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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

August 14, 2000

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Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

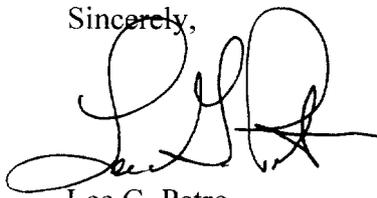
**Re: Opposition of Tennessee Valley Radio, Inc. to Motion of STG Media, LLC  
Amendment of Section 73.202(b)-Table of Allotments-FM Broadcast  
Stations (Tullahoma, Tennessee and Madison, Alabama)  
MM Docket No. 00-64, RM-9117**

Dear Ms. Salas:

Transmitted herewith, on behalf of Tennessee Valley Radio, Inc., is an original and four (4) copies of the forgoing Opposition in the above-referenced rulemaking proceeding.

Should there be any questions, please contact undersigned counsel.

Sincerely,



Lee G. Petro

Enclosures

DC01/334496.4

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AUG 14 2000

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Tennessee Valley Radio, Inc.	)	MM Docket No. 00-64
	)	RM-9117
Amendment of Section 73.202(b), Table of	)	
Allotments, FM Broadcast Stations (Tullahoma	)	
and Madison, Alabama)	)	

To: Chief, Allocations Branch  
Mass Media Bureau

**OPPOSITION OF TENNESSEE VALLEY RADIO, INC.**  
**TO MOTION OF STG MEDIA, L.L.C.**

Tennessee Valley Radio, Inc. ("TVRI"), the licensee of Station WPZM(FM), Tullahoma, Tennessee,<sup>1</sup> by and through its attorneys, hereby submits the following in opposition to the "Motion to Dismiss Rule Making Petition and Strike Reply Comments" ("Motion") filed by STG Media, L.L.C. ("STG") on July 14, 2000 in the above-referenced proceeding.

**I. INTRODUCTION**

As discussed more fully below, STG's Motion must be dismissed. First, the Motion is no more than late-filed reply comments. The Commission's rules prohibit such additional filings, and STG's Motion must be stricken for that reason alone. Moreover, the Motion incorrectly characterizes TVRI's Reply Comments as a "counterproposal," the sole basis for STG's motion. To the contrary, TVRI's Reply Comments were consistent with all applicable FCC precedent and

<sup>1</sup> On July 24, 2000, TVRI changed the call sign of WPZM to "WXMR." For ease of reference, the prior call sign is used in this pleading.

policies. TVRI's Reply Comments set forth an appropriate response to STG's Comments in this proceeding, by proposing a reasonable remedy and solution to the questions raised. TVRI's June 14 Reply was an appropriate responsive pleading.

Therefore, TVRI requests that the Commission dismiss STG's Motion, and grant the Petition for Rulemaking to reallocate Station WPZM(FM) from Tullahoma Tennessee to Madison, Alabama.

## **II. BACKGROUND**

As noted above, TVRI filed its original petition for rulemaking on May 30, 1997. On April 7, 2000, the Commission released the Notice of Proposed Rulemaking detailing TVRI's proposal, and soliciting comments. DA 00-782 (April 7, 2000) (the "Notice"). TVRI filed Comments on May 30, 2000, supporting the reallocation of Channel 227C1 from Tullahoma, Tennessee to Madison, Alabama, and the modification of Station WPZM(FM)'s license accordingly. Specifically, TVRI noted that the population of Madison had increased substantially since 1990, and that Madison now has a substantially larger population than Tullahoma.

STG, the licensee of three stations in the Huntsville, Alabama radio market,<sup>2</sup> also filed Comments in this proceeding and requested that the Commission deny the Petition for Rulemaking. In part, STG based its original comments on the fact that the Petition should be denied since Madison has a smaller population. This argument ignored the 1994 U.S. Census figures provided in TVRI's Petition for Rulemaking, and the more recent 1997 and 1998 U.S.

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<sup>2</sup> STG Media, L.L.C. is the licensee of Station WAHR-FM, Huntsville, Alabama, and has received authority to acquire Stations WRTT-FM and WLOR(AM), also Huntsville, Alabama. STG is a competitor of TVRI and obviously for that reason opposes any change of WPZM, even a downgrade.

