

BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C.

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MAY 30 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b), )  
Table of Allotments, )  
FM Broadcast Stations )  
(Greenville and Cooper, TX) )

MM Docket No. 00-63 /  
RM-9387

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

### COMMENTS

The City of Greenville, Texas, by its attorneys, hereby opposes the change in the FM Table of Allotments proposed by the Mass Media Bureau, acting pursuant to delegated authority, in its Notice of Proposed Rule Making ("NPRM") adopted on March 29, 2000 in the above-captioned proceeding. *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Greenville and Cooper, TX)*, MM Docket No. 00-63, RM-9387, DA 00-776, released April 7, 2000.

1. Under its NPRM, and at the request of the licensee of full service FM broadcast station KIKT,<sup>1</sup> licensed to Greenville, Texas, the Bureau proposed that the station's FM Channel, Channel 228C3, be taken from Greenville, Texas (population nearly 25,000) and moved to

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<sup>1</sup> The Petition for Rulemaking prompting the instant NPRM was filed jointly by First Greenville Corp., and KRBE LICO, Inc. ("KRBE") the licensee and proposed assignee, respectively, of KIKT(FM) at the time the Petition was filed with the Commission. KRBE, a subsidiary of Susquehanna Radio Corp., is now the licensee of KIKT(FM). See BALH-990707GE. For ease of reference KRBE and its parent company, Susquehanna Radio Corp., shall be referred to jointly as "Susquehanna."

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List A B C D E

Cooper, Texas (population approximately 2,100), a substantially smaller community nearly 35 miles to the Northeast of Greenville. If this proposal is adopted, and KIKT(FM) is moved to Cooper, the Greenville community will be severely prejudiced since the amount of critically important aural broadcast programming responsive to Greenville's needs and interests will be depleted with the loss of KIKT(FM) its only FM broadcast station. Greenville will be left with marginal local transmission service from AM broadcast station KGVL(AM) which is required by the Commission to significantly reduce its coverage at night. For the reasons that follow, the public interest dictates that the Commission decline to adopt the FM re-allotment proposal contained in the NPRM and terminate the proceeding without further action.

2. Greenville is a thriving community located in Hunt County Texas, some 45 miles Northeast of Dallas.<sup>2</sup> Greenville's nearly 25,000 citizens rely on their only local FM broadcast station, KIKT(FM), for important news, weather and community related broadcasting. In recent times, KIKT(FM) has assisted the Greenville Community with programming related to Greenville school closings, local weather reports, local severe weather alerts, Greenville school menus, local traffic reports, local Greenville news and local PSAs.<sup>3</sup> Such localized information is critically important in an area such as Greenville which is prone to extreme weather related events. In fact, the headline of the on-line version of the Greenville Herald Banner on Sunday, May 28, 2000 reported just such severe weather.<sup>4</sup> The National Climate Data Center ("NCDC")

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<sup>2</sup> See Exhibits 1 and 2, community information from the official City of Greenville website and Greenville Chamber of Commerce website, respectively.

<sup>3</sup> See Exhibit 3, Declaration of Ed Thatcher, Greenville City Manager. A facsimile signature provided by Mr. Thatcher is attached pursuant to Section 1.52 of the Commission's Rules. See also, Exhibit 5 of the application for assignment of KIKT(FM)/KGVL(AM) from First Greenville Corporation to KRBE Lico, Inc. (File Nos. BALH-990707GE and BAL-990707GD) attached hereto as Exhibit 4.

<sup>4</sup> See Exhibit 5, Greenville Herald Banner, Online Edition, Sunday, May 28, 2000, 2:02pm.

of the National Oceanic and Atmospheric Administration (“NOAA”) reports that in Hunt County there were 196 “Storm Events” between January 1, 1993 and April 30, 2000.<sup>5</sup> Of those events, 11 were confirmed tornadoes, 80 were severe thunderstorm and high wind events, and 29 were floods.<sup>6</sup> Timely, accurate, local information is critically important to the Greenville community for their health, well being and safety. Stations licensed to other communities simply are not obligated to broadcast programming responsive to Greenville’s critical needs.

