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INCLUDING PROFESSIONAL CORPORATIONS
1333 NEW HAMPSHIRE AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036
(202) 887-4000
FAX (202) 887-4288
www.akingump.com

WRITER'S DIRECT DIAL NUMBER (202) 887-4429
WRITER'S E-MAIL ADDRESS mhamra@akingump.com

RIYADH -- IN AFFILIATION WITH
THE LAW OFFICE OF ABDULAZIZ H. FAHAD

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

September 5, 2000

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Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Petition for Rulemaking to Change Community
of License of Station KAYW(FM)
(Meeker and Craig, Colorado)
MM Docket No. 00-120; RM-9902

Dear Ms. Salas:

Enclosed for filing on behalf of Western Slope Communications, L.L.C. ("Western Slope"), permittee of Station KAYW(FM), Meeker, Colorado are an original and four copies of supplemental comments in the above-referenced proceeding.

Please direct any questions to the undersigned counsel.

Sincerely,



Michael K. Hamra, Esq.

Enclosures

No. of Copies rec'd 0+4
List A B C D E

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
(Meeker and Craig, Colorado))

MM Docket No. 00-120)
RM-9902)
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

SUPPLEMENTAL COMMENTS

Western Slope Communications, L.L.C. (“Western Slope”), permittee of Station KAYW, Channel 251C, Meeker, Colorado, by its attorneys and pursuant to a Notice of Proposed Rule Making (“NPRM”)¹ adopted and released by the Mass Media Bureau (“Bureau”) of the Federal Communications Commission (“FCC” or “Commission”) in the above-referenced proceeding, respectfully submits these supplemental comments in support of its request to reallocate channel 251C from Meeker to Craig, Colorado.

In its NPRM, the Bureau states that the loss area at Meeker includes 16,374 people and covers 3,453 square kilometers, while the gain area at Craig includes 4,141 people and covers 11,365 square kilometers. See NPRM at ¶ 5. As a result, the Bureau has determined that the reallocation of Channel 251C to Craig would produce a net loss in population of 12,333 people, while producing a net gain of 7,912 square kilometers. See NPRM at ¶ 5. As the attached engineering exhibit demonstrates, Western Slope’s calculations of the loss and gain areas are significantly different than the Bureau’s. To determine the gain and loss areas, Western Slope has used a software program which uses the 1990 census database. See Appendix to Exhibit 1. Western Slope’s analysis takes terrain into account when determining the loss and gain areas. See Exhibit 1. Based on its analysis, Western Slope has determined that the loss area at Meeker

¹ Meeker and Craig, Colorado, Notice of Proposed Rule Making, MM Docket No. 00-120, DA 00-1480 (rel. June 30, 2000).

consists of 8,284 people and covers 977 square kilometers, while the gain area consists of 2,998 people covering 7,883 square kilometers. See Exhibit 1. Based on this methodology, a reallocation of Channel 251C to Craig would produce a net loss of 5,296 people, while producing a net gain in coverage area of 6,906 square kilometers. See Exhibit 1. Although the Bureau's analysis and Western Slope's analysis differs slightly with regard to the net gain in area covered by a reallocation of Channel 251C to Craig, the comparison of the net loss in population at Meeker is significantly different. There will not be a significant net loss in population by reallocating the channel from Meeker to Craig, since terrain significantly affects the coverage provided on Channel 251C at Meeker. As Western Slope demonstrated in its comments, the public interest will be better served by the construction of a Channel 251C facility at Craig rather than Meeker since Western Slope will serve a larger area and more people that currently are underserved.

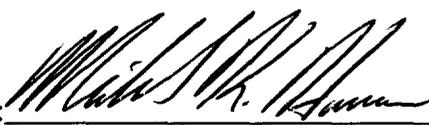
There are more people in the gain area that are underserved than in the loss area. As the Bureau has acknowledged in the NPRM, there are no white or gray areas in the loss area. See NPRM at ¶ 5. However, as the Bureau also has determined, there are 802 people who reside in gray areas in the gain area. See NPRM at ¶ 5. As a result, even though Channel 251C at Meeker may serve more people in a concentrated area, there is a less pressing need for another commercial radio station at Meeker, since the area is fully served by existing commercial radio stations. By contrast, a Channel 251C facility at Craig will provide a second full-time commercial radio service to people who truly are underserved. Equally important, as demonstrated in its comments, when the severe terrain in the area is taken into account, 91 people in the gain area presently receive no full-time aural service and would receive their first full-time aural service if the reallocation is granted. See Western Slope Comments at p. 5. Thus, the proposed reallocation is in the public interest since it satisfies Commission priority one (i.e. first full-time aural service) and priority number two (i.e. second full-time aural service).

