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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

Amendment of Section 73.202(b))	
Table of Allotments)	MM Docket No. 99-285
FM Broadcast Stations)	RM - 9717
(Keeseville, New York))	

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

COUNTERPROPOSAL

Dannemora Broadcasting, ("DB"), by its counsel, hereby submits its Counterproposal to the Notice of Proposed Rule Making (DA 99-1882, released September 17, 1999), which proposed the allotment of Channel 250A to Keeseville, New York as its first local service. Instead, DB proposes the allotment of Channel 250A to Dannemora, New York, as its first local service. In support hereof, DB states as follows:

1. As indicated in the attached Engineering Statement, Channel 250A can be allotted to Dannemora consistent with the Commission's spacing rules in Section 73.207 and with the U.S. Canadian Treaty. The Dannemora allotment will require specially negotiated Canadian concurrence with respect to short spacings to Canadian stations. However, the proposed Keeseville allotment also has a short spacing restriction to Station CHOM-FM, Montreal, Canada.

2. Dannemora (population 4,005 -- 1990 U.S. Census) is located in Clinton County (population 85,969). Dannemora is a community with its own municipal offices such as the Dannemora Town Clerk, Dannemora Town Assessor, Dannemora Town Supervisor and the

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List ABCDE

Dannemora Fire Department. The Dannemora Post Office has the zip code 12929. The community has two churches, an elementary school and various businesses including Dannemora Ford, Dannemora Garage, Dannemora Village Smith. See Exhibit A.

3. Dannemora should be preferred under the Commission's allotment criteria for a first local service due to its substantially larger population (4,005) compared to Keeseville (1,854). See Revision of FM Assignment Policies and Procedures 90 FCC 2d 881 (1982). In the absence of any other countervailing factors, the community's larger population has been the basis for preferring one community over another. See e.g., Whitewright and Van Alstyne, Texas (DA 99-2452, released November 5, 1999); Rose Hill, Trenton, Aurora and Ocracoke, North Carolina, 11 FCC Rcd 21223 (1996); Athens and Atlanta, Illinois, 11 FCC Rcd 3445 (1996) and Blanchard, Louisiana and Stephens, Arkansas, 8 FCC Rcd 7083 (1993). Thus, under the Commission's analysis of other public interest factors where both proposals qualify under Priority 3, the larger population is generally the most important tie breaking factor.

4. Should the Commission allot Channel 250A to Dannemora, New York, DB will file an application for the allotment and construct the facility. Accordingly, Dannemora Broadcasting urges the Commission to allot Channel 250A to Dannemora, New York, as its first local service.

Respectfully submitted,

DANNEMORA BROADCASTING

By: 

Mark N. Lipp
Shook, Hardy & Bacon, LLP
600 14th Street, NW
Suite 900
Washington, DC 20005
(202) 783-8400

Its Counsel

November 8, 1999

**ENGINEERING STATEMENT IN
SUPPORT OF COUNTERPROPOSAL
TO PETITION FOR RULEMAKING
PROPOSED CHANNEL 250A KEESEVILLE, NEW YORK
RM-9717 JOHN ANTHONY BULMER**

NOVEMBER 1999

**ENGINEERING STATEMENT IN
SUPPORT OF COUNTERPROPOSAL
TO PETITION FOR RULEMAKING
PROPOSED CHANNEL 250A KEESVILLE, NEW YORK
RM-9717 JOHN ANTHONY BULMER**

NOVEMBER 1999

SUMMARY

The following comments and counterproposal are submitted on behalf of **Dannemora Broadcasting** (“**Dannemora**”). **Dannemora** has reviewed a Petition for Rulemaking filed by John Anthony Bulmer (“**Bulmer**”) to assign Channel 250A to Keeseville, New York. **Dannemora** will show herein that the proposed Channel 250A assignment at Keeseville is short spaced to CHOM, Channel 249C1, Montreal, Quebec and requires an accompanying reduction in ERP to prevent prohibited overlap of contours. Channel 250A may be allocated to a larger community, Dannemora, New York,