3. In addition, KIKT(FM) has become an important part of the Greenville community with broadcasts of, participation in and/or sponsorships of many community events and activities, including, but not limited to, the following:

- the Drug Free Greenville’s Walk-a-thon,
- the July 4<sup>th</sup> celebrations at the Fairgrounds,
- the Cotton Jubilee,
- the Christmas Parade,
- the Annual Easter Egg Hunt,
- the Kiwanis Club Radio Auction,
- the Hospital Health Fair,
- the Firefighters Annual Fair,
- the Martin Luther King Day Parade,
- the Special Olympics,
- the Relay for Life,
- the Hunt County Fair,
- Cinco de Mayo Reports,
- The Greenville Chamber of Commerce,
- the Boy Scouts,
- 4-H, and

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<sup>5</sup> See Exhibit 6, NCDC Severe Weather Event reports for Hunt County Texas January 1, 1993 through April 30, 2000.

<sup>6</sup> See NCDC Tornado reports for Hunt County Texas January 1, 1993 through April 30, 2000 attached hereto as Exhibit 7; NCDC Thunderstorm and High Wind report for Hunt County Texas January 1, 1993 through April 30, 2000 attached hereto as Exhibit 8; NCDC Flood report for Hunt County Texas January 1, 1993 through April 30, 2000 attached hereto as Exhibit 9.

- Radio Mentor Programs.<sup>7</sup>

The extensive involvement of KIKT(FM) in the Greenville community simply will not be replicated by reception services from other communities because stations licensed to other communities are not obligated to broadcast programming responsive to Greenville's needs and interests.<sup>8</sup> The loss to the community will be enormous if KIKT(FM) is allowed to relocated to Cooper.

4. The local involvement of KIKT(FM) and the important weather and safety information it provides also cannot be replicated by Greenville's AM station, KGVV(AM). First, and foremost, the KGVV(AM) nighttime signal is seriously reduced with poor reception, even within the City of Greenville.<sup>9</sup> Secondly, Susquehanna owns KGVV(AM), as well as KIKT(FM). Susquehanna appears to have purchased KIKT(FM) and KGVV(AM) in order to move KIKT(FM) out of the way of the co-owned Haltom City FM's coverage of Dallas.<sup>10</sup> Thus, KGVV(AM) will be left as a stand-alone AM, if Susquehanna intends to maintain KGVV(AM) at all.

5. Under the Commission's allotment priorities, retention of the allotment of FM Channel 228C3 at Greenville is to be preferred over reallocation to Cooper. The Commission's allotment priorities, promulgated under Section 307(b) of the Communications Act of 1934, as amended, 47 USC § 307(b), are as follows: (1) first full-time aural reception service; (2) second full-time

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<sup>7</sup> See Exhibit 3, Declaration of Ed Thatcher, Greenville City Manager and Exhibit 4 hereto, Susquehanna Application for Assignment of KIKT(FM) and KGVV(AM) Exhibit 5.

<sup>8</sup> In fact, the only other radio stations even licensed to a community in Hunt County are in Commerce, TX located approximately 15 miles northeast of Greenville. The stations are KEMM(FM), licensed to Blue Bonnet Radio, Inc. and KETR(FM), licensed to Texas A&M University.

<sup>9</sup> See Exhibit 3, Declaration of Ed Thatcher, Greenville City Manager and Exhibit 10, Engineering Exhibit of William Getz, Carl T. Jones Corporation.

