

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In Re

Amendment of Section 73.202(b),)	MM Docket No. 00-129
Table of Allotments,)	RM- 9909
FM Broadcast Stations.)	
(Moberly, Malta Bend and)	
Chillicothe, Missouri))	

In Re

Application of)	
Missouri Valley Broadcasting, Inc.)	BPH-20000811AAQ
For a Construction Permit to Modify)	
the Facilities of Station KMMO-FM,)	
Marshall, Missouri)	

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

COMMENTS

Missouri Valley Broadcasting, Inc. ("MVB"), licensee of Station KMMO-FM, Marshall, Missouri, herein submits its Comments in the above-referenced proceeding.

Background. Through the Notice of Proposed Rule Making released in MM Docket No. 00-129 on July 14, 2000 (DA-1555) ("NPRM"), the Commission solicited comments and counterproposals regarding an FM allotment plan advanced by Best Broadcasting, Inc. ("Best

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List A B C D E _____

Broadcasting”), licensee of Station KCSX, Moberly, Missouri. Best Broadcasting requests the substitution of Channel 247C2 for KCSX’s current frequency, Channel 247C3, at Moberly, Missouri, and the modification of the license for KCSX to specify operation on Channel 247C2 . To accomplish the proposed upgrade, two other stations would need to change facilities: (a) Station KRLI, Malta Bend, Missouri, would need to change from Channel 248C3 to Channel 280C3, and (b) Station KCHI, Chillicothe, Missouri, would need to change its transmitter site and downgrade its allotment, substituting Channel 273A for Channel 280C3. The NPRM recites that the licensee of Station KCHI consents to the reclassification of that station and to the proposed transmitter site relocation.

MVB’s KMMO-FM currently operates on Channel 275C1 with an effective radiated power of 100 kW at an antenna height 116 meters above average terrain. Through its above-referenced modification application, MVB seeks authorization to move KMMO-FM’s transmitter site 18 kilometers north and to increase the station’s antenna height to 299 meters above average terrain. MVB’s proposed site for KMMO-FM is fully spaced to all licensed stations, cut-off applications and vacant allotments. The KMMO-FM application, however, conflicts with the use of Channel 273A by KCHI at Chillicothe, as proposed in the NPRM.

If another frequency for use at Chillicothe cannot be found, grant of the KMMO-FM modification application would better serve the public interest than adoption of Best Broadcasting’s allotment proposal. As demonstrated in the Engineering Statement of R. Lee Wheeler included in the KMMO-FM modification application (copy included as Exhibit A hereto), allotment of Channel

273A to Chillicothe would forever lock KMMO-FM into the status of an underdeveloped Class C1 operation. MVB effectively is precluded from increasing the height of KMMO-FM's tower at its present location because of its proximity to the Marshall Memorial Airport. The tower is located only four kilometers from the airport and is directly in line with Runway 18/36 at that facility. Allotment of Channel 273A at Chillicothe would preclude KMMO-FM from relocating its transmitter site to the north, the only area where a tower of sufficient height can be built to maximize KMMO-FM's Class C1 allotment. Thus, the facility proposed in KMMO-FM's application does not represent a mere site preference, but rather MVB's only realistic opportunity to fully develop KMMO-FM.

KMMO-FM presently serves an area of 9,015 square kilometers with a population of 110,025 (1990 Census). With its proposed facilities, KMMO-FM would service an area of 16,473 square kilometers with a population of 203,133 persons (1990 Census). The net service gain that KMMO-FM's modified facilities would garner (93,108 persons in an area of 7,458 square kilometers) stands in sharp contrast to the minimal net service gain that the Best Broadcasting proposal would achieve (21,411 persons in an area of 1,470 square kilometers, according to the NPRM).

None of the proposals before the Commission in this proceeding would result in a new station being authorized or would otherwise serve any of the first three allotment priorities set forth in Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982). Accordingly, the catch-all fourth priority, "other public interest factors," must provide the basis for the Commission's choice between the MVB and Best Broadcasting proposals. Under such circumstances, the Commission consistently has favored the proposal that would expand service to the greatest number of persons.