KEESEVILLE, NEW YORK ALLOCATION

John Anthony Bulmer, petitioner, proposes to allocate Channel 250A to Keeseville, New York. *Table I* is an allocation study for the proposed allotment. It is noted that the proposed Channel 250A allotment at Keeseville is short spaced by 56.5 km to CHOM, Montreal, Quebec on Channel 249C1. *Figure 1*, attached, depicts the significant prohibited contour overlap associated with the Bulmer proposal for Channel 250A at Keeseville, New York. An applicant filing a 301 application for CP at the proposed Keeseville reference coordinates would be required to reduce its ERP to 1.25 kW toward CHOM in order to meet all FCC rules for the grant of a construction permit. *Figure 2*, attached, depicts the Keeseville reduced contours for 1.25 kW non-directional operation. It is noted that the proposed 48 dBu F(50,10) interfering contour for Keeseville overlaps the CHOM F(50,50) service contour on U.S. land area. This same condition may be observed on other allocation maps associated with this statement and reflect the fact that U.S./Canadian agreement, unlike the U.S./Mexican FM agreement, protects stations only to the border and does not allow or require protection of the service contour should it cross into the adjoining country.

DANNEMORA, NEW YORK COUNTERPROPOSAL

Dannemora believes that its counterproposal to specify Channel 250A is superior to the Bulmer proposed Channel 250A allotment at Keeseville, New York for reasons set forth elsewhere.

Table II, attached, is an allocation study for Channel 250A at Dannemora. The proposed allotment coordinates are:

Channel 250A allotment site - Dannemora, New York
N.L. 44-43-20
W.L. 73-43-30
NAD 27

Figure 3 is an allocation map depicting proper contour clearance from the proposed allotment to CHOM, Montreal, Canada on Channel 249C1. Contour clearance from the proposed allotment to CBOF6F and to CIEL is assured by the directional antenna pattern which limits ERP in the direction of CHOM to 0.35 kW. There is no prohibited contour overlap from CHOM, CBOF6F or CIEL to the proposed allotment facility. Figure 4 depicts the 70 dBu and 60 dBu contours for the proposed Channel 250A allotment at Dannemora, New York. The proposed allotment coordinates are located less than 1 km from the U.S. Atlas Reference coordinates of N.L. 44° 43' 17", W.L. 73° 43' 27" for Dannemora, New York, assuring full city grade service to the proposed community of license.

CONCLUSION

The foregoing was prepared on behalf of **Dannemora Broadcasting** by Clarence M. Beverage of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of his own knowledge, except such statements made on information and belief, and as to these statements he believes them to be true and correct.

By 

Clarence M. Beverage
for Communications Technologies, Inc.
Marlton, New Jersey

SUBSCRIBED AND SWORN TO before me,

this 8th day of November, 1999,

Esther G. Sperbeck, NOTARY PUBLIC

ESTHER G. SPERBECK
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 15, 2002

TABLE I
ALLOCATION STUDY CH 250A KEESEVILLE, NEW YORK
NOVEMBER 1999

Search of channel 250A6 (97.9 MHz), at N. 44 30 18, W. 73 28 50.

