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Before the
Federal Communications Commission
Washington, D.C. 20554

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MAR 27 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations.)
(Andalusia, Alabama and Holt, Florida))

MM Docket No. 00-171
RM-9814

To: The Chief, Allocations Branch

COMMENTS OF CAPSTAR TX LIMITED PARTNERSHIP

Capstar TX Limited Partnership ("Capstar"), the licensee of station WTKE(FM), Channel 251C1, Andalusia, Alabama, hereby submits its comments in support of the *Notice of Proposed Rulemaking* ("Notice") in the above-captioned proceeding, DA 00-171 (released February 4, 2000).

On September 13, 1999, Capstar submitted a Petition for Rulemaking ("Petition"). The Petition requested the Commission to undertake a rulemaking proceeding to amend Section 73.202(b), the FM Table of Allotments, to reallocate Channel 251C1 from Andalusia, Alabama, to Holt, Florida, and to modify Station WTKE's authorization accordingly. In the Petition, Capstar noted that the reallocation of Channel 251C1 to Holt, Florida, would provide that community with its first full-time local transmission service. While Capstar noted in its Petition that, according to the 1999 *Rand McNally Commercial Atlas & Marketing Guide*, Holt has a population of 400 persons, the Commission, in the *Notice*, stated that the 1990 U.S. Census lists Holt by its post office name with a population of 1,821 persons. *Notice* at para. 5. The Commission requested that Capstar clarify Holt's population in these Comments and identify the official information source. In response to the Commission's request, Capstar has confirmed that the 1990 U.S. Census figure of 1,821 persons more accurately reflects Holt's population than the *Rand McNally* figure of 400. This is supported by a recent population estimate for the town of Holt from the Holt Postmaster

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which reflects that Holt's population has grown substantially from the 1990 Census estimate. As noted in the letter from the Holt Postmaster attached hereto as Exhibit A, "[t]he Holt Post Office has actual street delivery to 692 homes and 425 Post Office Boxes [and] . . . an estimated population of 3,351 individuals."

Moreover, in the Petition, Capstar noted that Holt has its own post office (zip code 32564) and volunteer fire department, as well as several churches, schools and businesses. However, the Commission has requested that Capstar provide additional information in these Comments to demonstrate that Holt qualifies as a community to which an FM channel can be allotted. In response to this request, Capstar submits herewith a list of some 29 businesses and civic, social, and religious organizations in Holt. *See* Exhibit B.¹ These organizations are identified by their name, street address and, where available, telephone number. In addition, attached hereto as Exhibit C are pictures of (i) the highway sign denoting the Holt border; (ii) the sign for the co-located Holt Community Center, Holt Water Works, Inc., and Holt Volunteer Fire Department; (iii) the sign for the Holt Industrial Park; (iv) the sign for the Holt Assembly of God; and (v) Holt's local airport, the Holt Airport Field.² Finally, attached hereto as Exhibit D are testimonials from nine Holt residents, all attesting to their perception and belief that Holt is a community in its own regard. Given the totality of the evidence presented herewith, Holt easily qualifies as a community to which an FM channel can be allotted.

Capstar established in the Petition, and the Commission concurred in the *Notice*, that Channel 251C1 can be allotted to Holt in compliance with the Commission's city-grade coverage requirements and all applicable minimum distance separation requirements at Capstar's specified

¹ As indicated therein, the first page of Exhibit B contains only a partial list of businesses operating in Holt.

site. Additionally, the proposed reallocation and change of community of license to Holt would not result in a loss of local service to Andalusia since non-commercial FM station WSTF(FM) and commercial FM station WAAO-FM both will remain licensed to Andalusia. In addition, the Commission states in the *Notice* that while the proposed WTKE reallocation will result in a loss of population coverage to 45,116 persons within the station's 60 dBu contour, the proposed reallocation site will provide service to 336,697 persons in an area of 16,422 square kilometers and will result in 4,267 persons gaining a new service, with both the gain and loss areas receiving five or more services. *Notice* at para. 6. Finally, as the *Notice* sets forth, the proposed reallocation does not require a *Tuck* analysis. *Id.*

Capstar supports the proposal advanced in the *Notice* and affirms its continuing interest in the reallocation of Channel 251C1 to Holt, Florida. Such a reallocation will result in a preferential arrangement of allotments, as it will provide Holt with its first local transmission service, thereby furthering a top priority of the Commission's FM allotment policy. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 92 (1982). As directed by paragraph 1 of the *Notice* and by paragraph 2 of the Appendix in the *Notice*, Capstar states its intention to submit an application for Channel 251C1 at Holt if that channel is reallocated.

