

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C.

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MAY 15 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
 Amendment of Section 73.202(b))
 Table of Allotments)
 FM Broadcast Station)
 (Detroit Lakes and)
 Barnesville, Minnesota))

MM Docket No. 00-53
RM-9823

To: Chief, Allocations Branch

COMMENTS IN SUPPORT OF PROPOSED RULE MAKING

T&J Broadcasting, Inc. ("T&J"), licensee of FM broadcast station KRVI(FM)¹, Detroit Lakes, Minnesota ("KRVI"), by its attorneys, and pursuant to Section 1.415 of the Commission's Rules and Regulations, hereby submits its comments in support of the Commission's Notice of Proposed Rulemaking ("NPRM"), in which the Commission proposes to amend its FM Table of Allotments, Section 73.202(b) of its Rules, to reallocate Channel 236C1 from Detroit Lakes, Minnesota to Barnesville, Minnesota, as the community's first local aural transmission service, and modify KRVI's license accordingly.²

DISCUSSION AND ANALYSIS

1. T&J filed a Petition for Rule Making ("Petition") on January 13, 2000, requesting that the Commission amend the FM Table of Allotments by reallocating Channel 236C1 from Detroit Lakes, Minnesota to Barnesville, Minnesota, as the community's first local aural

¹ Formerly call sign, KFGX(FM).

² Since these Comments are being filed by the May 15, 2000 deadline for Comments, they are timely filed.

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transmission service, and modify Station KRVI's license accordingly to specify Barnesville as the Station's community of license.

2. On March 24, 2000, the Commission released its NPRM in the above-referenced matter, by which it proposed to amend its FM Table of Allotments for the communities listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Barnesville, Minnesota	-----	236C1
Detroit Lakes, Minnesota	236C1, 272C2	272C2

In connection with this reallocation, the FCC also proposed to modify KRVI's license accordingly. The Commission noted that reallocating Channel 236C1 to Barnesville would provide the community with its first local aural service, while Detroit Lakes would continue to receive local full-time service from Stations KDLM(AM) and KRCQ(FM).

3. As set forth in T&J's Petition, the proposed reallocation will result in a preferential new arrangement of allotments under established Commission priorities. As the Commission noted in its NPRM, the reallocation will provide a first local aural service to Barnesville, while Detroit Lakes will continue to receive local transmission services from two other stations. As shown in the Petition, which T&J hereby incorporates by reference in its entirety, Barnesville is an independent, self-sufficient community deserving of a first local service.

4. Because T&J is proposing to change the transmitter site for Station KRVI(FM), the Commission requested in the NPRM that T&J supply a gain and loss study. The study is

attached hereto as Exhibit 1. As demonstrated in the study, the reallocation of Station KRVI(FM) will provide an additional radio voice to 17,280 people within the gain area of 6,270 square kilometers. The loss area of 6,270 square kilometers contains 50,115 people, for a net loss of 32,835 people.

5. All of the population in the gain area will receive five or more full-time reception services. Approximately 90 percent of the people in the loss area (44,914 people) will continue to receive five or more full-time aural stations, and are thus considered to be well-served under the Commission's definition of at least five services. A population of 3,600 people in an area of 427 square kilometers will continue to receive four reception services; 1,295 people (in a 222 square kilometer area) will continue to receive three services; 299 people (in a 81 square kilometer area) will receive two services. Thus, almost 97 percent of the people in the loss area will still be receiving four or more aural reception services; 99.4 percent will continue to receive at least three such services. Only 0.6 percent will receive two or fewer services, and only a mere seven people in an area of three square kilometers (representing 0.014 percent of the total population within the loss area) will be in the gray area receiving one full-time reception service.