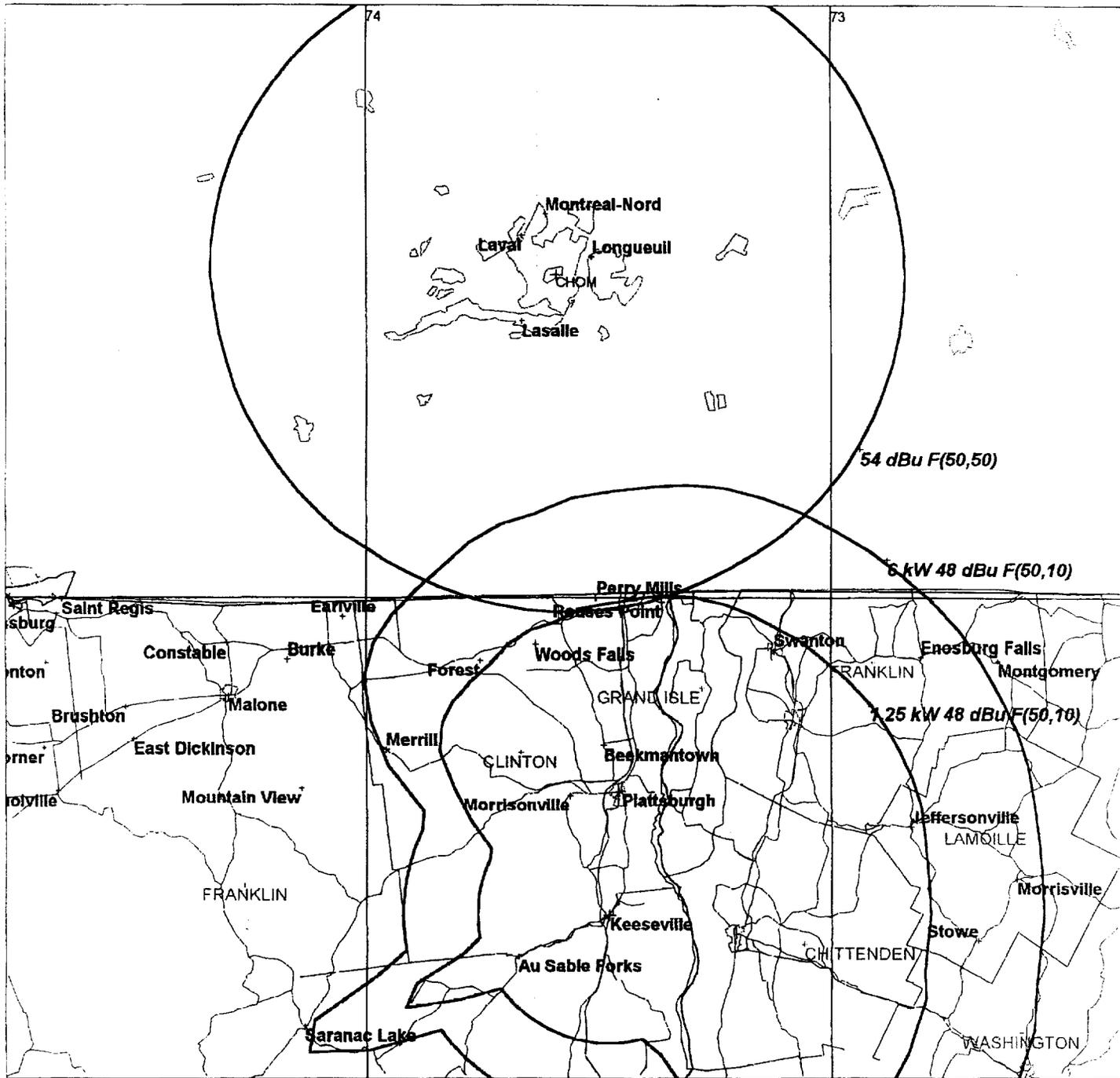
CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
=====									
W247AG	South Burlington	VT	247	D	C	22.5	0.0	105.4°	22.5
NEW	Westport	NY	248	A	A	33.1	31.0	165.3°	2.1
FA USE	Bristol	VT	248	A	A	51.6	31.0	142.1°	20.6
FA USE	Bristol	VT	248	A	D	45.4	31.0	143.4°	14.4
CHOMFM	Montreal	QU	249	C1		111.5	168.0	355.5°	-56.5
ALC	Lyndon	VT	249	C3	U	126.3	89.0	86.7°	37.3
WGMT	Lyndon	VT	249	C3	L	126.3	89.0	86.7°	37.3
NEW	Keeseville	NY	250	A	A	0.0	115.0	0.0°	-115.0
CBOF6F	Cornwall	ON	251	A		119.9	98.0	299.8°	21.9
ALC	Rutland	VT	251	C2	U	113.2	106.0	152.1°	7.2
WJJR	Rutland	VT	251	C2	L	113.2	106.0	152.1°	7.2
CIELFM	Longueuil	QU	253	C1		111.5	90.0	355.5°	21.5