Accordingly, Capstar respectfully requests that the Commission adopt the proposal set forth in the *Notice* and reallocate Channel 251C1 from Andalusia, Alabama, to the community of Holt, Florida.

² The street addresses and telephone numbers of these organizations are provided in Exhibit B.

Respectfully submitted,

CAPSTAR TX LIMITED PARTNERSHIP

By: 

Gregory L. Masters
E. Joseph Knoll III

WILEY, REIN & FIELDING
1776 K Street, N.W.
Washington, D.C. 20006
(202) 719-7000

Its Attorneys

March 27, 2000

Exhibit A

POSTMASTER
HOLT, FLORIDA



March 17, 2000

To Whom It May Concern:

The Holt Post Office has actual street delivery to 692 homes and 425 Post Office Boxes.
With an average of 3 persons per household or an estimated population of 3,351 individuals.

If I can assist with any additional information, please let me know.


Roy Rutland
Postmaster

563 HIGHWAY 90 WEST
HOLT, FL 32584-9998

Exhibit B

BUSINESS LISTINGS

Holt, Florida 32564

<u>Business</u>	<u>Address</u>	<u>Telephone</u>
Certified Manufacturing, Inc.	Armistead Lane Holt Industrial Park	850-537-3777
Advanced Sawmill Machinery, Inc.	600 Broxson Road Holt Industrial Park	850-537-5333
Bill Daugherty Auto Sales	4504 Log Lake Road	850-537-6999
Fowler Electric Company	P.O. Box 10	850-537-4221
Adams Sanitation Services	611 Highway 90 West	850-537-3282
Log Lake Road RV Park	4500 Log Lake Road	850-537-6220
Day Aviation Services	Holt Airport Field Sky Lane & Log Lake Rd.	850-537-3733
Emerald Coast Dragway	7140 Garner Landing Road	850-537-7223
Ken's Woodcrafts, Inc.	Cooper Lane	850-537-5026
Tropical Isle Nail and Tanning Salon	Highway 90 West	850-537-6196
River's Edge RV Campground	4109 Log Lake Rd.	850-537-4544
The Pines Bar & Lounge	160 Highway 90 West	850-537-3777
Bob's Thrifty Mart	553 Highway 90 (P.O. Box 51)	850-537-6610
John's Small Engine Repair	483 Highway 90 West	850-537-5288
Brown's Grocery Market	531 Highway 90 West (P.O. Box 322)	850-537-8111
Millie's Hair Fashions	481 West Fourth St.	No Listing
Holt Barber Shop	101 Second Avenue	No Listing
Daniels Automotive Service	Highway 90 West	850-537-3828
Spanky's Pressure Washing Service	Highway 90 West	850-537-6019
Scott's Feed Store	113 Seigler Street	850-983-2131
McDonalds Hardware	Highway 90 West (P.O. Box 4)	850-537-6538

**THE ABOVE REFERENCED BUSINESSES ARE ONLY A PARTIAL LIST OF ENTITIES
OPERATING IN HOLT, FLORIDA.**

CIVIC, RELIGIOUS AND SERVICE LISTINGS

Holt, Florida 32564

<u>Listing</u>	<u>Address</u>	<u>Telephone</u>
United State Post Office Roy Rutland, Postmaster	Highway 90 West Holt, Fl.	850-537-4221
Holt Law Enforcement Office Capt. Jim Griffith	Okaloosa County Courthouse	850-689-5650
Holt Fire Department Chief Scott Chestnut	490 Highway 90 West	850-537-2942
Holt Water System General Manager Donna Ash	P. O. Box 308	850-537-4113
Holt Community Center	490 Highway 90 West	850-689-6716
First Baptist Church of Holt Rev. Russell Taylor Pastor	Highway 90 West	850-537-6170
Holt First Assembly of God Rev. Jerry Scurlock Pastor	Berry & Third Streets P. O. Box 7 Holt, Fl.	850-537-8351
Holt Ruritan Club "Tootie" Mitchell President	Highway 90 west	850-537-3607 850-537-6682

