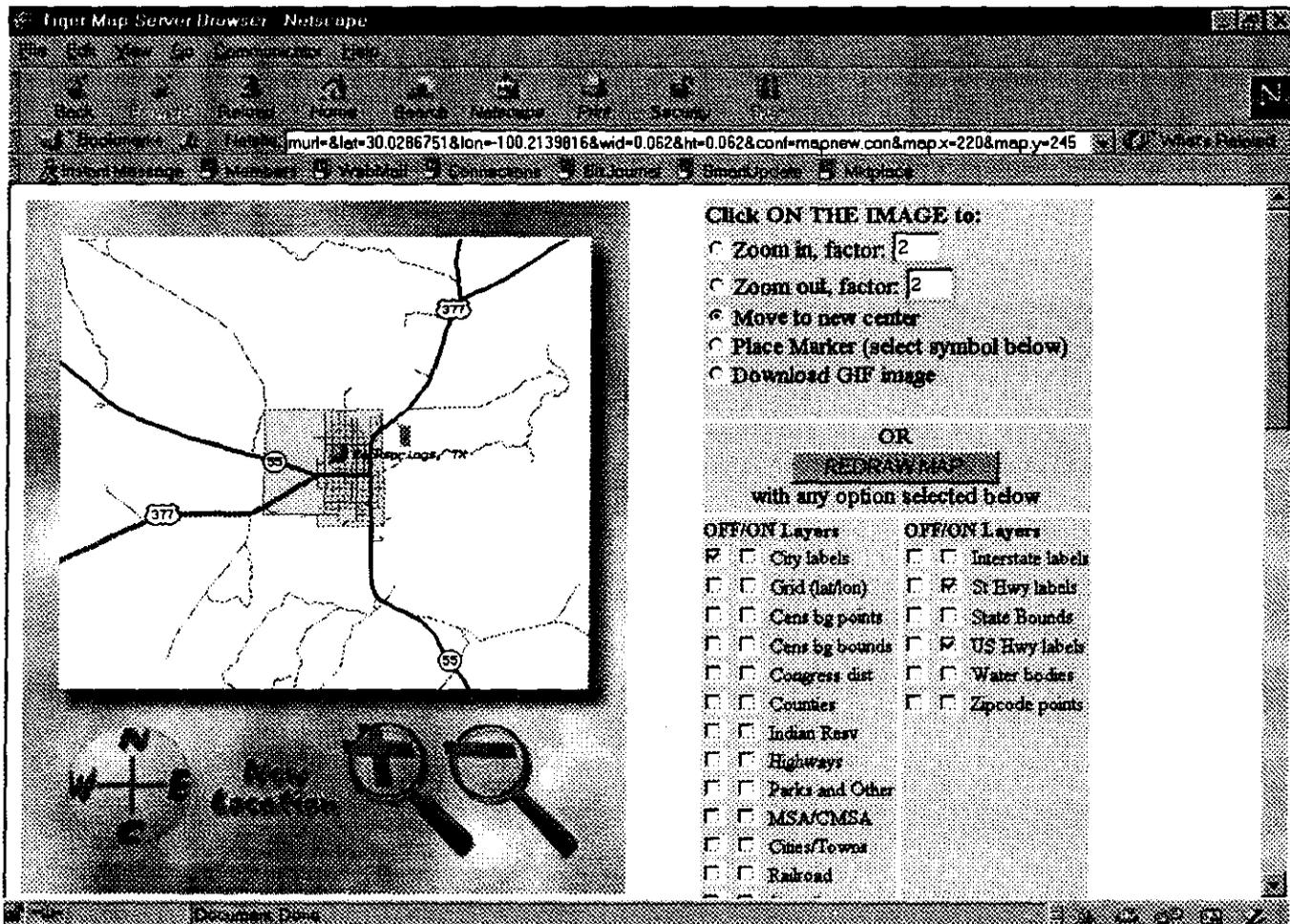


**ENGINEERING STATEMENT  
In Support of a**

**COUNTERPROPOSAL  
MM Docket 99-214, RM-9546**

**Frank McCoy, Individually**

**TIGER Map of Rocksprings, Texas City Limits**



**Exhibit E, Figure 6**

**ATTACHMENT 1**



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**ROCKSPRINGS, TEXAS.** Rocksprings, the county seat of Edwards County, is on Hackberry Creek at the junction of U.S. Highway 377 and State Highway 55, 100 miles west of San Antonio in the central part of the county. The site was selected in 1891 by J. R. Sweeney because of the natural springs bubbling forth from the rocks. In 1891 the town acquired a post office and was made county seat. In 1892 Rocksprings had a population of 250, a blacksmith, a hotel, a doctor, two saloons, a real estate agent, a general store, two lawyers, and a druggist. The name of the town was originally written as two words, but it was changed after the first courthouse burned in 1897. The town drew attention from across the state and Mexico after the lynching<sup>qv</sup> of Antonio Rodríguez,<sup>qv</sup> who was accused of murder, on November 3, 1910. By 1914 Rocksprings had a population of 500 and a bank. As the county seat, the town grew as the county population grew, reaching 998 in 1931, 1,433 in 1952, 1,248 in 1980, and 1,339 in 1990. The economy of Rocksprings is centered on the wool and mohair industry.<sup>qv</sup> Edwards County is one of the top producers of wool and mohair in the world. Hunting and fishing revenues account for 20 percent of the city and county income. The state of Texas has purchased 40,000 acres of land surrounding the Devil's Sinkhole, a natural cave descending 150 feet in a sheer drop, for a wildlife preserve seven miles north of the town. In 1991 the *Texas Mohair Weekly* was published at Rocksprings. The Edwards County Airport, several motels and restaurants, and a general store are located there. In May the town hosts the annual "Top-o-the-World" festival in honor of mohair and wool production.

*James B. McCrain*

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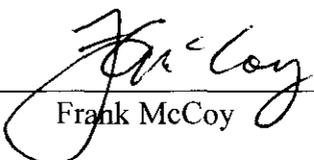
Last Updated: February 15, 1999

Comments to: [comments@www.tsha.utexas.edu](mailto:comments@www.tsha.utexas.edu)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Counterproposal was sent this 26<sup>th</sup> day of July, 1999, by first class United States mail, postage prepaid, to the following:

Barry D. Wood, Esq.  
Paul H. Brown, Esq.  
Wood, Maines & Brown, Chartered  
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Washington, D.C. 20036  
Counsel to La Radio Cristiana Network, Inc.

  
Frank McCoy