TABLE II
ALLOCATION STUDY CH 250A DANDEMORA, NEW YORK
NOVEMBER 1999

Search of channel 250A6 (97.9 MHz), at N. 44 43 20, W. 73 43 30.

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
NEW	Westport	NY	248	A	A	62.7	31.0	153.6°	31.7
CHOMFM	Montreal	QU	249	C1		87.7	168.0	6.8°	-80.3
ALC	Ottawa-Hull	ON	250	A		172.6	151.0	296.2°	21.6
NEW	Keeseville	NY	250	A	A	31.0	115.0	141.2°	-84.0
CBOF6F	Cornwall	ON	251	A		91.6	98.0	292.7°	-6.4
ALC	Rutland	VT	251	C2	U	143.7	106.0	149.8°	37.7
WJJR	Rutland	VT	251	C2	L	143.7	106.0	149.8°	37.7
CIELFM	Longueuil	QU	253	C1		87.7	90.0	6.8°	-2.3

FIGURE 1 PROP. CH 250A KEESEVILLE, NY TO CHOM



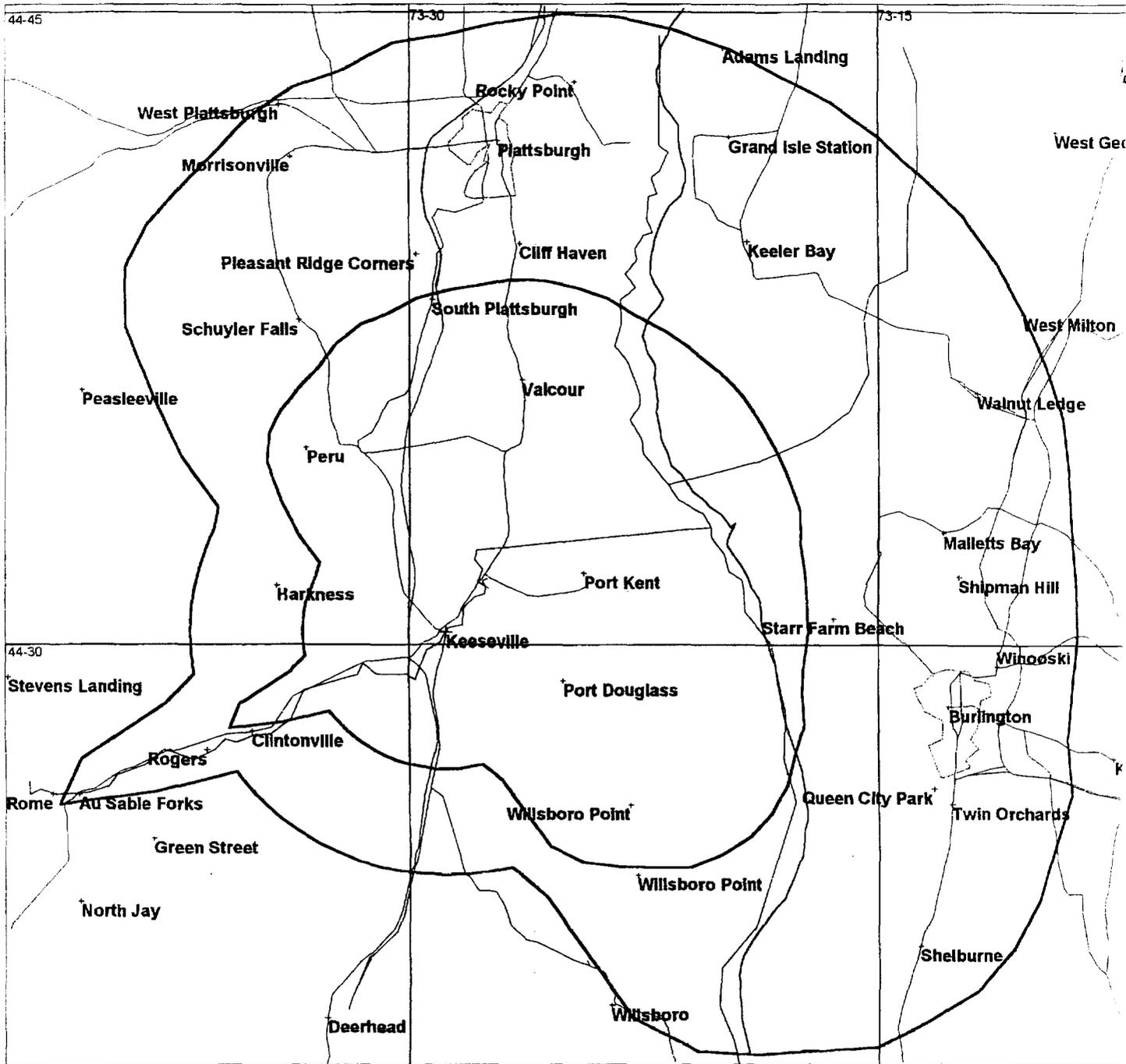
Communications Technologies, Inc. Marlton, NJ November, 1999