Exhibit C



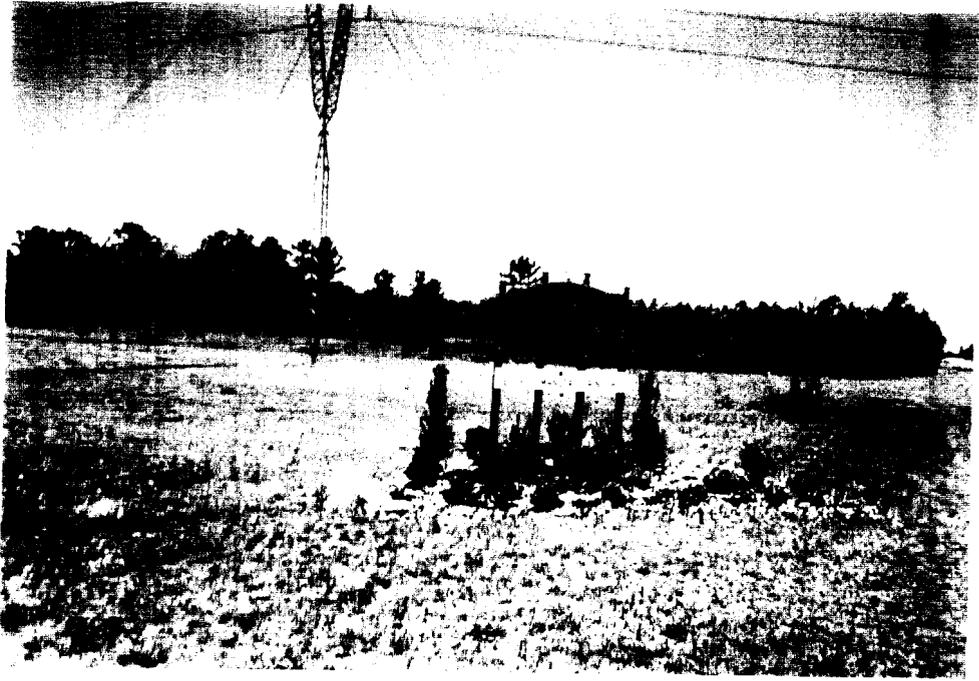




Exhibit D

Sheriff



Charles W. Morris • Sheriff Okaloosa County

Law Enforcement Service & Excellence

March 17, 2000

To Whom It May Concern:

This letter is to ensure you that the Okaloosa County Sheriff's Office provides law enforcement to the community of Holt, Florida and we consider Holt a community in itself and not a part of Crestview.

Sincerely,

Charlie Morris
Sheriff, Okaloosa County

- 1250 Eglin Parkway, Shalimar, FL 32579-1234 • Phone (850) 651-7400 • Fax 609-2086
- 296 Brackin Street, Suite A, Crestview, FL 32539-2902 • Phone (850) 689-5650 • Fax 682-7066

To Whom it May Concern:

I, Jim Armstrong am a resident of Holt, Florida. It is my personal belief that Holt is very much a community that is separate and distinct from any neighboring communities', I perceive Holt as community around which I, and fellow Holt residents', interests unite. In addition to having many residents, Holt is served by various businesses, churches, civic and social organizations that are relied upon and utilized by Holt residents.

March 28, 2000

Jim Armstrong
Name

11951 Hy 90 Holt Fl.
Address 32564

To Whom it May Concern:

I, Melanie Brown am a resident of Holt, Florida. It is my personal belief that Holt is very much a community that is separate and distinct from any neighboring communities', I perceive Holt as community around which I, and fellow Holt residents', interests unite. In addition to having many residents, Holt is served by various businesses, churches, civic and social organizations that are relied upon and utilized by Holt residents.

