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January 31, 2000

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**VIA HAND DELIVERY**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
The Portals  
445 12th Street, S.W.  
Washington, DC 20554

Re: **Notice of Proposed Rule Making  
In the Matter of Amendment of Section 73.202(b), Table of Allotments,  
FM Broadcast Stations (Exmore and Cheriton, Virginia,  
and Fruitland, Maryland)  
MM Docket No. 99-347, RM-9751, RM-9761**

Dear Ms. Salas:

On behalf of Great Scott Broadcasting, I am transmitting herewith an original and four copies of its Comments in the above-referenced matter.

Should there be any questions concerning this matter, please contact the undersigned.

Very truly yours,



Ross G. Greenberg

RGG:rg  
Enclosures

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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

In the Matter of )  
)  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations. )  
(Exmore and Cheriton, Virginia, and )  
Fruitland, Maryland) )  
)

MM Docket No. 99-347  
RM-9751  
RM-9761

**RECEIVED**  
JAN 31 2000  
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To: Chief, Allocations Branch

**COMMENTS AND CONTINGENT COUNTERPROPOSAL OF GREAT SCOTT  
BROADCASTING**

Great Scott Broadcasting (“Great Scott”), licensee of Broadcast Station WKHI(FM), Exmore, Virginia, by its attorneys, hereby comments on the Commission’s Notice of Proposed Rule Making in the above-captioned proceeding, DA 99-2758 (released December 10, 1999) (the “Notice”).<sup>1/</sup> The Commission issued the Notice in response to: (1) Great Scott’s September 7, 1999 Petition for Rule Making (the “Great Scott Petition”), requesting that the Commission institute a rule making proceeding to amend Section 73.202(b), the FM Table of Allotments, by deleting Channel 298B at Exmore, Virginia, and assigning Channel 298B1 for use at Fruitland, Maryland; and (2) Be-More Broadcasting’s (“Be-More”) July 27, 1999 Petition

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<sup>1/</sup> The Petitioners were instructed to submit comments in this proceeding pursuant to Paragraph 7 of the Notice and Paragraph 2 of the Appendix attached thereto.

to Amend the FM Table of Assignments (the “Be-More Petition”) proposing the reallocation of Channel 291B1 from Exmore to Cheriton, Virginia.<sup>2/</sup>

The Great Scott Petition, a copy of which is **Attachment 1** hereto, demonstrates that Great Scott’s request is in full accord with Commission minimum distance separation and city grade coverage requirements and that grant of the amendments proposed therein would result in a preferential arrangement of allotments pursuant to the Commission’s change of community procedures and would benefit communities most in need of local transmission service.<sup>3/</sup> As noted in the Great Scott Petition, the proposed change for WKHI(FM) would provide Fruitland with its first local service. In the Notice, the Commission requested that Great Scott clarify its gain and loss study and that it base its analysis on WKHI(FM)’s full Class B facilities rather than the station’s current parameters. Notice at ¶ 7. As shown in the Engineering Statement of Cohen Dippell and Everist, P.C. (the “Engineering Statement”), annexed hereto as **Attachment 2**, the proposed WKHI(FM) operation on Channel 298B1 will result in an increase in coverage from 2,521 square kilometers containing 62,468 people to 3,724 square kilometers containing 124,544 people. Engineering Statement at 2. There would be a gain area of 2,640 square kilometers

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<sup>2/</sup> On April 24, 1998, the Commission granted a construction permit to Be-More for Channel 291B1, allotted to Exmore.

<sup>3/</sup> As set forth in the Great Scott Petition, the entire loss area is well served during the day, with at least 5 daytime reception services over the entire area. The Exmore area also can expect an additional service in the near future, as Channel 252A was recently allotted to nearby Nassawadox, Virginia. See Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Nassawadox, Virginia), DA 98-1564 (1998). See also Comments of Exmore-Nassawadox Radio Partners, submitted January 24, 2000, in this proceeding.

containing 95,889 people and a loss area of only 1,437 square kilometers with 33,813 people, resulting in a net gain of 62, 076 people in 1,203 square kilometers. Id. As found in the earlier study, the entire loss area is well served during the day, with at least 5 daytime reception services over the entire area. Id. Operations from the proposed site would not create any nighttime white or gray area, but would eliminate a nighttime gray area of 73 square kilometers containing 647 people. Id. at 2.