Scale 1:999900

50 Km

— FM Service — FM Interfering - - - County Borders — Highways — State Borders ···· Lat-Lon Grids - - - City Borders

FIGURE 2 PROP. CH 250A KEESEVILLE, NY 70 & 60 dBu



Communications Technologies, Inc. Marlton, NJ November, 1999

Scale 1:250000

— FM Service

— County Borders

— Highways

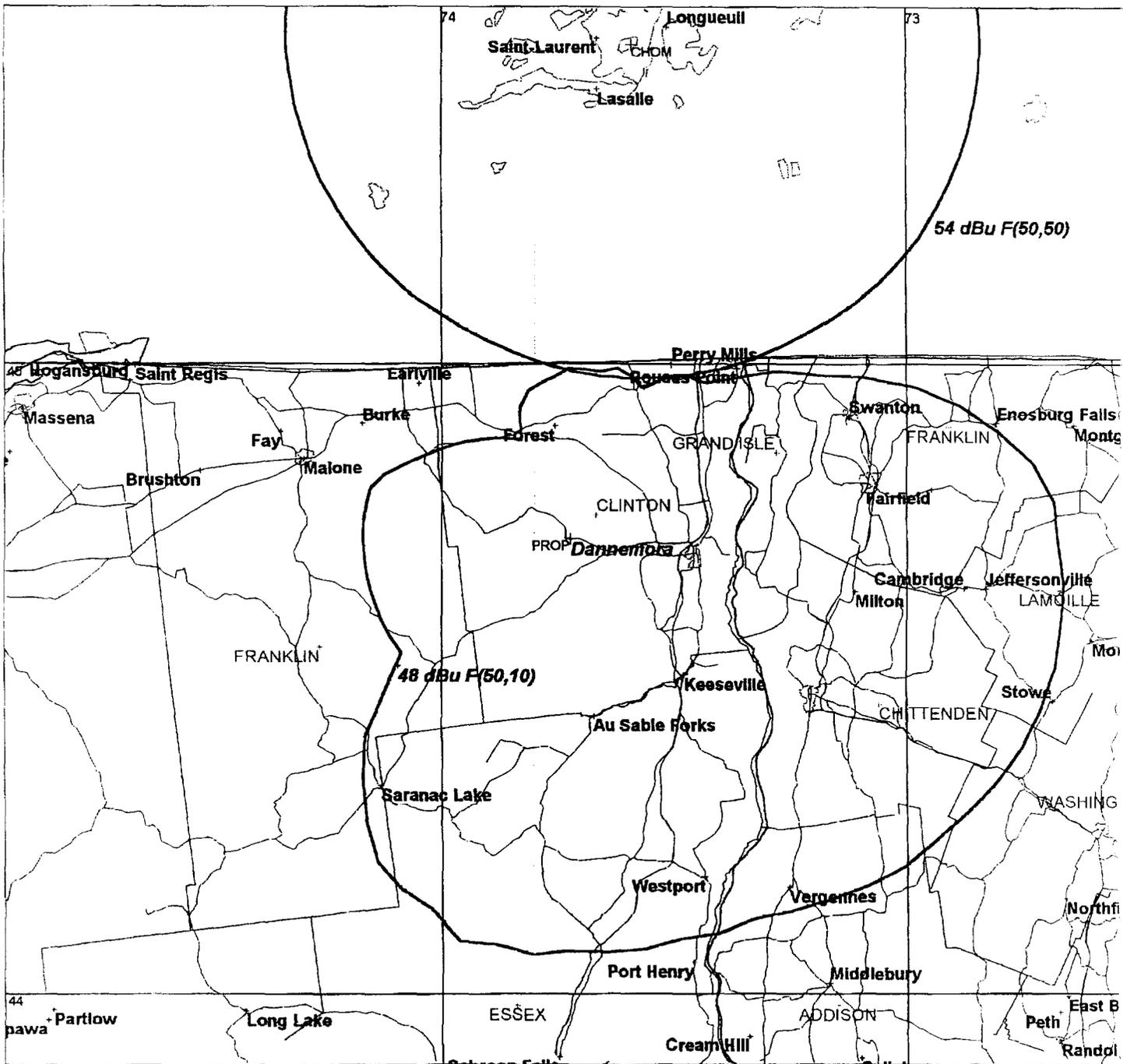
— State Borders

--- Lat-Lon Grids

10 Km

--- City Borders

FIGURE 3 PROP. CH 250A DANNEMORA, NY TO CHOM



Communications Technologies, Inc. Marlton, NJ November, 1999

Scale 1:999900

50 Km

— FM Service — FM Interfering — County Borders — Highways — State Borders - - - Lat-Lon Grids - - - City Borders

EXHIBIT A



Dannemora, NY

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Clinton County Landfill	Gen Leroy Manor Rd	Dannemora, NY	(518) 492-7552
Clinton County Landfill	French Settlement Rd	Dannemora, NY	(518) 492-7552
Dannemora Town Clerk	1168 Cook	Dannemora, NY	(518) 492-7590
Dannemora Town Clerk's Ofc	1168 Cook St	Dannemora, NY	(518) 492-7590
Dannemora Town Garage	Town Garage Rd	Dannemora, NY	(518) 492-7260