E.g., Galesburg, Illinois, 13 FCC Rcd 20311, 20312 (1998) (citing, e.g., Okmulgee, Oklahoma, 10 FCC Rcd 12014 (1995); Ashland, Missouri, 8 FCC Rcd 1799 (1993); Bowling Green, Kentucky, 8 FCC Rcd 2097; Rocky Mount, North Carolina, 8 FCC Rcd 6206 (1993)).

Here the choice is clear. MVB would provide an additional radio service to a population more than four times greater than would Best Broadcasting (93,108 persons versus 21,411 persons). Moreover, MVB's proposal would not require any station to change its frequency, whereas the Best Broadcasting proposal would require both KCHI, Chillicothe, and KRLI, Malta Bend, to move to another dial position, resulting in at least some confusion to the listening public. Clearly, if alternative frequencies cannot be found to achieve Best Broadcasting's objective, MVB's proposal must be adopted and Best Broadcasting's denied.

MISSOURI VALLEY BROADCASTING, INC.

By: _____
Matthew H. McCormick,
Its Counsel

Reddy, Begley & McCormick
2175 K Street, N.W.,
Suite 350
Washington, D.C. 20037
(202/659-5700)

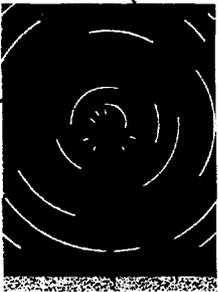
September 5, 2000

EXHIBIT A

**ENGINEERING STATEMENT
OF
R. LEE WHEELER**

Filed as part of the application of Missouri Valley Broadcasting, Inc. for a
Construction Permit to Modify KMMO-FM, Marshall, Missouri

BPH-20000811AAQ



WHEELER BROADCAST CONSULTING

Engineering Statement

This consultant has been retained by Missouri Valley Broadcasting, Inc. (Missouri Valley) for the purpose of preparing the technical portion of Form 301-FM in application for a minor change in the licensed operation of KMMO-FM in Marshall, MO. Specifically, Missouri Valley seeks authority to relocate the KMMO-FM tower and increase the KMMO-FM antenna height above ground and above average terrain.

KMMO-FM is presently licensed with 100 kW H&V and an antenna HAAT of 116 meters. By this application Missouri Valley seeks to relocate the KMMO-FM tower 18 km north of its presently licensed location and increase the tower height to 275.2 meters so as to achieve an antenna center of radiation equaling 299 meters HAAT. Form 7460-1 has been filed with the Central Regional Offices of the FAA and, immediately upon receipt of the FAA No Hazard determination, Missouri Valley will file Form 854R so as to register the proposed structure with the Commission. The proposed transmitter site is ideally suited for a FM transmitter. The site itself is in a sparsely populated rural area so as to minimize blanketing interference while continuing to provide a predicted signal well in excess of 70 dBu over the entire community of Marshall, MO. As sparse as the population is in the area, Missouri Valley is aware of its responsibility to correct all blanketing interference complaints in accordance with 47 CFR 73.318.

5025 MARTWAY
SUITE 112
MISSION, KS 66202
913.362.7282
913.362.7287

The proposed site is fully spaced to all licensed co-channel and adjacent operations in accordance with 47 CFR 73.207 save the proposed substitution for KCHI in Chillicothe, MO as proposed in RM-9909¹, MM Docket 00-129. Exhibit 1 of this report is a study of the Commission's July 13, 2000 FM database which indicates no further conflicts. Exhibit 2 is a digitally generated map which shows the proposed operation's 60 dBu and 70 dBu predicted service contours.

¹ The comment period for RM-9909 ends on September 5, 2000 and this application thus serves as a counterproposal in that proceeding.

As shown in Exhibit 2, the entire corporate limits of Marshall, MO are illuminated with a signal in excess of the 70 dBu minimum prescribed in 47 CFR 73.315.