Census population figures, all of which were widely available, demonstrating that Madison's population had grown considerably, to the current point where approximately 10,000 more persons live in Madison than in Tullahoma. STG also argued that TVRI's proposal would not comply with Section 73.315(b) of the Commission's rules, 47 C.F.R. § 73.315(b) (1999), which states the Commission's preference for "line-of-site" service to the proposed community of license.

Despite the fact that (i) STG failed to provide evidence that the break in the line-of-sight service would result in the failure of WPZM to provide adequate service to Madison, and (ii) STG failed to use up-to-date population figures for their comparison of the two communities, and in an effort to resolve any remaining perceived conflicts with the proposal, TVRI's Reply Comments proposed to amend the Petition for Rulemaking to voluntarily downgrade Station WPZM(FM) from a Class C1 to a Class C2 station and move the tower site to a location closer to Madison to ensure there is no question of the level of service provided to all of Madison in full compliance with the Commission's rules.

In response to the TVRI's Reply Comments, and after the period for filing pleadings in the proceeding had closed, STG filed its unauthorized Motion. The Motion claimed that the Petition for Rulemaking should be dismissed as defective, or, alternatively, that TVRI's Reply Comments were an untimely counterproposal. *Motion*, pg. 1.

### **III. DISCUSSION**

#### **A. STG Media's Motion Must Be Dismissed.**

The Notice set the formal filing period for pleadings in the instant proceeding. Comments were to be filed by May 30, 2000, and Reply Comments were to be filed by June 14,

2000. STG's Motion was filed on July 14, 2000, thirty days after the closing of the reply pleading filing period in the proceeding. Since the Motion is an unauthorized filing that was not specifically requested by the Commission, it must be stricken from the record. For example, in *Rapid City, South Dakota*, 5 FCC Rcd 1022, n.1 (1990), *Fairmont, North Carolina, et al.*, 6 FCC Rcd 4285, n.8 (1991) and *Bourbon Missouri, et al.*, 6 FCC Rcd 250, n.2 (1991), the Commission specifically declined to consider filings submitted after the close of the comment period. Lacking any basis for its submission, STG's Motion likewise must be dismissed.

**B. FCC Policy and The Public Interest Dictate Approval of the Petition for Rulemaking.**

TVRI filed its original Petition for Rulemaking on May 30, 1997. As demonstrated in the engineering statement accompanying the Petition for Rulemaking, Station WPZM provided city-grade coverage to Madison according to the then-current city limits. Figure Two to the Engineering Statement demonstrated that the 70 dBu contour from Station WPZM extended beyond the city limits provided on the United States Geological Service 1:250,000 map. As such, STG's Motion is clearly incorrect in arguing that the Petition for Rulemaking did not comply with the Commission's rules and regulations when the Petition was filed. The Petition proposed service to Madison in full compliance with Section 315 of the Commission's rules. 47 C.F.R. 73.315 (1999).

However, in response to STG's Comments, TVRI's engineer obtained an updated map of the City of Madison, and learned that it had extended its boundaries to include new portions of the surrounding area in March 1998. On reply, TVRI took the reasonable step of modifying its proposal to specify a new site that would ensure Madison's complete coverage. *See Reply*

Comments, Engineering Statement, Figure 2. In doing so, it proposed the downgrade of its facility to ensure that no new short-spacing would occur to any existing or proposed facility. *Id.* Figure 1.

As set forth in TVRI's Petition, Comments, Reply Comments, and herein, the reallocation of Channel 227 from Tullahoma, Tennessee to Madison, Alabama, is in the public interest. The City of Madison has doubled its population in the past ten years, while Tullahoma's population has remained stagnate. Tullahoma has its own AM station (WJIG), and its own FM station (WAUT), while Madison has only one local service, a daytime-only AM station (WUMP). Additionally, a new educational FM station construction permit was approved this spring for Tullahoma (WTML). While STG is correct that Madison does receive services licensed to other communities, the Commission has repeatedly supported the allocation of the first local full-time service as a high priority.<sup>3</sup> In the absence of countervailing public interest concerns, none of which have been raised by STG, the Commission must support the Priority 3 allocation of Channel 227 to Madison, Alabama.