<sup>10</sup> See paragraph 7, *infra*.

aural reception service; (3) first local aural transmission service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). While the Commission has asserted that Cooper is more deserving than Greenville under the criterion of first aural local transmission service, the Commission's analysis overlooks a pertinent fact which favors the retention of FM Channel 228C3 at Greenville: the reallocation of FM Channel 228C3 to Cooper will create a nighttime "underserved" area. Specifically, as shown in the Engineering Statement attached hereto as Exhibit 10, if FM Channel 228C3 were removed from Greenville and KIKT(FM) moved its transmitter site to Cooper, as it has stated it intends to do, such move would result in a significant loss of nighttime coverage thereby creating an "underserved" reception service area at night.

6. Furthermore, due to the nature of KGVL(AM)'s signal, which is particularly weak at night,<sup>11</sup> the Commission must consider the proposal to move FM Channel 228C3 to Cooper as really a choice between Greenville and Cooper for each community's first local "transmission" service. Under Section 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 307(b), and Commission precedent, Greenville with a population of approximately 25,000<sup>12</sup> people is the more deserving of an FM service than Cooper with a population of 2,100<sup>13</sup> people. *See Blanchard, Louisiana and Stephens, Arkansas*, 10 FCC Rcd 9828 (1995), where the Commission held that:

In a choice among competing counterproposals both involving priority 3 (first local service), the Commission has uniformly made the decision based on

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<sup>11</sup> Not to mention the improbability of KGVL(AM)'s continued service to Greenville based on its current owner's preoccupation with service to Dallas. *See* Exhibit 10 and paragraph 7, *infra*.

<sup>12</sup> *See* Exhibit 2.

<sup>13</sup> *See* NPRM at paragraph 2.

population difference and a comparison of reception services. And, where it is found that neither community falls below a threshold level of reception services, the Commission has based its decision on a straight population comparison.

Thus, as the proposal to reallocate FM Channel 228C3 to Cooper will create an underserved area at night *and* Greenville is the larger of the two communities by more than ten fold, the Commission should properly decline any further action in this Rulemaking to reallocate FM Channel 228C3 to Cooper.

7. It appears that the owners of KIKT(FM), who, as mentioned above, are also the owners of KKMR(FM), Haltom City, TX<sup>14</sup> have one mission in mind – serving Dallas with KKMR(FM). From the moment Susquehanna conceived of purchasing KIKT(FM) it seems to have been with the sole purpose of changing the FM Table of Allotments to allow its Haltom City Station to better serve Dallas.<sup>15</sup> The Petition for Rulemaking in this proceeding was filed even before the Commission acted on Susquehanna's application for assignment of the license of KIKT(FM). In addition, shortly after the grant of the assignment application, Susquehanna asked the Commission to downgrade KIKT(FM) to Class A and filed a contingent application to modify KKMR(FM) to better serve Dallas. When viewed in the context of the public interest considerations of the 4<sup>th</sup> Allotment Priority the loss of FM Channel 228C3 at Greenville will be much more hurtful than Susquehanna's requested *downgrade* of KIKT(FM) to Class A.

8. Susquehanna is manipulating the Commission's processes for its own private gain, to the detriment of the community of Greenville and the public interest in general. The Commission should not allow licensees to use its processes for purely personal gain, while the communities

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<sup>14</sup> KKMR(FM) was formerly call sign KKZN(FM). Susquehanna Radio Corp. is also the parent company Texas Star Radio, Inc., licensee of KKMR(FM), Haltom City, TX. See BALH-990707GE and BAL-990707GD, granted September 2, 1999.

<sup>15</sup> See BMPH-19990820IB.

they serve are left with little recourse.<sup>16</sup> Under the Commission's allotment priorities, as well as its precedent and Section 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 307(b), the Commission should decline to reallocate FM Channel 228C3 from Greenville to Cooper, Texas.

Based on the foregoing, the City of Greenville, Texas respectfully requests the Commission to decline to adopt the FM re-allotment proposal contained in the NPRM and to terminate the NPRM proceeding without taking any action.

Respectfully submitted,

CITY OF GREENVILLE



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May 30, 2000

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<sup>16</sup> Were the owners of KIKT(FM) truly interested bringing service to Cooper, they could have filed a counter-proposal to the Sulphur Bluff, TX allotment proceeding rather than moving a community's existing station. See *In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Sulphur Bluff, TX)*, MM Docket 99-287, RM 9712, released September 17, 1999.