However, even assuming the Bureau does not take into account terrain when determining whether the reallocation would serve the public interest, the Bureau cannot ignore the 802 people in the gain area where the Bureau itself has determined are currently only receiving one full-time aural service. See NPRM at ¶ 5. The opportunity to provide a second full-time aural service to 802 people significantly outweighs any benefit that could be realized by constructing another station in an area which, under the Bureau's own acknowledgement, is already fully served. See NPRM at ¶ 5. The Bureau should not deny these 802 people of a second full-time aural service. Such an action would be contrary to the public interest.

As stated in its comments, upon a grant of the instant request, Western Slope will immediately proceed with construction of facilities at Craig, Colorado. Accordingly, Western Slope submits that the proposed reallocation of Channel 251C from Meeker to Craig, Colorado is in the public interest and respectfully requests that the Bureau grant its petition for rulemaking to reallocate Channel 251C from Meeker to Craig, Colorado.

Respectfully submitted,

WESTERN SLOPE COMMUNICATIONS, L.L.C.

By: 

Tom W. Davidson, Esq.

Michael K. Hamra, Esq.

Its Attorneys

Akin, Gump, Strauss, Hauer & Feld, L.L.P.
1333 New Hampshire Avenue, N.W.
Suite 400
Washington, D.C. 20036
(202) 887-4000

Dated: September 5, 2000

EXHIBIT 1

PROPOSED KAYW RULEMAKING
WESTERN SLOPE COMMUNICATION L.L.C.
CH.251C 98.1 MHz
CRAIG, COLORADO

ENGINEERING STATEMENT

Concerning a request for Rule Making to assign Channel 251C to Craig, Colorado and to reserve the channel for KAYW.

The FCC staff requested a further study to detail the public interest benefits of changing the allocation of Channel 251C to Craig, Colorado.

The engineering study requested by the FCC staff required that terrain not be taken into effect. That study was done as requested.

We believe, however, that the severe terrain surrounding Meeker, and Craig also affects most of the other facilities in the region. Therefore, the study was repeated using maximum facilities for each of the other stations or allocations at the coordinates notified in the CDBS data base but using FCC F(50,50) methodology which includes terrain effects. The irregular shape of the many contours shown further confirms the severe and irregular terrain that plagues this area.

Western Slope Communications, LLC has retained the services of Vir James P.C., Consulting Radio Engineers, to prepare this engineering showing supporting the request to allocate 251C to Craig, Colorado

WHITE and GREY AREA

By the FCC "omnidirectional signal" method there is a small white area of 43 square kilometers with a population of 1.4 persons and a much larger grey area of 785.4 square kilometers with a population of 402.5 persons including the communities of Baggs, Wyoming and Dixon, Wyoming served by the proposed Craig 251C allocation.

By the F(50,50) methodology of Section 73.313 the proposed Craig 251C allocation serves a considerable white area of 1928.9 square kilometers and a population of 90.6 persons and a grey area of 1799.7 square kilometers and 504.9 persons including the communities of Baggs, Wyoming and Dixon, Wyoming.

PROPOSED KAYW RULEMAKING
WESTERN SLOPE COMMUNICATION L.L.C.
CH.251C 98.1 MHz
CRAIG, COLORADO

AREA AND POPULATION GAINED VS AREA AND POPULATION LOST

When the coverage from the KAYW Construction Permit is compared with the coverage for a maximum Class C facility at the Craig Rule Making reference coordinates the proposed Rule Making serves a greater total area than the permitted KAYW as shown below:

KAYWCP	18,223 sq km	and	25541 persons	in the 60 dBu
CraigRM	26.591 sq km	and	22580 persons	in the 60 dBu

The area not in common between the two facilities can be summarized as follows:

The KAYWCP area lost by the F(50,50) method contains 977 sq km with no white or grey area and a total population of 8284 persons.

The KAYWCP area lost by the "omnidirectional signals" method contains 321 sq km with no white or grey area and a total population of 6984 persons.

The Craig RM area gained by the F(50,50) method contains white area of 1928.9 sq km with a population of 90.6 persons and grey area of 1947.6 sq km with a population of 504.9 persons. The total area gained is 7883 sq km with a population of 2998 persons.

The Craig RM area gained by the "omnidirectional signals" method contains white area of 43.0 sq km with a population of 1.4 persons and grey area of 785.4 sq km with a population of 402.5 persons. The total area gained is 7820 sq km with a population of 4023 persons.