To ensure that the record is complete, TVRI has attached a Gain/Loss Study prepared by Mullaney Engineering, Inc. which demonstrates that 70% of the current population, and 68% of the current service area, would continue to receive the same level of service from Station WPZM. *See* Engineering Statement of Mullaney Engineering, Inc., Exhibit One. Furthermore, 96% of the loss area will continue to receive service from four or more FM stations, and if AM protected contours are included, the entire loss area will continue to receive five or more services. *Id.*

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<sup>3</sup> *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 91 (1992) (establishing the priorities as (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. [co-equal status given to priorities (2) and (3)]).

Clearly, the Petition for Rulemaking as filed in May, 1997, and amended in June, 2000, is in full compliance with the Commission's rules, and should be granted. STG has failed to provide any evidence that the proposed facilities would not provide the required level of service to Madison, Alabama, and therefore, must be dismissed.

**C. STG Mischaracterizes TVRI's Reply Comments.**

In addition to its erroneous claim that the Petition for Rulemaking was defective, STG also argues that TVRI's Reply Comments should be considered as an untimely Counterproposal, although it failed to cite Commission precedent in support of this argument. *Motion*, pg. 1.

STG failure to offer any support for this argument can be explained by the fact that, contrary to STG's assertions, the Commission does permit Petitioners to modify their proposals in reply comments to remedy conflicts, and to respond to new issues raised in Comments filed pursuant to a Notice of Proposed Rulemaking. For example, in *Moncks Corner, South Carolina, et al.*, 2000 FCC Lexis 2647, DA 00-1112 (2000), the Mass Media permitted a Petitioner upon reply to modify its proposed facility by specifying new reference coordinates for the proposed facilities. *Id.* ¶ 8; *See also Rockport, Texas*, 4 FCC Rcd 8075 (1989) (permitting the parties to specify a different site during allotment stage to remedy spacing concerns).

Further, the Commission has consistently taken steps to grant fully-compliant proposals that would eliminate conflicts with other pending proposals or applications. *See, e.g., Greenville, Texas*, 6 FCC Rcd 6048 (1991) (modifying a rulemaking proposal to accommodate pending construction permit applications); *See also Evans and Martinez, Georgia*, 4 FCC Rcd 7926 (1989) (accepting supplemental comments to resolve conflicting proposals). These

examples demonstrate the Commission's willingness to consider alternative site locations and channels to remedy conflicts between competing proposals so that the public interest is served.

Therefore, it is in the public interest to accepted the modified proposal for the downgrade of Station WPZM, and the relocation of the tower site. As demonstrated in TVRI's Reply Comments, approval of the Petition will create a first local service and such approval will not cause any new interference, or create any new short-spacing, to any existing or proposed facility.

### **III. CONCLUSION**

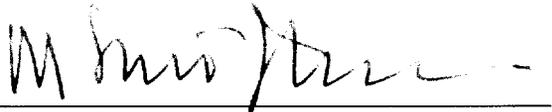
The Commission has consistently preferred the allocation of radio stations to the largest possible population. In the instant matter, the reallocation of Station WPZM from Tullahoma to Madison will result in a community with a substantially greater population receiving a first local FM service. Further, despite the arguments raised by STG Media, there is strong Commission precedent supporting the modification of the Petition for Rulemaking to allocate a Class C2 facility at a different site for Madison, Alabama.

Therefore, Tennessee Valley Radio, Inc. respectfully requests that the Commission delete Channel 227C1 from Tullahoma, Tennessee, allot Channel 227C2 to Madison, Alabama, and modify the license of Station WPZM(FM) to specify Madison, Alabama as its community of license, operating as a C2 facility.

Additionally, Tennessee Valley Radio, Inc. certifies that, should the Commission grant the proposed amendment to the Table of FM Allotments, it will file the necessary application to specify the modified community of license, construct the modified facilities as necessary, and operate WPZM(FM) as a Class C2 Station at Madison, Alabama.

