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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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. )  
(Detroit Lakes and Barnesville, )  
Minnesota; Enderlin, North Dakota<sup>1</sup>)

MM Docket No. 00-53  
RM-9823

To: Chief, Allocations Branch

**COMMENTS AND COUNTERPROPOSAL**

In response to the Notice of Proposed Rule Making released in the above-captioned proceeding on March 24, 2000 ("NPRM"), Enderlin Broadcasting Company ("EBC") submits a counterproposal.

Specifically, instead of moving Channel 236C1 from Detroit Lakes, Minnesota, to Barnesville, Minnesota, (and modifying the license of KRVI<sup>2</sup> accordingly) at the reference point proposed in the NPRM, EBC urges the Commission to allocate Channel 233C1 to Enderlin, North Dakota, as that community's first local service.

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<sup>1</sup> Enderlin, North Dakota, has been added to the caption.

<sup>2</sup> KFGX is the former call sign of KRVI and is used in the NPRM. EBC, however, will refer herein to the current call sign.

Enderlin is an incorporated community located in Ransom County, North Dakota. Its 1990 population was 997. Enderlin is a healthy and long-established community. As the community's website elaborates, it is a "stand-out among upper Midwest communities . . . a curious and marvelous blend of the old and the new, of railroads and family farms, of sunflower crushing plants and downtown shops, banks and offices and of regional grain elevators and an intermediate care nursing home." See Exhibit 1 hereto. In addition to numerous businesses, Enderlin is the home of some seventy church, school and community clubs and groups that meet on a regular basis. Enderlin is clearly a community eligible for an FM allotment.

The attached engineering statement prepared by Munn-Reese, Inc. (Exhibit 2 hereto) demonstrates that Channel 233C1 may be allotted to Enderlin, using a special reference point.<sup>3</sup> For several reasons, EBC's proposal should be preferred:

First, EBC will bring a first local service to a community well outside the Fargo, North Dakota Urbanized Area. In contrast, the proposal set forth in the NPRM, advanced at the behest of T&J Broadcasting, Inc. ("T&J"), licensee of KRVI, will bring another signal to the core of the already well-served Fargo-Morehead City market.

Second, EBC's proposal will not only result in a first local service to Enderlin but a new primary service to 182,766 persons. See Exhibit 2. In sharp contrast, operation of KRVI from the

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<sup>3</sup> NL 46-26-00; WL 97-15-00.

reference point specified in the NPRM<sup>4</sup> would result in a net loss of 32,674 people served. NPRM at ¶4.

Third, and possibly most importantly, Channel 2336C1 can be reallocated to Barnesville using the current KRVI transmitter site as the reference point. Stated in another way, KRVI provides city-grade coverage to Barnesville with its current facilities. Thus, if T&J's true interest is to provide a first local transmission service to Barnesville, it can do so without changing the station's transmitter site or the reference point for its allotment. See Exhibit 3 hereto (map prepared by Munn-Reese, Inc. showing the current city-grade contour of KRVI). Indeed KRVI's current site is closer to Barnesville than the site proposed in the NPRM (14.877 kilometers versus 32.367 kilometers). See Exhibit 4 hereto (calculations using the Commission's "Distance and Azimuths" web site).

Thus, the Commission can allot both Channel 233C1 to Enderlin, North Dakota, and Channel 236C1 to Barnesville, Minnesota, simply by using the KRVI's current transmitter site coordinates as the reference point for the Barnesville allotment rather than the coordinates T&J prefers. Such a configuration, of course, would not result in the loss of service that T&J's current proposal entails.

Clearly, a rule making proponent's site preference should not impede the Commission in adopting an allotment proposal that will better serve the public interest (in this instance, providing both Enderlin and Barnesville a first local service). Elkins, West Virginia, 7 FCC Rcd 5527, 5530

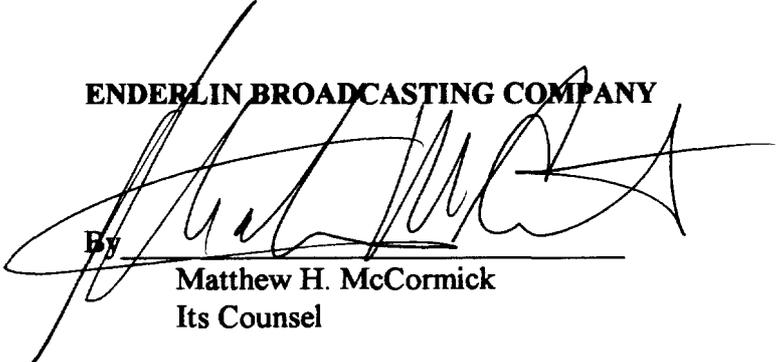
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<sup>4</sup> The reference coordinates T&J proposes are NL 46-49-10; WL 96-45-56. The reference coordinates for Barnesville itself are NL 46-39-07; WL 96-25-09.