Also in its Notice, the Commission requested that Be-More “present the Commission with specific information to demonstrate that Cheriton has the social, economic and governmental indicia to qualify it as a ‘community’ for allotment purposes.” Notice at ¶ 6. The Notice emphasized that although Cheriton is a Census Designated Place containing 515 residents according to the 1990 Census, that fact is not dispositive of the community issue, “where the community may be devoid of the customary factors associated with determining community status, such as a library, schools, shopping centers, churches, a newspaper, and social or civic organizations.” Id. While Great Scott stands ready to review Be-More’s showing in response to the Notice’s directive, Great Scott has reviewed the Yellow Pages available through the Yahoo! portal on the Internet. Although Great Scott found evidence there of several churches and businesses in the Cheriton area, it could find there no elementary, middle or high schools, no adult, career or continuing education schools, no police or sheriff’s department, no correctional institutions, no courts, no hospitals or medical centers, no library, no newspapers, no shopping centers, no hotels or motels, no public transportation system, no chamber of commerce and no independent municipal services. See Yahoo! Yellow Pages, <http://yp.yahoo.com/> (as of Jan. 27,

2000) (printout annexed hereto as **Attachment 3**). Cheriton therefore appears to lack many of the hallmarks associated with a “community.” In the past, these and similar factors have led the Commission to conclude that such areas are not communities for allotment purposes. See e.g., Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grants and Peralta, New Mexico), DA 99-2841 (1999) (where the Commission found Peralta, a Census Designated Place with a population of 3,182, not to be a community for allotment purposes, given the lack, *inter alia*, of an independent school system, an independent hospital, municipal services, local media, and civic or social organizations). Given the absence of these fundamental services and resources, Cheriton cannot be deemed a community for allotment purposes and the Be-More Petition should be denied.

Assuming *arguendo* that Cheriton is found to be a community for allotment purposes, Great Scott’s proposal is clearly superior to Be-More’s and should be given preference accordingly. First, Fruitland’s 1990 census population of 3,511 is almost *seven times* that of Cheriton’s 515 persons, a factor of primary importance that weighs heavily in Fruitland’s favor. Furthermore, in stark contrast to Great Scott’s proposal, which offers a net extension of service to 62,076 persons and elimination of a nighttime gray area of 73 square kilometers containing 647 persons, a grant of Be-More’s proposal would result in a net *loss* of service to 7,196 persons, with Be-More’s entire proposed gain area already well-served by at least 5 reception services. Great Scott’s proposal offers an added public interest benefit: if the Commission grants Great Scott’s petition to change WKHI(FM)’s community of license to Fruitland, a *new* channel can be allotted to Cheriton. See Engineering Statement at 3. Indeed, contingent on the Commission

finding Cheriton to be a community for allotment purposes, Great Scott hereby proposes that in addition to Great Scott's proposed channel change at Fruitland, the Commission also allot Channel 297A at Cheriton, Virginia. If the channel is allotted to Cheriton, Great Scott will apply for it and, if authorized, build the station promptly. See Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Kerman, California), 11 FCC Rcd 2887 (1996) (counterproposal preferred because it presented an "allotment plan . . . determine[d] to be more conducive to serving the public interest").

Finally, Be-More can provide reception service to both Exmore *and* Cheriton from the site proposed in the Be-More Petition, without any need to change communities. Be-More's technical proposal, in other words, can be accommodated as a minor change to its existing construction permit and *does not* require its requested change in communities. See Engineering Statement at 3. The Commission should not entertain the Be-More Petition at the expense of the Great Scott Petition, which clearly offers the greater net public interest benefit.