Respectfully submitted,

**TENNESSEE VALLEY RADIO, INC.**

By:   
M. Scott Johnson

By:   
Lee G. Petro

GARDNER, CARTON & DOUGLAS  
1301 K Street, N.W., Suite 900  
Washington, D.C. 20005  
(202) 408-7100  
(202) 289-1504

Its Attorneys

August 14, 2000

DC01/340891.1

# Exhibit 1

**MULLANEY ENGINEERING, INC.**

9049 SHADY GROVE COURT  
GAITHERSBURG, MD 20877

**ENGINEERING EXHIBIT EE-4:**

**MM DOCKET: 00-64 - OPPOSITION TO STG MOTION**

**TENNESSEE VALLEY RADIO, INC.  
RADIO STATION WPZM (FM)  
PROPOSED CHANGE OF CITY OF LICENSE  
EXISTING CH. 227C1 - TULLAHOMA, TN  
PROPOSED CH. 227C2 - MADISON, AL**

**AUGUST 10, 2000**

**ENGINEERING STATEMENT IN SUPPORT OF  
FURTHER COMMENTS IN SUPPORT  
REGARDING A  
PETITION FOR RULE MAKING  
TO AMEND  
THE FM TABLE OF ALLOTMENTS  
RULE MAKING DOWNGRADED TO C2**

ENGINEERING EXHIBIT EE-4:

MM DOCKET: 00-64 - OPPOSITION TO STG MOTION

TENNESSEE VALLEY RADIO, INC.  
RADIO STATION WPZM (FM)  
PROPOSED CHANGE OF CITY OF LICENSE  
EXISTING CH. 227C1 - TULLAHOMA, TN  
PROPOSED CH. 227C2 - MADISON, AL

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2. Narrative Statement.
3. Figure 1, Licensed vs: Proposed - WPZM 60 dBu Coverage.
4. Figure 2, Other FM Services to WPZM Loss Areas.
5. Figure 2-A, List of Other FM Services to WPZM Loss Areas.

**MULLANEY ENGINEERING, INC.**

**DECLARATION**

I, John J. Mullaney, declare and state that I am a graduate electrical engineer and my qualifications are known to the Federal Communications Commission, and that I am an engineer in the firm of Mullaney Engineering, Inc., and that firm has been retained by Tennessee Valley Radio, Inc., licensee of Radio Station WPZM (FM) in Tullahoma, Tennessee, to prepare an engineering statement in support of a Petition to Amend the FM Table of Allotments.

All facts contained herein are true of my own knowledge except where stated to be on information or belief, and as to those facts, I believe them to be true. I declare under penalty of perjury that the foregoing is true and correct.

  
John J. Mullaney

Executed on the 10th day of August 2000.

ENGINEERING EXHIBIT EE-4:

MM DOCKET: 00-64 - OPPOSITION TO STG MOTION

TENNESSEE VALLEY RADIO, INC.  
RADIO STATION WPZM (FM)  
PROPOSED CHANGE OF CITY OF LICENSE  
EXISTING CH. 227C1 - TULLAHOMA, TN  
PROPOSED CH. 227C2 - MADISON, AL

NARRATIVE STATEMENT:

I. GENERAL:

This engineering statement has been prepared on behalf of Tennessee Valley Radio, Inc. ("TVRI"), which presently operates FM Station WPZM (FM) on Ch. 227C1 at Tullahoma, Tennessee. The purpose of this statement is to provide further comments in support of a petition to amend the FM Table of Allotments to delete channel 227C1 at Tullahoma, TN and to re-allot channel 227C2 at Madison, AL. WPZM requests that its license be modified accordingly.

This exhibit provides gain and loss populations & areas. In addition, an analysis of the other existing services has been conducted.

II. ENGINEERING DISCUSSION:

A. Licensed vs: Proposed - WPZM 60 dBu Coverage:

Figure 1 is a map which illustrates the licensed C1 vs: the proposed C2 60 dBu coverage. The proposed C2 facility maintains 68.1% population and 49.9% of the area of WPZM's licensed C1 facility. WPZM's C2 proposal will provide service to 410,600 persons and 8,457 square kilometers.

B. Other Services to WPZM Loss Areas:

Figure 2 is a map which illustrates some of the existing FM services which provide a 60 dBu or better signal to the loss areas which will result from WPZM's downgrade. It has been determined that 90% of the loss area will continue to receive service from at least five other FM stations. It was further determined that 96% of the loss area will continue to receives at least four other FM stations. Figure 2-A is a list of the stations which 60 dBu contours are depicted on the map (Figure 2).