The proposed operation is excluded from environmental processing under the provisions of 47 CFR 1.1306 of the Commission's Rules. An analysis of non ionizing RF radiation is included in this report as Exhibit 3. As shown in Exhibit 3, the worst case power density at the tower base falls well below all current ANSI maximums.

RM-9909

As a part of RM-9909, Docket 00-129, it has been proposed that radio station KCHI in Chillicothe, MO be reassigned to Channel 273A from Channel 280 A. This proposed change would effectively forever lock KMMO-FM into its underdeveloped Class C1 operation. The KMMO tower is located 4.0 km from the Marshall Memorial Airport at a bearing of 332.7° placing it nearly directly in line with runway 18 / 36 at that facility. The proposed KCHI substitution would preclude the ability for KMMO-FM to relocate to the North in an area where it can be fully developed and leave open only a small area to the south which would move any proposed KMMO-FM tower closer to the airport. The facility proposed herein thus does not simply represent a site preference but rather represents the only area where a favorable FAA determination is anticipated.

KMMO-FM presently serves an area of 9,015.4 km² which contains a population of 110,025 persons according to the 1990 US census. The proposed KMMO-FM operation provides service to an area of 16,473.1 km² and a population of 203,133 persons. KMMO-FM thus will increase its service area by 7,457.7 km² or 82.7 % and increase the population served by 93,108 persons which represents an increase of 84.6%. This is in stark contrast to the "net service gain to approximately 21,441 persons and an area of 1,470 km²" claimed by the petitioner in RM-9909². None of the area or population in the increased KMMO-FM service area is located in an urbanized area and the proposed KMMO-FM 60 dBu contour almost entirely encompasses the licensed 60 dBu service area. The loss area is limited to a small, 7 km², area which is located just south of Sedalia, MO. That area is well served by numerous aural services. Exhibit 4 of this report is a digitally generated map which graphically shows the KMMO-FM service gain and loss area.

² See DA 00-1555 at §2.

The Commission's priorities in allocation are as follows:

- 1) First Fulltime Aural Service.
- 2) Second Fulltime Aural Service.
- 3) First Local Service.
- 4) Other Public Interest Matters.

There is no fulltime aural white area or gray area in the proposed KMMO-FM gain or loss area. There is no fulltime aural white area or gray area in the gain area proposed by Best Broadcasting in RM-9909. Best Broadcasting has not proposed any change in any city of license nor have they proposed any new first local service. The decision thus falls to priority 4, other public interest matters. The proposed KMMO-FM upgrade provides an additional service to an area that is 5,987.7 km² (407%) larger than the area encompassed in the Best Broadcasting proposal and that area has 71,667 (334%) more residents than does the upgrade proposed in RM-9909. The public interest is thus clearly better served by allowing the KMMO-FM upgrade to occur rather than adopting the proposal as set forth in RM-9909.

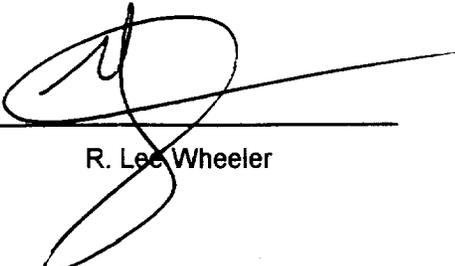
Methodology

All station information used in this report was extracted from the Commission's July 13, 2000 FM database and cross checked for accuracy against the December 31, 1999 FM database. Contours were predicted in accordance with the provisions of 47 CFR 73.313 via a digital model which mirrors the Commission's own models. Terrain data was determined via a linear interpolation of the NGDC 30 second terrain database. Population information was determined by the block centroid retrieval methodology via a digital model which draws from the PL-94-171 population database. Population determinations are based on the 1990 US Census.