Dannemora Town Supervisor Ofc	1168 Cook St	Dannemora, NY	(518) 492-7541
Dannemora Village Clerk's Ofc	121 Emmons	Dannemora, NY	(518) 492-7000
Dannemora Village Smith		Dannemora, NY	(518) 492-7904
Dannemora Village Wastewater	284 Ryan Rd	Dannemora, NY	(518) 492-7944

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Dannemora, NY

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Business Name	Address	City	Phone
Dannemora Elementary School	40 Emmons St	Dannemora, NY	(518) 492-2470
Dannemora Food Inc.	1071 Route 374	Dannemora, NY	(518) 492-2525
Dannemora Town Garage	1168 Cook St	Dannemora, NY	(518) 492-9254
Dannemora Town Church	1168 Cook	Dannemora, NY	(518) 492-7590
Dannemora Town Church	1168 Cook St	Dannemora, NY	(518) 492-7590
Dannemora Town Garage	Town Garage Rd	Dannemora, NY	(518) 492-7260
Dannemora Town Supervisor	1168 Cook St	Dannemora, NY	(518) 492-7541
Dannemora Village Clerk's Office	121 Emmons	Dannemora, NY	(518) 492-7000
Dannemora Village Smith		Dannemora, NY	(518) 492-7904
Dannemora Village Wastewater	284 Ryan Rd	Dannemora, NY	(518) 492-7944