This analysis presented herein considers only FM stations. If the local AM 0.5 mV/m signals were included in this analysis there would be greater than five services to the entire loss area.

III. SUMMARY:

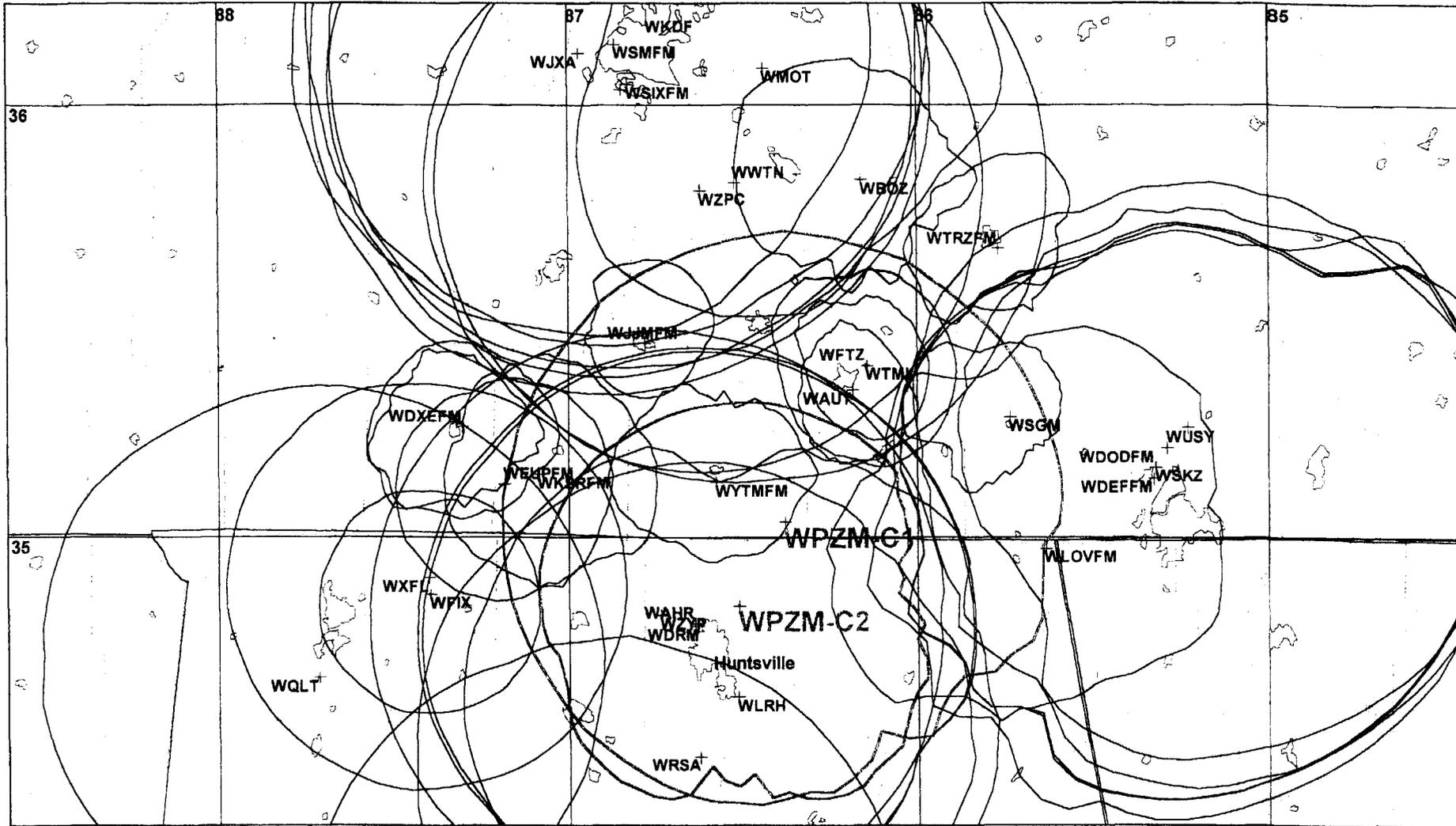
Tennessee Valley Radio, Inc., Licensee of Radio Station WPZM (FM) herein supports its requests that the FM Table of Allotments be amended to delete Ch. 227C1 at Tullahoma, Tennessee and to re-allot Ch. 227C2 to Madison, Alabama and to modify WPZM's license accordingly.