Certification

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

8/3/00
Date


R. Lee Wheeler

WHEELER BROADCAST CONSULTING
6025 Martway - Suite 112 - Mission KS 66202

KMMO-FM
Marshall MO

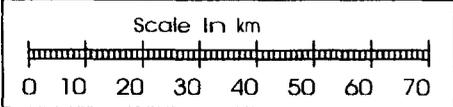
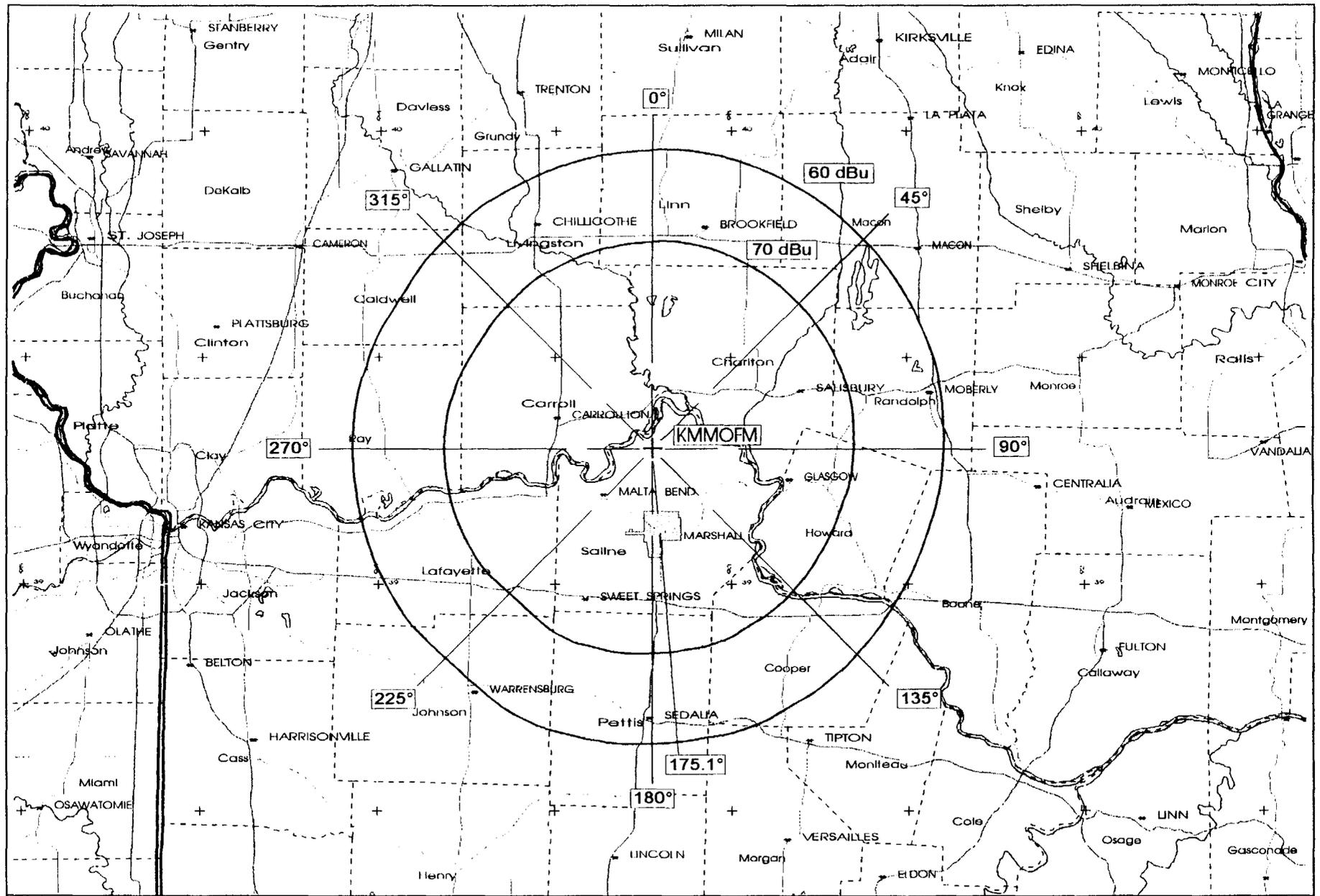
REFERENCE		DISPLAY DATES
39 17 49 N	CLASS C1	DATA 07-13-00
93 13 20 W	Current rules spacings	SEARCH 08-03-00
----- CHANNEL 275 -102.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
KMMOFM LIC CN	275C1 39 08 03	Marshall 93 13 19	MO 100.000 kW	179.9 116M	18.07 11.2	245.0 152.3	-226.93 *
		Missouri Valley Broadcasting,		BLH19931213KB			970201
RADD ADDZ	273A 39 45 56	Chillicothe 93 33 14	MO 0.000 kW	331.5 OM	59.33 36.9	75.0 46.6	-15.67 *
				RM9909			000314
KROW.C CP CN	278C2 39 34 26	Huntsville 92 22 15	MO 50.000 kW	66.9 150M	79.49 49.4	79.0 49.1	0.49 <
		Contemporary Broadcasting, In		BMPH19920813IH			940114
KQTP LICZCN	275C2 39 08 42	St. Marys 95 55 37	KS 50.000 kW	266.7 98M	234.18 145.5	224.0 139.2	10.18
		Shawnee Broadcasting Corp.		BLH19941213KB			
KPRS LIC CN	277C 39 00 57	Kansas City 94 30 24	MO 100.000 kW	254.6 303M	115.33 71.7	105.0 65.3	10.33
		Carter Broadcast Group, Inc.		BLH19870522KA			900201
KBXR LIC C	272C3 39 00 52	Columbia 92 16 32	MO 3.500 kW	110.7 261M	87.63 54.5	76.0 47.2	11.63
		Ft. Smith Fm, Inc.		BLH20000208ABM			
KROW.A APP CN	278C1 39 42 17	Huntsville 92 14 16	MO 100.000 kW	61.5 299M	96.02 59.7	82.0 51.0	14.02
		Contemporary Broadcasting, In		BMPH19931209ID			
AVAC VAC N	278C1 39 42 17	Huntsville 92 14 16	MO 0.000 kW	61.5 OM	96.02 59.7	82.0 51.0	14.02
		Contemporary Broadcasting, In					
AVAC VAC N	276A 38 29 06	Linn 91 51 06	MO 0.000 kW	126.8 OM	149.21 92.7	133.0 82.7	16.21
KQUL LIC CN	274A 38 02 06	Lake Ozark 92 34 31	MO 6.000 kW	158.0 100M	150.98 93.8	133.0 82.7	17.98
		Benne B/co Co. Of Lake Ozark,		BLH19940516KZ			970201

