

Henry E. Crawford

ATTORNEY AT LAW

1150 CONNECTICUT AVENUE, N.W.
SUITE 900
WASHINGTON, D.C. 20036-4192

DOCKET FILE COPY ORIGINAL

November 1, 1999

BY HAND DELIVERY

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

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NOV - 1 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re:

In the Matter of Amendment of Section 73.202(b) Table of Allotments FM Broadcast Stations (Littlefield, Arizona, et al.) Docket No. 99-282; RM-9710
--

Dear Ms. Salas:

Transmitted herewith on behalf of Death Valley Broadcasters are an original and four (4) copies of its "Opposing Comments" as directed to the Mass Media Bureau, Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours,



Henry E. Crawford
Counsel for
Death Valley Broadcasters

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
(Littlefield, Arizona, et al.)

Docket No. 99-282

RM-9710

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

OPPOSING COMMENTS

Death Valley Broadcasters ("Death Valley"), by counsel, pursuant to 47 CFR §§ 1.415, 1.420, hereby submits its Opposing Comments in connection with the above-captioned proceeding. In support thereof, Death Valley states as follows:

1. On September 10, 1999, the Commission released the Notice of Proposed Rule Making ("NPRM") proposing to allot Channel 265C to Littlefield, Arizona. The NPRM set November 1, 1999, as the deadline for filing comments in this proceeding.

2. Previously, on June 11, 1999, the Commission issued a construction permit to Red Rock Broadcasting, licensee of KONY-FM, Kanab, Utah, to effectuate a one-step upgrade to operate KONY-FM on first adjacent

Channel 266C.¹ As noted in the attached channel study, the Mountain West proposal under consideration in the NPRM is short-spaced to Red Rock's existing KONY-FM construction permit by more than 82 kilometers.² Therefore, the Mountain West proposal cannot be granted without violating the Commission's spacing rules.

3. In sum, the Mountain West proposal is short-spaced to an existing construction permit and cannot be allocated in accordance with the Commission's rules.

WHEREFORE, it is respectfully submitted that the proposal advanced by Mountain West Broadcasting in its petition for rulemaking and contained in the NPRM be denied in its entirety.

November 1, 1999

Law Offices of
Henry E. Crawford, Esq.
1150 Connecticut Avenue, N.W.
Suite 900
Washington, D.C. 20036
(202) 862-4395
E-Mail: hc@HenryCrawfordLaw.Com
Web: <http://www.HenryCrawfordLaw.Com>

Respectfully Submitted,
Death Valley Broadcasters

By: 
Henry E. Crawford
Its Attorney

¹ See, KONY-FM Construction Permit, attached hereto as Exhibit 1.

² See, Channel Study, attached hereto as Exhibit 2.

Death Valley Broadcasters
Opposing Comments
November 1, 1999

EXHIBIT 1



United States of America

FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

WILLIAM
ONE-5787

Official Mailing Address:

RED ROCK BROADCASTING
720 SOUTH RIVER ROAD
SUITE A-210
ST. GEORGE, UT 84790

Authorizing Official:

[Signature]

James D. Bradshaw
Supervisory Engineer
Audio Services Division
Mass Media Bureau

Grant Date: JUN 11 1999

Facility ID: 55399
Call Sign: KONY-FM

This permit expires 3:00 a.m.
local time, 36 months after
grant date specified above.

Permit File No.: BPH-990311IB

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

New Commission rules which become effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these new rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee:

Red Rock Broadcasting, Inc.

Station Location:

UT-KANAB

Frequency (MHz): 101.1

Channel: 266

Class: C

Hours of Operation: Unlimited

Transmitter location (address or description):

Atop Clear Creek Mountain, 39.4 km from Kanab at 315 degrees True.

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: (directional or non-directional): Non-Directional

Antenna Coordinates: North Latitude : 37 17 45
 West Longitude : 112 50 34

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW).....:	100	100
Height of radiation center above ground (Meters).....:	85	85
Height of radiation center above mean sea level (Meters).....:	2536	2536
Height of radiation center above average terrain (Meters).....:	600	600

Antenna structure registration number: 1062954

Overall height of antenna structure above ground (including obstruction lighting if any) see the registration for this antenna structure.