It was determined that the entire loss area resulting from the downgrade of WPZM to C2 facilities will continue to be served by at least five AM or FM stations.

August 10, 2000.

  
\_\_\_\_\_  
John J. Mullaney

# OTHER FM SERVICES TO WPZM LOSS AREA



Copyright (c) 2000 Mullaney Engineering, Inc.

**MULLANEY ENGINEERING, INC.**

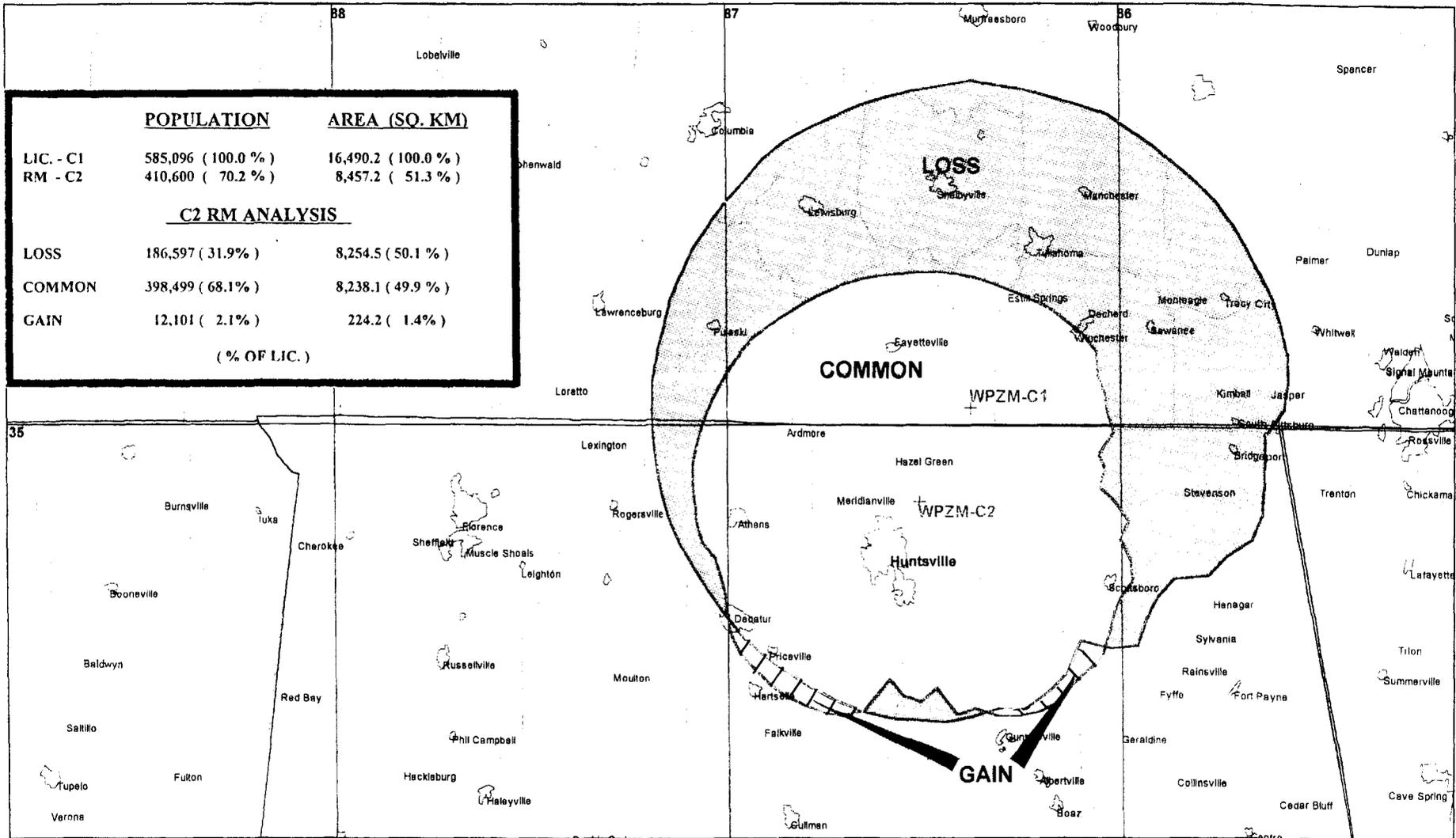
GAITHERSBURG, MARYLAND

FIGURE 2

AUGUST 2000

25 Mi

# LICENSED vs: PROPOSED - WPZM 60 dBu COVERAGE



**MULLANEY ENGINEERING, INC.**

GAITHERSBURG, MARYLAND

FIGURE 1

AUGUST 2000

25 MI

MULLANEY ENGINEERING, INC.

FIGURE 2-A  
LIST OF OTHER FM SERVICES TO WPZM LOSS AREAS

MM DOCKET: 00-64 - FURTHER COMMENTS IN SUPPORT

TENNESSEE VALLEY RADIO, INC. - WPZM (FM)  
PROPOSED CHANGE OF CITY OF LICENSE  
EXISTING CH. 227C1 - TULLAHOMA, TN  
PROPOSED CH. 227C2 - MADISON, AL

Reference Site: 35-02-04 / 86-22-52 - WPZM FM Site

08/10/00

City Chan	Freq	H-ERP	H-HAAT	ST	Call V-ERP	Status V-HAAT	Coordinates	Dist(km) Bearing