6. The loss figures, detailed above, should not be a bar to a favorable consideration of the requested reallocation. As explained above, any potential concerns about the loss area are mitigated by the fact that almost 90 percent of the loss area population will continue to receive five or more aural services. Furthermore, almost 97 percent of the loss area population will still receive four or more reception services. The Commission has repeatedly granted reallocation requests in which *less* than 90 percent of the loss area population is well served. See Earle,

Pocohantas and Wilson, Arkansas and Como and New Albany, Mississippi, 10 FCC Rcd 8270 (1995) (granting a reallocation where 85 percent of the loss area continued to receive five or more full-time services); Huntsville and Willis, Texas, 10 FCC Rcd 3329 (1995) (granting a reallocation where only 64 percent of the population within the loss area continued to receive at least five full-time services). The substantial benefits of providing Barnesville with its first local transmission service, thereby evoking allotment priority three³, outweigh the *de minimis* reception loss, elucidated above. See Palestine and Frankston, Texas, 1999 FCC LEXIS 1388 (1999) (loss of service outweighed by the public interest benefits of a first local service).

DECLARATION OF INTENT

Should the Commission adopt the proposal set forth in the NPRM and reallocate Channel 236C1 from Detroit Lakes, Minnesota to Barnesville, Minnesota, T&J hereby reaffirms that it intends to promptly file the appropriate application for Channel 236C1 at Barnesville, Minnesota and, if its application is granted, to promptly construct the facilities contemplated therein.

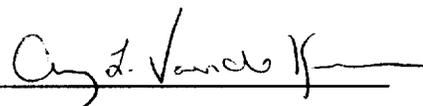
³ The Commission's FM allotment priorities are: (1) provision of first full-time aural reception service; (2) provision for second full-time aural reception service; (3) provision for first local transmission service; and (4) provision for other public interest factors. See Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870, 4874 (1989).

CONCLUSION

For the foregoing reasons, T&J Broadcasting, Inc. respectfully requests that the Commission promptly reallocate Channel 236C1 from Detroit Lakes, Minnesota to Barnesville, Minnesota and modify the license of radio station KRVI(FM) accordingly.

Respectfully submitted,

T&J BROADCASTING, INC.

By: 

Clifford M. Harrington
Dawn M. Sciarrino
Amy L. Van de Kerckhove
Its Attorneys

SHAW PITTMAN
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006
(202) 659-3494

Dated: May 15, 2000

T&J Broadcasting, Inc.
Comments in Support of Proposed Rule Making
Amendment of 73.202(b) Table of Allotments
KRVI(FM), Detroit Lakes, Minnesota

EXHIBIT 1

TECHNICAL EXHIBIT
IN SUPPORT OF THE COMMENTS OF
T & J BROADCASTING, INC.
IN MM DOCKET NO. 00-53
DETROIT LAKES AND BARNESVILLE, MINNESOTA

Technical Narrative

This technical exhibit has been prepared on behalf of T & J Broadcasting, Inc. (herein "T&J") in support comments in the Federal Communications Commission Notice of Proposed Rule Making in MM Docket No. 00-53 (herein "Notice"). The Notice was issued in response to Petition for Rule Making filed by the T&J requesting the amendment of Section 73.202(b) by the reallocation of channel 236C1 from Detroit Lakes, Minnesota to Barnesville, Minnesota and the modification of Station KFGX's license to specify Barnesville as its community of license. The purpose of this technical is to provide information concerning the areas that will gain and lose 1 mV/m service, and the number of 1 mV/m services available to these areas, as requested in paragraph 4 of the Notice.

Gain and Loss Areas and Available Aural Services

Figure 1, attached, is a map showing the FM 1 mV/m primary service contours for the licensed KFGX operation on channel 236C1 at Detroit Lakes and the proposed operation on channel 236C1 at Barnesville. Maximum facilities and uniform terrain were used to determine contour locations. The 1 mV/m "gain" and "loss" areas are also indicated.