Special operating conditions or restrictions:

1. The permittee/licensee must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

2. Permittee has specified use of the antenna listed below to demonstrate compliance with the FCC radiofrequency electromagnetic field exposure guidelines. If any other type or size of antenna is to be used with the facilities authorized herein, THE AUTOMATIC PROGRAM TEST PROVISIONS OF 47 C.F.R. SECTION 73.1620 WILL NOT APPLY. In this case, a FORMAL REQUEST FOR PROGRAM TEST AUTHORITY must be filed in conjunction with FCC Form 302-FM, application for license, BEFORE program tests will be authorized. This request should be made at least 10 days prior to the date on which program tests are desired to commence. The request must include a revised RF field showing to demonstrate continued compliance with the FCC guidelines.

Documentation demonstrating compliance with the FCC radiofrequency field exposure guidelines may be submitted in advance of the filing of FCC Form 302-FM. The Commission's staff will review it for compliance and respond by letter stating whether automatic PTA has been reinstated.

ERI, eight sections

3. Pursuant to the grant of this construction permit and the authority found in Sections 4(i), 5(c)(1), 303 and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b), 0.283, 1.420, 73.203(b), and 73.3573 of the Commission's Rules, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED as follows:

Community	Channel No.
Kanab, UT	Add 266C
	Delete 266C1

Pursuant to Section 316(a) of the Communication Act of 1934, as amended, BLH-860314KB IS MODIFIED to specify operation on Channel 266C in lieu of Channel 266C1.

*** END OF AUTHORIZATION ***

Death Valley Broadcasters
Opposing Comments
November 1, 1999

EXHIBIT 2

FM Channel Study
 FM Channel 265C
 N36-52-59 W114-33-13

November 1, 1999

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
ALC	Henderson	NV	263	C	U	105.2	105.0	202.6°	0.2
KMZQFM	Henderson	NV	263	C	L	105.2	105.0	202.6°	0.2
FR ADD	Littlefield	AZ	265	C	A	0.0	290.0	0.0°	-290.0
ALC	Amargosa Valley	NV	266	A	V	166.9	165.0	260.9°	1.9
NEW	Amargosa Valley	NV	266	A	A	181.9	165.0	258.9°	16.9
NEW	Amargosa Valley	NV	266	A	A	170.4	165.0	258.1°	5.4
ALC	Kanab	UT	266	C	U	158.9	241.0	73.2°	-82.1
KONYFM	Kanab	UT	266	C1	L	209.4	209.0	94.9°	0.4
KONYFM	Kanab	UT	266	C	C	158.9	241.0	73.2°	-82.1
ALC	Kanarraville	UT	268	C2	A	141.6	105.0	59.1°	36.6

All Distances in kilometers

CERTIFICATE OF SERVICE

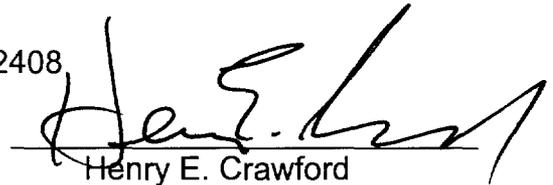
I, Henry E. Crawford, do hereby certify that copies of the foregoing
Comments and Counterproposal have been served by United States mail,
postage prepaid this 1st day of November, 1999 upon the following:

*John A. Karousos
Chief, Allocations Branch
Mass Media Bureau
Federal Communications Commission
Portals II, TW-A325
445 Twelfth Street, S.W.
Washington D.C. 20554

Mountain West Broadcasting
c/o Victor A. Michael, Jr.
Mountain West Broadcasting
6807 Foxglove Drive
Cheyenne, Wyoming 82009

Richard-Michelle Eyre
REC Networks
P O Box 2408
Tempe, AZ 82580-2408

*Hand Delivered


Henry E. Crawford