March 27, 2000

Melanie Brown

Name

P.O. Box 149 Holt, FL 32564

Address

To Whom it May Concern:

I, Randal Brown, am a resident of Holt, Florida. It is my personal belief that Holt is very much a community that is separate and distinct from any neighboring communities', I perceive Holt as community around which I, and fellow Holt residents', interests unite. In addition to having many residents, Holt is served by various businesses, churches, civic and social organizations that are relied upon and utilized by Holt residents.

March 27, 2000.

Randal Brown

Name

P.O. - Box 236

Address

HOLT, FL 32564

To Whom it May Concern:

I, Kate Clinard am a resident of Holt, Florida. It is my personal belief that Holt is very much a community that is separate and distinct from any neighboring communities', I perceive Holt as community around which I, and fellow Holt residents', interests unite. In addition to having many residents, Holt is served by various businesses, churches, civic and social organizations that are relied upon and utilized by Holt residents.

March 28, 2000.

Kate Clinard
Name

160 Marywood
Address

Holt Fla 32564

To Whom it May Concern:

I, Angie Connel am a resident of Holt, Florida. It is my personal belief that Holt is very much a community that is separate and distinct from any neighboring communities', I perceive Holt as community around which I, and fellow Holt residents', interests unite. In addition to having many residents, Holt is served by various businesses, churches, civic and social organizations that are relied upon and utilized by Holt residents.

March 27, 2000.

A. Connel
Name
5139 John Melvin Rd
Address Holt, Fl 32564

To Whom it May Concern:

I, RALPH GIVENS, am a resident of Holt, Florida. It is my personal belief that Holt is very much a community that is separate and distinct from any neighboring communities', I perceive Holt as community around which I, and fellow Holt residents', interests unite. In addition to having many residents, Holt is served by various businesses, churches, civic and social organizations that are relied upon and utilized by Holt residents.

March 27, 2000

RALPH GIVENS

Name

P.O. BOX 203

Address

To Whom it May Concern:

I, Jeff Scureck, am a resident of Holt, Florida. It is my personal belief that Holt is very much a community that is separate and distinct from any neighboring communities', I perceive Holt as community around which I, and fellow 'Holt residents', interests unite. In addition to having many residents, Holt is served by various businesses, churches, civic and social organizations that are relied upon and utilized by Holt residents.

March 27, 2000.

JEFF SCURECK

Name

P.O. Box 927 Holt, FL 32564

Address

To Whom it May Concern:

I, Felicia Scurlock, am a resident of Holt, Florida. It is my personal belief that Holt is very much a community that is separate and distinct from any neighboring communities', I perceive Holt as community around which I, and fellow Holt residents', interests unite. In addition to having many residents, Holt is served by various businesses, churches, civic and social organizations that are relied upon and utilized by Holt residents.

March 27, 2000.

Felicia Scurlock

Name

Po Box 427 Holt, FL

Address

To Whom it May Concern:

I, Amette Woods, am a resident of Holt, Florida. It is my personal belief that Holt is very much a community that is separate and distinct from any neighboring communities', I perceive Holt as community around which I, and fellow 'Holt residents', interests unite. In addition to having many residents, Holt is served by various businesses, churches, civic and social organizations that are relied upon and utilized by Holt residents.

March 27, 2000

Amette Woods

Name

5421 Poplar Head Church Rd

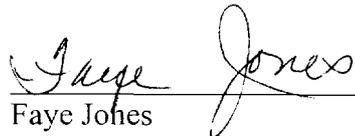
Address

Holt Fl 32564

CERTIFICATE OF SERVICE

I, Faye Jones, hereby certify that on March 27, 2000, I caused a true and correct copy of the foregoing "Comments of Capstar TX Limited Partnership" to be hand-delivered to the following person:

Nancy Joyner
Federal Communications Commission
Mass Media Bureau
Policy and Rules Division
The Portals II
445 12th Street, S.W.
Room 3-A267
Washington, D.C. 20554


Faye Jones