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1 to 1 of 1 [Find Near You](#)

Business Name	Address	City	Phone
POST OFFICE	1079 Cook	Dannemora, NY	(800) 275-8777

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dannemora, NY

Process

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Business Name	Address	City	Phone
...	86 Clark St	Dannemora, NY	(518) 492-7062
St. Joseph's Church	179 Smith St	Dannemora, NY	(518) 492-7118

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Business Name	Address	City	Phone
106 Street Cafe	106 Cook	Dannemora, NY	(518) 492-2436
1133	1133 Cook St	Dannemora, NY	(518) 492-2676
1143	1143 Cook St	Dannemora, NY	(518) 492-7719

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Proud NADN Member



FIRE DEPARTMENT

**Walter N. Thayer Hose Co.
P.O. Box 123
Dannemora New York 12929-0123**

The Dannemora Fire Department was first organized as the Walter N. Thayer Hose Co. #1 in July 1884 after Walter N. Thayer who was the Warden of Clinton Prison at the time. On February 12, 1895 the Firemans Association of New York was joined. In later years, the hose company was incorporated with a Rescue and Fire Police unit. It was for this reason that the name was changed to the Dannemora Fire Department.

Today very little is heard of the Walter N. Thayer Hose Co, but it is still the mainstay of the department. Our Firemen's benefits are based membership in the hose company. As we are incorporated under Village Law for insurance purposes, all equipment is also turned over to the Village of Dannemora. We have a membership of 35 active firefighters. After 15 years a member may elect to join the Second Call Active List, which allows them to remain active in a more limited status. A Waiting List holds prospective members until a vacancy occurs in the Regular Roster.

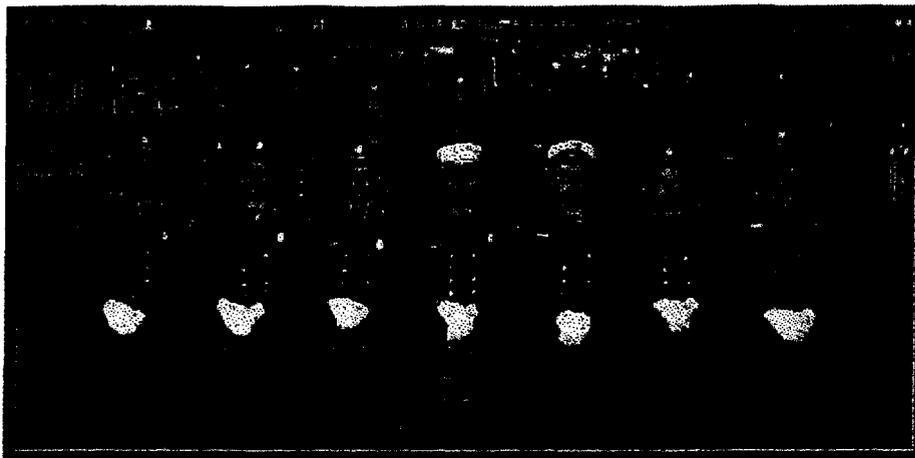
To join the department a person must be between the ages of 18 and 40, pass a physical, possess a N.Y. State Drivers License and be a resident of the Village of Dannemora or our Fire Protection Districts. When accepted as a Probationary Active Firefighter, the person has one year in which to attend 8 Training Sessions or an Approved State Training Class on Fire or Rescue, attend all Fire Meetings and Alarms. Failure to comply with these requests will cause their name to be dropped without a vote for acceptance. Within one year after acceptance, a regulation uniform must be obtained.