If the Commission grants Great Scott's proposal and rejects Be-More's, the proposed change for WKHI(FM) will not cause Exmore to lose its only local transmission service allotment. Although a construction permit to build a new station has not been considered a direct substitute for the loss of a operating station, the construction permit for Channel 291B is "a factor to be considered in favor of the proposal . . . ." In re Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 5 FCC Rcd 7094 (1990) at ¶ 19. See also Baker v. FCC, 834 F.2d 181, 185 (D.C. Cir 1987) ("*the issuance of a construction permit is the triggering event for purposes of section*

307(b)'s attribution rules") (citing Santee Cooper Broadcasting Co., 99 FCC 2d 781 (1984)) (emphasis in original). Given the multiple benefits offered by Great Scott's proposal, Be-More's Exmore construction permit should be given particular weight here.

The particular facts concerning Be-More's construction permit are also quite relevant to the balancing of the public interest in this instance. The Commission granted Be-More's construction permit for Channel 291B nearly two years ago, and yet Be-more has apparently not made any significant progress in building a station. Be-More has argued that because WKHI(FM) is the only *operating* station licensed to Exmore, the Commission should not remove this service and rather grant Be-More's petition, since a change in Be-More's community of license will not deprive Exmore of an over-the-air service. See Notice at ¶ 3. But it would both disserve the public interest and be highly inequitable for the Commission to, in effect, *reward* Be-More's lack of diligence in building its station by giving its proposal preference over Great Scott's. Be-More, after all, has let many months pass without building its facility or providing any service to the public, while WKHI(FM) has tangibly served the public interest.

The overall public interest would be better served if Be-More is given the incentive to direct its efforts toward constructing facilities for a new station rather than using up its construction period in attempting to change its community of license without a readily identifiable reason for doing so. Under the Commission's current rules, Be-More or its successor must build the Channel 291B Exmore station no later than April 24, 2001. Although in the past permittees were sometimes granted multiple extensions of such deadlines, the Commission's

current rules leave little opportunity for such delays. See 47 C.F.R. §73.3598. Be-More's petition to change the community of license of its construction permit will not toll this strict three-year construction deadline. See 1998 Biennial Regulatory Review -- Streamlining of Mass Media Applications, Rules, and Processes: Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities, 13 FCC Rcd 23056 at ¶ 84 (1998) (“[T]he Commission will toll the construction period only when construction is encumbered due to an act of God, or when a construction permit is the subject of administrative or judicial review. . . . In light of these new procedures, we eliminate the current practice of providing additional time for construction after a permit has been modified or assigned”). Under these circumstances, Be-More should not be allowed to parlay its *own* idleness into an allotment preference.

\* \* \*

In summary, the Commission should not find Cheriton to be a community for allocation purposes, deny the Be-More Petition and grant the Great Scott Petition, which would provide first local service to Fruitland and leave a construction permit licensed to Exmore. If the Commission does consider Cheriton to be a community for allotment purposes, the allotment priorities established by the Commission<sup>4/</sup> clearly favor the Great Scott Petition:

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<sup>4/</sup> The allotment priorities are as follows:  
    (1) First full-time aural service;  
    (2) Second full-time aural service;  
    (3) First local service; and  
    (4) Other public interest matters.  
Co-equal weight is given to priorities (2) and (3).

- Great Scott's proposal offers a second nighttime aural service to 73 square kilometers containing 647 persons; Be-More's proposal does not result in the elimination of any white or gray area;
- Great Scott's proposal offers first local service to Fruitland, an independent community of 3,511 persons; Be-More proposes Cheriton as its "community" of license, which has a population of only 515;
- Great Scott's proposal offers a net extension of service to 62,076 people in a 1,203 square kilometer area; Be-More's proposal results in a net loss of service to 97 square kilometers containing 7,196 people;
- Great Scott's proposal enables the Commission to allot a new channel to Cheriton;
- Be-More's proposal to change its community of license is entirely unnecessary to effectuate the technical changes is requests;
- Grant of Be-More's proposal would perversely reward a lack of diligence in construction.