(¶ 17) (Chief, Policy & Rules Division 1992) (a rulemaking proponent's site preference will not override a distinctly superior allotment plan), review denied, 10 FCC Rcd 10433; (1995); accord, e.g., Stuart and Boone, Iowa, 6 FCC Rcd 6036 (Chief, Policy & Rules Division 1991).

**WHEREFORE**, in light of all circumstances present, EBC urges the Commission to allot Channel 233C1 to Eberlin, North Dakota as its first local service and to allot Channel 236C1 to Barnesville, Minnesota, as its first local service, but specify the current KRVI coordinates (NL 46-40-27; WL 96-13-39) as the reference point for that allotment.

**ENDERLIN BROADCASTING COMPANY**

By 

Matthew H. McCormick  
Its Counsel

REDDY, BEGLEY & McCORMICK  
2175 K Street, N.W.  
Suite 350  
Washington, D.C. 20037-1845

May 15, 2000

**EXHIBIT 1**

**EXCERPTS FROM  
THE ENBERLIN, NORTH DAKOTA WEBSITE**

**([www.enderlin.com](http://www.enderlin.com))**

 **Community Info**

 **History**

 **Attractions**

 **Organizations**

 **School**

 **Businesses**

 **Sign Guestbook**

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 **Info by Mail**

 **Email**

 **CNATC Cities**

# Welcome to Enderlin North Dakota "A Great Place to Live"



**We're small town America at its best and we have a touch of worldliness that is unique. Life is honest here and good. Enderlin is our home and you're welcome to visit or even move in!**

**The City of Enderlin offers you the following benefits if you build a new single family house in Enderlin North Dakota**

- **Free lots - worth \$4,000 each**
- **One year free water, sewer & garbage service worth \$700**
- **Two years property tax exemption worth \$1,500**
- **Abstract and title fees, up to \$400**

**01758**

11/22/99

## ABOUT ENDERLIN



Downhill view looking at the Old City Hall at the far end of the picture with the Trinity and First Lutheran churches bordering the street.

Enderlin, North Dakota is a standout among upper Midwest communities. A small place of a thousand people, Enderlin is not quite a farming community, not quite a railroad town and isn't exactly a retail/service or government center. No attempts are being made to turn it into a retirement haven or the site of an industrial factory owned by a Fortune 500 company. What we are is a curious and marvelous blend of the old and the new, of railroads and family farms, of sunflower crushing plants and downtown shops, banks and offices and of regional grain elevators and an intermediate care nursing home.

Today's Enderlin has many distinctive attributes. These positive factors help focus a coming certainty: small rural communities like Enderlin are great places to live. Perhaps they cannot compete with the big regional hubs for the retail and service trade, but what they lack in the number of shoe stores and paved parking lots, they more than make up in areas of self-esteem, character and individualism. Think about it. Some 70 church, school and community clubs and groups meet in Enderlin on a regular basis during a typical year. Nothing to do in a small town? On the contrary: with a shortage of bodies your absence is not only noted, but is missed.

We're small town America at its best and we have a touch of worldliness that is unique. Life is honest here and good. Enderlin is our home and you're welcome to visit or even move in!

The City of Enderlin offers you the following benefits if you build a new single family house in Enderlin North Dakota.

- Free lots - worth \$4,000 each
- One year free water, sewer & garbage service worth \$700
- Two years property tax exemption worth \$1,500
- Abstract and title fees, up to \$400

Residential lots with incentives to build in the City of Enderlin, also several rental lots are available for mobile homes. Call 701-437-3476, Mon-Thurs. 8-12 & 1-5, Fri. 8-12.