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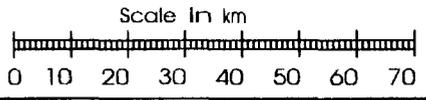
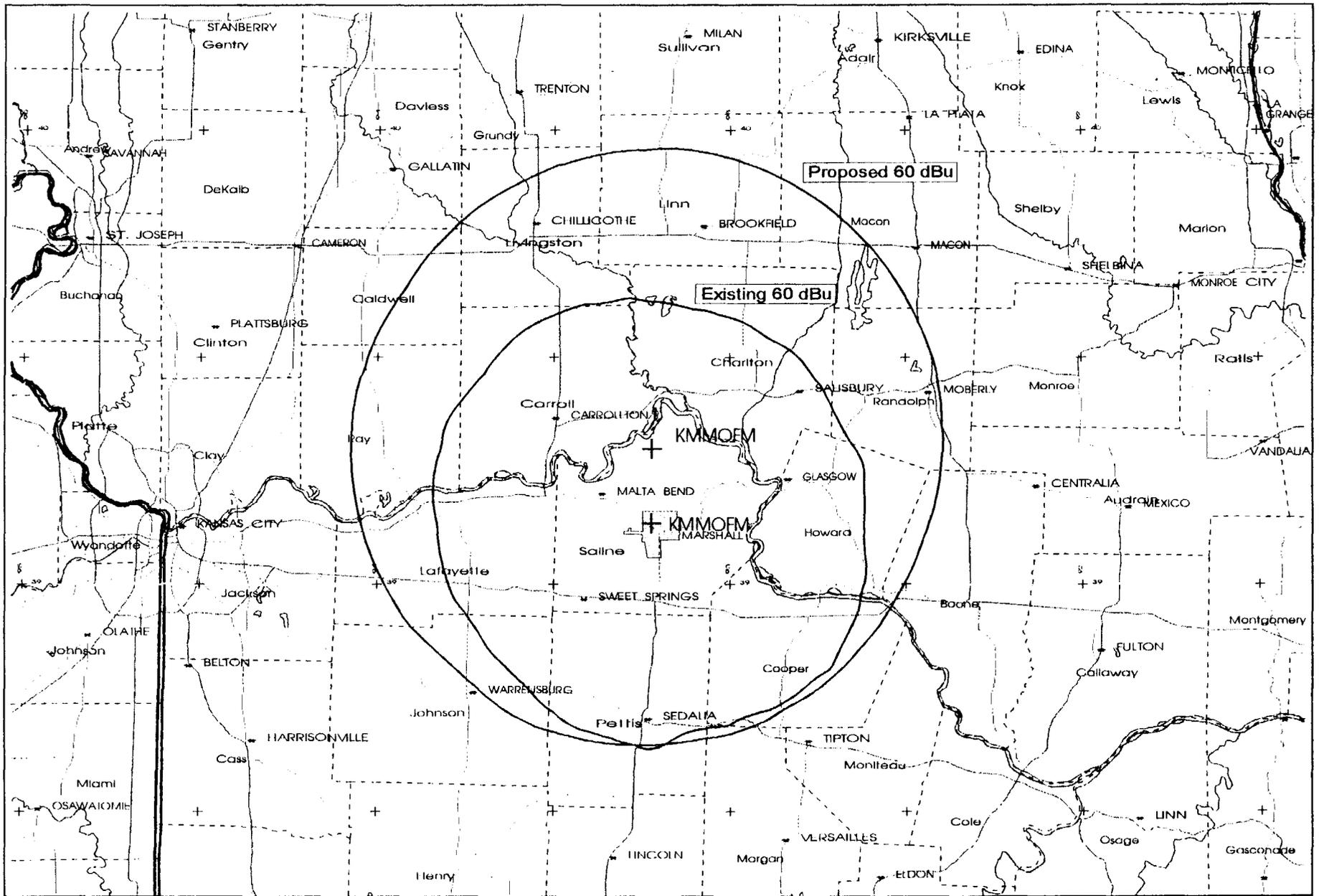
CLASS C1