Although Be-More's status as a construction permit may theoretically weigh in favor of the Be-More Petition, this single point is clearly overwhelmed by the totality of factors set forth above, and the Commission should grant the Great Scott Petition and deny the Be-More Petition. Great Scott hereby reiterates its intention to apply for the channel if reallocated and, if authorized, to build the station promptly. Furthermore, contingent on the Commission finding Cheriton to be a community for allotment purposes, Great Scott will apply for Channel 297A at Cheriton if allotted and, if authorized, build the station promptly.

In summary, contingent on the Commission finding Cheriton to be a community for allotment purposes, Great Scott proposes amendment of the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, for the communities listed below, to read as follows:

<u>City</u>	<u>Present</u>	<u>Channel No.</u> <u>Proposed</u>
Fruitland, Maryland	--	298B1
Cheriton, Virginia	--	297A
Exmore, Virginia	291B1, 298B	291B1

If Cheriton is not found to be a community for allotment purposes, Great Scott stands by its earlier proposal.

Accordingly, Great Scott respectfully submits that the allotments proposed in its petition as set forth the Notice and proposed herein would serve the public interest and should be implemented.

Respectfully submitted,

**GREAT SCOTT BROADCASTING**

By:   
Dennis P. Corbett  
Ross G. Greenberg

Leventhal, Senter & Lerman P.L.L.C.

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Washington, DC 20006-1809  
202-429-8970

Its Attorneys

January 31, 2000

**ATTACHMENT 1**

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b), )  
Table of Allotments, ) MM Docket No. 99 - \_\_\_\_\_  
FM Broadcast Stations ) RM \_\_\_\_\_  
(Exmore, Virginia and Fruitland, Maryland) )

To: Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Great Scott Broadcasting, licensee of broadcast Station WKHI(FM), Exmore, Virginia ("Great Scott"), by its attorneys and pursuant to Section 1.401 of the Commission's Rules, hereby requests that the Commission institute a rule making proceeding to amend Section 73.202(b) of its Rules, the FM Table of Allotments, by deleting Channel 298B at Exmore, Virginia, and assigning Channel 298B1 for use at Fruitland, Maryland.

Submitted herewith on behalf of Great Scott as Attachment 1 is an Engineering Statement of Cohen, Dippell and Everist, P.C. (the "Engineering Statement") demonstrating that this petition is in full accord with Commission minimum distance separation and city grade coverage requirements.<sup>1/</sup> Grant of the amendments proposed herein would result in a preferential arrangement of allotments pursuant to the Commission's change of community procedures,

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<sup>1/</sup> It is requested that Channel 298B1 be allotted to Fruitland, Maryland, at a site located approximately 15 kilometers south-southwest of Fruitland. Engineering Statement at 3.

Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), reconsideration granted in part, denied in part, 5 FCC Rcd 7094 (1990), and would benefit a community in need of local transmission service. Under this precedent, these changes are to be made without opening the allotment to new applicants. See id.

The proposed change for WKHI(FM) would provide Fruitland with its first local service. Fruitland, incorporated in 1947 and listed in the 1990 census with a population of 3,511, has its own post office and zip code, its own police force, city hall, sanitation department, water and sewage plant, a bank, a primary and intermediate school, and a volunteer fire company. Telephone Interview by Ross G. Greenberg, Esq. of Peter Roskovich, President of Fruitland Chamber of Commerce (Aug. 31, 1999); Fruitland Home Page Web Site, <http://ci.fruitland.md.us> (as of Aug. 30, 1999) (printout annexed hereto as Attachment 2). Fruitland is currently developing a 91-acre industrial park located six miles from Salisbury-Ocean City Regional Airport and three miles from the Port of Salisbury. Id. A Wal-Mart that will employ approximately 600 people is expected to open in Fruitland in the spring of 2000. Fruitland Annual Newsletter, July 1999, at 5 (annexed hereto as Attachment 3). Accordingly, it is clear that Fruitland is an independent community deserving of its first local transmission service.