# HISTORY

Enderlin is a survivor. Founded in 1891 after the Canadian-bound Soo Line Railroad entered the Maple River bottom in search of predictable water for its locomotive steam boilers, Enderlin's early years were an exception in a region of quiet farm and market towns. Steam locomotives and interstate commerce attracted a robust and cosmopolitan element: People who were skilled machinists, semi-literate track workers and self-assured and self-made conductors and engineers. Enderlin's Soo Line payroll listed over 400 distinct jobs once upon a time, and we were the home of an all-powerful "Railroad Division Point Superintendent" complete with his own private rail car. Recently, the Canadian Pacific acquired control of the Soo Line and an international company has a sizable payroll in town.



Nor were our early years limited to rolling stock and ribbons of steel. Located on the western shore of ancient Lake Agassiz, the countryside surrounding Enderlin was rolling tall grass, prairie potholes and hardly a tree in sight--save for river and creek bottoms. This was nomad country, for it is sandwiched between the lush Red River Valley to the east and the short grass plains to the west. No indigenous Native American people called it home, but many criss-crossed the area in pursuit of buffalo and elk and never-ending clouds of waterfowl and upland game.

A country that can raise grass and game also can raise wheat and corn and livestock. Beginning in the 1880's, European settlers moved into the region with those of German heritage settling to the north and east of present-day Enderlin, and those of Norwegian extraction settling to the west and south. Early trade was done either in Sheldon, Casselton or Lisbon, neighboring communities which preceded Enderlin by a good 10 years. However, as the countryside filled up and the railroad added employees and facilities, businesses began to locate as well. Like every other frontier community, Enderlin was self-sufficient and provided everything from a choice of doctors to a livery stable where you could board your mule or horse.

With a rich and colorful history giving daily influence, Enderlin had much to celebrate during its July 4-7, 1991, Centennial. Thousands of local supporters and expatriates came from around the country to wish a tough little town a happy birthday; and it was a birthday party few will ever forget.

[BACK](#)

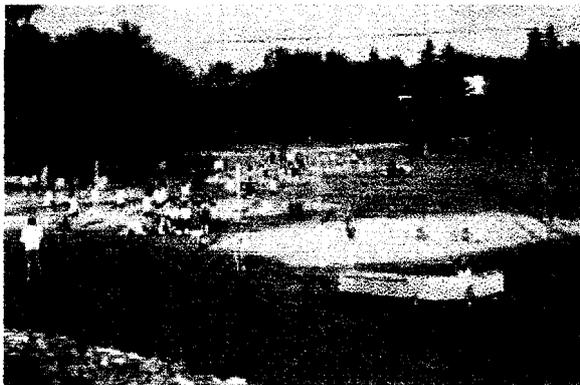
## ATTRACTIONS



View from Patrick Pierce Park of the Hwy 46 bridge going over the Maple River.

### What can you do in Enderlin?

We've got a great bowling alley, which hosts many state and regional tournaments; and a 9-hole grass green golf course which never sees more than a five-minute wait at tee-off (there is a fleet of carts to rent and a cozy little clubhouse to use).



Enderlin has an excellent amateur sports program, offering scheduled games in bowling, baseball, horseshoes, and volley ball. Baseball is an Enderlin legacy, as there is a trail over seventy-some years of local, state, and even national championships.

We also have a usable local community park system; a quaint and picturesque Sheyenne River Valley to the west and a broad expanse of National Grasslands to the east and south. And, of course, our local swimming pool is the center of many a hot summer day.

Enderlin is fortunate to be situated on North Dakota State Highway 46 (east-west) and is only 18 miles from Federal Interstate 94 (east-west) and 35 miles from Federal Interstate 29 (north-south). We are also at a vantage point with major switching yards for the C.P. Rail system plus enjoy close proximity to the Red River & Western Railroad and Burlington Northern.

In addition, Enderlin has a 2400' all-weather runway which can handle most light aircraft; this is located on the northwest edge of the community, and this airport enjoys local recreational use as well as business-commercial traffic.

[BACK](#)

# ORGANIZATIONS

Enderlin has volunteer groups galore. You can join the Enderlin Area Rescue Squad, a first response all-volunteer emergency team. With the latest in training, equipment and procedure, our volunteer fire department is among the best. Our local Lions Club is the pride of the community, with active members involved in everything from selling Christmas trees to building park gazebos. The Enderlin Senior Citizens is a relatively recent addition to our downtown and they take great pride in their own building and self-sponsored functions. There is the local Veterans of Foreign Wars, a General Federation of Women Service Club, the Clio Club and Boy Scouts. We have four churches in town, and each one is the center of its own activities and functions. A recent addition is the Enderlin Alumni Association which is organizing the pool of talent that has been affiliated with our community.