Every monday night is devoted to training, work details, meetings, equipment maintenance, fire prevention, ambulance training, clinics and other events during the year, which include our Annual Fun Drive of which at least \$1000 is placed in an Ambulance Fund. A memorial fund is also used toward the purchase of a new Ambulance. A Plaque is displayed at the local Post Office with names of donations of \$100.00 or more.

In 1963 the Fire Station along with a new siren was erected. The siren is sounded at 12 noon and 7:00 PM, this is necessary to assure it is in working condition during the winter freeze-ups and a signal for the young citizens to head home.

In 1926, a Reo Speed Wagon was the first motor vehicle followed by a 1930 Mach pumper, then a 1952 Pumper (now housed at the Post office). A 1980 Ford Pumper, a 1874 Van, a 1988 Pick-Up, a 1989 Ambulance, a 1994 GMC Pumper and a 5,000 Watt Generator make up the major equipment.

As records show, we never know how the years will turn out. In 1940 we had 24 alarms, 22 were for fire, in 1960 we had 35 alarms, 13 fire and 7 Ambulance. In 1980 we had 189 Alarms of which 42 were fires and 132 Ambulance. In 1996, 192 Alarms of which 34 were fires and 158 were Ambulance calls.

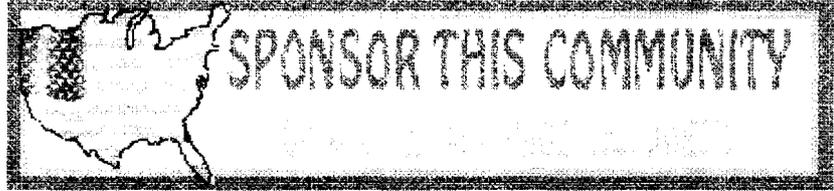
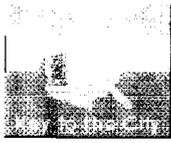


Dannemora Fire Department

"Walter N. Thayer Hose Co. #1"

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The New York state capital is Albany.

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Statistics & Facts

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The population of Dannemora is approximately 4,005.
The approximate number of families is 484.

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Special Messages

The amount of land area in Dannemora is 3.125 sq. kilometers.
The amount of surface water is 0 sq kilometers.
The distance from Dannemora to Washington DC is 439 statute miles. The distance to the New York state capital is 141 statute miles. (Statute miles are "as the crow flies")

Dannemora is positioned 44.72 degrees north of the equator and 73.71 degrees west of the prime meridian.



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History & History Related Items



Dannemora history:



Dannemore was named after a town in East-Central Sweden which has same type of iron ore. Additional info and photos can be seen at an extensive exhibit at the Dannemora library.



In Dannemora, the first permanent settlers arrived in 1836 when Phineas and Lydia Hooker spent the night in a shanty or lean-to probably erected by hunters. According to records they set up a boarding house for miners. (from "A centennial History of St. Joseph's Church" by Terrance Gilroy and Erma Brousseau, 1983.)

The settling of Dannemora: 1836

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Attractions

Dannemora attractions:

Clinton Correctional Facility in Dannemora is the largest (and third-oldest, after Sing-Sing and Attica) prison in New York State.

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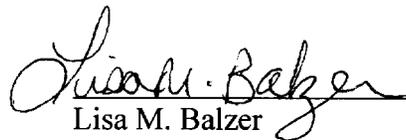
CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy & Bacon, do hereby certify that I have on this 8th day of November, 1999 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Counterproposal**" to the following:

* Ms. Leslie K. Shapiro
Allocations Branch
Federal Communications Commission
Mass Media Bureau
445 12th Street, SW
Room 3-A501
Washington, DC 20554

John Anthony Bulmer
P.O. Box 2040
Ashtabula, OH 44005-3823

* HAND DELIVERED


Lisa M. Balzer