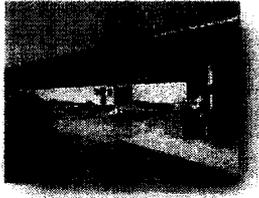
City of Greenville  
Exhibit 1



# Greenville, Texas

## online

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## *Business in Greenville*

[Board of Development](#) | [Chamber of Commerce](#) | [Electric Utility](#)  
[Financial Programs](#) | [Industrial Sites](#) | [Job Market](#)  
[Tax Incentives](#) | [Training Programs](#) | [Transportation](#)

Located north of Dallas, Greenville serves as the business hub to north Texas with all the ingredients conducive to a healthy, productive business life: a clean environment, plentiful land, excellent schools and churches, convenient access to Dallas, a highly educated and diverse workforce, a business-friendly attitude, fully developed transportation networks, and an aggressive marketing program.

Home to Fortune 500 companies, Greenville's economic strength is its pro-business attitude and its diversified manufacturing and distribution base. Products range from food processing and plastic extrusion to government contracting and data processing centers. The diversity of Greenville's product line has been made possible by its vast transportation infrastructure and communication networks, which provide industry with a swift and efficient means of moving people, products, and information. Land, rail and air transportation includes:

- Location on Interstate Highway 30 with direct links to Interstate Highways 20, 35, and 45.
- Depot stops to all major rail lines including Kansas City Southern, Southern Pacific and DG&O.
- Municipal owner of Majors Field Airport, which has an 8,000-foot runway for accommodating any size aircraft, and
- Access to Dallas Love Field and Dallas-Fort Worth International Airport, which are within 60 to 90 minutes, respectively.

Situated in the heart of north Texas, Greenville employers fill 16,954 jobs, drawing from a labor force of 556,674 within a 40-mile radius. Surveys conducted by companies with multiple sites throughout the U.S. indicate Greenville employees are their most productive and hold the record for the lowest absenteeism rate in the nation.

Greenville Schools are among the strongest in north Texas. The school district produces National Merit Scholars and supports active athletic and academic programs. Located 20 miles

from Greenville, Texas A & M at Commerce offers excellent higher education opportunities. Additionally, nearby are three community colleges, two trade schools and two technical centers, offering residents and employers a wide selection of continuing education opportunities.

Industrial sites include two fully-developed industrial parks with over 1,200 acres available. The economic development arm of the City, the Greenville Board of Development, oversees these properties, with sites sold at below-market prices for businesses ready to expand or relocate.

The city's pro-business attitude is reflected in its adoption of guidelines and criteria for Tax Abatement and establishment of the Greenville Enterprise Zone. Greenville is ready and able to provide additional incentives to business and industry that are expanding in or relocating to Greenville.

Nationally recognized companies such as Rubbermaid and Raytheon Systems Company, have taken advantage of the excellent location of these industrial parks, transportation links, local incentives and Greenville's pro-business philosophy and have found: the grass is greener in Greenville.

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City of Greenville  
Exhibit 2



# THE GREENVILLE CHAMBER CONVENTION & VISITORS BUREAU

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## Greenville, Texas Demographics

### Location

Distance in miles from:

Dallas	48
Houston	260
Denver	680
Chicago	880
Los Angeles	1,300
New York	1,800

### Highway Access:

- Interstate Hwy.30, US Hwys. 67, 69, 380, State Hwys. 34,224,66,302

Population	City	County
1999 (EST)	24,600	71,500
1990	23,071	63,343
1980	22,161	55,248
1970	22,043	47,948

### Size:

- City - 34.4 square miles

- County - 841 square miles

### **Taxation**

Hunt County	\$0.5337
Greenville, City	0.7006
Greenville ISD	1.5438
<b>Special Districts</b>	
Hunt Memorial Hospital	0.1746
Total	\$2.9527