A few years ago a newly-formed Historical society undertook a staggering task: the renovation and refurbishing of the local City Hall and Masonic Temple. Both are brick structures of many thousand square feet and both have suffered from years of neglect. Relying on volunteer help and donated dollars, this group lavished thousands of hours and dollars and the job was done in time for our Centennial. Another interesting project is the restoration of the Soo Line Steam Locomotive #2425, a 270,000-pound steel and iron behemoth, to be revamped and painted to resemble its former glory days. Enderlin's Municipal Library was also a sad state of affairs until a small group of locals rolled up their sleeves and went to work. Now, a beautiful new building sits on the corner of 3rd and Railway for all the world to see.

[BACK](#)

# ENDERLIN BUSINESSES

Besides the school and the Soo Line Railroad, two major employers are Hillcrest Manor and National Sun Industries. Hillcrest Manor was built in 1963 and was originally a 59 bed retirement home, but over the years health care and community service has grown to the point where a 1.5 million dollar expansion was recently undertaken. Hillcrest employs 70 people and is as stable an employer as can be found.



National Sun Industries came to Enderlin in 1981, and is a fifty million dollar-plus, oil seed crushing plant. Its market is global but their employment is local: over 75 employees draw a paycheck. This latest and biggest economic development for Enderlin has yet to be measured at all levels of involvement. In the fall of 1994, Archer-Daniel-Midland (ADM) entered into a long-term lease arrangement with NSI, and the resulting Northern Sun company will be crushing oil seeds for years to come at this Enderlin site. Northern sun put in an oil refinery in 1997 and are currently building a

edible bean plant.

[BACK](#)

**ENGINEERING REPORT**

**Rulemaking to  
Amend FM Table of Allotments  
To Add  
Channel 233C1 at Enderlin, ND**

**May, 2000**

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**MUNN-REESE, INC.**  
Broadcast Engineering Consultants  
Coldwater, MI 49036

TABLE OF CONTENTS

PETITION FOR RULEMAKING

ENDERLIN, NORTH DAKOTA

1. Certification of Engineer
2. Discussion of Rulemaking
3. Figure 1 - Tabulation of Allocation Spacings
4. Figure 2 - Tabulation and Plot of Transmitter Open Area
5. Figure 3 - Map Showing Required City Coverage of Enderlin

CERTIFICATION OF ENGINEER

The firm of Munn-Reese, Inc., Broadcast Engineering Consultants, with offices at 100 Airport Drive, Coldwater, Michigan, has been retained for the purpose of preparing the technical data forming this report.

This report has been prepared by properly trained electronics specialists, under the direction of the undersigned, whose qualifications are a matter of record before the Federal Communications Commission.

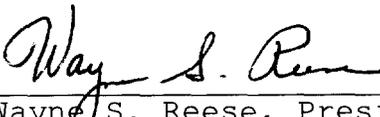
The data utilized in this report was taken from the FCC Secondary Database and data on file. While this information is believed to be accurate, errors or omissions in the database and file data are possible. This firm cannot be held liable for damages as a result of those data errors or omissions.

I declare under penalty of perjury that the contents of this report are true and accurate to the best of my knowledge and belief.

May 12, 2000

MUNN-REESE, INC.

By

  
\_\_\_\_\_  
Wayne S. Reese, President

100 Airport Drive, P. O. Box 220  
Coldwater, Michigan 49036

Telephone: (517) 278-7339  
Telecopier: (517) 278-6973

**MUNN-REESE, INC.**  
Broadcast Engineering Consultants  
Coldwater, MI 49036

DISCUSSION

This firm has been retained to prepare this Petition for Rulemaking for Enderlin Broadcasting Company in support of a proposal to add Channel 233(C1) to the city of Enderlin, North Dakota, as that community's first aural broadcast service. To accomplish this, a special reference point at coordinates NL 46°25'00" by WL 97°15'00" has been chosen. This special reference point is approximately 21.9 miles southeast of Enderlin.

Figure 1 is a tabulation of the allocation spacings from the proposed reference point. Figure 2 is a computerized map showing the proposed transmitter open area for Channel 233C1 at Enderlin. Figure 3 is a map demonstrating that, from the proposed reference coordinates, maximum Class C1 facilities would be able to provide 3.16 mV/m, city grade service, to all of the Enderlin city limits. The facilities shown are for 100 kW ERP at 299 meters HAAT.