With respect to the technical aspect of the WKHI(FM) proposal, it is respectfully noted that the operation from the transmitter site identified in the Engineering Statement would result in a 1.0mV/m signal coverage of approximately 3,724 square kilometers containing 124,544 persons, compared to current coverage of approximately 1,789 square kilometers containing 47,217 people. The gain area from the proposed site encompasses 3,057 square

kilometers containing 108,277 people. The loss area from that site, by contrast, would encompass only 1,122 square kilometers and 31,400 persons. The entire gain/loss area is well served during the day, with at least 5 daytime reception services over the entire area.

Engineering Statement at 4. Operations from the proposed site would not create any nighttime white or gray area, but would eliminate a nighttime gray area of 104 square miles containing 647 people. Id.

The proposed change for WKHI(FM) will not cause Exmore (population 1,115) to lose its only local transmission service allotment. The Commission granted a construction permit for Channel 291B, allotted to Exmore (Permit File No. BPH-951109MC), to Be-More Broadcasting Company on April 24, 1998. Although a construction permit to build a new station is not a substitute for the loss of a operating station, the construction permit for Channel 291B should not be entirely disregarded and is “a factor to be considered in favor of the proposal . . . .”

In re Amendment of the Commission’s Rules Regarding Modification of FM and TV

Authorizations to Specify a New Community of License, 5 FCC Rcd 7094 (1990) at ¶ 19. Under the Commission’s current rules, the permittee or its successor must build the Channel 291B Exmore station no later than April 24, 2001. Although in the past permittees were sometimes granted multiple extensions of such deadlines, the Commission’s current rules leave little opportunity for such delays. See 47 C.F.R. §73.3598. Accordingly, the community of Exmore will not be deprived of local transmission service indefinitely and can reasonably expect a new service in less than two years.

In sum, the reallocation proposed herein will result in a first local, Class B1 service for Fruitland, a community with a population three times that of Exmore; elimination of a

nighttime gray area of 104 square miles containing 647 persons; and a net extension of service to 77,327 persons. These public interest benefits are more than sufficient to outweigh the removal of local service from Exmore, which can expect a new local transmission service in less than two years. Accordingly, Great Scott respectfully submits that the allotment proposed herein would serve the public interest and should be implemented. Great Scott hereby expresses its intention to apply for Channel 298B1 at Fruitland, Maryland, if allotted and, if authorized, to build the station promptly.

WHEREFORE, for the reasons stated above, a rule making proceeding should be instituted to amend Section 73.202(b) to delete Channel 298B at Exmore, Virginia, and assign Channel 298B1 for use at Fruitland, Maryland.

Respectfully submitted,

**GREAT SCOTT BROADCASTING**

By:   
Dennis P. Corbett  
Ross G. Greenberg

Leventhal, Senter & Lerman P.L.L.C.  
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Washington, DC 20006-1809  
202-429-8970

September 7, 1999

**ATTACHMENT 1**

ENGINEERING STATEMENT  
RE PETITION FOR RULE MAKING TO AMEND  
THE FM TABLE OF ALLOTMENTS (47 CFR 73.202)  
TO CHANGE CLASSIFICATION OF FM CHANNEL AND  
COMMUNITY OF LICENSE FOR STATION  
WKHI, EXMORE, VIRGINIA

AUGUST 1999

COHEN, DIPPELL AND EVERIST, P.C.  
CONSULTING ENGINEERS  
RADIO AND TELEVISION  
WASHINGTON, D.C.



This engineering statement has been prepared on behalf of Great Scott Broadcasting (Scott), licensee of FM station WKHI, Exmore, Virginia and is in support of a petition for rule making to amend the FM Table of Allotments in Section 73.202 of the Commission's rules. It is proposed to change the channel classification and principal community of the present Channel 298B allotment at Exmore, Virginia as indicated by the following table:

	<u>City/State</u>	<u>Channel</u>
Present	Exmore, VA	291B, 298B
	Fruitland, MD	---
Proposed	Exmore, VA	291B
	Fruitland, MD	298B1

Station WKHI(FM) currently operates on Channel 298B (107.5 MHz) with 50 kW effective radiated power (ERP) and 82 meters antenna height above average terrain (HAAT). Since the present operation of Channel 298B at Exmore, Virginia would be mutually exclusive with the proposed Channel 298B1 allotment at Fruitland, Maryland, it is requested that the Commission reserve Channel 298B1 for station WKHI(FM). Scott further states that it will file an application for a construction permit for making the necessary modifications in station WKHI(FM)'s operation immediately after the requested changes have been made by the Commission.