Figure 1 also shows the other aural (AM, FM) reception services available within the FM 1 mV/m primary service contours for both the licensed and proposed KFGX operations.¹ For FM stations the 1 mV/m contour is shown, For other AM stations, the nighttime-interference-free (NIF) contour is shown. Figure 2 tabulates the AM and FM stations

¹ The determination of available reception services was based on the criteria set forth in footnote 1 of the Notice of Proposed Rule Making in MM Docket No. 96-219 (DA 96-1774; adopted October 25, 1996, released November 1, 1996).

whose contours are shown on Figure 1. The letters on Figure 1 identify the AM and FM service contours of stations tabulated on Figure 2. Only those AM and FM services necessary to provide at least five (5) fulltime aural services to the gain and loss areas have been shown on Figure 1. Areas receiving less than five fulltime aural services are identified on Figure 1 with a number which indicates the number of available aural services.

Figure 3 is a tabulation of the results of the reception service analysis for the gain and loss areas. The loss area contains 50,115 persons and the gain area contains 17,280 persons, for a net loss of 32,835 person. There are at least five other services available to the gain area. There are sections of the loss area which have less than 5 other services available. It is noted that the proposal will not create aural "white" area (0 full-time aural reception services) and the gray area (1 full-time aural reception service) will contain only 7 persons representing 0.014 percent of the total population within the loss area which is believed to be *de minimis*.

Population and Area

The population within each FM primary service contour (1 mV/m), gain and loss area, and reception area was calculated using a computer program that utilizes the 1990 U.S. Census database of "population centroids". The program adds the populations of those U.S. Census designated areas whose

centroid was within each service area. The area within each FM primary service contour was calculated using a root mean square algorithm.