Allocation of this channel to Enderlin, assuming maximum Class C1 facilities, would provide coverage to 182,766 persons in an area equaling 16,432 square kilometers within the 1 mV/m (60 dBu) primary service contour.

This proposal requests the FM Table of Allotments, found in 47 C.F.R. §73.202(b) to be amended as follows:

<u>Community</u>	<u>Present Allocation</u>	<u>Proposed Allocation</u>
Enderlin, ND	---	233C1

FIGURE 1 - TABULATION OF ALLOCATION SPACING STUDY  
 ENDERLIN ND

REFERENCE CLASS = C1 DISPLAY DATES  
 46 25 00 N DATA 05-06-00  
 97 15 00 W Current Spacings SEARCH 05-12-00  
 ----- Channel 233 - 94.5 MHz -----

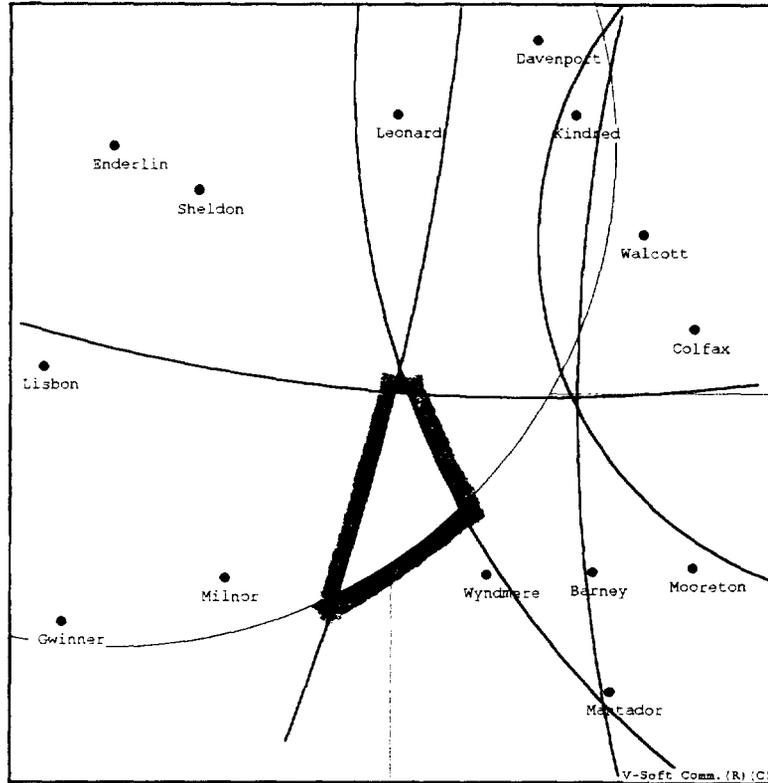
Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
KQDY	LIC 233C	Bismarck ND	269.89	283.8	270.0	-0.11
46 56 31	100 41 38	C CN 100.000 kW		341 M		
		Anderson Broadcasting Company		BLH19840330AA	2204	
KNOXFM	LIC 234C1	Grand Forks ND	177.16	4.3	177.0	0.16
48 00 20	97 04 18	C CN 100.000 kW		76 M		
		Leighton Enterprises, Inc.		BLH19791114AK	54593	
KRVI	LIC 236C1	Detroit Lakes MN	83.49	69.5	82.0	1.49
46 40 27	96 13 39	C CN 100.000 kW		296 M		
		T&j Broadcasting, Inc.		BLH19881003KC	37001	
KLTA	LIC 286C1	Breckenridge MN	50.00	73.2	34.0	16.00
46 32 41	96 37 33	C CN 100.000 kW		198 M		
		Thomas E. Instad B/casting, I		BMLH19930113KB	64359	
KSKK	LIC 234C2	Staples MN	175.73	90.0	158.0	17.73
46 23 43	94 57 54	C CN 35.000 kW		95 M		
		Normin Broadcasting Co.		BLH19950517KA	49094	
KSKK.C	CP 234C2	Staples MN	200.15	84.7	158.0	42.15
46 33 08	94 39 03	C CN 50.000 kW		143 M		
		Normin Broadcasting Co.		BPH19981027IA	49094	
KMSR	LIC 232A	Sauk Centre MN	183.70	114.7	133.0	50.70
45 42 30	95 06 18	CN 3.000 kW		91 M		
		Branstock Communications, Inc		BLH7025	23091	
AVAC	VAC 232A	Sauk Centre MN	183.70	114.7	133.0	50.70
45 42 30	95 06 18	N 0.000 kW		0 M		
		Branstock Communications, Inc			23091	
KQAA	LIC 235C1	Aberdeen SD	135.11	218.8	82.0	53.11
45 27 57	98 20 08	C 100.000 kW		136 M		
		Kkaa/kqaa L.l.c.		BLH19990329KE	9672	
KPLOFM	LIC 233C	Reliance SD	329.27	214.9	270.0	59.27
43 57 55	99 36 11	CY 100.000 kW		305 M		
		James River Broadcasting Comp		BLH19881027KC	40635	
KSDNFM	LIC 231C1	Aberdeen SD	147.73	222.1	82.0	65.73
45 25 27	98 31 00	CN 100.000 kW		134 M		
		Ksdn L.l.c.		BLH19861124KF	25118	

