

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554 DOCKET FILE COPY ORIGINAL

In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments)
FM Broadcast Stations)
(New Richmond, Wisconsin,)
Coon Rapids and Moose Lake, Minnesota))

MM Docket No. 00-37
RM- 9749

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

REPLY COMMENTS

Smith Broadcasting Company, Inc. ("Smith"), licensee of Station WIXK-FM, New Richmond, Wisconsin, and Agate Broadcasting, Inc., ("Agate"), licensee of Station KBFH(FM), Moose Lake, Minnesota, ("Joint Parties") jointly, by their respective counsel, hereby reply to the "Comments and Counterproposal of TKC, Inc." filed on April 24, 2000. In support hereof, the Joint Parties state as follows:

1. In response to the Notice of Proposed Rule Making, DA 00-481, released March 3, 2000, Smith filed its Comments reaffirming its interest in the substitution of Channel 296C2 for Channel 296C3 and changing its community of license from New Richmond, Wisconsin to Coon Rapids, Minnesota. Smith noted that it was authorized to reaffirm Agate's willingness to change channels from 296A to 249A at Moose Lake, Minnesota. Smith also noted that Agate had submitted an application (BPH-20000421AAZ) separate from the rule making, to specify Channel 295A instead of its current Channel 296A for Moose Lake, Minnesota.

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2. TKC, Inc., (“TKC”) requests the substitution of Channel 249C3 for Channel 249A at Barron, Wisconsin for Station WAQE-FM.¹ Channel 249C3 at Barron conflicts with Smith’s proposal to substitute Channel 249A at Moose Lake. In order to resolve the conflict, TKC provides, in its engineering statement, a channel study demonstrating that Channel 295A can be allotted to Moose Lake with a site restriction.

3. Agate hereby states that it is willing to relocate its transmitter site to specify Channel 295A at Moose Lake in conformance with the Commission’s spacing rules. In addition to the channel study provided by TKC, the Joint Parties offer a channel study for Channel 295A at a new reference site that provides principal community coverage to Moose Lake, Minnesota. This channel study was also submitted with the KBFH application filed on April 21, 2000.

4. As Smith mentioned in the April 24, 2000 Comments, Agate submitted its application for Channel 295A at its existing transmitter site under Section 73.215. Agate recognizes that its existing site is short spaced on Channel 295A, and therefore will not conform to the allocation requirements for this proposal. The application is referenced only for the purpose of demonstrating Agate’s willingness to change Channel 295A. As stated earlier, Agate will amend or file a new application to change its transmitter site for Channel 295A in compliance with the Commission’s spacing rules should the Commission grant the instant proposal for New Richmond/Coon Rapids and Moose Lake.

5. Accordingly, the Joint Parties respectfully request that the Commission grant the

1. TKC noted that it previously submitted a one-step application for the same proposal on October 5, 1999 (BPH-19991005ABA) prior to the deadline for counterproposals in this proceeding.

proposal to upgrade Station WIXK from Channel 296C3 to Channel 296C2, change its community of license to Coon Rapids, Minnesota and substitute Channel 295A for Channel 296A at Moose Lake, Minnesota at a new reference point.

Respectfully submitted,

SMITH BROADCASTING COMPANY, INC.

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Its Counsel

AGATE BROADCASTING, INC.

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Its Counsel

May 9, 2000

Engineering Statement

In Support of an Application for a Construction Permit

KBFH, Channel 295A, Moose Lake, Minnesota
Agate Broadcasting, Inc.

KBFH Allocation Study

Reference Coordinates:

North Latitude: 46-27-30
West Longitude: 92-39-10

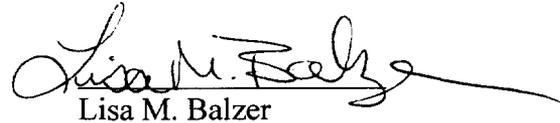
46 27 30 N.			Class A			Search Date	
92 39 10 W.			Current rules spacings			04-18-00	
-----	Channel	295	-106.9	MHz	-----		
Call	Ch#	City	State	Bear'	Dist'	R'qrd	Margin
-----	-----	-----	-----	-----	-----	-----	-----
Community of Moose Lake			MN	261.3	8.98		
Reference Coordinates:							
North Latitude: 46-26-46							
West Longitude: 92-46-06							
DE296	296A	Moose Lake	MN	265.8	8.49	72.0	-63.51
KBFH	296A	Moose Lake	MN	265.8	8.49	72.0	-63.51
Of No Concern:							
Facility in Instant Contingent Application							
WJJYFM	294C1	Brainerd	MN	269.3	132.87	133.0	-0.13
WUPM	295C1	Ironwood	MI	89.6	202.86	200.0	2.86
AD296	296C2	Coon Rapids	MN	193.5	144.42	106.0	38.42
KAOD	294C2	Babbitt	MN	22.5	148.04	106.0	42.04
KLIZFM	298C1	Brainerd	MN	263.2	117.83	75.0	42.83
WIXKFM	296C2	New Richmond	WI	193.4	150.49	106.0	44.49
Of Note:							
Facility Proposed in Another Contingent Application							

CERTIFICATE OF SERVICE

I, Lisa M. Balzer, a secretary in the law firm of Shook, Hardy and Bacon, do hereby certify that I have on this 9th day of May, 2000 caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Reply Comments**" to the following:

* Ms. Kathleen Scheuerle
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Lisa M. Balzer

* HAND DELIVERED