*****								
Tullahoma 203A	88.5	1.9		TN	WAUT 54	LIC 54	BLED981013KE 35-20-30 86-11-05	38.5 27.53
Huntsville 207C1	89.3	100.		AL	WLRH 247	LIC 247	BLED1595 34-37-41 86-30-59	46.8 195.32
Murfreesboro 208C1	89.5	100.		TN	WMOT 206	LIC 206	BLED961105KA 36-05-07 86-26-22	117.0 357.43
Lawrenceburg 209A	89.7	6.0		TN	WAWI 45	LIC 45	BLED990503KA 35-16-04 87-19-25	89.5 287.12
Nashville 212C	90.3	80.		TN	WPLN 345	LIC 345	BLED840320AA 36-02-08 86-50-56	119.1 339.32
Collegedale 213C	90.5	100.		TN	WSMCFM 314	LIC 314	BLED940222KF 35-15-20 85-13-34	107.9 76.49
Tullahoma 218A	91.5	1.55		TN	NEW 82	APP 82	BPED990903MF 35-23-53 86-08-40	45.8 27.93
Minor Hill 221A	92.1	2.60		TN	WEUPFM 146	LIC 146	BLH980625KD 35-07-18 87-11-17	74.1 277.76
Chattanooga 222C	92.3	97.		TN	WDEFFM 360	LIC 360	BMLH820813AH 35-08-06 85-19-25	96.9 83.07
Nashville 225C	92.9	97.		TN	WJXA 321	LIC 321	BLH861204KB 36-07-14 86-58-07	131.9 336.42
Rogersville 230A	93.9	2.25		AL	WFIX 162	LIC 162	BLH931220KC 34-51-52 87-23-43	94.3 258.73

