

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

IN THE MATTER OF:)	MM DOCKET No. 99-239
)	
<i>Amendment of 47 C.F.R. §73.202(b)</i>)	RM-9658
<i>Table of Allotments</i>)	
<i>FM Broadcast Stations</i>)	
<i>(Johannesburg and Edwards, CA)</i>)	
)	
To: The Chief, Allocations Branch)	
Policy and Rules Division)	
Mass Media Bureau)	

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OFFICE OF THE SECRETARY

**COMMENTS OF
ADELMAN COMMUNICATIONS, INC.**

Comes now **Adelman Communications Inc., Inc.** ("Adelman"), by Counsel, and pursuant to Section 1.415 of the Commission's Rules, hereby respectfully submits the following Comments in support of the Commission's *Notice of Proposed Rule Making*¹ proposing to amend Section 73.202(b) of the Rules, FM Table of Allotments, as follows:

<i>Community</i>	<i>Present</i>	<i>Proposed</i>
Johannesburg, CA	265A, 280B1	265A
Edwards, CA	-----	280A

In support whereof, Adelman states as follows:

Background

1. As set forth in its original Petition, Adelman is the Licensee of Radio Stations KEDD (FM), Johannesburg, California, and KLOA (AM) KLOA-FM, Ridgecrest, California. Radio Station KEDD is presently authorized to operate on Channel 280B1. Adelman petitioned the Commission to amend the FM Table of Allotments to permit

¹DA 99-1236, Released June 25, 1999 ("NPRM").

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a downgrade of the present Class B1 allotment to a Class A facility, and to change KEDD's community of license to Edwards, California, which is presently without any local broadcast service.

Community Showing

2. Edwards, California is a community of sufficient size, identity, and independence to warrant an allotment of a local broadcast service under the Commission allocation policies.²

Public Interest Showings

3. *Gains and Losses.* It is recognized that the proposed downgrade will, of necessity, mean a loss of service to some persons.³ However, as shown in the attached Engineering Exhibit, examination of the loss area reveals that the proposal will not result in the creation of any "white" or "gray" areas. 99% of the area⁴ and 100% of the population which will lose service receives service from at least five (5) licensed facilities.

4. *First Local Service to Edwards, California.* It should also be noted that the Community of Johannesburg, California, which has a 1990 census population of 306,⁵ currently has two aural broadcast services, KEDD (Ch. 280B1) and KRAJ (formerly KBHM, Ch. 265A); whereas Edwards, California, which has a population of over 7,400

²Adelman incorporates by reference herein the "Community Showing" submitted in its original petition. See, *NPRM*, ¶¶3-4.

³Adelman's engineering showings, incorporated herein by reference, established that the gain area comprises 2,161 km² and 25,951 persons; the loss area comprises 4,440 km² and 40,203 persons. See, *NPRM*, ¶¶5-7.

⁴*NPRM*, ¶5.

⁵Source: U.S. Census Bureau (*U.S. Gazetteer*) www.census.gov/cgi-bin/gaze

persons,⁶ currently has no aural broadcast services. The reallocation and downgrade of Channel 280B1 from Johannesburg to 280A in Edwards will thus bring about a more equitable distribution of radio services, by providing first local service to a larger community while at the same time leaving the smaller community with continuing service of the same class. This new service will promote the Commission's goal of enhancing diversity of thought and opinion in the broadcast media, as well as Congress's charge to the Commission to ensure a fair, efficient and equitable distribution of radio services in the United States.⁷

***The Proposal is Consistent with the
Commission's Community Change Policies***

5. Neither Johannesburg nor Edwards is located in an urbanized area. Thus, the proposed allotment is not subject to the criteria set forth in *RKO General (KFRC)*, 5 FCC Rcd 3222 (1990) or *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988).⁸

6. *Continued Aural Service to Johannesburg*. The instant proposal will not only provide Edwards with its first local service (priority three), but it will not deprive Johannesburg of its own local service (priority four). Moreover, not only would the community of Johannesburg continue to enjoy local aural service from KRAJ (formerly KBHM, Channel 265A), but it also has reception service from at least five or more full-time aural services.⁹

⁶*Id.*

⁷47 U.S.C. §307(b)

⁸*NPRM*, ¶7.

⁹*NPRM*, ¶5.

Recertification of Interest in Channel

7. Adelman hereby reconfirms its interest in Channel 280A for Edwards, California, and certifies that, should the Commission adopt the amendment to the FM Table of Allotments proposed herein, Adelman will promptly file an application to modify the facilities of KEDD to specify operation on Channel 280A and to change its community of license to Edwards, California.

WHEREFOR, the above premises considered, Adelman respectfully urges that the Commission AMEND Section 73.202(b) of the Rules, FM Table of Allotments, as follows:

<i>Community</i>	<i>Present</i>	<i>Proposed</i>
Johannesburg, CA	265A, 280B1	265A
Edwards, CA	-----	280A

Respectfully submitted,

ADELMAN COMMUNICATIONS, INC.

By: 
David M. Hunsaker

Its Attorney

August 13, 1999

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CERTIFICATE OF SERVICE

I, Sharon L. Hinderer, Secretary in the Law Firm of **Putbrese Hunsaker & Trent, P.C.**, hereby certify that I have on this 13th day of August, 1999, sent, by United States Mail, postage prepaid, a true copy of the foregoing "**Comments of Adelman Communications, Inc.**" upon the following:

*John A. Karousos, Chief
Allocations Branch, Policy & Rules Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington DC 20554

*Via Hand Delivery


Sharon L. Hinderer