### **Sales Tax**

Municipal sales tax	2%
State sales tax	6- 1/4%
Eco. Development	0%
Other sales tax	0%

### **Government**

- Type: Council-Manager
- Number on Council: 7
- Municipal Police: 49
- Patrol Cars: 25
- Paid fireman: 48
- Fire Stations: 4
- Volunteers: 0
- City Zoning Body: yes
- Master Plan: yes

### **Electric Power**

City of Greenville  
Reliability: 99.98

Total Capacity: 133,000 kW  
Reserve at system peak: 31.7%  
Transmission voltage: 69 kV 138 kV  
Service voltage: 120/208 120/240 240/480 277/480

### **Natural Gas**

TXU Company  
BTU content per cubic foot: 1,000

### **Telephone**

**Southwestern Bell**  
Digital: yes  
Analog: no  
electromechanical: no  
Make and model: DMS 100  
Software level:BCS 37  
Fiber optics: yes  
Switched 56 KBPS: no  
High capacity digital (T-1): yes  
Digital data service: yes  
911: yes enhanced  
Other network/special service: call notes, caller ID, call waiting ID

### **Incentives:**

Tax abatement: yes  
Enterprise zone: yes  
Industrial foundation: yes  
Foreign trade zone: In process  
Reinvestment zone:  
Freeport exemption:  
Other:

### **Recreation:**

Parks: 8  
Area lakes: 5  
Country clubs: 2

Health Centers: 2  
Public golf courses: 1  
Theaters: 2  
Tennis courts: 12  
Other: Miniature golf, roller skating, public swimming pool

### **Climate**

Annual average temperature: 64.5  
Mo. Average high temperature: 93  
Mo. Average low temperature: 39  
Annual average precipitation: 53.9"  
Annual average snowfall: Trace  
Elevation: 425'

### **Finance**

Alliance Bank, Enserch Federal Credit Union  
American Nat'l Bank, Lone Oak State Bank,  
Bank One Texas, Service 1st Credit Union,  
Bank of America, Benchmark Bank, First State Bank

### **Other**

Libraries: 1  
Hotel & motel rooms: 586  
Bed and breakfast facilities: 2

### **Area Attractions**

- American Cotton Museum
- Paul Mathew's Prairie
- 5 Christmas Tree Farms
- Mary of Puddin Hill
- Peace Garden - Forest Park Cemetery
- Hunt County Fair
- Cotton Jubilee - 3rd weekend in October
- Junior Livestock Show
- Audie Murphy Exhibit (American Cotton Museum)
- Central Christian Church

- East Mount Cemetery
- Genealogy Collection
- Grace Presbyterian Church
- Hunt County Courthouse (National Historic Landmark)
- Katy Depot (National Historic Landmark)
- Market Square (Farmers' Market)
- Old Greenville Post Office (National Historic Landmark)
- Texas Historic Landmarks throughout the city
- Christmas Parade - 1st Friday in December

### **Water**

Supplied by: City of Greenville

Source: City Reservoirs/Lake Tawakoni

Maximum system capacity (daily): 13,000,000 gallons

Maximum daily use to date: 8,000,000 gallons

Pressure on mains: 50-75 pounds

Size of mains: 6"-24"

Storage Capacity: 6,000,000

System looped: yes

Projects under construction: none

### **Sewer System**

Type treatment plant: Trickling filter System

Maximum Capacity: 4,230,000

Average daily use to date: 3,000,000

Projects under construction: Yes

### **Greenville Independent School District**

Public School budget: 32.3 million

Schools Enrollment

- Elementary 6 2,300
- Intermediate 1 800
- Middle 1 800
- High Schools 1 1,350
- Alt School 1 70
- Private 4 750
- (Phoenix - 160, Greenville Christian - 350, St. Paul

- Episcopal - 120, Mineral Heights - 120)
- o Area Universities/colleges: (see below)