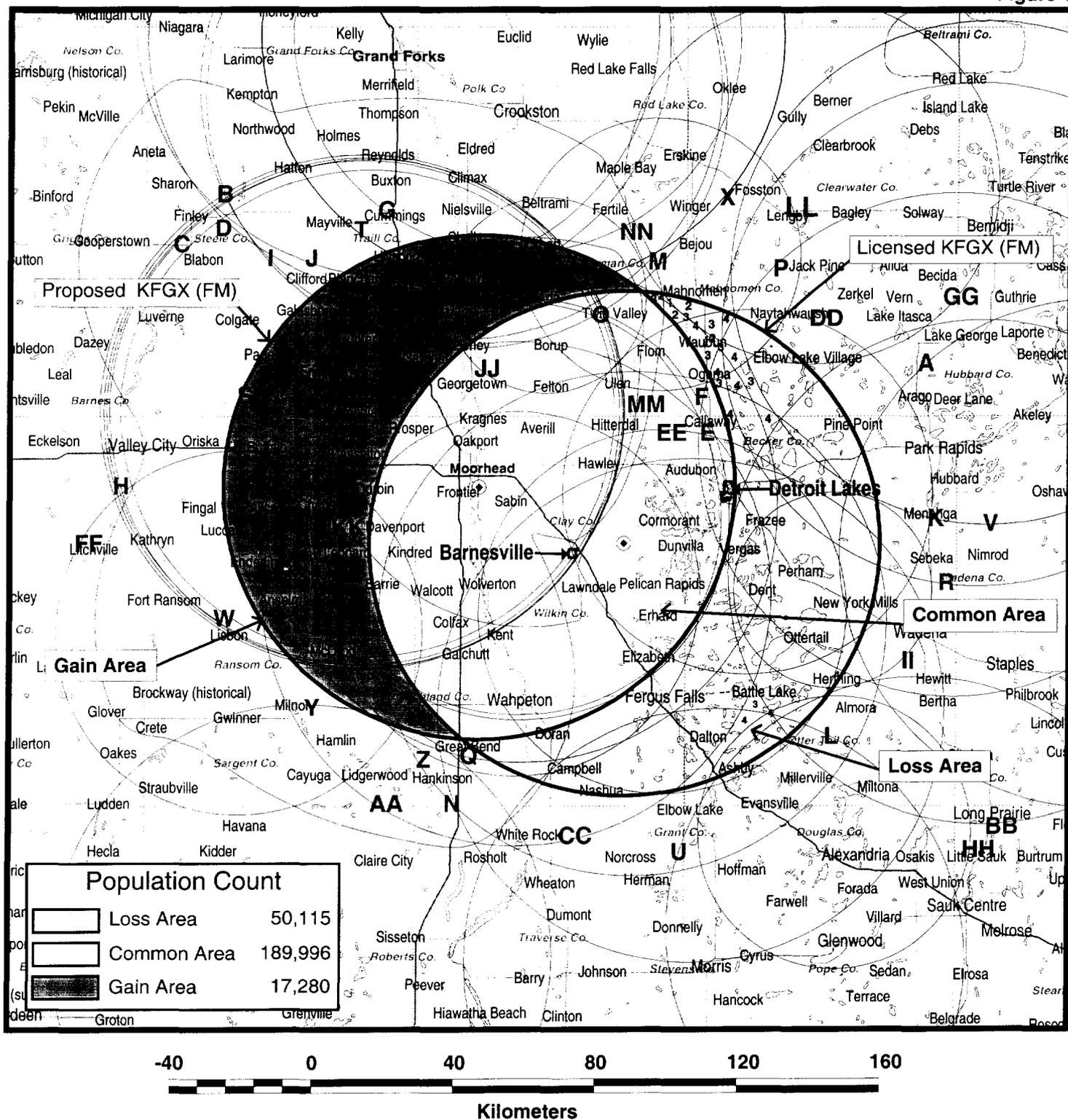


W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237

May 10, 2000

Figure 1



TECHNICAL EXHIBIT
IN SUPPORT OF THE COMMENTS OF
T & J BROADCASTING, INC.
IN MM DOCKET NO. 00-53
DETROIT LAKES AND BARNESVILLE, MINNESOTA

Radio Stations Considered for
Available Reception Services Analysis

I. FM STATIONS - 1 mV/m CONTOURS

ID	Call Letters	Location	Authorized/Allotment Facilities
A	KBPQ (FM) (CP)	Nisswa, MN	Ch. 227C, 100 kW/303 m
B	WDAY-FM	Fargo, ND	Ch. 229C, 100 kW/314 m
C	KFNW-FM	Fargo, ND	Ch. 250C, 100 kW/305 m
D	KFBN (FM)	Fargo, ND	Ch. 204C1, 30 kW/265 m
E	KCCD (FM)	Moorhead, MN	Ch. 212C1, 100 kW/151 m
F	KCCM-FM	Moorhead, MN	Ch. 216C1, 67 kW/201 m
G	KQMN (FM)	Thief River Falls, MN	Ch. 218C1, 84 kW/199 m
H	KDSU (FM)	Fargo, ND	Ch. 220C, 100 kW/302 m
I	KKXL-FM	Grand Forks, ND	Ch. 225C1, 100 kW/109 m
J	KNOX-FM	Grand Forks, ND	Ch. 234C1, 100 kW/76 m
K	KKZY (FM) (CPM)	Bemidji, MN	Ch. 238C1, 100 kW/129 m
L	KKOK-FM	Morris, MN	Ch. 239C1, 100 kW/110 m
M	KQHT (FM)	Crookston, MN	Ch. 241C1, 100 kW/126 m
N	KJJK-FM	Fergus Falls, MN	Ch. 243C1, 100 kW/171 m
O	KYCK (FM)	Crookston, MN	Ch. 246C1, 100 kW/110 m
P	KKDK (FM)	Park Rapids, MN	Ch. 248C1, 100 kW/130 m
Q	KQWB-FM	Moorhead, MN	Ch. 254C1, 100 kW/177 m
R	KLLZ-FM	Walker, MN	Ch. 256C1, 100 kW/150 m
S	KVOX-FM	Moorhead, MN	Ch. 260C1, 100 kW/116 m
T	KSNR (FM)	Thief River Falls, MN	Ch. 262C1, 100 kW/172 m
U	KIKV-FM	Alexandria, MN	Ch. 264C1, 100 kW/244 m
V	KBHP (FM) (CPM)	Bemidji, MN	Ch. 266C1, 100 kW/159 m
W	KFGO-FM	Fargo, ND	Ch. 270C1, 93 kW/305 m
X	KNTN (FM)	Thief River Falls, MN	Ch. 274C1, 100 kW/164 m
Y	KBWS-FM	Sisseton, SD	Ch. 275C1, 100 kW/140 m
Z	KZCR (FM)	Fergus Falls, MN	Ch. 277C1, 100 kW/198 m