Fruitland city is located in the south central part of Wicomico County in Maryland. According to the 1990 U.S. Census, Fruitland has a population of 3,511 people. At present, there is no AM station authorized at Fruitland, Maryland. Furthermore, no FM channel is currently

allotted, and thus, available for a new FM station at Fruitland, Maryland. The proposed allotment of FM Channel 298B1 would provide the community with its first aural transmission service, thereby fulfilling the second priority for the distribution of broadcasting facilities under Commission policy.

The community of Exmore is located in the northern part of Northampton County in Virginia. According to the 1990 Census, the population of Exmore, Virginia is 1,115 people. In addition to WKHI(FM), a new FM station on Channel 291B1 with 25 kW ERP and 93 meters HAAT has been authorized (BPH-951109MC) at Exmore, Virginia. The Commission has upgraded the currently allotted Class B1 channel to a Class B allotment and an application has been filed (BMPH-980630IC) to operate on Channel 291B with 50 kW ERP and 92 meters HAAT.

An FM allocation study reveals there is a fully-spaced area available near Fruitland, Maryland where a Channel 298B1 antenna site can be located (see attached Exhibit E-2). A reference antenna site has been selected for illustrative purposes which meets the minimum distance separation requirements to all pertinent FM stations and/or allotments according to Section 73.207 of the Commission's rules. In addition, preliminary investigation reveals that the construction of a tower of up to 350 feet in height would not present a hazard to air navigation and cause no significant environmental impact as defined under Section 1.1307(a) of the FCC Rules (see attached Exhibits E-1 and E-1A).

The geographic coordinates (NAD-27) of the reference site are as follows:

North Latitude: 38° 11' 32"

West Longitude: 75° 41' 58"

The attached Table I shows the distances in km to the pertinent co-channel and adjacent channel stations and allotments which have been computed according to the method prescribed in Section 73.208 of the Commission's rules. Review of Table I indicates Channel 298B1 can be allotted to Fruitland, Maryland, in full compliance with the Commission's minimum distance separation requirements. The reference geographic coordinates are for a site approximately 15 km south-southwest from Fruitland. This restriction is necessary to meet the minimum distance requirements to first-adjacent channel station WSNJ-FM, Channel 299B, Bridgeton, New Jersey, WRQX(FM), Channel 297B, Washington, D.C., and third-adjacent channel station WRXS(FM), Channel 295A, Ocean City, Maryland.

Station WKHI(FM) operating with the maximum facilities specified in Section 73.211 of the Commission's rules for Class B1 station (25 kW/100 M HAAT), will provide city grade (3.16 mV/m) service over the entire city of Fruitland as defined by the 1990 U.S. Census. The proposed operation of WKHI(FM) on Channel 298B1 at Fruitland, Maryland, will result in an increase in 1.0 mV/m signal coverage from approximately 1,789 sq. km to 3,724 sq. km. The proposed Class B1 operation of WKHI(FM) at Fruitland, Maryland, would serve 124,544 people within its 1.0 mV/m contour when compared to the present operation of 47,217 people. This represents a 264% increase in population and 208% increase in area within the predicted 1 mV/m contour. This proposal would result in a substantial gain area containing 108,727 people and 3,057 sq. km and a loss area of only 31,400 people and 1,122 square km (Exhibits E-3 and E-4).