FIGURE 2 - TABULATION & PLOT OF TRANSMITTER OPEN AREA FOR CHANNEL 233C1 AT ENDERLIN ND

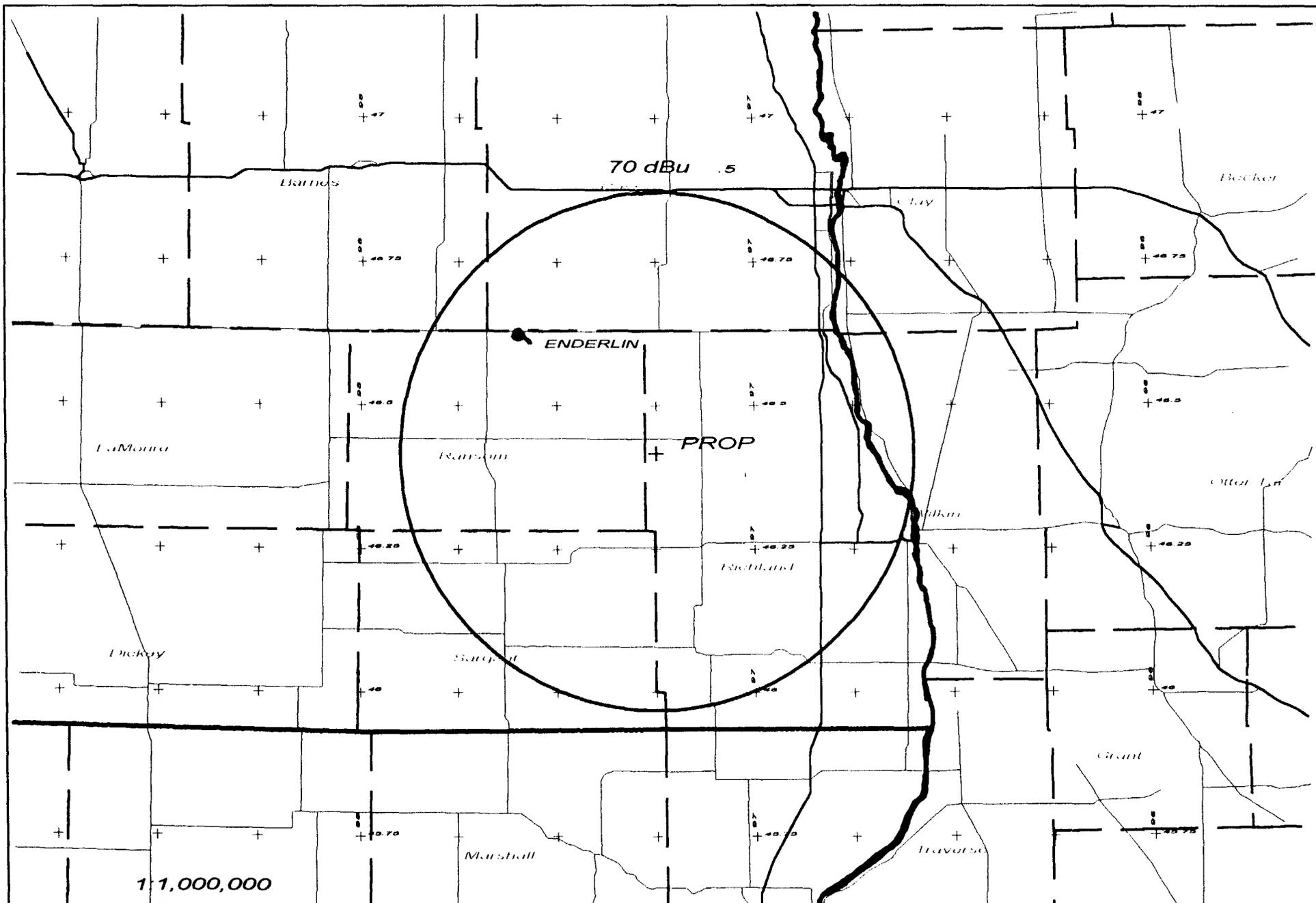
SEARCHFM™ LOCATE STUDY

Ch 233 C1  
94.5 MHz

N. Lat. 46 25 00  
W. Lng. 97 15 00

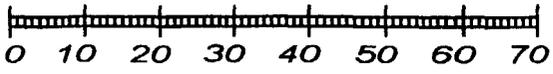


Call	CH#	Location		D-KM	Azi	FCC	Margin
KQDY	233C	Bismarck	ND	269.89	283.8	270.0	-0.11
KNOXFM	234C1	Grand Forks	ND	177.16	4.3	177.0	0.16
KRVI	236C1	Detroit Lakes	MN	83.49	69.5	82.0	1.49
KLTA	286C1	Breckenridge	MN	50.00	73.2	34.0	16.00