ID	Call Letters	Location	Authorized/Allotment Facilities
AA	KLTA (FM)	Breckenridge, MN	Ch. 286C1, 100 kW/198 m
BB	KKWS (FM)	Wadena, MN	Ch. 290C1, 100 kW/177 m
CC	KPFX (FM)	Fargo, ND	Ch. 300C1, 100 kW/139 m
DD	KRCQ (FM)	Detroit Lakes, MN	Ch. 272C2, 50 kW/150 m
EE	KBOT (FM)	Pelican Rapids, MN	Ch. 281C2, 50 kW/150 m
FF	KQLX-FM	Lisbon, ND	Ch. 291C2, 50 kW/76 m
GG	KKEQ (FM)	Fosston, MN	Ch. 296C2, 50 kW/147 m
HH	KXRA-FM	Alexandria, MN	Ch. 222C3, 13.5 kW/136 m
II	KPRW (FM)	Perham, MN	Ch. 258A, 6 kW/100 m
JJ	KRJB (FM)	Ada, MN	Ch. 292A, 6 kW/87 m
KK	Allotment	Wahpeton, ND	Ch. 295C2, 50 kW/150 m
LL	Allotment	Mahnomen, MN	Ch. 268C3, 25 kw/100 m

II. AM STATIONS

ID	Call Letters	Location	Authorized Facilities
MM	KQJD (FM) (CP)	West Fargo, ND	1660 kHz 1 kW-N ND1 U
NN	WDAY (FM)	Fargo, ND	970 kHz 5 kW-N DAN U

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Tabulation of Areas, Populations
 and Reception Services Within 1 mV/m Coverage Contours

I. Population and Land Area Within 1 mV/m Contours

Facilities	Within 1 mV/m Contour	
	1990 Census Population	Area (km ²)
Licensed KFGX (FM) Ch 236C1 Detroit Lakes, MN	240,111	16,286
Proposed KFGX (FM) Ch 236C1 Barnesville, MN	207,276	16,286

II. Population and Land Area Within Gain and Loss Areas

Area	Within 1 mV/m Contour	
	1990 Census Population	Area (km ²)
Gain Area	17,280	6,270
Loss Area	50,115	6,270
"Net" Gain Area	-32,835	0

III. Available Reception Services Within Gain and Loss Areas

Area	No. of Services	Within 1 mV/m Contour	
		1990 Census Population	Area (km ²)
Gain Area	5 or more	17,280	6,242

Area	No. of Services	Within 1 mV/m Contour	
		1990 Census Population	Area (km ²)
Loss Area	5 or more	44,914	5,039
	4	3,600	427
	3	1,295	222
	2	299	81
	1	7	3

CERTIFICATE OF SERVICE

I, Renee Williams, a secretary in the law firm of Shaw Pittman, hereby certify that on this 15th day of May, 2000, copies of the foregoing "**COMMENTS IN SUPPORT OF PROPOSED RULE MAKING**" were hand delivered to the following:

John A. Karousos, Chief
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
445 12th Street, S.W.
3-A320
Washington, DC 20554



Renee Williams