A study has been conducted to determine the number of other daytime and nighttime aural services within the present and proposed operations of WKHI(FM). The entire area receives 5 or more daytime aural services. The attached Exhibit E-5 shows that there are a

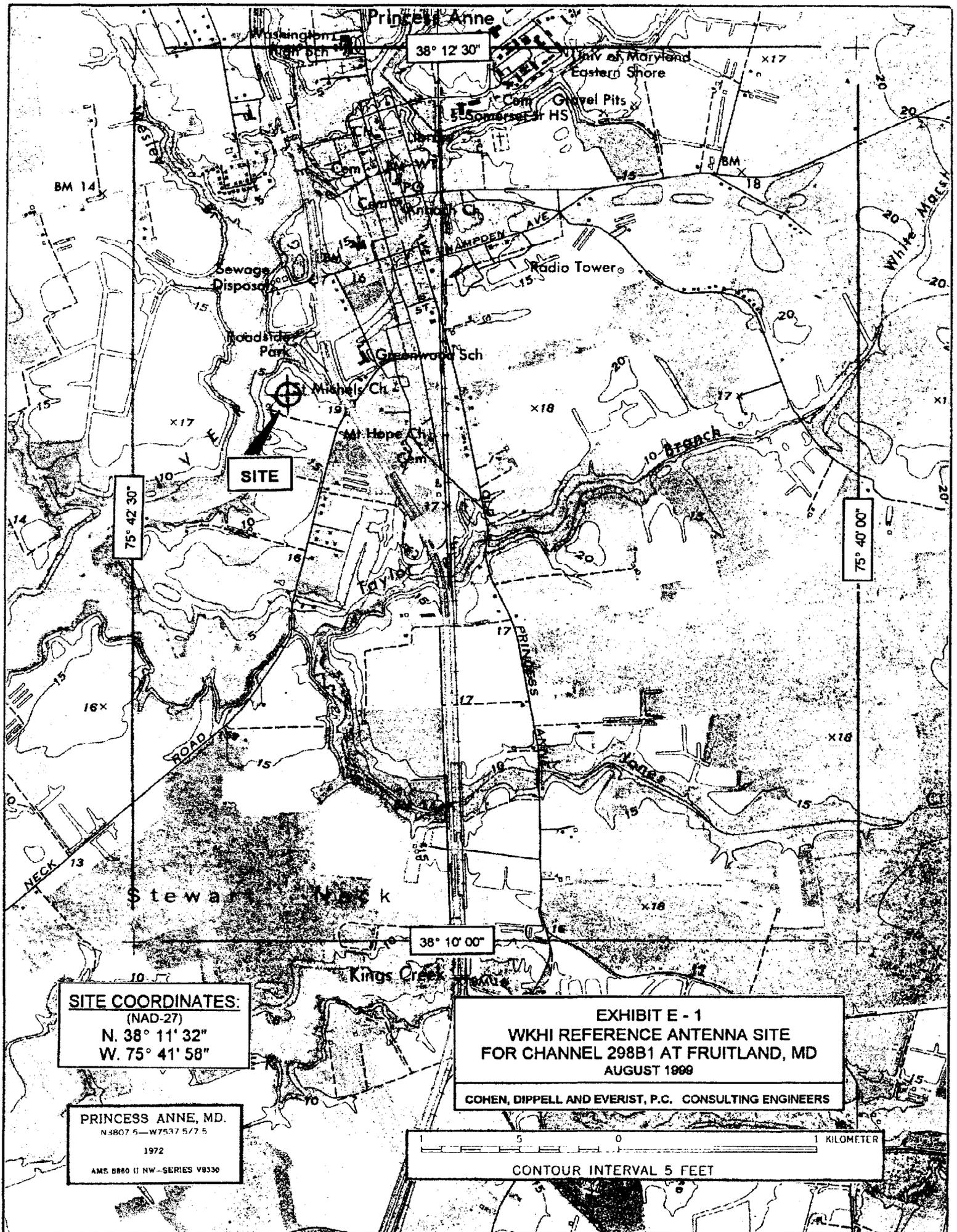
minimum of 2 and a maximum of 8 other nighttime aural services available within the present 1 mV/m contour of the WKHI Class B facility. The number of other aural nighttime services available within the 1 mV/m contour of the proposed Class B1 operation would be a minimum of 1 and maximum of 16. In addition to the previously mentioned gain in 1.0 mV/m signal coverage, the proposed Fruitland Class B1 operation would provide a second nighttime aural service to 647 persons and 104 sq. km (see Exhibit E-5).