KSKK	234C2	Staples	MN	175.73	90.0	158.0	17.73
KSKK.C	234C2	Staples	MN	200.15	84.7	158.0	42.15
KMSR	232A	Sauk Centre	MN	183.70	114.7	133.0	50.70
AVAC	232A	Sauk Centre	MN	183.70	114.7	133.0	50.70
KQAA	235C1	Aberdeen	SD	135.11	218.8	82.0	53.11
KPLOFM	233C	Reliance	SD	329.27	214.9	270.0	59.27
KSDNFM	231C1	Aberdeen	SD	147.73	222.1	82.0	65.73



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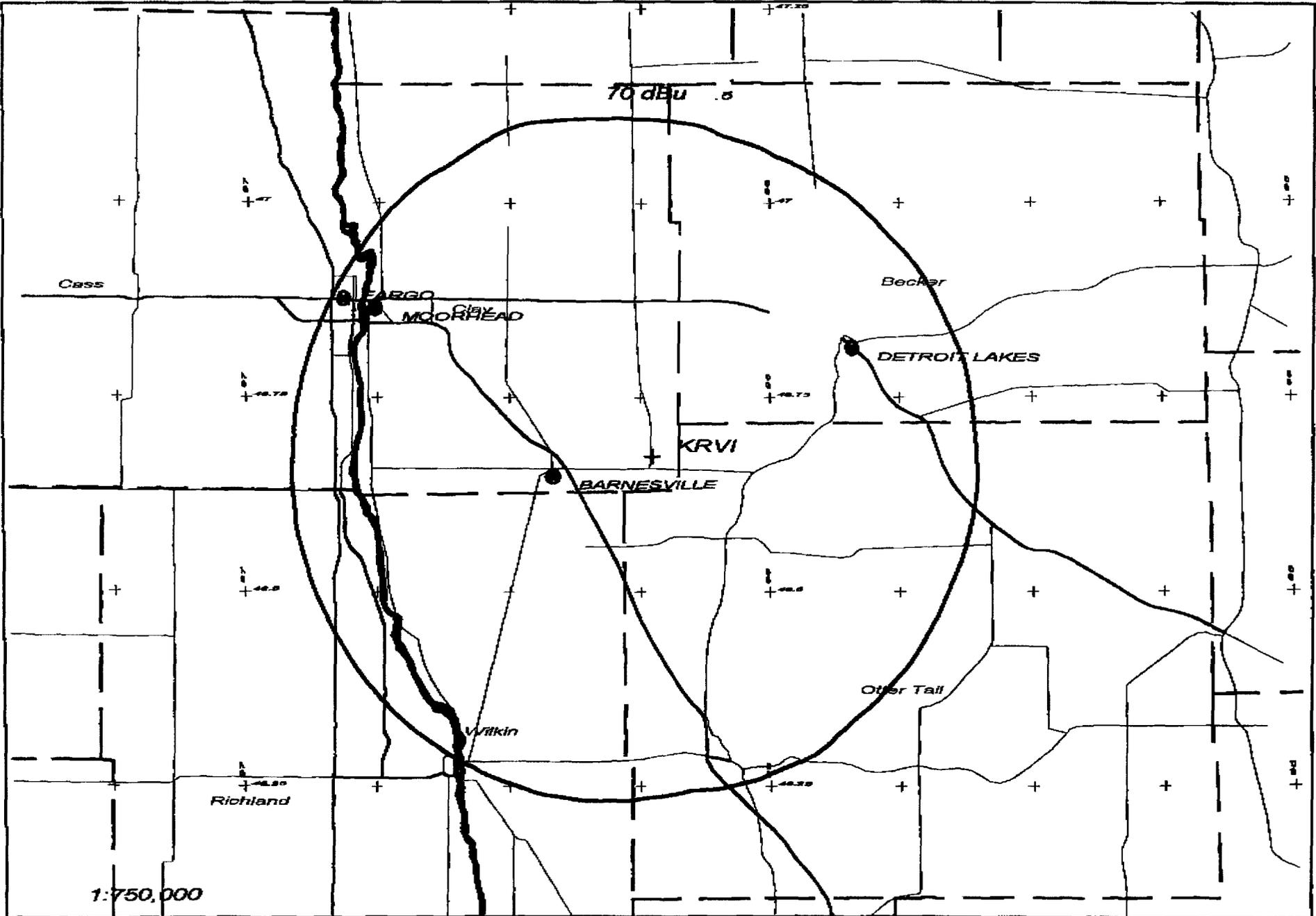
Scale in km