**FIGURE 2-A (CONTINUED)**  
**OTHER FM SERVICES TO WPZM LOSS AREAS**

**MULLANEY ENGINEERING, INC.**

Lewisburg 232A	94.3	3.00	TN 35	WJMF 3.00	LIC 35	BLH4296	35-27-03 86-46-57	58.9 321.90
Nashville 238C	95.5	100.	TN 390	WSMF 100.	LIC 390	BLH4143	36-08-27 86-51-56	130.6 340.54
Lawrenceburg 240A	95.9	3.00	TN 82	WDXF 3.00	LIC 82	BLH850215KS	35-15-25 87-18-24	87.7 286.65
Florence 241C2	96.1	20.5	AL 238	WXFL 20.5	CP 238	BMPH990830ID	34-54-17 87-24-02	94.0 261.47
Chattanooga 243C	96.5	100.	TN 329	WDODFM 88.	LIC 329	BLH7039	35-09-39 85-19-11	97.6 81.41
Decatur 245C	96.9	100.	AL 308	WRSA 100.	LIC 308	BLH861028KA	34-29-23 86-37-38	64.6 200.43
South Pittsburg 247C2	97.3	16.	TN 261	WLOVFM 16.	LIC 261	BLH901119KE	34-58-21 85-37-58	68.5 95.56
Nashville 250C	97.9	100.	TN 349	WSIXFM 100.	LIC 349	BMLH831110AH	36-02-49 86-49-49	119.7 340.28
Pulaski 252A	98.3	6.0	TN 97	WKSFRM 6.0	LIC 97	BLH941220KC	35-08-47 87-05-28	65.8 281.11
Huntsville 256C	99.1	100.	AL 300	WAHR 100.	LIC 300	BLH891219KC	34-47-53 86-38-24	35.3 222.00
Manchester 259C	99.7	100.	TN 395	WWTN 100.	LIC 395	BLH910606KG	35-49-03 86-31-24	88.0 351.62
Cleveland 264C	100.7	100.	TN 363	WUSY 100.	LIC 363	BLH890711KC	35-12-26 85-17-10	101.4 78.77
Cullman 266C	101.1	100.	AL 376	WRRS 100.	LIC 376	BLH960118KC	34-04-54 86-54-13	116.2 204.45
Manchester 268A	101.5	3.00	TN 100	WFTZ 3.00	LIC 100	BLH921123KC	35-23-51 86-08-39	45.7 28.00
Decatur 271C1	102.1	100.	AL 299	WDRM 100.	LIC 299	BLH930701KB	34-47-36 86-37-51	35.2 220.41
Shelbyville 275C1	102.9	100.	TN 291	WZPC 100.	LIC 291	BLH990927ABI	35-48-01 86-37-17	87.9 345.73
Shelbyville 275C1	102.9	100.	TN 247	WZPC 100.	LIC 247	BLH890619KD	35-48-01 86-37-17	87.9 345.73
Nashville 277C	103.3	100.	TN 376	WKDF 100.	LIC 376	BLH820818AB	36-02-08 86-50-56	119.1 339.32

**FIGURE 2-A (CONTINUED)**  
**OTHER FM SERVICES TO WPZM LOSS AREAS**

**MULLANEY ENGINEERING, INC.**

Mcminnville 280A	103.9	5.3	TN 40	WTRZFM 5.3	LIC 40	BMLH911007KA	35-40-00 85-46-00	89.7 38.23
Athens 282C	104.3	100.	AL 340	WZYP 100.	LIC 340	BLH880510KB	34-49-05 86-44-16	40.4 233.60
Coalmont 284A	104.7	1.	TN 167	WSGM 1.	LIC 167	BLH931201KA	35-16-44 85-44-02	64.8 65.02
Woodbury 285A	104.9	6.0	TN 100	WBOZ 6.0	LIC 100	BLH970214KB	35-49-33 86-09-28	90.3 12.89
Fayetteville 288A	105.5	3.00	TN 90	WYTMFM 3.00	LIC 90	BLH4751	35-07-37 86-34-47	20.8 299.70
Nashville 290C	105.9	98.	TN 376	WNRQ 98.	LIC 376	BLH831212AN	36-02-08 86-50-56	119.1 339.32
Chattanooga 293C	106.5	100.	TN 329	WSKZ 100.	LIC 329	BLH7303	35-09-42 85-19-06	97.7 81.37
Florence 297C1	107.3	93.	AL 310	WQLT 93.	CP 310	BPH960322ID	34-40-24 87-42-56	128.2 252.13

**CERTIFICATE OF SERVICE**

I, Elizabeth A. Fertig, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 14<sup>th</sup> day of August, 2000, caused to be sent by hand delivery, a copy of the foregoing "Opposition of Tennessee Valley Radio, Inc." to the following:

Ms. Sharon P. McDonald\*  
Mass Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW – Suite 3-A266  
Washington, D.C. 20554

David G. O'Neil, Esquire  
Rini, Coran & Lancellotta, P.C.  
1350 Connecticut Avenue, N.W.  
Suite 900  
Washington, DC 20036



Elizabeth A. Fertig

\* Indicates Hand Delivery

DC01/334493.4