Based on the above analysis, Scott believes its proposal is in the public interest since it would result in a first local transmission service at Fruitland, a larger community than Exmore, as well as a net gain of FM service to more than 77,000 people. The proposal thus makes efficient use of the FM spectrum. In addition, the proposed FM operation would provide a second nighttime aural service to more than 600 people. Therefore, Scott requests the Commission to delete the allotment of Channel 298B to Exmore, Virginia, and allot Channel 298B1 to Fruitland, Maryland, and reserve the new allotment for the use of station WKHI(FM).

COHEN, DIPPELL AND EVERIST, P. C.

TABLE I  
FM ALLOCATION SITUATION  
FOR THE PROPOSED ALLOTMENT OF  
CHANNEL 298B1 FOR FRUITLAND, MARYLAND  
JUNE 1999

<u>Channel</u>	<u>Call</u>	<u>City/State</u>	<u>Geographic Coordinates NAD-27</u>	<u>Separation</u>	
				<u>Actual km</u>	<u>Required km</u>
298B1	Reference Site	Fruitland, MD	38°11'32" 75°41'58"	--	--
295A	WRXS	Ocean City, MD	38°20'57" 75°11'07"	48.3	48
296A	WTDK	Federalsburg, MD	38°46'02" 75°44'46"	64.0	48
297B	WRQX	Washington, DC	38°57'01" 77°04'47"	146.8	145
298B	WKHI(FM)	Exmore, VA	37°42'01" 75°41'36"	54.6	--
298B	WBYN	Boyertown, PA	40°19'03" 75°39'03"	236.0	211
299B	WSNJ-FM	Bridgeton, NJ	39°27'40" 75°12'21"	147.2	145
300B	WFSI	Annapolis, MD	38°59'46" 76°39'26"	122.2	71
245A	WB EY	Crisfield, MD	37°58'31" 75°49'46"	26.6	12



38° 12' 30"

75° 42' 30"

75° 40' 00"

38° 10' 00"

**SITE COORDINATES:**  
(NAD-27)  
N. 38° 11' 32"  
W. 75° 41' 58"

**EXHIBIT E - 1**  
**WKHI REFERENCE ANTENNA SITE**  
**FOR CHANNEL 298B1 AT FRUITLAND, MD**  
AUGUST 1999  
**COHEN, DIPPELL AND EVERIST, P.C. CONSULTING ENGINEERS**

**PRINCESS ANNE, MD.**  
N 3807 5 - W 7537 5/7 5  
1972  
AMS 8860 II NW - SERIES V8330

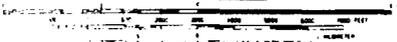
1 5 0 1 KILOMETER  
CONTOUR INTERVAL 5 FEET

EXHIBIT E - 1 A



FOR DETAIL OF SITE SEE LARGE SCALE MAP.

Mapped, edited, and published by the Geological Survey  
Control by USGS and USCGS  
Orthophotomaps prepared from aerial photographs taken  
April 5, 1972. Transparency by photogrammetric methods from  
aerial photographs taken 1972. Final checked 1972.  
Supersedes Army Map Service map 60400 (1961).  
Selected topographic data from USCGS Chart 155 (1973).  
This information is not intended for navigational purposes.  
Projection and 10,000-foot grid ticks. Maryland coordinate  
system (Lambert conformal conic).  
1500-meter Universal Transverse Mercator grid ticks.  
Zone 18 shown in blue. 1927 North American Datum.  
Only modern buildings in urban areas.



CONTOUR INTERVAL: 5 FEET  
ELEVATION: 5 FEET  
SOUNDINGS IN FEET—LOWEST TIDE  
HIGH WATER: 10 FEET  
LOW WATER: 5 FEET

ROAD CLASSIFICATION

Primary highway: hard surface	Light duty road, hard or improved surface
Secondary highway: hard surface	Unimproved road
Trail	
Interstate Route	U.S. Route
	State Route

THIS MAP CONFORMS WITH NATIONAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

PRINCESS ANNE, MD  
1972  
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