PROP 233C1 100kW @ 299M HAAT 622M AMSL  
 N. Lat. 46 25 00 W. Lng. 97 15 00

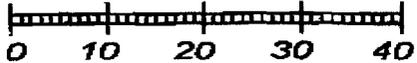
FIGURE 3 - ENDERLIN, ND  
 Munn-Reese Inc. - 05/00

**PRESENT CITY-GRADE CONTOUR  
OF  
KRVI (FM), DETROIT LAKE, MINNESOTA**



1:750,000

Scale in km



KRVI 236C1 100kW @ 296M HAAT 684M AMSL

N. Lat. 46 40 27 W. Lng. 96 13 39

KRVI

Munn-Reese Inc. - 05/00

**CALCULATIONS OF DISTANCE**

**FROM**

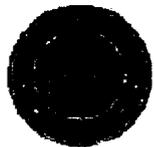
**(a) PRESENT KRVI SITE TO BARNESVILLE, MINNESOTA**

**AND**

**(b) PROPOSED REFERENCE SITE FOR BARNESVILLE ALLOTMENT  
TO BARNESVILLE, MINNESOTA**



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**Between Two Sets of Coordinates**

**Page 2 -- Output**

The distance between Point 1 at

and Point 2 at

is

Azimuth from Point 1 to Point 2: 260.48°

Azimuth from Point 2 to Point 1: 80.34°

Calculated per 47 CFR 73.208 and 73.611

[Try another 2 sets of coordinates?](#)

or, if an initial set of coordinates is known, use  
[Find Terminal Coordinates program](#) from a bearing and a distance.

This document may be accessed at <http://www.fcc.gov/mmb/asd/bickel/distance.html>

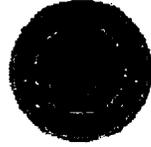
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The distance between Point 1 at

and Point 2 at

is

Azimuth from Point 1 to Point 2: 125.08°

Azimuth from Point 2 to Point 1: 305.33°

Calculated per 47 CFR 73.208 and 73.611

[Try another 2 sets of coordinates?](#)

or, if an initial set of coordinates is known, use  
[Find Terminal Coordinates program](#) from a bearing and a distance.

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**CERTIFICATE OF SERVICE**

I, Matthew H. McCormick, hereby certify that on this 15<sup>th</sup> day of May, 2000, copies of the foregoing **COMMENTS AND COUNTERPROPOSAL** were mailed, first-class, postage prepaid, to the following:

Clifford M. Harrington  
Don M. Sciarrino  
Amy L. Van de Kerckhove  
Shaw Pittman  
2001 Pennsylvania Avenue, N.W.  
Suite 400  
Washington, DC 20006-1851

A handwritten signature in black ink, appearing to read "Matthew H. McCormick", is written over a horizontal line. The signature is stylized and cursive.