### **Higher Education**

- Texas A&M University - Commerce
- Paris Junior College, Paris
- Trinity Valley Community College/Nursing, Terrell
- University of Texas Southwestern Medical Center, Dallas
- Greenville Technical Center, Greenville
- Air Frame & Power Plant College, Greenville

State industrial job training: yes

Vocational-technical education programs available: yes

### **Air Service**

- Nearest airport: Greenville
- Runway length: 8,092 ft.  
(1,000 ft. overrun on both ends; total 10,092 ft.)
- Runway surface: Hard
- Lighted: yes
- Fuel: 100 LL Jet A, Phillip's 66
- Instrument landing system: yes
- Future plans:
- Nearest commercial air service: Dallas/Fort Worth  
International/Dallas Love Field
- Distance: 50-60 miles
- Important Info: Located outside Dallas Terminal Area

### **Motor Freight**

Yellow Freight, Roadway Express, Merchants Fast Motor  
Lines

### **Package**

UPS, Federal Express, Greyhound Bus



City of Greenville  
Exhibit 3

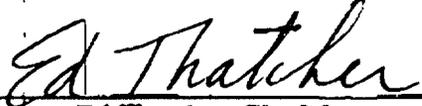
City of Greenville  
Exhibit 3

DECLARATION

I, Ed Thatcher, City Manager of the City of Greenville, hereby state under penalty of perjury that:

1. The community of Greenville relies heavily on radio station KIKT(FM) for local news, local weather (including severe weather alerts), school information and closings and other important health and safety information.
2. The community of Greenville also relies on radio station KIKT(FM) for local public service information and has come to depend on KIKT(FM) for broadcast of and/or sponsorship and participation in of many important local events.
3. Such important local information is not available to the Greenville community on other broadcast stations licensed to other communities which Greenville residents can receive.
4. KGVL(AM)'s signal is weak and subject to interference, even in parts of the City of Greenville, and at nighttime cannot be received in parts of the City. This precludes KGVL(AM) from serving as Greenville's primary source of health and safety information, particularly with respect to severe weather in the area. The Greenville area is prone to severe weather such as high winds, thunderstorms and tornadoes which requires public officials to quickly inform the public of hazards and other important information such as shelters and power outages.
5. KIKT(FM) is an important and vital part of the Greenville community and its relocation to Cooper would cause acute hardship to the Greenville community.
6. I have read the foregoing Comments prepared on behalf of the City of Greenville and state that the facts contained therein and in this Declaration are true and correct to the best of my knowledge and belief.

Stated this 30 day of May, 2000.

  
Ed Thatcher, City Manager  
City of Greenville, Texas

Document #: 938786 v.1



City of Greenville  
Exhibit 4

Form 314  
Section 4

Prepared by: Craig W. Bremer  
Secretary  
July 1, 1999

### EXHIBIT 5

#### **Public Affairs Programming**

KGVL/KIKT(FM) have a commitment to present public affairs programming featuring representatives from local community organizations presenting their views on significant community issues. This commitment will be satisfied primarily through weekly 30-45 minute Chamber of Commerce community affairs programs dealing with Greenville area issues. In addition, weekly Sunday morning services are broadcast from a number of local churches. The stations also carry high school sports and local school announcements.

#### **Public Service Announcements**

PSA's provide the opportunity to showcase events sponsored by community organizations such as community volunteer fire departments, Girl Scouts, American Cancer Society and the America Heart Association.

#### **Regular Ascertainment Interviews/Meetings**

In an effort to maintain a one on one contact with local community organizations, KGVL/KIKT(FM) will give community organizations an opportunity to meet with local radio public affairs personnel, to better inform such personnel of current issues and concerns. KGVL/KIKT(FM) will also be available to attend ascertainment meetings hosted by other area radio stations.

KGVL/KIKT(FM) will also "outreach" to community organizations in the area informing them of the public affairs/PSA opportunities available on the radio station.