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
RDEL	222A	Sedalia	MO	180.3	62.82	22.0	40.82
DEL	38 43 52	93 13 32	0.000 kW	0M	39.0	13.7	
				RM9687			990427
KSDL	221A	Sedalia	MO	180.3	62.82	22.0	40.82
LIC CN	38 43 52	93 13 32	3.000 kW	85M	39.0	13.7	
	Bick Broadcasting			BLH7620			
RADD	222A	Sedalia	MO	180.6	65.47	22.0	43.47
ADD	38 42 26	93 13 48	0.000 kW	0M	40.7	13.7	
				RM9687			990427
RADD	274C3	Waynesville	MO	150.1	188.72	144.0	44.72
ADD	37 49 09	92 09 06	0.000 kW	0M	117.3	89.5	
				RM6701			



KMMOFM 275C1 100kW 299m HAAT
 N. Lat. 39 17 49 W. Lng. 93 13 20

EXHIBIT 2
 L. WHEELER - 08/00



KMMOFM 275C1 100kW 299m HAAT
N. Lat. 39 17 49 W. Long. 93 13 20

EXHIBIT 4
L. WHEELER - 08/00

CERTIFICATE OF SERVICE

I, Matthew H. McCormick, do hereby certify that I have on this 5th day of September, 2000, caused to be hand-delivered or mailed by First Class Mail, postage prepaid, copies of the foregoing COMMENTS to the following:

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