PROPOSED KAYW RULEMAKING
WESTERN SLOPE COMMUNICATION L.L.C.
CH.251C 98.1 MHz
CRAIG, COLORADO

Please note that although the area gained is large the population in that area is not correspondingly large. This is typical of underserved and unserved areas because the population is widely scattered and the few communities in the area are mostly "quiet villages" without local aural services. Any proposed facility that meets the FCC criteria of providing service to white or grey areas will by the very nature of the type of area that is white or grey area have smaller total populations served than will a facility that serves larger communities and denser population areas.

SUMMARY

The proposed Craig Rule Making will serve significant white and grey area and will serve a greater total area than the presently permitted KAYW. Since there are other channels available for assignment to provide Meeker with its first local aural service it is in the public interest to approve the allocation of 251C to Craig, Colorado reserved for KAYW.

Respectfully submitted,

Timothy C. Cutforth

Timothy C. Cutforth P.E.
1 September 2000



**APPENDIX
TO
EXHIBIT 1**

Vir James Engineers

Project: KAYW and KAYWRM

Page 1

KAYW Source Coordinates: 39-58-18 North 108-02-23 West

KAYWRM Source Coordinates: 40-20-35 North 108-04-56 West

This program uses the 1990 US Census Database: PL 94-171.
Distance to the Contours are interpolated between Azimuths.
Centroids within KAYW Contour but outside KAYWRM Contour.
KAYW Contour is 60 dBu. KAYWRM Contour is 60 dBu.

CO, Garfield County	Population :	8,284	Households:	3,602
	County Total Persons:	29,974	Households:	12,517
	Persons in Contour:	28%	Households:	29%
Area County Total:	7,634 sq. km	Contour:	977 sq. km =	13%

Summit County

SUMMARY:	Population :	8,284	Households:	3,602
Land Area in Contour from Census:		977 sq. km		

Project: KAYWRM and KAYW

Page 1

KAYWRM Source Coordinates: 40-20-35 North 108-04-56 West

KAYW Source Coordinates: 39-58-18 North 108-02-23 West

This program uses the 1990 US Census Database: PL 94-171.
 Distance to the Contours are interpolated between Azimuths.
 Centroids within KAYWRM Contour but outside KAYW Contour.
 KAYWRM Contour is 60 dBu. KAYW Contour is 60 dBu.

 Uintah County

CO, Moffat County	Population :	717	Households:	504
	County Total Persons:	11,357	Households:	5,235
	Persons in Contour:	6%	Households:	10%
Area County Total:	12,283 sq. km	Contour:	6,575 sq. km =	54%

CO, Routt County	Population :	2,271	Households:	959
	County Total Persons:	14,088	Households:	9,252
	Persons in Contour:	16%	Households:	10%
Area County Total:	6,117 sq. km	Contour:	1,308 sq. km =	21%

Summit County

SUMMARY:	Population :	2,988	Households:	1,463
Land Area in Contour from Census:	7,883 sq. km			

Vir James Engineers

Project: KAYW

Page 1

Source Coordinates: 39-58-18 North 108-02-23 West

This program uses the 1990 US Census Database: PL 94-171
Group level centroid retrieval methodology
Distance to the Contours are interpolated between Azimuths
CONTOUR OF STUDY is 60 dBu.

CO, Garfield County	Population :	8,704	Households:	3,762
CO, Moffat County	Population :	10,640	Households:	4,730
CO, Rio Blanco County	Population :	5,972	Households:	2,802
CO, Routt County	Population :	225	Households:	111

SUMMARY:	Population :	25,541	Households:	11,405
Area within Contour by Sectoring:		18,223 sq. km		
Land Area in Contour from Census:		16,926 sq. km		

Vir James Engineers

Project: KAYWRM

Page 1

Source Coordinates: 40-20-35 North 108-04-56 West

This program uses the 1990 US Census Database: PL 94-171
Group level centroid retrieval methodology
Distance to the Contours are interpolated between Azimuths
CONTOUR OF STUDY is 60 dBu.

CO, Garfield County	Population :	420	Households:	160
CO, Moffat County	Population :	11,357	Households:	5,234
CO, Rio Blanco County	Population :	5,972	Households:	2,802
CO, Routt County	Population :	2,496	Households:	1,070

SUMMARY:	Population :	20,245	Households:	9,266
Area within Contour by Sectoring:	25,608 sq. km			
Land Area in Contour from Census:	23,832 sq. km			